

FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR CHOWCHILLA 2040 GENERAL PLAN

1 Introduction

The California Environmental Quality Act (CEQA) Guidelines, California Public Resources Code Section 2100 et seq., require the decision-makers of a project to make certain determinations before it can approve or carry out a project if the project environmental impact report (EIR) reveals that the project will result in one or more significant environmental impacts. Upon approving a project for which a certified Final EIR has identified significant environmental effects, the decision-makers must make one or more specific written “findings” identified in Section 15091(a) of the CEQA Guidelines for each of the identified significant impacts. If there remains significant environment effects even with the adoption of feasible mitigation measures or alternatives, the decision-makers of the project must adopt a “statement of overriding considerations” before it can proceed with the project. These overriding considerations may be based on economic, legal, social, technological, or other benefits of the project.

This document presents the “Findings of Fact and Statement of Overriding Considerations” that must be made by the City of Chowchilla pursuant to the requirements of Section 15091 and 15093, respectively of the CEQA Guidelines prior to the approval of the City of Chowchilla 2040 General Plan Update, herein referenced as the “Project”.

Pursuant to CEQA Guidelines Section 15093(a), if the benefits of a proposed project outweigh the unavoidable adverse effects, the adverse environmental effects may be considered “acceptable”. CEQA Guidelines Section 15093(b) requires that where the decision of the public agency allows the occurrence of significant effects which are identified in the EIR, but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the EIR and / or information in the record.

- ❑ **The Project EIR** is comprised of the Draft EIR for the Chowchilla 2040 General Plan Update and the Rancho Calera Specific Plan published on August 11, 2010, and the Final EIR published on April XX, 2011.
- ❑ **The Project Record** consists of the following information incorporated by reference and made part of the Project “Record” supporting the Project “Findings”:
 - The City of Chowchilla 2040 General Plan Update and the Rancho Calera Specific Plan.
 - The Project EIR and its associated reports.
 - The Project Mitigation Monitoring and Reporting Program.
 - These Findings adopted in connection with the Project and Project EIR.

- All testimony, documentary evidence and all correspondence submitted to or delivered to the City of Chowchilla in connection with the Project and / or Project EIR.
- All staff reports, memoranda, maps, letters, minutes of public meetings and other documents relied upon or prepared by City of Chowchilla staff or consultants relating to the Project and / or Project EIR.
- All matters of common knowledge to the City of Chowchilla staff, Planning Commission and / or City Council including, but not limited to, the City of Chowchilla General Plan, policies, ordinances and standards.

2 Project Description

2.1 Project Location

The City of Chowchilla is located within northwestern Madera County. The Planning Area considered for the 2040 Chowchilla General Plan Update is comprised of approximately 21.9 square miles, or roughly 14,000 acres. The Planning Area is generally bounded by Ash Slough to the northwest and northeast of the existing City Limits and ¼ mile south of existing Road 27 north of the existing City Limits, Highway 152 to the south, Road 13 to the west and Road 19 to the east. Much of the historic native vegetation in the region has been converted to urban and agricultural uses. Agriculture land uses account for approximately 64 percent of the existing land use in the Planning Area including the developed City.

Chowchilla is one of the two incorporated cities in Madera County, with 18,698 residents (California Department of Finance Population Estimate, 2010). This estimate includes the prison population housed at the California State Department of Corrections Central Valley Women's Facility and at the Valley State Prison for Women (a combined total of 7,560 inmates). Excluding the prison population given above, the estimated population of Chowchilla is 11,138. The City's population growth is estimated to reach 56,256 by 2040. Currently Chowchilla's non-institutionalized population is approximately 11,000, with approximately 3,960 dwelling units. It is projected by the Chowchilla 2040 non-institutionalized population within the existing city limits will increase by approximately 8,450 persons to 20,400 persons. The number of dwellings units is projected to increase to 7,315 total dwelling units. The number of dwelling units outside of the existing City is expected to increase from 450 to a forecasted 13,220 dwelling units.

The proposed project also includes the Rancho Calera Specific Plan which has been proposed within the City's existing Planning Area. Rancho Calera proposes to annex approximately 145 acres and construct approximately 576 acres of urban scale development adjacent to the existing City. A major portion of Rancho Calera is part of the unconstructed Greenhills Golf Course Specific Plan (GHSP) approved in 1990 by the City. The Rancho Calera Specific Plan is proposed for adoption by the City and implementation by the developer as a phased project.

Rancho Calera Specific Plan Area is in the northeastern portion of the current City and has been planned to replace a major part (north of East Robertson Blvd.) of the

Greenhills Estates and Golf Club Specific Plan adopted in 1990. The Rancho Calera Specific Plan would expand (145 acre annexation) and redesign the northern portion (approximately 440 acres) of the GHSP with a new specific plan. The proposed Rancho Calera Specific Plan Area is located northeast of the Highway 99 / East Robertson Boulevard interchange. The proposed Plan Area is located directly south of Ash Slough and north of East Robertson Boulevard and the Greenhills Estates and Pheasant Run Golf Course. The western boundary is formed by Highway 99 and the eastern project boundary is formed by the City's easterly most City Limits.

2.2 Project Objectives

The existing City of Chowchilla General Plan was adopted in 1986. While, minor revisions have been made, no comprehensive update has been considered. The proposed *City of Chowchilla 2040 General Plan Update* was prompted by several factors, including the problematic format of the existing General Plan and growth pressure at the city's corporate limits and the existing SOI boundary, the lack of sufficient land within a Planning Area to accommodate forecasted growth in the next 20 or more years, the need to define additional transportation corridors relative to the State facilities for long-range planning, agricultural preservation, water recharge opportunities, and expansion of industrial areas to attract a diversified economy. The intent is to ensure that the General Plan accurately portrays the anticipated growth patterns, population figures, circulation, and land uses in the City of Chowchilla.

Growth in Chowchilla has mainly been influenced by the availability of developable land to the north and west of the City and the availability of City services. With the Eastside Annexation in 1990, the City's urban footprint and City Limits extended east beyond Highway 99 for the first time. With the exception of industrial development, growth reached the City Limits in all directions by 2005. The City's urban footprint and City Limits were further extended to the west and south in 2006.

The 2040 General Plan directs urban growth and expansion of the City along the Highway 233 (West Robertson Boulevard) corridor, between Ash Slough and Berenda Slough, east of Highway 99 towards Berenda Reservoir as well as west of Highway 99 towards Highway 152. The 2040 General Plan also directs urban growth and expansion of the City north of Ash Slough east of Highway 99 and to the south of Berenda Slough between Highways 99 and 152. It is estimated that there are 30,332 acres within the 2040 Sphere of Influence, about one-half of which is agricultural land within a "Secondary Planning Area". The Sphere of Influence indicates the ultimate contemplated service area of the City. The proposed 2040 General Plan Planning Area is generally bound by Highway 152 to the south and Ash Slough to the west.

The City of Chowchilla has identified the following General Plan guiding principles:

1. Maintain the "quality of life" of a small city that evokes a pedestrian-friendly, walkable community environment that offers a safe and pleasant place for people to live, work, shop and recreate.
2. The City should encompass broad employment opportunities, retail and support services, recreation opportunities, and a broad range of housing densities and

types, with a particular emphasis on affordability and proximity to employment and services, taking agricultural land out of production when necessary for contiguous urban development.

3. Establish a City-wide and regional transportation circulation network that enables convenient access to neighborhoods, shopping, school, recreation, and employment destinations without depending exclusively on thoroughfares.
4. Create a contiguous open space and trail system that embraces existing environmental resources while providing pedestrian and bicycle access throughout the City.

2.3 Project Characteristics

The proposed project consists of the Draft 2025 General Plan Update, which expands the existing SOI, and the Planning Area of the City. The proposed General Plan is included by reference and is a companion volume to this document. The General Plan Draft EIR also describes any reasonably foreseeable projects within and/or outside of the existing City limits, such as the Rancho Calera Specific Plan and Annexation.

2.3.1 General Plan Update

The General Plan update process included input from local residents, business owners, and other organizations. In addition, the City's Planning Commission and City Council provided direction and input throughout the update process.

The proposed General Plan is primarily a policy document. It was prepared based on the State of California General Plan Guidelines and Title 14, Division 5.5 of the California Code of Regulations, §13506 through §13514. The proposed General Plan includes all required Elements of a General Plan including the Housing Element. Each Element in the proposed General Plan includes specific goals, policies and implementation measures, which are discussed in detail below.

2.3.1.a Land Use Element

The Land Use Element is the foundation element that provides a basis for the future development by establishing, in general terms, the location and intensity of various land uses within the City limits. It describes the distribution of housing, business and industry, open spaces and other land uses, and the distribution of educational and other public facilities. Figure 1 the Proposed Land Use Map which includes land use designations for land within the Planning Area. Figure 2 describes the current and proposed City boundaries, Planning Area, and Sphere of Influence.

Table 1 shows the amount of acreage proposed for each land use category included in the proposed General Plan. Table LU-4 of the General Plan shows and use categories and the residential densities allowed within each. Combining both tables the maximum population of Chowchilla at buildout of the General Plan would be approximately 77,600. However, that population figure is not considered realistic given the potential for site specific environmental constraints, location of right of ways, and market factors. Given those constraints, it seems reasonable that the population could reach

approximately 56,256 by the year 2040. This population estimate is used throughout the General Plan EIR to identify population-associated impacts, such as water consumption, wastewater production, and greenhouse gas production.

This General Plan also identifies the City’s long-term vision and needs beyond the City’s projected 2040 population growth. The 2040 General Plan projects land uses that extend beyond the life of this General Plan to address the potential need to house an increased population, provide infrastructure financing, and because Chowchilla is geographically located at the connection of two regional state highways – Highway 99 serving the Central Valley and Highway 152 serving as a vital link between the Central Valley and the San Francisco Bay Area, the City and immediate surroundings are strategically located for urban development interests.

The General Plan contains 13 individual Sub Areas. Each Sub Area defines the acreage, anticipated dwelling units, industrial/commercial square feet, and park area targets. Each of the Planning Areas contains a 50% “market factor” for residential development.

