

**STANISLAUS COUNTY
GENERAL PLAN AND AIRPORT LAND USE
COMPATIBILITY PLAN UPDATES
FINAL ENVIRONMENTAL IMPACT REPORT**

**FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS**

PREPARED BY:

Stanislaus County
Planning and Community Development Department
1010 Tenth Street, Suite 3400
Modesto, CA 95354
Contact: Kristin Doud, Associate Planner
209.525.6330

July 2016

**FINDINGS OF FACT
AND
STATEMENT OF OVERRIDING CONSIDERATIONS
REGARDING THE ENVIRONMENTAL IMPACT REPORT
for the
STANISLAUS COUNTY GENERAL PLAN AND
AIRPORT LAND USE COMPATIBILITY PLAN UPDATES
Final Environmental Impact Report**

I. Introduction

A. CEQA Process

Stanislaus County (County) has prepared and certified an environmental impact report (EIR) analyzing and disclosing the significant environmental impacts of the General Plan and Airport Land Use Compatibility Plan updates (Project). The EIR has been prepared in accordance with the California Environmental Quality Act (CEQA, Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (14 CCR 15000, et seq.). The Final EIR prepared by the County determined that the Project would have potentially significant effects on the environment that cannot be reduced below the level of significance. An impact is significant and unavoidable when the plans' policies would not be sufficient to reduce impacts to a less-than-significant level.

Consistent with CEQA's requirements, the Draft EIR for the Project was available for a review period of 45 days from April 19, 2016 through June 2, 2016 for public agencies and interested organizations and individuals to review. All written comments received during the public comment period were responded to in Chapter 2 of the Final EIR.

Prior to approving the Project, the Stanislaus County Board of Supervisors (Board) certified that it has considered the Final EIR, that the Final EIR adequately meets the requirements of CEQA, and the Final EIR reflects the independent judgment of the Board. Upon approving the Project, the Board adopts the following findings of fact regarding the significant effects and the alternatives identified in the Final EIR.

The General Plan update includes well-considered policies intended to reduce its impacts on the environment to the extent practical. No feasible mitigation measures have been identified for this project. As a result, no mitigation monitoring and reporting program (MMRP) will be adopted.

B. Environmental Impact Report (EIR)

The Final EIR for the Project discloses the environmental impacts of future development up to the 2035 planning horizon. The potential impacts of the project are analyzed in comparison to existing conditions, except where noted. When determining whether the project would result in a significant environmental impact, the Final EIR considers the extent to which proposed plan policies would act to reduce its effects. Despite these moderating policies, eventual build-out under the General Plan would result in the following significant, unavoidable impacts on the environment:

- Impact AES-3: Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area.
- Impact AQ-1: Generate construction-related emissions in excess of SJVAPCD thresholds (individual and cumulative).
- Impact BIO-4: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (individual and cumulative).
- Impact CUL-1: Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.
- Impact CUL-2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.
- Impact HYD-2: Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted) (individual and cumulative).
- Impact NOI-1: Expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies (individual and cumulative).
- Impact REC-1: Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated.
- Impact TRA-3: Result in traffic operations below the minimum acceptable thresholds on roadways outside Stanislaus County's jurisdiction (i.e., Caltrans facilities).
- Impact TRA-6: Result in transportation network changes that would prevent the efficient movement of goods within the county (cumulative impact).
- Impact TRA-8: Create additional vehicle, bicycle, or pedestrian travel on roadways or other facilities that do not meet current county design standards.
- Impact UTL-2: Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- Impact UTL -5: Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

In accordance with CEQA Guidelines Section 15091, the Board is adopting the following findings and, a statement of overriding considerations under CEQA Guidelines Section 15093.

C. Record of Proceedings

For the purposes of CEQA, and the findings herein set forth, the administrative record for the Project consists of those items listed in Public Resources Code section 21167.6, subdivision (e). The record of proceedings for the Board's decision on the Project can be reviewed at the Stanislaus County Planning and Community Development Department. Pursuant to Guidelines section 15091(e), the administrative record of these proceedings is located, and may be obtained there.

Planning and Community Development Department
1010 Tenth Street, Suite 3400
Modesto, CA 95354
Contact: Kristin Doud, Associate Planner

D. Overview of the Project

This Project would update the County's General Plan and ALUCP to bring these documents into consistency with state planning law. Maps throughout the general plan have been updated; however, no changes in land use designations are proposed. The update of the general plan incorporates changes that have occurred in terms of legislation, regulatory codes, and local standards. The update to the ALUCP similarly reflects new information about the airports within the County and adjoining land uses, and is consistent with the current version of the California Airport Land Use Planning Handbook. The specific changes being proposed are described in more detail in Chapter 2, *Project Description*, of the Draft EIR.

The Project would apply to those areas under the jurisdiction of the County—that is, county lands that are outside of city limits and that are not under the jurisdiction of federal or state agencies or tribal lands. Because the Project would have indirect impacts on surrounding areas, the Final EIR's analysis reaches beyond the unincorporated areas of the County.

The County has identified the following objectives for the Project:

General Plan Update Objectives

The 2014 General Plan Update seeks to achieve the following essential objectives.