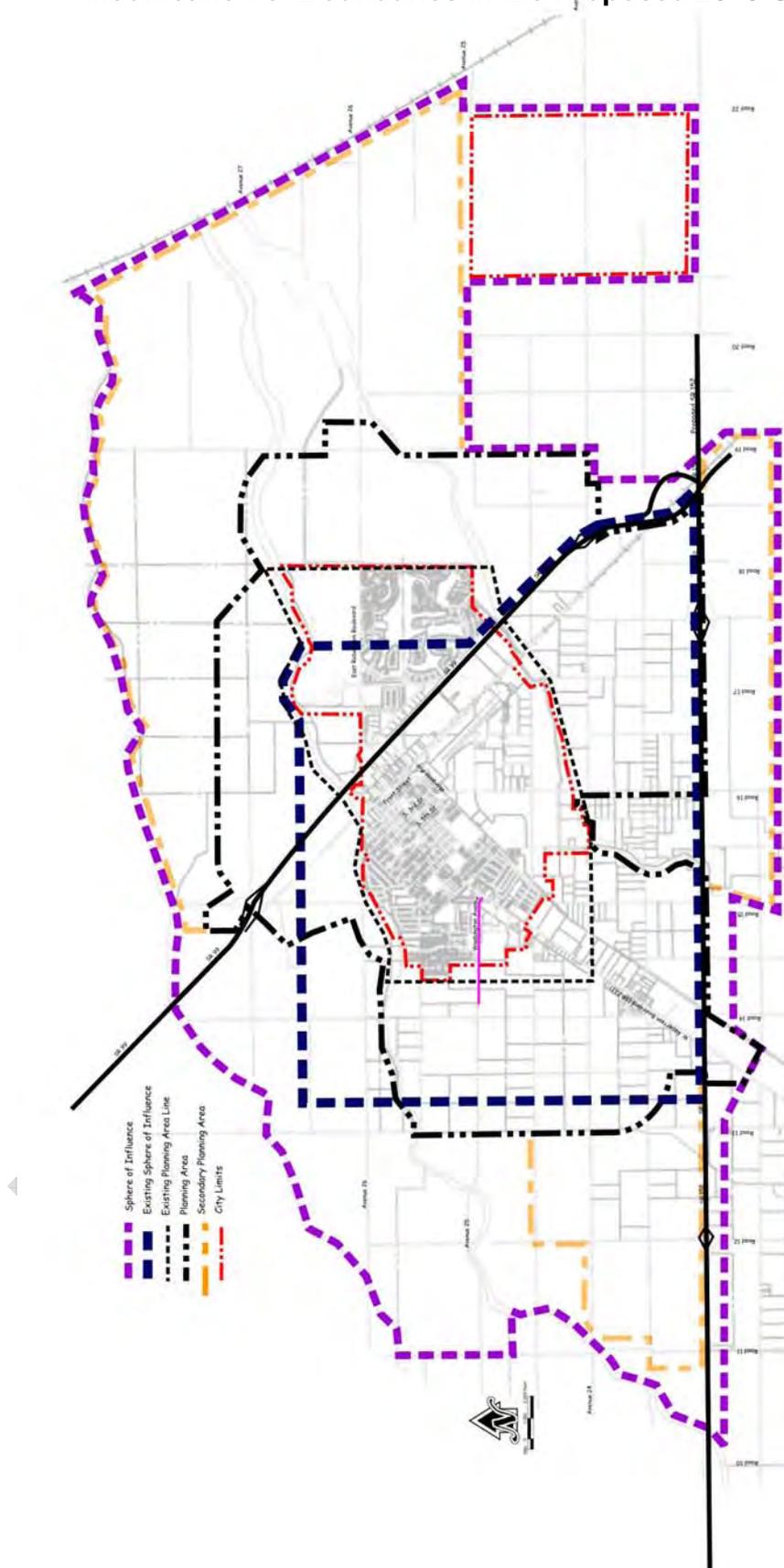
Table 1

Acreage by Land Use Designation in the Proposed 2040 General Plan Update

Land Use Category	Acres within City Limits	Acres in Growth Area	Subtotal Existing Plus Growth Area	Percentage of Land Use	Urban Reserve within Planning Area	Remainder in Sphere of Influence	Total Sphere of Influence
LDR	0	0	0	0.00%	0	339	339
MDR	1,162	3,620	4,782	34.18%	2,108	0	4,782
MHDR	309	891	1,200	8.57%	99	0	1,200
HDR	89	763	852	6.09%	70	0	852
MU	0	412	412	2.94%	110	0	412
NC	14	63	77	0.55%	51	0	77
DC	33	0	33	0.24%	0	0	33
SC	216	223	439	3.14%	56	0	439
SC-H	104	652	756	5.40%	0	0	756
MA	11	0	11	0.08%	0	0	11
LI	271	887	1,158	8.27%	0	0	1,158
HI	361	1,140	1,501	10.72%	0	0	1,501
OS	452	521	973	6.95%	222	27	1,000
Park	86	225	311	2.22%	212	0	311
ES	49	123	172	1.23%	96	0	172
MS	0	60	60	0.43%	50	0	60
HS	50	75	125	0.89%	60	0	125
PF	378	210	588	4.20%	23	155	743
Ag	0	0	0	0.00%	0	15,150	15,150
Major Roads	306	366	672	4.80%	274	661	1,333
	3,891	10,109	14,000	100%	3,431	16,332	30,332

Open Space includes land along Berenda and Ash Slough, and landscape land along Highway 99 and 152.

Figure 2
Modification of Boundaries in the Proposed 2040 General Plan Update



Circulation Element

The Circulation Element provides a long-range plan for the movement of people and goods into, out of, and within the City of Chowchilla. The methods of transport include motorized vehicles, transit, bicycles and pedestrians. The element describes the existing street network and identifies improvements intended to accommodate the buildout scenarios described in the Land Use Element. Included in the element are descriptions of existing and future traffic levels by Average Daily Traffic (ADT). Figure 1 shows the proposed network of streets within the proposed Sphere of Influence intended to accommodate the ADT. Streets are classified as either “arterial,” which provide circulation between major activity centers, or “collector,” which channel traffic from residential and commercial areas to arterials.

2.3.1.b Open Space and Conservation Elements

This element addresses several topics which are all related to how resources of various types are used in Chowchilla (or are affected by human activities) and how their use can be managed to ensure a sustainable future.

Figure CI-2 illustrates the General Plan Trail Map that shows opportunities for new recreational trails and improvements within the City and the Planning Area. This element addresses:

- Water supply and quality
- Soils and agriculture
- Biology
- Parks and Open Space
- Historic and Cultural Preservation
- Air Quality / Climate change
- Energy and energy efficiency
- Green building/low impact development/LEED

2.3.1.c Public Facilities and Services Element

The Public Facilities and Services Element is an optional element of the General Plan that is designed to address the physical and fiscal impacts associated with development. The Public Facilities and Services Element is important to ensure that development occurs concurrent with the availability and/or funding of public facilities and services in a timely manner and consistent with the intent to maintain a high quality of life for the Community.

- Water supply and distribution
- Sewer collection and treatment
- Storm drainage
- Natural gas, electrical and communication lines and facilities,
- Solid waste collection, disposal and recycling services
- Public facilities such as community centers, libraries, parks, schools and fire and police.

2.3.1.d Safety Element

This Element sets forth objectives, policies and implementation measures to address foreseeable public safety challenges. The overall purpose of this Element is to identify and outline proactive measures to minimize public safety challenges as well as enable the City to expediently and efficiently respond in the event of a public safety challenge.

Public safety challenges can be divided into two broad categories – environmental hazards (e.g., earthquake, flood) and human - error caused accidents (e.g., chemical spill, airport activities) and public safety concerns (police and fire). Most people are familiar with the police and fire services that response to an accident or emergency incident. In addition to providing police and fire emergency services, the City of Chowchilla is responsible for administering and implementing building codes, emergency response plans, airport management plan and hazardous materials management plans, all of which are crucial public safety programs aimed at protecting the community from potential environmental hazards and human – error caused accidents.

2.3.1.e Noise Element

This element of the General Plan defines acceptable noise levels for representative types of land use (residential, office, industrial, etc.) of the City and the Planning Area and how those levels will be achieved.

2.3.1.f Housing Element

The Housing Element is a comprehensive statement by the City of Chowchilla of its current and future housing needs at all income levels. This element of the General Plan provides policies related to the provision of housing for all income levels as well as provisions that are state-mandated.

2.4 Sphere of Influence (SOI) Expansion

The City of Chowchilla SOI is a legally defined area surrounding the City of Chowchilla established by the Madera County Local Agency Formation Commission (LAFCO). It is considered the future probable physical boundaries and service area of the City. The City will directly influence development within the SOI over the 20-year planning period by making recommendations to the Madera County on land use policy. The City anticipates annexing the area within the SOI area as new development occurs, in consultation with the County of Madera and Madera County LAFCO. Chowchilla's existing Sphere of Influence is approximately 5,909 acres. There are approximately 30,332 acres within the 2040 Sphere of Influence, which includes the current City Limits.

2.5 Planning Area Expansion

The General Plan Planning Area is an informal designation for properties of particular regional concern to the City that will ultimately be considered for inclusion into the City limits. The projected total build-out of 14,000 acres in the Planning Area includes the

10,109 acres (gross) of the planning area outside of the existing City Limits and the 3,891 acres within the existing City Limits, plus a market factor of 50 percent. The acres that make up the 50 percent market value, which add up to 3,431 are designated as “Urban Reserve” in the 2040 General Plan within the Planning Area Boundaries and graphically shown as “Urban Reserve” on the 2040 General Plan Map. At full build-out the 2040 General Plan will need a net total of 8,351 acres in addition to the existing 3,891 acres within the existing City Limits.

Land beyond the 2040 General Plan Planning Area boundaries, but within the City’s Sphere of Influence is designated Agricultural or Open Space to ensure planned intersections along highways are not commercially developed beyond the City’s planned water and sewer systems, protect major recreation areas (such as Berenda Reservoir) and to discourage rural residential development between the 2040 General Plan Planning Area and the Chowchilla River and the Burlington Northern Santa Fe railroad corridor. Urban development is to only occur within the City where and when public services and facilities are available.

2.6 Subsequent Projects

A General Plan EIR is designed to eliminate, or reduce the scope of, environmental review of subsequent discretionary activities or projects whose environmental effects are addressed in the EIR. The Rancho Calera Specific Plan and Annexation is considered a subsequent project that is addressed in detail in the General Plan EIR. Other subsequent projects may utilize portions of the General Plan EIR as background information and/or as a mitigation policy document for consistency with proposed projects.

2.6.1 Public Infrastructure Projects and other Municipal Actions

The City anticipates implementing infrastructure projects and a variety of other municipal actions, such as developing and adopting ordinances, plans, and guidelines, many of which are included as Implementation Measures in the proposed General Plan. These municipal actions are shown in Table III-6.

**Table 2
Subsequent Project Summary City of Chowchilla Municipal Plans and Actions**

Project	Kind	Location	Intensity	Capital Outlay*
PENDING PROJECTS				
Schools Development	Public Schools	Unknown at this time but would be located in major residential development areas	6 Elementary, 2 Middle Schools and 1 High Schools	School sites acquired by Districts; school state funds; grants and other sources
Waste Water Treatment Plant and Collection System	Waste Water Services	Near SR 152 and Road 11 for WWTP and	Serving the Existing City limits and	State Funds; federal funds, grants, assessment districts

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Project	Kind	Location	Intensity	Capital Outlay*
		needed collectors from old WWTP to new facility; Consistent with Waste Water Treatment Study	Planning Area; Capacity for first phase is 3 mgd	for backbone infrastructure. Expansion of lines within proposed developments would be part of developers costs
Water Treatment Supply, Storage and Distribution System	Water Services	Throughout City and at existing well sites; consistent with Water Resources Study	Capacity of the supply, storage and distribution system for the first phase is 12 mgd	State Funds; federal funds, grants, assessment districts for backbone infrastructure. Expansion of lines within proposed developments would be part of developers costs
Water Reuse Facilities and Distribution System	Water Services	Consistent with Reuse Study	Capacity of the distribution system and WWTP hook up for the first phase is unknown	State Funds; federal funds, grants, assessment districts for backbone infrastructure. Expansion of lines within proposed developments would be part of developer costs.
Parks Plan, Trail Program and Related Facilities	Parks and Recreation	Consistent with Parks and trails plan.	Varies as specified in GPU totaling need for 298 acres	Grants, developers fees, general fund, assessment districts, etc.
Street widening and related improvements	Streets within City limits and Planning Area	Varies; as needed	Unknown	TIF funds, developers fees, grants, assessment districts
New bridges	New bridges within City limits and Planning Area	Ash Slough, Brenda Slough, Highway 99, UPRR and AT&SF tracks	13 bridges, two and 4 lanes	Developers fees, FHWA and Caltrans funds, TIF fees, grants, assessment districts.
New collector and arterial roads	Streets	Varies; shown on Figure CI-2 in the GPU	See General Plan for street locations	TIF funds, developers fees, etc.

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Project	Kind	Location	Intensity	Capital Outlay*
PENDING DOCUMENT/PROGRAM				
Revised Zoning Ordinance	Document	City Limits; consistent with General Plan Update	Required Ordinance	Immediately after approval of the proposed General Plan; general funds
Architectural Design Guidelines, including Residential Design Guidelines, Commercial Design Guidelines, Mixed Use Design Overlay Guidelines	Document	City Limits; consistent with proposed General Plan	Policy Document	Within two years; general funds
Density Bonus Ordinance	Document	City Limits; SOI	Optional Ordinance	Within one year; grant
Downtown Master Plan, including streetscape and pedestrian access plan for Downtown Core and Architectural Design Guidelines for Downtown Core; may be integrated with overall Architectural Design Guidelines	Document	City Limits	Optional Policy Document	Within one year; grant or general funds
Right to Farm Ordinance	Document	City Limits; SOI, URL	Optional Ordinance	Within one year; general fund
Development Standards	Document	City Limits	Required	Ongoing; general fund
Land Use Diagram Update	Diagram	City Limits	Required	Every five years; general fund
Pedestrian and Bicycle Plan; coordinate with Parks Master Plan and Circulation Plan	Document/Map	City Limits; SOI	Optional Plan	Within two years; grant
Parks Master Plan and Development Standards	Document	City Limits	Optional Plan	In progress; completed immediately after Zoning Ordinance takes effect or within one year

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Project	Kind	Location	Intensity	Capital Outlay*
Fire Department Master Plan	Document	City Limits: Service Area	Optional Plan	Within two years; general fund
Air Quality Plan, Greenhouse Gas Reduction Plan as part of AQP; Coordinated with SJVAPCD	Document	City Limits	Optional Plan	Within one year; general fund or grant
Housing Element; update and incorporate into proposed General Plan	Document	City Limits	Required Plan	Per State requirements
* <i>Capitol Outlay is defined as a capitol outlay or capital improvement program, or other scheduling or implementing device that governs the submission and approval of subsequent projects (PRC Section 21157(b)(2)).</i>				

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3 The Record

For the purposes of CEQA and the Findings, the record of the City Council relating to the application includes:

1. Documentary and oral evidence received and reviewed by the City Council during the public hearing on the project.
2. The City of Chowchilla General Plan Draft EIR circulated in August, 2010.
3. The City of Chowchilla General Plan Draft EIR, supporting materials.
4. The City of Chowchilla General Plan Draft EIR Staff Report.
5. Matters of common knowledge to the Council, which it considers, such as:
6. The current City General Plan, including land use maps and elements thereof;
7. The City of Chowchilla Municipal Code;
8. The California Environmental Quality Act (CEQA) and the CEQA Guidelines.
9. The San Joaquin Valley APCD Environmental Review Guidelines;
10. Other formally adopted County, State and Federal regulations, statutes, policies, and ordinances;
11. Additional documents referenced in the Draft EIR for the City of Chowchilla 2040 General Plan Update. listed in subsequent subheading A below.

4 EIR Preparers

This EIR was prepared under the direction of:

City of Chowchilla Community Development Department

130 South Second Street
Chowchilla, CA 93610
Phone: (559) 665. 8615

Contact: Liz Wiederhold, Community Development Manager

Draft EIR Consultant

Valley Planning Consultants, Inc.
730 North I Street, Suite 202
Madera, CA 93644
Phone: 559.675.8724

Thomas Skinner, Principal
Gary Conte, AICP, Senior Planner
Jacob Skinner, Associate Planner

Draft EIR Subconsultants

Transportation Engineers

Kd Anderson & Associates, Inc.
3853 Taylor Street, Suite G
Loomis, CA 95660
Phone: 916.660.1555

Ken Anderson, P.E., Principal
Julie Townsend, P.E.

Acoustical Engineers

j.c. brennan & associates, Inc.
263 Nevada Street
Auburn, CA 95603
Phone: 530.823.0960

Jim Brennan, President
Luke Saxelby, Senior Consultant

Biological Resource Consultant

Live Oak Associates, Inc.
P.O. Box 2697
Oakhurst, CA 93644
Phone: 559.642.4880

David Hartesveldt, Principal and Senior Biologist
Rick Hopkins, Principal and Senior Biologist
Melissa Denena, Project Manager and Wildlife / Wetland / Plant Biologist

Sierra Valley Cultural Planning

41845 Sierra Drive
Three Rivers, CA 93271
Phone: 559.561.3816

C. Kristina Roper, Principal Archaeologist

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5 Certification of Final EIR

The City Council certifies the following with respect to the City of Chowchilla 2040 General Plan Update Final EIR:

1. The City Council has reviewed and considered the City of Chowchilla 2040 General Plan Update Final EIR.
2. The City of Chowchilla 2040 General Plan Update Final EIR has been completed in compliance with the California Environmental Quality Act.
3. The Final Environmental Impact Report, and all related public comments and responses have been presented to the City Council on the City of Chowchilla 2040 General Plan Update.
4. The City of Chowchilla 2040 General Plan Update Final EIR reflects the independent judgment of the City Council, acting as the lead agency for the project.

Public Draft 4/4/17

6 Findings for Impacts Identified as Significant but Mitigable

The findings below are for impacts that are significant, but they can be mitigated to insignificance by implementation of certain mitigation measures.

6.1 Population/Housing/Employment Impacts

4.3.2.1 Induce Growth or Concentration of Population.

6.1.1 Mitigation

4.3.2.1.a Implementation of the proposed 2040 General Plan Update Land Use Map and policies provide for intensification of land uses, mixed-use development, and housing in infill locations in close proximity to employment centers and/or transit. These provisions assist in the reduction of traffic, air, and noise impacts by providing for community design that promotes alternative transportation resources. Nevertheless, implementation of the proposed General Plan Update will allow for a substantial increase in population, housing units, and employment in the City of Chowchilla and Planning Area. But as this substantial increase is planned for in the Chowchilla 2040 General Plan and measures have been taken to reduce the area needed to expand to the City's forecasted population, namely intensification of residential densities in accordance to the Central Valley Blueprint's recommendation. Associated Implementation Measures include: LU-17.1, LU-17.2, LU-21.1.

6.1.2 Findings

Mitigation has been incorporated into the General Plan that reduces Population/Housing/Employment Impacts to less than significant levels.

6.1.3 Supportive Evidence

Please refer to pages 4.3-1 through 4.3-25 of the Draft EIR. The majority of growth within the Chowchilla 2040 General Plan area will occur outside of the current city limits, as there is a relatively small amount of developable acreage remaining within the city limits. Currently Chowchilla's non-institutionalized population is approximately 11,000, with approximately 3,960 dwelling units. The Central Valley Blueprint forecasts that population in the Central Valley will more than double in the next 20 years. The 2040 General Plan Update responds to those forecasts in proportion to Chowchilla's percentage of existing population in the County. Accommodating this growth even at a higher density will induce growth into non-urbanized lands within the City's Planning Area. Outside of the existing City and within the Planning Area, there is an estimated 1,430 persons. With implementation of the proposed Chowchilla 2040 General Plan Land Use Map, the forecasted population of persons residing outside of the current city limits but within the Planning Area is approximately 35,855. The number of dwelling units outside of the existing City is expected to increase from 450 to a forecasted 13,220 dwelling units. The Chowchilla 2040 General Plan has addressed the need for

more housing while increasing density per the guidance of the Central Valley Blueprint. At full build-out of the Chowchilla 2040 General Plan, it is anticipated there will be approximately 13,570 jobs located within the Planning Area, outside of the city limits, which calculates to a 1:1 jobs to housing ratio. There is sufficient commercial/industrial land designated in the Land Use Map to accommodate employment generating land uses.

6.2 Noise

6.2.1 Impacts

4.7.2.1 Exposure to 2040 General Plan Traffic Noise Levels

4.7.2.2 Exposure to Railroad Noise Levels

4.7.2.4 Exposure to Stationary Noise Sources

4.7.2.5 Exposure to Construction Noise

6.2.2 Mitigation Measures

4.7.2.1.a The proposed 2040 General Plan contains policies that will assist in reducing the exposure of sensitive receptors to traffic noise levels that would otherwise exceed City standards. The following list contains those policies that contain specific, enforceable requirements and / or restrictions and corresponding performance standards that assist in reducing this impact. . Associated Implementation Measures include: N-3.1, N-3.5, N-3.6, N-3.7, N 3.7.A, N-3.9, and N 3.9.A .

4.7.2.2.a Within the City of Chowchilla, railroad noise levels are highly influenced by the sounding of locomotive warning horns. The use of locomotive horns is typically required, by law, on approach to public grade crossings. The predicted 60 dBA CNEL noise contour for the UPPR corridor would extend to a maximum distance of approximately 1,233 feet with the sounding of train horns. The predicted 60 dBA CNEL noise contour for the BNSF corridor, with horns sounding, would extend to a maximum distance of approximately 2,086 feet Measures include: N-4.1, N 4.1.A, N 4.1.B.

4.7.2.4.a As additional development occurs throughout the City, the potential exists for new noise-sensitive land uses to encroach upon existing or proposed stationary noise sources. Implementation of the proposed 2040 General Plan could result in the future development of land uses that generate noise levels in excess of applicable City of Chowchilla noise standards for non-transportation noise sources. Such land uses may include commercial area loading docks, industrial uses, HVAC equipment, car washes, and automobile repair facilities. New development, maintenance of roadways, installation of public utilities and infrastructure generally require construction activities. These

activities include the use of heavy equipment impact tools. Construction noise typically occurs intermittently and varies depending upon the nature or phase (e.g., demolition / land clearing, grading and excavation, erection) of construction. Noise generated by construction equipment, including earthmovers, material handlers, and portable generators, can reach high levels. Measures include: N-4.1, N-4.2, N 4.1.A, N 4.1.B, N-5.2, N-5.3.

- 4.7.2.5.a Construction related activities could result in elevated noise levels at noise-sensitive land uses. Increases in ambient noise levels, particularly during the nighttime hours, could result in increased levels of annoyance and potential sleep disruption. In accordance with the City's Municipal Code, construction activities would be limited to the daytime hours of operation. Measures include: N-4.1, N-4.5, N-4.6, N-4.6.A.

6.2.3 Findings

Mitigation has been incorporated into the General Plan that reduces Noise Impacts to less than significant levels.

6.2.4 Supportive Evidence

Please refer to pages N-1 through N-50 of the November 2008 Draft Master EIR. The proposed 2040 General Plan includes residential and other sensitive noise receptors land use designations along roadways anticipated to experience substantial increases in traffic noise or construction noise. Development of noise-sensitive land uses could also occur within the projected 60 dBA CNEL noise contours. Implementation of the proposed 2040 General Plan would result in increased exposure of existing and future noise-sensitive land uses to traffic and construction noise levels that could exceed the City's land use compatibility noise standards. The measures listed above will ensure that any unanticipated impacts will be mitigated to a less than significant level.

6.3 Transportation and Circulation

6.3.1 Impacts

- 4.13.2.1 Increase traffic volumes and deficient levels of service conditions Year 2040.
- 4.13.2.2 Increase traffic volumes and deficient intersection levels of service conditions Year 2040
- 4.13.2.3 Increase demand for public transit services
- 4.13.2.4 Increase demand for pedestrian and bicycle facilities

6.3.2 Mitigation Measures

- 4.13.2.1.a While the proposed 2040 General Plan policy provisions assist in minimizing average daily traffic circulation impacts, several of the study roadways identified in the proposed 2040 General Plan would require widening and / or re-classification to provide acceptable level of service under the build-out scenario proposed by the 2040 General Plan. Associated Implementation Measures include: CI-1.1, CI 1.1.A, CI 1.1.B, CI 1.1.C, CI 1.1.D, CI 1.1.E, CI 1.1.F, CI-1.2, CI 1.2.A, CI 1.2.B, CI-1.3, CI-1.4, CI-1.5, CI 1.5.A, CI 1.5.B, CI 1.5.C, CI 1.5.D, CI 1.5.E, CI-1.6, CI 1.6.A, CI-1.8, CI-5.1, CI 5.1.A, CI 5.1.B, CI 5.1.C, CI 5.1.D, CI 5.1.E, CI-5.2, CI 5.2.A In addition to the policy and implementation measure level mitigation, additional mitigation is required as follows:
- 4.13.2.1.a(1)i SR 99 - Widen SR 99 to 8 lanes to provide acceptable levels of service north of the North Santa Cruz Avenue / Pacific View Avenue interchange to provide acceptable operations.
 - 4.13.2.1.a(1)ii East Robertson Boulevard - Designate and construct East Robertson Boulevard east of Montgomery Lake Road as a six-lane Arterial to provide acceptable operations.
 - 4.13.2.1.a(1)iii East Robertson Boulevard - Designate and construct East Robertson Boulevard between Montgomery Lake Road as a four-lane Arterial to provide acceptable operations.
 - 4.13.2.1.a(1)iv East Sierra View Boulevard - Designate and construct East Sierra View Boulevard as a four-lane Arterial east of SR 99 to provide acceptable operations.
 - 4.13.2.1.a(1)v North Springs Road - Designate and construct North Springs Road as a four lane Arterial north of Strawberry Lane to provide acceptable operations.
 - 4.13.2.1.a(1)vi 3rd Street – Designate and construct 3rd Street a four lane Collector south of 5th Street to provide acceptable operations.
- 4.13.2.2.a Daily projections were compared to the signal warrants based on daily traffic projects. The intersection locations within the General Plan Planning Area meeting daily traffic warrants for signalization under build out of the proposed 2040 General Plan are listed regardless of there is currently a signal installed at that location. There are a total of 67 intersections are projected to meet daily warrants for signalization under build out of the 2040 General Plan. Associated Implementation Measures include: CI-1.4, CI-1.5, CI 1.5.A, CI 1.5.B, CI 1.5.C, CI 1.5.D, CI 1.5.E, CI-1.6, CI 1.6.A, CI-1.8.
- 4.13.2.3.a The project would increase demand for transit services in the Planning Area beyond what is currently provided. The proposed 2040 General

Plan promotes options for movement beyond the use of motor vehicles providing a mix of residential densities, commercial uses, and pedestrian and bicycle facilities. Associated Implementation Measures include: CI-8.1, CI 8.1.A, CI-8.2, CI-8.3, CI 8.1.A, CI-8.4, CI 8.4.A, CI 8.4.B, CI 8.4.C, CI-8.5, CI 8.5.A.