- To comprehensively review and amend the general plan to incorporate current requirements of State law related to planning issues.
- To update existing and incorporate new goals, objectives, policies, and implementation measures to reflect local changes in land use policy.
- To update technical data found within the general plan and support documents.
- To update the ALUCP to ensure consistency with the general plan; incorporate the requirements of the California Department of Transportation's (Caltrans') *Airport Land Use Planning Handbook*; and reflect new information relating to noise contours, safety zones, airspace protection zones, overflight areas, and current city general plan provisions.
- To prepare the environmental documentation necessary to support adoption of the general plan update and ALUCP update.
- To make these revisions while limiting changes to the land use diagram to a minimum.

Airport Land Use Compatibility Plan Objectives

The proposed ALUCP has the following objectives:

- To update the ALUCP to ensure consistency with the general plan; incorporate the requirements of the California Department of Transportation's (Caltrans') *Airport Land Use Planning Handbook*; and reflect new information relating to noise contours, safety zones, airspace protection zones, overflight areas, and current city general plan provisions
- To prepare the environmental documentation necessary to support adoption of the general plan update and ALUCP
- Provide for the orderly growth of each public airport and the area surrounding the airport to safeguard the general welfare of the inhabitants near the airport and the public in general.
- Establish height restrictions on buildings, specifies use of land within its planning areas, and determine building standards, including soundproofing adjacent to airports, within the airport influence area to limit impacts on residents near the airports.
- Control new development near airports in order to minimize conflicts between the airport and that development.

II. Findings Required under CEQA

A. Explanation of Findings

Prior to approval of a project, the Final EIR must be certified pursuant to Section 15090 of the CEQA Guidelines. When a certified Final EIR identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale for each identified significant impact (Section 15091 of the CEQA Guidelines):

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

By way of explanation: finding a. is used when a mitigation measure is being adopted to address the Project's significant impacts; finding b. is used when another agency has responsibility for adopting the mitigation measure; and finding c. is used when either a mitigation measure or an alternative identified in the Final EIR is infeasible. No findings are required for impacts that are less than significant and require no mitigation. Section 15092 of the CEQA Guidelines states that after consideration of a Final EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may approve the project.

As described above, the Final EIR identifies 13 significant and unavoidable impacts that will occur as a result of build-out of the General Plan during the planning horizon. None of these significant impacts can be feasibly mitigated.

These findings constitute the Board's best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. The full descriptions of the following impacts and alternatives are contained in the Final EIR for the Project; those descriptions are incorporated herein by reference.

B. Adopted Findings on Environmental Impacts

Aesthetics

Impact AES-3: Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area

Finding:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Supporting Evidence:

County Code Title 16, Chapter 16.80 adopts the California 2013 Green Building Standards (Part 11, Title 24, California Code of Regulation [CALGreen]) as part of the County's building standards. CALGreen includes mandatory light pollution reduction standards that apply to non-residential structures (CALGreen Chapter 5, Section 5.106.8). These will ensure that new non-residential construction minimizes light and glare spillage from the building site. CALGreen also includes similar, voluntary standards for residential structures (CALGreen Appendix A4, Section A4.106.10). The County has chosen to rely on the CALGreen standards to reduce light pollution from new development. At the present time, these standards do not require new residential development to avoid light spillage and so this impact will not be avoided.

In addition, as part of the General Plan update the County has adopted the following policy and implementation measures that will limit nighttime light pollution. These policies comprise the extent to which the County can feasibly reduce this impact. This impact will result from future, individual development projects. Because the specific design, location, and impact mechanisms of these developments are not known and cannot be known at this time, the County cannot adopt specific mitigation measures to avoid this impact.

Land Use Element

POLICY SIXTEEN

Outdoor lighting shall be designed to be compatible with other uses.

IMPLEMENTATION MEASURES

1. Develop light and glare standards to ensure that artificial outdoor lighting is efficient and focused on achieving safety and security requirements for the associated land use.
2. Outdoor lighting shall be required to provide minimum impact to the surrounding environment and will, where feasible, utilize downcast, cut-off type fixtures that are shielded and direct the light only towards objects requiring illumination.

Air Quality

Impact AQ-1: Generate construction-related emissions in excess of San Joaquin Valley Air Pollution Control District (SJVAPCD) thresholds

Findings:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the project alternatives identified in the environmental impact report.

Supporting Evidence:

The County has adopted a number of policies in the General Plan update that address this issue. These policies comprise the extent to which the County will work to reduce construction-related emissions. These policies will operate in concert with SJVAPCD's Regulation VIII (Fugitive PM10 Prohibitions); Rule 9510 (Indirect Source Review), which requires developers to reduce project-specific construction exhaust emissions of NOx and PM10; and Voluntary Emissions Reduction Agreement program, which provides a mechanism for the implementation of future mitigation measures from CEQA documents prepared for individual development projects.

Conservation/Open Space Element

POLICY EIGHTEEN

The County will promote effective communication, cooperation and coordination among agencies involved in developing and operating local and regional air quality programs.

IMPLEMENTATION MEASURES

1. Refer discretionary projects under CEQA review to the San Joaquin Valley Air Pollution Control District (SJVAPCD), neighboring jurisdictions and other affected agencies for review and comment.
2. Work with other agencies in the San Joaquin Valley to establish coordinated air quality programs and implementation measures.