- 4.13.2.4.a The proposed General Plan includes a comprehensive network of pedestrian / bicycle trails, and bicycle lanes and routes linking residential areas, schools, parks, and commercial and employment centers. In addition, City street standards require all streets to include sidewalks. Associated Implementation Measures include: CI-9.1, CI-9.2, CI-9.3, CI 9.3.A, CI 9.3.B, CI-9.4, CI 9.4.A, CI-9.5, CI-9.6, CI-9.7

6.3.3 Findings

Mitigation has been incorporated into the General Plan that reduces 4.13.2.1, 4.13.2.2, 4.13.2.3, and 4.13.2.4 to less than significant level.

6.3.4 Supportive Evidence

Please refer to pages 4.13-1 through 4.13-55 of the Draft EIR.

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7 Findings for Impacts Identified as Significant and Unavoidable

The unavoidable significant impacts of the project are found to be acceptable due to overriding considerations (See Section 8). The findings below are for impacts where implementation of the project may result in the following significant, unavoidable environmental impacts:

7.1 Visual Resources

7.1.1 Impacts

- 4.1.2.4 Create a Source of Substantial Light and Glare that Adversely Affects Day or Nighttime Views.

7.1.2 Mitigation Measures

- 4.1.2.4.a The proposed General Plan Update contains a number of policies that will directly assist in reducing the impact of light and glare. There are a number of policies that also indirectly serve to reduce the impact of light and glare. Those policies plus the policies listed below contain specific, enforceable requirements and/or restrictions and corresponding performance standards that assist in reducing the impact to less than significant.. Associated Implementation Measures include: LU 5.1, 5.1.A, 5.1.B, LU 5.2, LU 5.2.A, LU-7.1, LU-7.2, LU 7.2.A, LU-7.3, LU 7.3.A, LU 7.3.B, LU 7.3.C, LU-10.2, LU 10.2. B, LU-11.2, LU-11.3.

7.1.3 Findings

As urban uses expand from the existing margins of the City new sources of light and glare will be introduced into the rural area especially at the margin of the urban area. This represents an encroachment into an area that has not been subjected to urban level lighting intensity. The General Plan contains policies that reduce the density and intensity of urban scale development at the boundaries of the Planning Area. Low density residential uses generally are planned at the Planning Area boundary. These low density uses will produce less light and glare and provide a transition between more intense urban uses and the rural area outside of the Planning Area. At build-out of the General Plan the impact of new sources of light and glare will be most pronounced at night with “sky glow” which is most visible on occluded days. There will be an unavoidable substantial increase in lighting and glare that will change the existing setting in the Planning Area. These impacts are acceptable by reason of overriding considerations discussed in Section 8.

7.1.4 Supportive Evidence

Please refer to pages 4.1-1 through 4.1-25 of the Draft EIR.

7.2 Agricultural Resources

7.2.1 Impacts

- 4.2.2.1 General Plan Impact on the Loss and Conversion of Agricultural Land
- 4.2.2.2 General Plan Impacts to Agricultural/Urban Interface Conflicts
- 4.2.2.3 General Plan Impacts to Agriculturally Zoned Lands and Williamson Act Contracts.

7.2.2 Mitigation Measures

- 4.2.2.1.a Implementation of the proposed General Plan Update will result in the direct loss of important farmlands (Prime Farmland, Unique Farmland, and Farmland of Statewide Importance). Associated Implementation Measures include: LU-17.1, LU-17.2, LU-7.3, LU-17.4, LU-17.5, LU-17.6, LU-17.7, OS – 1.1, OS – 1.2, OS – 1.3, OS – 1.4, OS 1.4.A, OS 1.4.B, OS 1.4.C, OS 1.4.D, OS-2.1, OS – 2.2, OS – 8.1, OS – 8.3, OS – 9.1, OS – 9.2, OS 9.2. A, OS 9.2. B, OS – 9.3.
- 4.2.2.2.a Implementation of proposed General Plan Update policies and implementation measures including the establishment of the agricultural/open space greenbelt along the Sphere of Influence will assist in reducing agriculture/urban interface conflicts within and adjacent to the city's planned urban areas associated with nuisance effects (dust, smoke noise, odor) and restrictions on agricultural operations from interfaces with urban uses. However, implementation of these policies will not fully mitigate agriculture/urban interface conflicts, especially in regard to farm equipment and vehicle conflicts on area roadways and potential trespassing and vandalism to active farmlands. Associated Implementation Measures include: LU 7.2, LU-12.4, LU-12.5, LU-12.6, LU-19.1.
- 4.2.2.3.a The proposed 2040 General Plan contains a number of policies that will assist in reducing loss of Williamson Act contracted lands and conversion of agriculturally zoned lands to urban land uses. Those policies contain specific, enforceable requirements and/or restrictions and corresponding performance standards that assist in reducing (though not fully mitigating) this impact. Associated Implementation Measures include: LU 7.2, LU-12.4, LU-12.5, LU-12.6, LU-17.1, LU-17.2, LU-7.3, LU-17.4, LU-17.5, LU-17.6, LU-17.7, LU-19.1, OS – 1.1, OS – 1.2, OS – 1.3, OS – 1.4, OS 1.4.A, OS 1.4.B, OS 1.4.C, OS 1.4.D, OS-2.1, OS – 2.2, OS – 8.1, OS – 8.3, OS – 9.1, OS – 9.2, OS 9.2. A, OS 9.2. B, OS – 9.3.

7.2.3 Findings

Implementation of proposed General Plan Update policies and implementation measures including the establishment of the agricultural/open space greenbelt along the Sphere of Influence will assist in reducing agriculture/urban interface conflicts within and adjacent to the city's planned urban areas associated with nuisance effects (dust, smoke noise, odor) and restrictions on agricultural operations from interfaces with urban uses. However, implementation of these policies will not fully mitigate agriculture/urban interface conflicts, especially in regard to farm equipment and vehicle conflicts on area roadways and potential trespassing and vandalism to active farmlands.

Chowchilla is surrounded by Williamson Act Lands. Implementation of the proposed General Plan Update could result in a conflict with land currently zoned for agriculture as well as with existing Williamson Act contract lands. The Planning Area contains approximately 2,975 acres of land subject to Williamson Act contracts: 803 acres of which are designated as non-renewal, and approximately 86 acres are designated as non-prime. Approximately 2,086 acres are designated prime agricultural land (approximately 1,896 acres) and farmland security zone (approximately 190 acres). The 2040 General Plan shows that 10,109 acres of land, excluding the 3,891 acres within the existing City Limits, within the planning area could be developed, assuming total build-out. This number includes land designated as "urban reserve" by the 2040 General Plan. Of those 10,109 acres of land, 5,926 are designated as agricultural Farmland of State Wide Importance and Prime Farmland. Much of that acreage is, or has been, under agricultural production. The acreage figure represents about 1.6% of the lands designated as Important Farmlands (362,742 acres) within Madera County in 2008. A secondary effect of developing an additional 10,109 acres of urban land is the potential of land use conflicts. Encroachment of urban uses into an area that is under agricultural production can prevent farmers from carrying out many of their normal farming practices (e.g., pesticide application). Farming practices which generate large amounts of dust, high levels of noise, or offensive odors may have to be reduced or curtailed due to complaints by adjacent residents. Further, State requirements restrict application of chemicals to fields when persons live in close proximity. In addition, farming operations can also experience vandalism, theft and nuisance activities from neighboring residents.

The proposed General Plan Update contains a number of policies and mitigation measures that will assist in reducing this agricultural conversion impact. In addition to these policy provisions, the proposed General Plan Update Land Use Map establishes an agricultural/open space greenbelt along the perimeter of the proposed sphere of influence. The greenbelt is intended to address the physical effects of agricultural practices on urban uses, such as chemical spraying, noise, etc., to ensure the long-term ability of agricultural uses to continue beyond the expanded urban area of the city and minimize land use conflicts between agricultural land uses and urban land uses.

While the proposed General Plan Update policy provisions assist in minimizing conversion of agricultural lands to urban by establishing a greenbelt to contain urban growth and buffer agricultural uses from urban land uses, the General Plan Update will still result in the conversion of a substantial amount of important farmland acreage.

There is no feasible mitigation measures available to offset this loss of important farmland, as important farmland cannot be easily created to offset the conversion of such land expected.

Changes or alterations have been required in, or can be incorporated into the projects which lessen the significant environmental effects as identified in the Final EIR; however, these cumulative effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of overriding considerations discussed in Section 8.

7.2.4 Supportive Evidence

Please refer to pages 4.1-1 through 4.2-35 of the Draft EIR.

7.3 Land Use

7.3.1 Impacts

4.5.2.3 Consistency with Relevant Land Use Planning

7.3.2 Mitigation Measures

4.5.2.3.a A comparison of the Madera County Land Use Map with the proposed General Plan Planning Area indicates that the proposed Chowchilla 2040 General Plan will result in greater development of the Planning Area than the existing County General Plan. The potential inconsistencies identified between the County General Plan and the proposed City General Plan will be resolved upon annexation of those areas currently under County jurisdiction. The anticipated environmental effects will be greater under the proposed City 2040 General Plan Update than the existing County General Plan because the City designates some lands for urban uses that are currently designated for agriculture under the County General Plan. Amendment of the County General Plan to reflect the City's General Plan will remove inconsistencies. Associated Implementation Measures include: LU-7.3, LU 7.3.A, LU 7.3.B, LU 7.3.C, LU-7.4, LU 7.4.A, LU 7.4.B, LU-13.1, LU 13.1.A, LU 13.1.B, LU 13.1.C, LU 13.1.D, LU-17.1, LU-17.2, LU-19.1.

7.3.3 Findings

The City will work with the County to encourage amendment to the County General Plan as resources allow, removing the land use inconsistencies. These impacts are acceptable by reason of overriding considerations discussed in Section 8.

7.3.4 Supportive Evidence

Please refer to pages 4.5-1 through 4.2-45 of the Draft EIR

7.4 Air Quality

7.4.1 Impacts

- 4.6.2.4 Conflict With or Obstruct Air Quality Plan or Result in a Cumulative Net Increase in Any Criteria Pollutant in Non-Attainment.

7.4.2 Mitigation Measures

- 4.6.2.4.a Build out of the 2040 General Plan would allow for population growth that may exceed projections assumed in the 2007 Ozone Plan and potentially conflict with particulate matter reduction measures. This inconsistency could obstruct the SJVAPCD's ozone attainment strategy and particulate matter (PM10 and PM2.5) attainment efforts. The General Plan Update's impact on cumulative air quality in the region is ultimately determined by comparing proposed population growth accommodated by the General Plan update with the projected population for the City that was assumed by both MCTC and the SJVUAPCD in the 2007 Ozone Plan. The Chowchilla General Plan more than doubles these population forecasts. Despite implementing policies that promote concentrations of population and services in existing urban areas, Chowchilla's plan is inconsistent with both MCTC and the SJVUAPCD in the 2007 Ozone Plan.

General Plan implementation measures will reduce particulate matter and ozone emissions under the proposed General Plan Update at 2040. The Land Use Element, Circulation Element, and Conservation Element of the General Plan Update together provide integrated policies to address emissions, in compliance with AB 170. The Circulation Element includes policies that will reduce emissions by providing for a multi-modal transportation system that will reduce the reliance on motor vehicles by providing viable biking, pedestrian, and transit systems. Associated Implementation Measures include: OS 22.3, OS 22.3.A, OS 22.3.B, OS 22.3.C, OS 22.4, OS 22.4.A, OS 22.5, OS 22.4.A, LU 2.1, LU 2.2, LU 2.3, LU 2.4, LU 4.1, LU 4.2, LU 7.3, LU 7.3.A, LU 7.3.B, LU 7.3.C, LU 10.2, LU 10.3, LU 11.1, LU 11.1.A, LU 11.7, LU 12.1, LU 17.1, LU 17.3, LU 17.6, LU 17.1, LU 20.1, LU 21.1, LU 21.1.A, LU 21.1.B, LU 21.1.C, LU 21.1.D, CL 9.1, CL 9.2, CL 9.3, CL 9.3.1.A, CL 9.3.1.B, CL 9.4, CL 9.4.1.A.

7.4.3 Findings

When compared to the existing City, the 2040 build-out air quality conditions increase the annual tons of pollutants. The estimated pollutants account for improvements in air quality caused by new regulations and improvements in pollution control devices by the year 2040. Therefore, the relationship is not linear. More indicative of the effects of SJVAPCD regulations and programs, plus the 2040 General Plan policies in addition to other regulatory improvements anticipated, is a comparison of the per acre generation of pollutants between the existing condition to the 2040 General Plan build-out. This comparison shows on a per acre basis, the generation of pollutants over time improves.

Nevertheless the total quantity of pollutants will substantially increase as a function of growth. The 2040 General Plan would allow more growth that will result in emissions from energy challenging the region's ability to meet ozone and PM standards. Emissions from electricity and natural gas use associated with planned growth would increase, primarily from residential heating in the winter, landscaping activity in the summer, consumer products, and architectural coatings.

The population projections for MCTC and the Madera County Blueprint are essentially the same. These forecasts assume the existing proportion of Chowchilla's population of the County's total population as it existed in 2000 would continue with a very slight increase of the percentage to the year 2030. Such formulas do not account for directing growth to urban areas as well as employment centers that the Chowchilla General Plan has based its population forecast. Chowchilla's growth forecast anticipates that Chowchilla will grow from 6.5% of the County's total population to 16.3% in 2040.

Nevertheless, despite implementing policies that promote concentrations of population and services in existing urban areas, Chowchilla's plan is inconsistent with both MCTC and the SJVUAPCD in the 2007 Ozone Plan. Changes or alterations have been required in, or can be incorporated into the project which lessens the significant environmental effects as identified in the Final EIR; however, these cumulative effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of overriding considerations discussed in Section 8.

7.4.4 Supportive Evidence

Please refer to pages 4.6-1 through 4.6-56 of the Draft EIR.

7.5 Hydrology and Water Quality

7.5.1 Impacts

4.9.2.6 Environmental Effects of Increased Groundwater Use.

7.5.2 Mitigation Measures

4.9.2.6.a Implementation of the proposed General Plan will increase demand for water supply to the City, requiring increased groundwater production and potentially worsening the overdraft condition of the Chowchilla Sub-basin. The City's per capita water demand rate of 210 gpcd is an average consumption rate for existing uses in the City and is likely to be greater than the actual demand rates of new urban development. New development within the Planning Area will be generally denser, will be fully metered, will feature low-flow bath and kitchen fixtures in accordance with state law, and will likely feature drought-tolerant landscaping. In addition, much of the urban development anticipated under the proposed General Plan will replace existing agricultural lands which could have substantially higher water demands per acre (some of which is provided by surface water as opposed to groundwater) than urban development. The City expects that new domestic water wells and storage will be needed to meet the demands of projected future growth and acknowledges that recharge and conservation programs and new sources of water supply will likely be

needed to increase the reliability of the City's water supply in the future. The City recharges a substantial amount of water each day through its wastewater treatment facility, stormwater ponding and domestic irrigation practices. The source of the recharge should be surface water supply that will augment natural recharge systems. Where practical, recharge basins should be located on permeable soils adjacent to or near existing CWD facilities. Correctly placed and maintained storm drainage basins serving the urban area could function well as recharge basins. Should the City's planned water supplies prove insufficient to adequately serve the future development planned for in the proposed General Plan Update, development could be curtailed and the City's vision for the Planning Area may not be fully realized. Associated Implementation Measures include: PF-4.1, PF-4.2, PF-4.3, PF-4.4, PS-4.4.A, PF-4.5, PF 4.5.A, PF-4.6, PF-4.7, PF-4.8.

7.5.3 Findings

The efforts undertaken by the City and County to eliminate or reduce the overdraft condition of the Chowchilla Sub-basin, as well as implementation of the proposed General Plan policies listed above, will reduce this impact by recharging the aquifer and by reducing the water demands of future development. The proposed policies will also ensure that new development under the General Plan will not proceed without verification and determination that an adequate water supply exists. It is speculative to state that a reliable water supply source will be available to serve build-out of the entire Planning Area due to the overdraft condition of the Chowchilla Sub-basin and the significant obstacles and costs associated with obtaining surface water supplies. In addition, the proposed General Plan will contribute to significant environmental impacts associated with planned water supply projects as well as other potential future water supply sources. Changes or alterations have been required in, or can be incorporated into the project which lessens the significant environmental effects as identified in the Final EIR; however, these cumulative effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of overriding considerations discussed in Section 8.

7.5.4 Supportive Evidence

Please refer to pages 4.9-1 through 4.9-67 of the Draft EIR.

7.6 Biological Resources

7.6.1 Impacts

4.10.2.3 General Plan Impacts to Sensitive Habitats.

7.6.2 Mitigation Measures

Implementation of the proposed 2040 General Plan Update could result in disturbance, degradation, and removal of up to 490 acres of annual grassland habitat which generally has a high potential to support vernal pools, a CDFG sensitive habitat. Vernal pools require the surrounding upland habitat to maintain their habitat value and function. Approximately 179 acres of wetland and open water habitat would also be in direct

conflict with the proposed land use designation (e.g., industrial, residential, and other built environment). Additionally, implementation of the General Plan Update could also result in disturbance of riparian habitat (potentially up to 140 acres), and will result in the conversion of farmland (approximately 6,688 acres) that provides habitat to listed species such as the Swainson's hawk. General Plan implementation will provide buffering of the wetlands with an open space corridor along Berenda and Ash Sloughs and their banks, as well as Berenda Reservoir and its banks. This corridor will serve as a buffer between urban uses and the natural habitat of the Berenda Reservoir and Berenda and Ash Sloughs. Wetland and vernal pool habitats do not readily exist within the Planning Area. Vernal Pool habitats do exist within the Sphere of Influence and the Secondary Planning Area, except for the northeast corner of the sphere, which is planned to remain as Urban Reserve Agricultural land. Other areas designated as vernal pool sites are not natural and are either in areas that are continually disturbed by discing during weed abatement processes or are on industrial or agricultural land and are created by on-site drainage or irrigation run-off. Associated Implementation Measures include: LU-17.1, LU-17.2, LU-7.3, LU-17.4, LU-17.5, LU-17.6, LU-17.7, OS-1.1, OS 1.1.A, OS 1.2, OS-2.1, OS-2.2, OS 8.1, OS-8.2, OS-8.3, OS-9.1, OS-9.2, OS 9.2.A, OS 9.2.B, OS-9.3, OS-13.1, OS 13.1.A, OS-13.3, OS-13.3.A, OS-13.3.B, OS-13.4, OS-13.6, OS-13.7, OS-13.8, OS-13.9, OS-13.10, OS-13.11, PF-7.1, PF-7.2, PF 7.2.A, PF-7.3, PF 7.3.A, PF-7.4.

7.6.3 Findings

While the proposed General Plan Update policy provisions assist in minimizing conversion of agricultural lands to urban by establishing a greenbelt to contain urban growth and buffer agricultural uses from urban land uses, the General Plan Update will still result in the loss of substantial sensitive habitat areas and farmland utilized by state and federally listed species. There is no feasible mitigation measures available to offset this loss of farmland, as important farmland cannot be easily created to offset the conversion of such land expected. Changes or alterations have been required in, or can be incorporated into the project which lessens the significant environmental effects as identified in the Final EIR; however, these cumulative effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of overriding considerations discussed in Section 8.

7.6.4 Supportive Evidence

Please refer to pages 4.10-1 through 4.10-63 of the Draft EIR.

7.7 Public Services

7.7.1 Impacts

4.12.5.1.a Solid Waste Collection and Disposal Demands.

7.7.2 Mitigation Measures

Implementation of the proposed 2040 General Plan Update will increase solid waste generation and the demand for related services. Assuming implementation of

mandatory diversion programs, the proposed General Plan Update could generate approximately 22,336 tons of waste annually by year 2040. The Fairmead Landfill is projected to have sufficient disposal capacity to handle the current and estimated waste stream until the year 2027, after which it will be closed. A new landfill could be sited in Madera County or the existing landfill enlarged. Operation of the current landfill is an enterprise function under the County of Madera. Planning for the eventual closure and/or replacement of the landfill will occur during the timeframe of the 2040 General Plan. Associated Implementation Measures include: PF – 2.2, PF 2.2.A, PF – 2.3, PF – 11.1, PF 11.1.A, PF – 11.2.

7.7.3 Findings

Adequate landfill capacity will not be available to meet the needs of the City during build-out and operation of the 2040 General Plan. Despite implementation of the above General Plan Update policies and implementation measures this impact will remain significant and unavoidable until such time as a program to replace the Fairmead Landfill is established and the landfill constructed. Planning for the eventual replacement of the landfill will occur during the timeframe of the 2040 General Plan

Changes or alterations have been required in, or can be incorporated into the project which lessens the significant environmental effects as identified in the Final EIR; however, these cumulative effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of overriding considerations discussed in Section 8.

7.7.4 Supportive Evidence

Please refer to pages 4.12-1 through 4.10-71 of the Draft EIR.

7.8 Sustainability and Energy Consumption

7.8.1 Impacts

4.14.2.1 Substantial Increase in Greenhouse Gas Emissions and Environmental Effects.

7.8.2 Mitigation Measures

Implementation of the proposed General Plan Update could substantially increase emissions of CO₂e over existing (2008) conditions that could result in environmental effects to the Planning Area. The City of Chowchilla Planning Area was responsible for energy consumption that produced an estimated 218,452 tons of carbon dioxide (CO₂) in calendar year 2010. Slightly less than 10% of these emissions were from the combustion of natural gas used in residential heating and commercial/industrial processes. The remainder of the energy emissions was from motor vehicles. The City of Chowchilla sent approximately 12,713 tons of waste to landfills in calendar year 2008 which produced approximately 3,180.54 metric tons of carbon dioxide equivalents (CO₂e). As 2040 General Plan is implemented, carbon dioxide emissions from off-road heavy-duty vehicles and construction equipment will be emitted, contributing to global

climate change. However, these emissions are expected to decrease over time, as low-carbon fuel standards and other climate change measures take hold. Associated Implementation Measures include: OS 22.3, OS 22.3.A, OS 22.3.B, OS 22.3.C, OS 22.4, OS 22.4.A, OS 22.5, OS 22.4.A, LU 7.3, LU 7.3.A, LU 7.3.B, LU 7.3.C, LU 22.1, LU 22.1.A, LU 22.1.B, LU 22.1.C, LU 22.1.D, CL 9.1, CL 9.2, CL 9.3, CL 9.3.1.A, CL 9.3.1.B, CL 9.4, CL 9.4.1.A, PF-4.1, PF-4.2, PF-4.3, PF-4.4, PS 4.4.A.

7.8.3 Findings

While implementation of 2040 General Plan policies and implementation measures would reduce greenhouse gas emissions (including the commitment to meeting state greenhouse gas reduction goals under AB 32 and SB S-3-05), these emission reductions are not adequate to fully mitigate the environmental effects of climate change. The Planning Area is already experiencing groundwater overdraft which could be further impacted from the effects of climate change. Radical changes in vehicle fuels and means of transportation will be most effective in reducing greenhouse gas emissions, however the City has no control over such mandates.

Changes or alterations have been required in, or can be incorporated into the project which lessens the significant environmental effects as identified in the Final EIR; however, these cumulative effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of overriding considerations discussed in Section 8.

7.8.4 Supportive Evidence

Please refer to pages 4.14-1 through 4.14-28 of the Draft EIR.

Statement of Overriding Considerations

Findings pursuant to CEQA Guidelines sections 15093 and 15092.

8 Significant, Unmitigable, Unavoidable Adverse Effects of the Proposed 2040 General Plan

8.1 Visual Resource Impact

- 4.1.2.4 Create a Source of Substantial Light and Glare that Adversely Affects Day or Nighttime Views.

New policies in the proposed Conservation and Open Space Element of the proposed General Plan would reduce potential significant impacts and have been incorporated into the proposed General Plan. These policies are as follows: LU 5.1, 5.1.A, 5.1.B, LU 5.2, LU 5.2.A, LU-7.1, LU-7.2, LU 7.2.A, LU-7.3, LU 7.3.A, LU 7.3.B, LU 7.3.C, LU-10.2, LU 10.2. B, LU-11.2, LU-11.3.