POLICY NINETEEN

The County will strive to accurately determine and fairly mitigate the local and regional air quality impacts of proposed projects.

IMPLEMENTATION MEASURES

1. Require all development proposals, where appropriate, to include reasonable air quality mitigation measures.
2. Minimize case-by-case analysis of air quality impacts through the use of standard criteria for determining significant environmental effects, a uniform method of calculating project emissions, and standard mitigation methods to reduce air quality impacts.

POLICY TWENTY-ONE

The County will support efforts to increase public awareness of air quality problems and solutions.

IMPLEMENTATION MEASURES

1. Support and participate in the air quality education programs of the SJVAPCD to the greatest extent possible.
2. Support education programs that increase public awareness of techniques to reduce fine particulate matter emissions.
3. Work with the local building industry, utilities, and the SJVAPCD to educate developers and builders on the benefits of energy-efficient designs and the use of low-emission equipment for new residential and commercial construction.

Biological Resources

Impact BIO-4: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites

Findings:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the project alternatives identified in the environmental impact report.

Supporting Evidence:

The County has adopted a number of policies as part of the General Plan update that address this issue. These policies comprise the extent to which the County can feasibly reduce this impact. This impact will result from future, individual development projects. Because the specific design, location, and impact mechanisms of these developments are not known and cannot be known at this time, the County cannot adopt specific mitigation measures to avoid this impact. Future, individual development projects will be subject to CEQA review and mitigation, but the County cannot guarantee that the future mitigation will fully reduce this impact to a less than significant level.

Land Use Element

POLICY SEVEN

Riparian habitat along the rivers and natural waterways of Stanislaus County shall to the extent possible be protected.

Conservation/Open Space Element

POLICY ONE

Maintain the natural environment in areas dedicated as parks and open space.

IMPLEMENTATION MEASURES

1. Development of County parks shall include provisions for native vegetation conservation. Rare and endangered plants will be protected consistent with state and federal law and consistent with protection standards for private development as established in this General Plan.
2. Continue to use Williamson Act contracts as a means for open space conservation.

POLICY TWO

Assure compatibility between natural areas and development.

IMPLEMENTATION MEASURES

1. Review zoning regulations and landscaping requirements for compatibility between proposed development and natural areas, including protection from invasive plants.
2. Review all development requests to ensure that sensitive areas (e.g., riparian habitats, vernal pools, rare plants) are left undisturbed or that mitigation measures acceptable to appropriate state and federal agencies are included in the project.
3. Require Airport Land Use Commission (ALUC) review of the location, compatibility, and design of proposed parks, open space uses, and outdoor recreation areas within adopted Airport Influence Areas.
4. Discourage the establishment of conservation areas or nature preserves within adopted Airport Influence Areas.
5. Consider adoption of scenic corridors to protect and preserve natural scenic vistas located throughout the County.

POLICY THREE

Areas of sensitive wildlife habitat and plant life (e.g., vernal pools, riparian habitats, flyways and other waterfowl habitats, etc.) including those habitats and plant species listed in the General Plan Support Document or by state or federal agencies shall be protected from development and/or disturbance.

IMPLEMENTATION MEASURES

1. Review all development requests to ensure that sensitive areas (e.g., riparian habitats, vernal pools, rare plants, flyways, etc.) are left undisturbed or that mitigation measures acceptable to appropriate state and federal agencies are included in the project.
2. In known sensitive areas, the State Department of Fish and Wildlife shall be notified as required by the California Native Plant Protection Act; the U.S. Fish and Wildlife Service also shall be notified.
3. All discretionary projects that will potentially impact riparian habitat and/or vernal pools or other sensitive areas shall include mitigation measures for protecting that habitat.
4. All discretionary projects within an adopted Airport Influence Area (AIA) that have the potential to create habitat, habitat conservation, or species protection shall be reviewed by the Airport Land Use Commission.
5. Implementation of this policy shall not be extended to the level of an unconstitutional "taking" of property.
6. Any ground disturbing activities on lands previously undisturbed that will potentially impact riparian habitat and/or vernal pools or other sensitive areas shall include mitigation measures for protecting that habitat, as required by the State Department of Fish and Wildlife.

POLICY SIX

Preserve natural vegetation to protect waterways from bank erosion and siltation.

IMPLEMENTATION MEASURES

1. Development proposals and mining activities including or in the vicinity of waterways and/or wetlands shall be closely reviewed to ensure that destruction of riparian habitat and vegetation is minimized. This shall include referral to the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, State Department of Fish and Game Wildlife, and the State Department of Conservation.

2. Continue to encourage best management practices for agriculture and coordinate with soil and water conservation efforts of Stanislaus County Farm Bureau, Resource Conservation Districts, the U.S. Soil Conservation Service, and local irrigation districts.

POLICY TWENTY-NINE

Habitats of rare and endangered fish and wildlife species, including special status wildlife and plants, shall be protected.

IMPLEMENTATION MEASURES

1. The County shall utilize the California Environmental Quality Act (CEQA) process to ensure that development does not occur that would be detrimental to fish, plant life, or wildlife species.
2. The County shall utilize the California State Department of Fish and Wildlife's California Natural Diversity Data Base and the California's Native Plant Society plant lists as the primary sources of information on special status wildlife and plants.
3. The County shall protect sensitive wildlife habitat and plant life through the strategies identified under Policy Three of this element.