8.1.1 Findings

The City Council has weighed the benefits of the proposed project against its unavoidable environmental impacts. Based on the consideration of the record as a whole, the City Council finds that the benefits of the project outweigh the unavoidable adverse environmental impacts for the extent that the unavoidable adverse environmental impacts become “acceptable”. In addition, the following benefits would also occur.

- a. Approval of the project is consistent with the City’s objective of promoting urban growth in existing cities and accommodating the forecasted growth in the San Joaquin Valley.
- b. Approval of the project is consistent with current growth and development proposals in close proximity to the City.
- c. Approval of the project is consistent with the City’s objectives for balanced growth on both sides of SR 99 and providing a housing and employment balance supported by adequate infrastructure at the time of need.
- d. Approval of the project is consistent with the community’s desire to increase the City’s rate of economic growth and create diversity in employment opportunities.
- e. Approval of the General Plan would create a cohesive City arrangement, evading the need for future annexations of proposed projects outside the Planning Area of the City, promoting growth in existing unincorporated communities where infrastructure is not adequate, or the establishment of new communities in the unincorporated territory.

8.1.2 Supporting Evidence

8.1.2.a Legal, Technological, and Other Benefits

The project would result in the following benefits related to Visual Resources.

- a. The City of Chowchilla is balancing the needs of the community to meet legal requirements for update of its General Plan to accommodate the forecasted growth in the San Joaquin Valley.
- b. Constrained growth at higher densities will minimize the impact of visual impacts on surrounding agricultural uses and open space by concentrating light and glare in a smaller geographic area.
- c. The City is able to control and regulate light and glare through the uniform application of rules, regulations, and guidelines at the time of project review and approval.

8.1.2.b Mitigation Enhancement

The Draft Master EIR contains measures which will substantially lessen and concentrate the significant light and glare effects of the project. The significant environmental benefit would be that the City will be able to control and regulate light and glare through the uniform application of rules, regulations, and guidelines at the time of project review and approval.

8.2 Agricultural Resource Impacts

- 4.2.2.1 General Plan Impact on the Loss and Conversion of Agricultural Land
- 4.2.2.2 General Plan Impacts to Agricultural/Urban Interface Conflicts
- 4.2.2.3 General Plan Impacts to Agriculturally Zoned Lands and Williamson Act Contracts.

New policies in the proposed in the Land Use Element and Conservation and Open Space Element of the proposed General Plan would reduce potential significant impacts and have been incorporated into the proposed General Plan. These policies are as follows: LU-17.1, LU-17.2, LU-7.3, LU-17.4, LU-17.5, LU-17.6, LU-17.7, OS – 1.1, OS – 1.2, OS – 1.3, OS – 1.4, OS 1.4.A, OS 1.4.B, OS 1.4.C, OS 1.4.D, OS-2.1, OS – 2.2, OS – 8.1, OS – 8.3, OS – 9.1, OS – 9.2, OS 9.2. A, OS 9.2. B, OS – 9.3.

These General Plan Policies provide that:

Madera County will continue to:

1. Direct new industrial and commercial development to cities;
2. Require new residential development to be contiguous to urban development and to annex to the City; and

3. Maintain limited agriculture land use designations within the City's General Plan Planning Area boundary.

Urban development shall only occur within the City. Any urban development requiring basic City services shall occur within the incorporated City and within the Planning Area, subject to findings that the development is not a premature use of agricultural land. Existing agricultural areas in the Planning Area shall be retained in agricultural use until the time that such areas are needed for logical urban expansion. To provide for the agricultural land, land designated Agricultural in the Planning Area may be converted to urban uses if the following findings are made:

- a. Conversion to urban use will not be detrimental to the long term agricultural use of neighboring properties.
- b. No other land within the Planning Area is readily available for urban development of the quality and intensity proposed by a development proposal.
- c. The extension of major infrastructure through the land is necessary for the efficient cost effective implementation of the City's General Plan.
- d. That the proposal is consistent with Land Use policies regarding conversion of Agricultural lands.

Coordinate with Madera County in the creation of a greenbelt / open space buffer around the perimeter of the City of Chowchilla Sphere of Influence boundary and use open space in new development at the edge of the Sphere of Influence boundary to create a greenbelt that delineates the edge of the City's urban area. To implement this objective, the City will identify land for the encouragement and retention of agricultural use outside the City's Sphere of Influence boundary based on the historic use, soil suitability, agricultural significance and prevailing parcel sizes of the land and Establish an agriculture conservation program for the preservation of valuable agricultural land outside the City's Sphere of Influence from urban development through the use of appropriate development regulations and /or financial incentives. Further, the City will coordinate programs to preserve agricultural lands with other public, private and non-profit organizations where feasible.

8.2.1 Findings

The City Council has weighed the benefits of the proposed project against its unavoidable environmental impacts to agricultural resources. Based on the consideration of the record as a whole, the City Council finds that the benefits of the project outweigh the unavoidable adverse environmental impacts for the extent that the unavoidable adverse environmental impacts become "acceptable". In addition, the following benefits would also occur.

- a. Approval of the project is consistent with the City's objective of promoting urban growth in existing cities and accommodating the forecasted growth in the San Joaquin Valley.

- b. Approval of the project is consistent with current growth and development proposals in close proximity to the City.
- c. Approval of the project is consistent with the City's objectives for balanced growth on both sides of SR 99 and providing a housing and employment balance supported by adequate infrastructure at the time of need.
- d. Approval of the project is consistent with the community's desire to increase the City's rate of economic growth and create diversity in employment opportunities.
- e. Approval of the General Plan would create a cohesive City arrangement, evading the need for future annexations of proposed projects outside the Planning Area of the City, promoting growth in existing unincorporated communities where infrastructure is not adequate, or the establishment of new communities in the unincorporated territory.
- f. City recognizes that agriculture is an important component of the City's industry, but the City is surrounded by agricultural land and reasonable growth outside of the City limits is essential to accommodate the needs of the entire community.

8.2.2 Supporting Evidence

8.2.2.a Legal, Technological, and Other Benefits

The City realizes that, in order to grow, lands that are in agricultural use or lands with appropriate soils for agriculture use and that are protected under Williamson Act, or farmland of Statewide Importance may be affected by future development. This impact is unavoidable because the City is surrounded by such lands and it will be necessary in the future to take agricultural lands for necessary growth of the City to provide for the economic and social well being of its residents.

The project would result in the following benefits related to Agricultural Resources.

- a. The City of Chowchilla is balancing the needs of the community to meet legal requirements for update of its General Plan to accommodate the forecasted growth in the San Joaquin Valley.
- b. Constrained growth at higher densities will minimize the impact of agricultural resources by concentrating urban growth in a smaller geographic area.

8.2.2.b Mitigation Enhancement

The Draft Master EIR contains mitigation measures which will substantially lessen the significant effects of the project. The following are some of the more significant environmental benefits:

- a. New development shall recognize the right of agriculture to exist and continue to operate in proximity to the development.

- b. The City is able to control and regulate urban growth through the uniform application of rules, regulations, and guidelines at the time of project review to provide for the conversion of agricultural only when the following findings are made:
 1. Conversion to urban use will not be detrimental to the long term agricultural use of neighboring properties.
 2. No other land within the Planning Area is readily available for urban development of the quality and intensity proposed by a development proposal.
 3. The extension of major infrastructure through the land is necessary for the efficient cost effective implementation of the City's General Plan.
 4. That the proposal is consistent with Land Use policies regarding conversion of Agricultural lands.

8.3 Land Use Consistency Impact

4.5.2.3 Consistency with Relevant Land Use Planning

The potential inconsistencies identified between the County General Plan and the proposed City General Plan will be resolved upon annexation of those areas currently under County jurisdiction. The anticipated environmental effects will be greater under the proposed City 2040 General Plan Update than the existing County General Plan because the City designates some lands for urban uses that are currently designated for agriculture under the County General Plan. Amendment of the County General Plan to reflect the City's General Plan will remove inconsistencies. New policies in the proposed in the Land Use Element of the proposed General Plan would reduce potential significant impacts and have been incorporated into the proposed General Plan. These policies are as follows: LU-7.3, LU 7.3.A, LU 7.3.B, LU 7.3.C, LU-7.4, LU 7.4.A, LU 7.4.B, LU-13.1, LU 13.1.A, LU 13.1.B, LU 13.1.C, LU 13.1.D, LU-17.1, LU-17.2, LU-19.1.

8.3.1 Findings

The City Council has weighed the benefits of the proposed project against its unavoidable environmental impacts to Land Use Plan consistency with Madera County. Based on the consideration of the record as a whole, the City Council finds that the benefits of the project outweigh the unavoidable adverse environmental impacts for the extent that the unavoidable adverse environmental impacts become "acceptable". In addition, the following benefits would also occur.

- a. Approval of the project is consistent with the City's objective of promoting urban growth in existing cities and accommodating the forecasted growth in the San Joaquin Valley.
- b. Approval of the project is consistent with current growth and development proposals in close proximity to the City.

- c. Approval of the project is consistent with the City's objectives for balanced growth on both sides of SR 99 and providing a housing and employment balance supported by adequate infrastructure at the time of need.
- d. Approval of the project is consistent with the community's desire to increase the City's rate of economic growth and create diversity in employment opportunities.
- g. Approval of the General Plan would create a cohesive City arrangement, evading the need for future annexations of proposed projects outside the Planning Area of the City, promoting growth in existing unincorporated communities where infrastructure is not adequate, or the establishment of new communities in the unincorporated territory.
- h. City recognizes that agriculture is an important component of the City's industry, but the City is surrounded by agricultural land and reasonable growth outside of the City limits is essential to accommodate the needs of the entire community.

8.3.2 Supporting Evidence

8.3.2.a Legal, Technological, and Other Benefits

The City recognizes that the Madera County General Plan was comprehensively updated in 1995. Update of the Madera County General Plan will consider the General Plan of the incorporated cities within the County and to the extent feasible incorporate the land use designations of the cities into the County General Plan. By updating the City General Plan and by recognizing that the City desires to maintain urban development in the cities and the City's need to expand and the community's existing need for commercial services and by identifying potential residential growth potential, it will allow the City to better plan for water and other infrastructure.

8.3.2.b Mitigation Enhancement

The potential inconsistencies identified between the County General Plan and the proposed City General Plan will be resolved upon annexation of those areas currently under County jurisdiction.

8.4 Air Quality

4.6.2.4 Conflict With or Obstruct Air Quality Plan or Result in a Cumulative Net Increase in Any Criteria Pollutant in Non-Attainment.

Build out of the 2040 General Plan would allow for population growth that may exceed projections assumed in the 2007 Ozone Plan and potentially conflict with particulate matter reduction measures. This inconsistency could obstruct the SJVAPCD's ozone attainment strategy and particulate matter (PM10 and PM2.5) attainment efforts. The population projections for MCTC and the Madera County Blueprint are essentially the same. These forecasts assume the existing proportion of Chowchilla's population of the County's total population as it existed in 2000 would continue with a very slight increase of the percentage to the year 2030. Such formulas do not account for directing growth

to urban areas as well as employment centers that the Chowchilla General Plan has based its population forecast. Chowchilla's growth forecast anticipates that Chowchilla will grow from 6.5% of the County's total population to 16.3% in 2040. The policies are located in the Air Quality and the Circulation Elements and include the following: OS 22.3, OS 22.3.A, OS 22.3.B, OS 22.3.C, OS 22.4, OS 22.4.A, OS 22.5, OS 22.4.A, LU 2.1, LU 2.2, LU 2.3, LU 2.4, LU 4.1, LU 4.2, LU 7.3, LU 7.3.A, LU 7.3.B, LU 7.3.C, LU 10.2, LU 10.3, LU 11.1, LU 11.1.A, LU 11.7, LU 12.1, LU 17.1, LU 17.3, LU 17.6, LU 17.1, LU 20.1, LU 21.1, LU 21.1.A, LU 21.1.B, LU 21.1.C, LU 21.1.D, CL 9.1, CL 9.2, CL 9.3, CL 9.3.1.A, CL 9.3.1.B, CL 9.4, CL 9.4.1.A.

8.4.1 Findings

The City Council has weighed the benefits of the proposed project against its unavoidable environmental impacts to Air Quality. Based on the consideration of the record as a whole, the City Council finds that the benefits of the project outweigh the unavoidable adverse environmental impacts for the extent that the unavoidable adverse environmental impacts become "acceptable". In addition, the following benefits would also occur.

- a. Approval of the project is consistent with the City's objective of promoting urban growth in existing cities and accommodating the forecasted growth in the San Joaquin Valley.
- b. Approval of the project is consistent with current growth and development proposals in close proximity to the City.
- c. Approval of the project is consistent with the City's objectives for balanced growth on both sides of SR 99 and providing a housing and employment balance supported by adequate infrastructure at the time of need.
- d. Approval of the project is consistent with the community's desire to increase the City's rate of economic growth and create diversity in employment opportunities.
- i. Approval of the General Plan would create a cohesive City arrangement, evading the need for future annexations of proposed projects outside the Planning Area of the City, promoting growth in existing unincorporated communities where infrastructure is not adequate, or the establishment of new communities in the unincorporated territory.
- j. Approval of project implements concepts addressed in climate change policy, specifically in AB 32. The General Plan, if implemented, has unavoidable emissions, and although these would occur, the City has included in the General Plan Update plans to assist in reduction of green house gasses to the extent feasible given the current technology.

8.4.2 Supportive Evidence

8.4.2.a Legal, Technological, and Other Benefits

When compared to the existing City, the 2040 build-out air quality conditions increase the annual tons of pollutants. The estimated pollutants account for improvements in air quality caused by new regulations and improvements in pollution control devices by the year 2040. Therefore, the relationship is not linear. More indicative of the effects of SJVAPCD regulations and programs, plus the 2040 General Plan policies in addition to other regulatory improvements anticipated, is a comparison of the per acre generation of pollutants between the existing condition to the 2040 General Plan build-out. This comparison shows on a per acre basis, the generation of pollutants over time improves. Nevertheless the total quantity of pollutants will substantially increase as a function of growth. The 2040 General Plan would allow more growth that will result in emissions from energy challenging the region's ability to meet ozone and PM standards. Emissions from electricity and natural gas use associated with planned growth would increase, primarily from residential heating in the winter, landscaping activity in the summer, consumer products, and architectural coatings. Nevertheless, despite implementing policies that promote concentrations of population and services in existing urban areas, Chowchilla's plan will remain inconsistent with both MCTC and the SJVUAPCD in the 2007 Ozone Plan until those plans are changed to reflect the policy consistent growth projections of the City. Changes or alterations have been required in, or can be incorporated into the project which lessens the significant environmental effects as identified in the Final EIR; however, these cumulative effects have not been lessened to a level of insignificance.

8.4.2.b Mitigation Enhancement

City to incorporate mitigation measures to reduce air quality and greenhouse gas emissions consistent with State and regional requirements in all project development approvals .

8.5 Hydrology and Water Quality Impacts

4.9.2.6 Environmental Effects of Increased Groundwater Use.

The efforts undertaken by the City and County to eliminate or reduce the overdraft condition of the Chowchilla Sub-basin, as well as implementation of the proposed General Plan policies listed above, will reduce this impact by recharging the aquifer and by reducing the water demands of future development. Changes or alterations have been required in, or can be incorporated into the project which lessens the significant environmental effects; these cumulative effects have not been lessened to a level of insignificance. Proposed General Plan policies that would reduce significant impacts include: PF-4.1, PF-4.2, PF-4.3, PF-4.4, PS-4.4.A, PF-4.5, PF 4.5.A, PF-4.6, PF-4.7, PF-4.8.

8.5.1 Findings

Implementation of the proposed General Plan will increase demand for water supply to

the City, requiring increased groundwater production and potentially worsening the overdraft condition of the Chowchilla Sub-basin. The City's per capita water demand rate of 210 gpcd is an average consumption rate for existing uses in the City and is likely to be greater than the actual demand rates of new urban development. New development within the Planning Area will be generally denser, will be fully metered, will feature low-flow bath and kitchen fixtures in accordance with state law, and will likely feature drought-tolerant landscaping. The City expects that new domestic water wells and storage will be needed to meet the demands of projected future growth and acknowledges that recharge and conservation programs and new sources of water supply will likely be needed to increase the reliability of the City's water supply in the future. The City recharges a substantial amount of water each day through its wastewater treatment facility, stormwater ponding and domestic irrigation practices. The source of the recharge should be surface water supply that will augment natural recharge systems.

The City Council has weighed the benefits of the proposed project against its unavoidable environmental impacts on groundwater. Based on the consideration of the record as a whole, the City Council finds that the benefits of the project outweigh the unavoidable adverse environmental impacts for the extent that the unavoidable adverse environmental impacts become "acceptable". In addition, the following benefits would also occur:

- a. Approval of the project is consistent with the City's objective of promoting urban growth in existing cities and accommodating the forecasted growth in the San Joaquin Valley.
- b. Approval of the project is consistent with current growth and development proposals in close proximity to the City.
- c. Approval of the project is consistent with the City's objectives for balanced growth on both sides of SR 99 and providing a housing and employment balance supported by adequate infrastructure at the time of need.
- d. Approval of the project is consistent with the community's desire to increase the City's rate of economic growth and create diversity in employment opportunities.
- e. Approval of the General Plan would create a cohesive City arrangement, evading the need for future annexations of proposed projects outside the Planning Area of the City, promoting growth in existing unincorporated communities where infrastructure is not adequate, or the establishment of new communities in the unincorporated territory.
- f. City recognizes that agriculture is an important component of the City's industry, but the City is surrounded by agricultural land and reasonable growth outside of the City limits is essential to accommodate the needs of the entire community.

8.5.2 Supportive Evidence

8.5.2.a Legal, Technological, and Other Benefits

The City's current per capita an average consumption rate for existing uses in the City. Because of conservation measures the City and State are putting into place, the existing per capita rate is higher than the actual demand rates forecasted for new urban development. New development within the Planning Area will be generally denser, will be fully metered, and feature low-flow bath and kitchen fixtures, and will likely feature drought-tolerant landscaping. The City acknowledges that recharge and conservation programs and new sources of water supply will likely be needed to increase the reliability of the City's water supply in the future.

8.5.2.b Mitigation Enhancement

The City shall condition approval of new development projects on the availability of adequate water supply and infrastructure to serve the new development.

The City shall work cooperatively with other water management agencies to prepare a groundwater management program as needed to ensure sufficient water supply for the build-out of the General Plan.

When necessary and practical, the City will cooperate with other water agencies to acquire water for the recharge, replenishment and/or banking of groundwater for future demand.

The City shall continue to participate with other water agencies in groundwater recharge efforts, as practical, using identified recharge areas such as Brenda Reservoir, Brenda Slough, and Ash Slough. This participation may include the development of multi-use open space corridors or recreation facilities combined with recharge facilities.

8.6 Biological Resources Impact

4.10.2.3 General Plan Impacts to Sensitive Habitats.

While the proposed General Plan Update policy provisions assist in minimizing conversion of agricultural lands to urban by establishing a greenbelt to contain urban growth and buffer agricultural uses from urban land uses, the General Plan Update will still result in the loss of substantial sensitive habitat areas and farmland utilized by state and federally listed species. Proposed General Plan policies that would reduce significant impacts include: LU-17.1, LU-17.2, LU-7.3, LU-17.4, LU-17.5, LU-17.6, LU-17.7, OS-1.1, OS 1.1.A, OS 1.2, OS-2.1, OS-2.2, OS 8.1, OS-8.2, OS-8.3, OS-9.1, OS-9.2, OS 9.2.A, OS 9.2.B, OS-9.3, OS-13.1, OS 13.1.A, OS-13.3, OS-13.3.A, OS-13.3.B, OS-13.4, OS-13.6, OS-13.7, OS-13.8, OS-13.9, OS-13.10, OS-13.11, PF-7.1, PF-7.2, PF 7.2.A, PF-7.3, PF 7.3.A, PF-7.4.

8.6.1 Findings

The City Council has weighed the benefits of the proposed project against its unavoidable environmental impacts to sensitive habitats. Based on the consideration of the record as a whole, the City Council finds that the benefits of the project outweigh the unavoidable adverse environmental impacts for the extent that the unavoidable adverse environmental impacts become “acceptable”. In addition, the following benefits would also occur.

- a. Approval of the project is consistent with the City’s objective of promoting urban growth in existing cities and accommodating the forecasted growth in the San Joaquin Valley.
- b. Approval of the project is consistent with current growth and development proposals in close proximity to the City.
- c. Approval of the project is consistent with the City’s objectives for balanced growth on both sides of SR 99 and providing a housing and employment balance supported by adequate infrastructure at the time of need.
- d. Approval of the project is consistent with the community’s desire to increase the City’s rate of economic growth and create diversity in employment opportunities.
- k. Approval of the General Plan would create a cohesive City arrangement, evading the need for future annexations of proposed projects outside the Planning Area of the City, promoting growth in existing unincorporated communities where infrastructure is not adequate, or the establishment of new communities in the unincorporated territory.
- l. City recognizes that agriculture is an important component of the City’s industry, but the City is surrounded by agricultural land and reasonable growth outside of the City limits is essential to accommodate the needs of the entire community.

8.6.2 Supportive Evidence

8.6.2.a Legal, Technological, and Other Benefits

General Plan implementation will provide buffering of the wetlands with an open space corridor along Berenda and Ash Sloughs and their banks, as well as Berenda Reservoir and its banks. This corridor will serve as a buffer between urban uses and the natural habitat of the Berenda Reservoir and Berenda and Ash Sloughs. Wetland and vernal pool habitats do not readily exist within the Planning Area. Vernal Pool habitats do exist within the Sphere of Influence and the Secondary Planning Area, except for the northeast corner of the sphere, which is planned to remain as Urban Reserve Agricultural land. Other areas designated as vernal pool sites are not natural and are either in areas that are continually disturbed by discing during weed abatement processes or are on industrial or agricultural land and are created by on-site drainage or irrigation run-off. The City is surrounded by farmland and there is no feasible mitigation measures available to offset this loss of farmland, as important farmland cannot be

easily created to offset the conversion of such land expected.

8.6.2.b Mitigation Enhancement

Madera County will continue to:

4. Direct new industrial and commercial development to cities;
5. Require new residential development to be contiguous to urban development and to annex to the City; and
6. Maintain limited agriculture land use designations within the City's General Plan Planning Area boundary.

Urban development shall only occur within the City. Any urban development requiring basic City services shall occur within the incorporated City and within the Planning Area, subject to findings that the development is not a premature use of agricultural land. Existing agricultural areas in the Planning Area shall be retained in agricultural use until the time that such areas are needed for logical urban expansion. To provide for the agricultural land, land designated Agricultural in the Planning Area may be converted to urban uses if the following findings are made:

- a. Conversion to urban use will not be detrimental to the long term agricultural use of neighboring properties.
- b. No other land within the Planning Area is readily available for urban development of the quality and intensity proposed by a development proposal.
- c. The extension of major infrastructure through the land is necessary for the efficient cost effective implementation of the City's General Plan.
- d. That the proposal is consistent with Land Use policies regarding conversion of Agricultural lands.

Coordinate with Madera County in the creation of a greenbelt / open space buffer around the perimeter of the City of Chowchilla Sphere of Influence boundary and use open space in new development at the edge of the Sphere of Influence boundary to create a greenbelt that delineates the edge of the City's urban area. To implement this objective, the City will identify land for the encouragement and retention of agricultural use outside the City's Sphere of Influence boundary based on the historic use, soil suitability, agricultural significance and prevailing parcel sizes of the land and Establish an agriculture conservation program for the preservation of valuable agricultural land outside the City's Sphere of Influence from urban development through the use of appropriate development regulations and /or financial incentives. Further, the City will coordinate programs to preserve agricultural lands with other public, private and non-profit organizations where feasible.

8.7 Public Services

4.12.5.1.a Solid Waste Collection and Disposal Demands.

The Fairmead Landfill is projected to have sufficient disposal capacity to handle the current and estimated waste stream until the year 2027, after which it will be closed. A new landfill could be sited in Madera County or the existing landfill enlarged. Operation of the current landfill is an enterprise function under the County of Madera. Planning for the eventual closure and/or replacement of the landfill will occur during the timeframe of the 2040 General Plan. Proposed General Plan policies that would reduce significant impacts include: PF – 2.2, PF 2.2.A, PF – 2.3, PF – 11.1, PF 11.1.A, PF – 11.2.