Cultural Resources

Impact CUL-1: Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5

Findings:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the project alternatives identified in the environmental impact report.

Supporting Evidence:

The County has adopted a number of policies as part of the General Plan update that address this issue. These policies comprise the extent to which the County can feasibly reduce this impact. This impact on historical resources will result from future, individual development projects. Because the specific design of, location, and cultural resource affected by these developments are not known and cannot be known at this time, the County cannot adopt specific mitigation measures to avoid this impact. Future, individual development projects will be subject to CEQA review and mitigation, but the County cannot guarantee that the future mitigation will fully reduce this impact to a less than significant level.

In addition, County Code Title 16, Chapter 16.30 adopts the California Historical Building Code (Part 8, Title 24, California Code of Regulation) as part of the County's building standards. The Historical Building Code provides alternative building standards for historical structures that allow them to be rehabilitated and reused without compromising their historical status, regardless of whether CEQA would apply to the project. However, these are not mandatory requirements and do not prohibit the owner of a historical structure to apply the standard building codes and adversely affect the structure's historical status. The County has chosen to allow new development the option of using the Historical Building Code. Because the code does not mandate avoidance of adverse impacts, this impact will not be avoided.

Conservation/Open Space Element

POLICY TWENTY-FOUR

The County will support the preservation of Stanislaus County's cultural legacy of archeological, historical, and paleontological resources for future generations.

IMPLEMENTATION MEASURES

1. The County shall continue to utilize the HS (Historical Site) zone in Knight's Ferry and La Grange to protect the historical character of the communities.
2. The County shall seek input from the Knight's Ferry Municipal Advisory Council concerning any development proposals in the HS zone in Knight's Ferry.
3. The County shall work with the County Historical Society, and other organizations and interested individuals to study, identify and inventory archeological resources and historical sites, structures, buildings and objects.
4. The County will cooperate with the State Historical Preservation Officer to identify and nominate historical structures, objects, buildings and sites for inclusion under the Historical Preservation Act.
5. The County shall utilize the California Environmental Quality Act (CEQA) process to protect archaeological, historic, or paleontological resources. Most discretionary projects require review for compliance with CEQA. As part of this review, potential impacts must be identified and mitigated.
6. The County shall make referrals to the Office of Historic Preservation and the Central California Information Center as required to meet CEQA requirements.
7. The County will work with all interested individuals and organizations to protect and preserve the mining heritage of Stanislaus County.

POLICY TWENTY-FIVE

"Qualified Historical Buildings" as defined by the State Building Code shall be preserved.

IMPLEMENTATION MEASURES

1. Whenever possible, the County Building Permits Division shall utilize the provisions of the State Building Code that allow historical buildings to be restored without damaging the historical character of the building.
2. The County shall continue to utilize the HS (Historical Site) zone in Knight's Ferry and La Grange to protect the historical character of the communities.

Impact CUL-2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5

Findings:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the project alternatives identified in the environmental impact report.

Supporting Evidence:

The County has adopted a number of policies as part of the General Plan update that address this issue. These policies comprise the extent to which the County can feasibly reduce this impact. This impact will result from future, individual development projects. Because the specific design of, location, and the availability of avoidance measures for these developments are not known and cannot be known at this time, the County cannot adopt specific mitigation measures to avoid this impact. Future, individual development projects will be subject to CEQA review and mitigation, but the County cannot guarantee that the future mitigation will fully reduce this impact to a less than significant level.

In addition, Assembly Bill 52 (Chapter 532, Statutes of 2014) requires the County as part of its CEQA process to consult with California Native American tribes over the presence of tribal cultural resources, upon the request of such tribes. During such consultations over future development projects, the County and participating tribe(s) will discuss the potential adverse effects of individual development projects, mitigation measures to reduce or avoid such effects, and alternatives that similarly could reduce or avoid such effects. This process, however, cannot guarantee that unknown resources will not be adversely affected.

Conservation/Open Space Element

POLICY TWENTY-FOUR

The County will support the preservation of Stanislaus County's cultural legacy of archeological, historical, and paleontological resources for future generations.

(Comment: Landmarks of historical consequence not only include old schoolhouses, and covered bridges, but also such sites as Native American burial grounds, cemeteries, pottery, rock carvings, and rock paintings. Normally, "sensitive" areas are often located near natural watercourses, springs or ponds, or on elevated ground. However, due to the silt build-up in the valley and the meandering of rivers, archaeological and historical sites may be found in unsuspected areas.)

IMPLEMENTATION MEASURES

3. The County shall work with the County Historical Society, and other organizations and interested individuals to study, identify and inventory archeological resources and historical sites, structures, buildings and objects.
4. The County will cooperate with the State Historical Preservation Officer to identify and nominate historical structures, objects, buildings and sites for inclusion under the Historical Preservation Act.
5. The County shall utilize the California Environmental Quality Act (CEQA) process to protect archaeological, historic, or paleontological resources. Most discretionary projects require review for compliance with CEQA. As part of this review, potential impacts must be identified and mitigated.
6. The County shall make referrals to the Office of Historic Preservation and the Central California Information Center as required to meet CEQA requirements.

Hydrology and Water Quality

Impact HYD-2: Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to

a level that would not support existing land uses or planned uses for which permits have been granted)

Finding:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the project alternatives identified in the environmental impact report.

Supporting Evidence:

The following policies adopted as part of the General Plan update provide measures to reduce this impact. In addition, the County has enacted the Stanislaus County Groundwater Ordinance (County Code Chapter 9.37) which restricts the unsustainable extraction of groundwater within and export of groundwater from the unincorporated areas of the county (County Code Title 9.37.040). However, the County does not have the legal authority to adjudicate water rights within the underlying groundwater basins and without such power cannot prevent the overdraft that will result from landowners exerting their rights to the groundwater beneath their land.

Land Use Element

POLICY TWENTY-NINE

Support the development of a built environment that is responsive to decreasing air and water pollution, reducing the consumption of natural resources and energy, increasing the reliability of local water supplies, and reduces vehicle miles traveled by facilitating alternative modes of transportation, and promoting active living (integration of physical activities, such as biking and walking, into everyday routines) opportunities.

Conservation/Open Space Element

POLICY FIVE

Protect groundwater aquifers and recharge areas, particularly those critical for the replenishment of reservoirs and aquifers.

IMPLEMENTATION MEASURES

1. Proposals for urbanization in groundwater recharge areas shall be reviewed to ensure that (1) as much water as possible is returned to the recharge area, (2) the development will not cause discharge of materials detrimental to the quality of the water, and (3) the development will not result in significant groundwater overdrafting or deterioration in quality. The Department of Environmental Resources shall require:
 - A. In those areas where groundwaters are susceptible to overdrafting, the project proponent shall perform a hydrogeological analysis and include appropriate mitigation measures in the proposal.
 - B. In those areas where groundwater quality is susceptible to deterioration or is already of reduced quality, the level of wastewater treatment shall be such that it will not cause further quality deterioration.
2. The Department of Environmental Resources shall identify and require control of point sources for pollutants stored, handled or disposed of on the surface of the soil or in the vadose zone that is located in the zone or aeration immediately above the groundwater level. Potential sources of pollutants to the groundwater may also include high densities of individual on-site sewage

treatment units and/or the use of community package treatment plants. The Department of Environmental Resources shall require the adoption of groundwater monitoring programs for projects where hydrogeological assessments indicate the potential for groundwater deterioration is likely.

3. Stanislaus County shall discourage the use of dry wells as a means of street drainage in urban areas. Dry wells collect and discharge toxic, hazardous and designated contaminants into aquifers having beneficial uses. New projects shall have storm water disposal systems that: (1) are designed not to pollute receiving surface or groundwaters, and (2) which could be integrated into an area-wide groundwater recharge program whenever feasible.
4. Encourage new development to incorporate water conservation measures to minimize adverse impacts on water supplies.
5. Continue to implement the landscape provisions of the Zoning Ordinance, which encourage drought-tolerant landscaping and water-conserving irrigation methods.
6. During the project and environmental review process, encourage new urban development to be served by community wastewater treatment facilities and water systems rather than by package treatment plants or private septic tanks and wells.

POLICY SIX

Preserve natural vegetation to protect waterways from bank erosion and siltation.

IMPLEMENTATION MEASURES

1. Development proposals and mining activities including or in the vicinity of waterways and/or wetlands shall be closely reviewed to ensure that destruction of riparian habitat and vegetation is minimized. This shall include referral to the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, State Department of Fish and Wildlife, and the State Department of Conservation.
2. Continue to encourage best management practices for agriculture and coordinate with soil and water conservation efforts of Stanislaus County Farm Bureau, Resource Conservation Districts, the U.S. Soil Conservation Service, and local irrigation districts.

POLICY SEVEN

New development that does not derive domestic water from pre-existing domestic and public water supply systems shall be required to have a documented water supply that does not adversely impact Stanislaus County water resources.

IMPLEMENTATION MEASURES

1. Proposals for development to be served by new water supply systems shall be referred to appropriate water districts, irrigation districts, community services districts, the State Water Resources Board and any other appropriate agencies for review and comment.
2. Review all development requests to ensure that sufficient evidence has been provided to document the existence of a water supply sufficient to meet the short and long term water needs of the project without adversely impacting the quality and quantity of existing local water resources.

POLICY EIGHT

The County shall support efforts to develop and implement water management strategies.

IMPLEMENTATION MEASURES

1. The County will pursue state and federal funding options to improve water management resources in the County.

2. The Department of Environmental Resources should continue to monitor groundwater quality by reviewing well water chemical and bacterial analysis results for public water systems under the department's supervision and by overseeing investigations involving soil and groundwater contamination.
3. The County will coordinate with water purveyors, private landowners and other water resource agencies in the region on data collection of groundwater conditions and in the development of a groundwater usage tracking system, including well location/construction mapping (within the extent that prevailing law allows) and groundwater level monitoring, to guide future policy development.
4. The County shall promote efforts to increase reliability of groundwater supplies through water resource management tools ranging from surface water protection programs, demand management programs (conservation), continued public education programs, and expanded opportunities for conjunctive use of groundwater, surface water, and appropriately treated wastewater and stormwater reuse opportunities.
5. The County will support and where appropriate help facilitate the formation of an integrated and comprehensive county-wide, and where appropriate regional, water resources management plan which incorporates existing water management plans and identifies and plans for management within the gaps between existing water management plans.
6. The County will cooperate with other pertinent agencies, including cities and water districts, in the preparation and adoption of a groundwater sustainability plan pursuant to the Sustainable Groundwater Management Act (SGMA) and any subsequent legislation. The County will use its regulatory authority, as appropriate, to implement the requirements of the groundwater sustainability plan.
7. The County will obtain the technical information, and develop the planning and policy needs to improve groundwater recharge opportunities and groundwater conditions in the County.
8. As information becomes available, the County will adopt General Plan changes to protect recharge areas and manage land use changes that have an impact on groundwater use and quality.