8.7.1 Findings

This impact will remain significant and unavoidable until such time as a program to replace the Fairmead Landfill is established and the landfill constructed. The City Council has weighed the benefits of the proposed project against its unavoidable environmental impacts to solid waste disposal. Based on the consideration of the record as a whole, the City Council finds that the benefits of the project outweigh the unavoidable adverse environmental impacts for the extent that the unavoidable adverse environmental impacts become “acceptable”. In addition, the following benefits would also occur.

- a. Approval of the project is consistent with the City’s objective of promoting urban growth in existing cities and accommodating the forecasted growth in the San Joaquin Valley.
- b. Approval of the project is consistent with current growth and development proposals in close proximity to the City.
- c. Approval of the project is consistent with the City’s objectives for balanced growth on both sides of SR 99 and providing a housing and employment balance supported by adequate infrastructure at the time of need.
- d. Approval of the project is consistent with the community’s desire to increase the City’s rate of economic growth and create diversity in employment opportunities.
- m. Approval of the General Plan would create a cohesive City arrangement, evading the need for future annexations of proposed projects outside the Planning Area of the City, promoting growth in existing unincorporated communities where infrastructure is not adequate, or the establishment of new communities in the unincorporated territory.

8.7.2 Supportive Evidence

8.7.2.a Legal, Technological, and Other Benefits

The City of Chowchilla shall continue to coordinate on activities and studies with Madera County and others on waste management and recycling subject matters including, but not limited to, future Fairmead Sanitary Landfill expansion or new landfill facility requirements, waste stream disposal reduction programs, as feasible.

8.7.2.b Mitigation Enhancement

City to promote the reduction of the amount of waste disposed of in landfills by: reducing the amount of solid waste generated (waste reduction); reusing as much of the solid waste as possible (recycling); utilizing the energy and nutrient value of the solid waste (waste to energy and composting); and properly disposing of the remaining solid waste (landfill disposal).

8.8 Sustainability and Energy Consumption

.14.2.1 Substantial Increase in Greenhouse Gas Emissions and Environmental Effects. Consistency

Implementation of the proposed General Plan Update could substantially increase emissions of CO₂e over existing (2008) conditions that could result in environmental effects to the Planning Area. Proposed General Plan policies that would reduce significant impacts include: OS 22.3, OS 22.3.A, OS 22.3.B, OS 22.3.C, OS 22.4, OS 22.4.A, OS 22.5, OS 22.4.A, LU 7.3, LU 7.3.A, LU 7.3.B, LU 7.3.C, LU 22.1, LU 22.1.A, LU 22.1.B, LU 22.1.C, LU 22.1.D, CL 9.1, CL 9.2, CL 9.3, CL 9.3.1.A, CL 9.3.1.B, CL 9.4, CL 9.4.1.A, PF-4.1, PF-4.2, PF-4.3, PF-4.4, PS 4.4.A.

8.8.1 Findings

The City Council has weighed the benefits of the proposed project against its unavoidable environmental impacts to Land Use Plan consistency with Madera County. Based on the consideration of the record as a whole, the City Council finds that the benefits of the project

- a. Approval of the project is consistent with the City's objective of promoting urban growth in existing cities and accommodating the forecasted growth in the San Joaquin Valley.
- b. Approval of the project is consistent with current growth and development proposals in close proximity to the City.
- c. Approval of the project is consistent with the City's objectives for balanced growth on both sides of SR 99 and providing a housing and employment balance supported by adequate infrastructure at the time of need.
- d. Approval of the project is consistent with the community's desire to increase the City's rate of economic growth and create diversity in employment opportunities.
- e. Approval of the General Plan would create a cohesive City arrangement, evading the need for future annexations of proposed projects outside the Planning Area of the City, promoting growth in existing unincorporated communities where infrastructure is not adequate, or the establishment of new communities in the unincorporated territory.

8.8.2 Supporting Evidence

8.8.2.a Legal, Technological, and Other Benefits

The City of Chowchilla Planning Area was responsible for energy consumption that produced an estimated 218,452 tons of carbon dioxide (CO₂) in calendar year 2010. Slightly less than 10% of these emissions were from the combustion of natural gas used in residential heating and commercial/industrial processes. The remainder of the energy emissions was from motor vehicles. The City of Chowchilla sent approximately 12,713 tons of waste to landfills in calendar year 2008 which produced approximately 3,180.54 metric tons of carbon dioxide equivalents (CO₂e). As 2040 General Plan is implemented, carbon dioxide emissions from off-road heavy-duty vehicles and construction equipment will be emitted, contributing to global climate change. However, these emissions are expected to decrease over time, as low-carbon fuel standards and other climate change measures take hold.

8.8.2.b Mitigation Enhancement

Implementation measures include specific performance standards that address climate change consistent with state measures to reduce greenhouse gas emissions, including a commitment to reduction goals under AB 32 and Executive Order S-3-05.

8.9 Growth Inducing Impacts

The proposed General Plan is inherently “growth-inducing” because it will directly foster acceleration of the construction of residential housing, new commercial centers, public facilities, and related developments, and therefore economic growth. Growth inducement is not a significant impact unless it causes significant physical impacts or unless the growth is beyond the capacity of the community to accommodate it. “It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment (CEQA *Guidelines* §15126.2(d).” There are a number of significant physical impacts associated with the growth anticipated in the proposed General Plan. The proposed General Plan could also be considered growth inducing because it anticipates population growth that requires water resources and a circulation system beyond what the City can reasonably accommodate.

Due to constraints within the City of Chowchilla, including lack of road rights-of-way within the downtown area, it may be physically impossible to make the road improvements (i.e. widening) that would be necessary to accommodate the growth anticipated in the proposed General Plan. In addition, because road improvements on Robertson Blvd. from SR 152 to S9 99 within the City, is also State Highways, it may be difficult to coordinate improvements when they become necessary. In other words, even in cases where a developer pays their “fair share” towards road improvements, those improvements would need to be programmed and constructed by Caltrans, which could occur at a future date, rather than when the impact demands it. The City recognizes that would not be capable of guaranteeing that road widening would occur to accommodate projected growth and has added as many implementing measures to the

General Plan update to prioritize alternative circulation patterns and public transit to assist in reducing traffic-related growth pressures to the downtown.

8.10 Rejection of Alternatives

The project alternatives identified in the Master EIR, although feasible from a technical standpoint, are rejected for the following reasons:

Alternative 1, the “No Project Alternative” assumes that the proposed General Plan is not adopted by the City of Chowchilla and that new development would be guided by the existing General Plan, adopted in 1984. The City has exceeded the population forecasted the existing General Plan and has, for all practical purposes built to the Planning Area boundaries. Selection of this alternative would not provide for an update of the general plan as required by law, nor would it meet the objectives to provide for the orderly growth of the community.

Alternative 2 - The Reduced Build-Out Alternative would reduce the intensity of many of the impacts identified in this EIR, particularly when considered cumulatively, however it would not result in fewer unavoidable impacts. Specifically, this alternative would reduce cumulative impacts to air quality, biological resources, noise, agriculture, groundwater use, light and glare, solid waste generation, and greenhouse gases. But would not reduce land use inconsistency with relevant land use plans. This alternative does appear to accommodate all the population growth anticipated in the proposed General Plan and may generate development proposals outside of the City in the unincorporated territory.

Alternative 3 – The Land Use Modification Request Alternative would not reduce the intensity of the impacts and in many cases will add to the intensity of impacts. This Alternative will amply land use associated impacts beyond those anticipated in the proposed General Plan Update for agriculture, habitat loss, groundwater demand, air quality, light and glare, and greenhouse gases. This Alternative will lead to land use plan inconsistencies with the County as the amount of agricultural land around the City would have to be reduced in favor of urban growth rather than expanded with the contraction of urban growth in the No Project or Reduced Build-Out Alternatives. The proposed General Plan Update would require adjustments in the County Land Use Plan, but not as extensive as the Land Use Modification Request Alternative.

The environmentally superior “build” alternative is judged to be Reduced Build-Out Alternative. It would reduce the intensity of the significant and unavoidable impacts to air quality, biological resources, noise, agriculture, groundwater use, light and glare, solid waste generation, and greenhouse gases identified in the EIR and would appear to marginally accommodate a fairly aggressive growth rate projected by City of Chowchilla. However, the Reduced Build-Out Alternative does not provide for ensuring that a sufficient supply of urban land will be available to keep land prices competitive. Competitive land prices will have an effect on the long-term affordability of housing prices in the City. This Alternative also will place pressure on development in the unincorporated territory surrounding the City which will create other significant unavoidable impacts and transfer those impacts to areas not now identified for urban

development. The environmentally superior alternative was reviewed by the City and, although it takes into consideration the impacts on surrounding agricultural land it does not allow the flexibility to look at the growth pressures facing the City, nor allows for implementation of programs that would provide the funding to meet infrastructure needs. The City understands that this is a general plan and that growth will be limited to the ability of the City to find an adequate water supply, but the City wishes to have the flexibility to plan for future needs to the greatest extent possible.

Public Draft 4-4-11

CEQA GENERAL FINDINGS

1. The City Council finds that changes or alterations have been incorporated into the project to mitigate or avoid significant impacts to the greatest degree practicable. These changes or alterations include mitigation measures and project modifications outlined herein and set forth in more detail in the City of Chowchilla 2040 General Plan Update Final Environmental Impact Report.
2. The City Council finds that the project as approved includes an appropriate Mitigation Monitoring Program. This mitigation monitoring program ensures that measures that avoid or lessen the significant project impacts, as required by CEQA and the State CEQA Guidelines, will be implemented as described.

Public Draft 4-4-20

MITIGATION MONITORING PROGRAM

The City of Chowchilla will be primarily responsible for ensuring that all project mitigation measures are complied with; in this case, the proposed measures will become standards to be followed by future development, and no monitoring will be necessary until such time that a specific project is proposed. According to CEQA *Guidelines* §15097(a), a public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity that accepts the delegation. However, until mitigation measures have been completed, the Lead Agency remains responsible for ensuring that the implementation of the measure occurs in accordance with the program.

Development of the proposed General Plan and evaluation of potential impacts in the Draft EIR were coordinated so that mitigation measures identified during the analysis could be subsequently incorporated into the proposed General Plan as new Policies and Implementation Measures. As of the time this Draft EIR was produced, all mitigation measures previously identified in the EIR had been incorporated into the proposed General Plan. As a result, the proposed General Plan is “self-mitigating” to the maximum extent feasible and functions as the MMRP, with the City of Chowchilla acting as the responsible party.

The City Community Development Department will assist applicants in the mitigation measure compliance effort. Mitigation measures will be programmed to occur at, or prior to, the following milestones:

1. Prior to issuance of construction permit/vegetation removal. These are measures that need to be undertaken before earth moving activities begin. These measures include items such as staking the limits of environmentally sensitive areas or vegetation to remain, confirming biological mitigation plans with resource agencies, and including pertinent design details in the project plans.
2. During project construction/vegetation removal. These measures are those that need to occur as the project is being constructed or the vegetation being removed. They include monitoring the construction site for the proper implementation of dust and emission controls, erosion controls, biological protection, and examining grading areas for the presence of cultural materials.
3. Prior to completion of construction. These measures apply to project components that would go into effect at completion of the project construction phase, including items such as management or monitoring plans (e.g., revegetation, etc.). In order for the plan to be available for use at project completion, it will need to be prepared and completed before project construction is finished.
4. At the time of project completion/During operation of the project. These are active measures that will commence upon completion of the construction phase and, in most cases, will continue through the life of the project.
5. Prior to approval of discretionary or building permit and/or recordation of the

final map.

6. Prior to occupancy or final inspection of the development.
7. Prior to encroachment permit.

Connecting each of the general plan implementation measures to these milestones will integrate mitigation monitoring into existing City processes, as encouraged by CEQA. In each instance, implementation of the mitigation measure will be accomplished in parallel with another activity associated with the project.

Government Code §65400(b)(1) mandates that all cities and counties submit to their legislative bodies an annual report on the status of the general plan and progress in its implementation (the "Progress Report"). The intent of this statute is to ensure that the general plan directs all land use decisions and remains an effective guide for future development. In the City of Chowchilla's proposed General Plan, Policies and Implementation Measures are the mitigation measures. Therefore, this Progress Report, which is already required by State law, will also serve as the vehicle the City uses to report on their compliance with the mitigation measures.

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