POLICY NINE

The County will investigate additional sources of water for domestic use.

IMPLEMENTATION MEASURE

1. The County will work with irrigation and water districts, community services districts, municipal and private water providers in developing surface water and other potential water sources for domestic use.

Agricultural Element

OBJECTIVE 3.2 WATER RESOURCES

POLICY 3.4

The County shall encourage the conservation of water for both agricultural, rural domestic, and urban uses.

POLICY 3.6

The County will continue to protect local groundwater for agricultural, rural domestic, and urban use in Stanislaus County.

Noise

Impact NOI-1: Expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies

Findings:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the project alternatives identified in the environmental impact report.

Supporting Evidence:

The County has adopted a number of policies as part of the General Plan and ALUCP update that address this issue. These policies comprise the extent to which the County can feasibly reduce this impact. Noise impacts will result from future, individual development projects. Because the specific design of, location, and noise levels of these developments are not known and cannot be known at this time, the County cannot adopt specific mitigation measures to avoid this impact. Future, individual development projects will be subject to CEQA review and mitigation, but the County cannot guarantee that the future mitigation will fully reduce this impact to a less than significant level in every case.

In addition, County Code Chapter 10.46 (Noise Control) is the county noise ordinance that establishes enforceable maximum allowable noise levels for various land uses. However, although the ordinance sets maximum allowable levels, there may be situations in which a development project that meets those levels nonetheless results in a substantial increase in ambient noise levels in rural areas where such levels are particularly low. That could result in a significant impact.

Noise Element

POLICY ONE

It is the policy of Stanislaus County to utilize the noise exposure information contained within the General Plan to identify existing and potential noise conflicts through the Land Use Planning and Project Review processes.

IMPLEMENTATION MEASURE

1. Areas within Stanislaus County shall be designated as noise-impacted if exposed to existing or projected future noise levels exterior to buildings exceeding the standards in Figure 3 or the performance standards described by Table 4. Maps showing existing and projected future noise exposures exceeding 60 L_{dn} or CNEL for the major noise sources are depicted in Figure 1, Table 1, and are included in Appendix A and B of the Technical Reference Document (2004).

POLICY TWO

It is the policy of Stanislaus County to develop and implement effective measures to abate and avoid excessive noise exposure in the unincorporated areas of the County by requiring that effective noise mitigation measures be incorporated into the design of new noise generating and new noise sensitive land uses.

IMPLEMENTATION MEASURES

1. New development of noise-sensitive land uses will not be permitted in noise-impacted areas unless effective mitigation measures are incorporated into the project design to reduce noise levels to the following levels:
 - a) For transportation noise sources such as traffic on public roadways, railroads, and airports, 60 L_{dn} (or CNEL) or less in outdoor activity areas of single family residences, 65 L_{dn} (or CNEL) or less in community outdoor space for multi-family residences, and 45 L_{dn} (or CNEL) or less within noise sensitive interior spaces. Where it is not possible to reduce exterior noise due to these sources to the prescribed level using a practical application of the best available noise-reduction technology, an exterior noise level of up to 65 L_{dn} (or CNEL) will be allowed. Under no circumstances will interior noise levels be allowed to exceed 45 L_{dn} (or CNEL) with the windows and doors closed in residential uses.
 - b) For other noise sources such as local industries or other stationary noise sources, noise levels shall not exceed the performance standards contained within Table 4.
2. New development of industrial, commercial or other noise generating land uses will not be permitted if resulting noise levels will exceed 60 L_{dn} (or CNEL) in noise-sensitive areas. Additionally, the development of new noise-generating land uses which are not preempted from local noise regulation will not be permitted if resulting noise levels will exceed the performance standards contained within Table 4 in areas containing residential or other noise sensitive land uses.

[TABLE 4. MAXIMUM ALLOWABLE NOISE EXPOSURE – STATIONARY NOISE SOURCES]

	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
Hourly L _{eq} , dBA	55	45
Maximum level, dBA	75	65

Each of the noise level standards specified in Table 4 shall be reduced by five (5) dBA for pure tone noises, noise consisting primarily of speech or music, or for recurring impulsive noises. The standards in Table 4 should be applied at a residential or other noise-sensitive land use and not on the property of a noise-generating land use. Where measured ambient noise levels exceed the standards, the standards shall be increased to the ambient levels.

3. Prior to the approval of a proposed development of noise-sensitive land uses in a noise impacted area, or the development of industrial, commercial or other noise generating land use in an area containing noise-sensitive land uses, an acoustical analysis shall be required. Where required, an acoustical analysis shall:
 - a) Be the responsibility of the applicant.
 - b) Be prepared by a qualified acoustical consultant experienced in the fields of environmental noise assessment and architectural acoustics.
 - c) Include representative noise level measurements with sufficient sampling periods and locations to adequately describe local conditions.
 - d) Include estimated noise levels in terms of L_{dn} (or CNEL) and the standards of Table 4 (if applicable) for existing and projected future (10-20 years hence) conditions, with a comparison made to the adopted policies of the Noise Element.
 - e) Include recommendations for appropriate mitigation to achieve compliance with the adopted policies and standards of the Noise Element.
 - f) Include estimates of noise exposure after the prescribed mitigation measures have been implemented. If compliance with the adopted standards and policies of the Noise Element will not be achieved, a rationale for acceptance of the project must be provided.

4. Projects which through the CEQA review process require an acoustical analysis shall include a monitoring program to specifically implement the recommended mitigation to noise impacts associated with the project.
5. Noise level criteria applied to land uses other than noise sensitive uses shall be consistent with the recommendations of Figure 3: Normally Accepted Community Noise Environments.
6. Stanislaus County shall enforce Sound Transmission Control Standards in the California Administrative Code, Title 25, Section 1092 concerning the construction of new multiple-occupancy dwellings such as hotels, apartments, and condominiums in areas where the existing or projected future noise environment exceeds 60 L_{dn} or CNEL.
7. Replacement of noise-sensitive land uses located in noise-impacted areas which are destroyed in a disaster shall not be considered in conflict with this element if replacement occurs within one year.

POLICY THREE

It is the objective of Stanislaus County to protect areas of the County where noise-sensitive land uses are located.

IMPLEMENTATION MEASURES

1. Require the evaluation of mitigation measures for projects that would cause the L_{dn} at noise-sensitive uses to increase by 3 dBA or more and exceed the normally acceptable level, cause the L_{dn} at noise-sensitive uses to increase 5 dBA or more and remain normally acceptable, or cause new noise levels to exceed the noise ordinance limits (after adoption).
2. Actively enforce the Stanislaus County Noise Control Ordinance to reduce the number of incidents of excessive noise.
3. New equipment and vehicles purchased by Stanislaus County shall comply with noise level performance standards of the industry and be kept in proper working order to reduce noise impacts.
4. Stanislaus County should encourage the California Highway Patrol and local law enforcement officers to actively enforce existing sections of the California Vehicle Code relating to excessive vehicle noise.

POLICY FOUR

It is the objective of Stanislaus County to ensure that the Noise Element is consistent with and does not conflict with other elements of the Stanislaus County General Plan or adopted Airport Land Use Compatibility Plan(s) (ALUCP).

IMPLEMENTATION MEASURES

1. The Noise Element shall be reviewed and updated as necessary to remain consistent with the Land Use and Circulation Elements of the General Plan.
2. The Land Use and Circulation Elements of the General Plan shall be continually reviewed to ensure consistency with the findings and policies of the Noise Element as they relate to the prevention of future noise conflicts.
3. The Noise Element and Land Use Elements of the General Plan shall be reviewed and amended as necessary to ensure consistency with the policies of the Airport Land Use Compatibility Plan(s) (ALUCP) as they relate to the prevention of future noise conflicts.
4. Update the Stanislaus County Noise Control Ordinance as necessary to be consistent with the General Plan and/or adopted Airport Land Use Compatibility Plan(s) (ALUCP).

ALUCP POLICY 3.2.1

Evaluating Noise Compatibility for New Development: The noise compatibility of proposed land uses within the an Airport Influence Area shall be evaluated in accordance with the policies set forth in this section, including the criteria listed in Table 1, Noise Compatibility Criteria and the noise exposure contours depicted on the respective Compatibility Policy Map: Noise for the affected airport (see Maps MOD-2 and OAK-2 [in the ALUCP]).

ALUCP POLICY 3.2.2

Maximum Acceptable Exterior Noise Levels: To minimize noise-sensitive development in noisy areas around an Airport, new land use development shall be restricted in accordance with the following:

- (a) Residential Development and Children's Schools:
 - (1) All new Residential Development and children's schools are deemed incompatible within the projected CNEL 60 dB contour of each airport.
 - (2) The noise compatibility policy maps presented for each airport (Maps MOD-2, and OAK-2 [of the ALUCP]) depict the area within which this restriction applies.
 - (3) Exceptions are also provided for existing residential lots. See Policy 1.4.4 [of the ALUCP].
- (b) Nonresidential Development: New Nonresidential Development is deemed incompatible in locations where the airport-related noise exposure would be highly disruptive to the specific land use. Applicable criteria are indicated in Table 1 [of the ALUCP].

ALUCP POLICY 3.2.3

Maximum Acceptable Interior Noise Levels: To the extent that the criteria in Table 1 [of the ALUCP] and other policies herein permit the development, land uses for which interior activities may be easily disrupted by noise shall be required to comply with the following interior noise level criteria.

- (a) The maximum, aircraft-related, interior noise level that shall be considered acceptable for land uses near airports is:
 - (1) CNEL 45 dB in:
 - Any habitable room of single- or multi-family residences
 - Children's schools (K-12)
 - Libraries
 - Long-term lodging (e.g., dormitories), congregate care facilities, and nursing homes
 - Hotels, motels, and other short-term lodging;
 - Hospitals;
 - Adult educational and institutional facilities;
 - Places of worship, meeting halls, theaters, and mortuaries; and
 - Miscellaneous other uses as listed in Table 1, Noise Compatibility Criteria.
 - (2) CNEL 50 dB in:
 - Offices and office areas of industrial facilities and research and development facilities;
 - Retail centers and stores; and
 - Personal and miscellaneous services.
- (b) The noise contours depicted in Maps MOD-2 and OAK-2 shall be used in calculating compliance with these criteria. The calculations should assume that windows are closed.

- (c) When a proposed building lies within multiple CNEL range zones (e.g., partly in 60-65 dB and partly in 65-70 dB), the higher range zone shall apply for the purposes of determining sound attenuation requirements unless less than 25% of the building floor area is within that zone. In such case, the lower range zone may be used.
- (d) Where Table 1 [of the ALUCP] indicates that buildings associated with a particular land use must be capable of attenuating exterior noise to the specified maximum interior noise level, acoustical data documenting that the structure will be designed to comply with the criterion shall be provided to the Local Agency as part of the building permit process. The Local Agency shall be responsible for assuring compliance.
- (e) Exceptions to the interior noise level criteria in Paragraph (a) of this policy may be allowed where evidence is provided that the indoor noise generated by the use itself exceeds the listed criteria.

ALUCP POLICY 3.2.4

Avigation Easement Dedication Requirements: Dedication of an Avigation Easement is required as a condition for approval of certain proposed development situated within the CNEL 60 dB contour in accordance with Policy 4.1.1 (see Maps MOD-2 and OAK-2 and MOD-5 and OAK-5 [of the ALUCP]).

Recreation

Impact REC-1: Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated

Findings:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the project alternatives identified in the environmental impact report.

Supporting Evidence:

The County has adopted a number of policies as part of the General Plan update that address this issue by setting the standards for subdivision developments to provide parks and recreation facilities. These policies comprise the extent to which the County can feasibly reduce this impact. To the extent that there are existing shortages of parks and recreation facilities, addressing those shortages would require County funding and could not be made requirements of development approvals. This impact will also result from future, individual development projects increasing the demand on existing facilities. Because not all such projects require the approval of subdivision maps, the County's policies will not apply to all future projects. In addition, because some types of development are allowed by right under County codes, the County cannot apply specific mitigation measures to those projects in order to avoid this impact. Future, individual development projects are subject to CEQA review will require mitigation, but the County cannot guarantee that the future mitigation will fully reduce this impact to a less than significant level.

Land Use Element

POLICY TWENTY-THREE

At least three net acres of developed neighborhood parks, or the maximum number of acres allowed by law, should be provided for every 1,000 residents, through land dedication and development, payment of in-lieu-of fees, public facility fees, or other methods acceptable to the Parks Department.

IMPLEMENTATION MEASURE

1. Continue to implement the strategies identified under Goal Four of the Conservation/Open Space Element and listed below.

Conservation/Open Space Element

POLICY TWELVE

Provide a system of local and regional parks which will serve the residents of the County. (Comment: The County should acquire future park sites in areas where growth is planned when funding is available.)

IMPLEMENTATION MEASURES

1. The County shall consider adoption of an amendment to the Subdivision Ordinance to require parkland dedication, park in-lieu fees, public facility fees, or other methods acceptable to the Parks Department, to be paid by subdividers and developers.
2. The Plan shall be comprehensively updated as found necessary by the Board of Supervisors.
3. The County shall consider establishing appropriate funding mechanisms for park operations and maintenance, including benefit assessment districts and County Service Areas (CSAs), with appropriate exemptions included for those landowners that provide open space amenities.
4. The County shall encourage the interconnection of recreational areas, open spaces and parks that are oriented to pedestrian and bicycle travel along public highway rights-of-way, while protecting private property and river corridors, to the greatest extent possible.
5. The County shall require dedication and improvement of parks and open space in accordance with the Stanislaus County Parks Master Plan, as amended from time to time.

POLICY THIRTEEN

Promote the use of water reservoirs for multiple recreational purposes, where appropriate.

IMPLEMENTATION MEASURES

1. The County shall encourage the multiple use of reservoirs as flood control devices, recreational facilities, and wildlife habitats.
2. The County shall, when funds become available, install and maintain boating facilities, where appropriate.
3. The County shall encourage the development of on-site resort services and accessory sales designed to enhance recreational opportunities, where appropriate.

POLICY FOURTEEN

Provide for diverse recreational opportunities such as horseback riding trails, hiking trails, and bikeways.

IMPLEMENTATION MEASURES

1. In areas where appropriate, equestrian facilities may be provided. (The County should consider equestrian facilities when developing new parks. Also, in large land subdivisions where horses are permitted, the County should encourage the development of equestrian facilities.)

2. Bikeways and pedestrian paths shall be considered when constructing or improving the road and street system within the sphere of influence of cities or other urban areas, consistent with the Non-Motorized Transportation Plan adopted by StanCOG.

POLICY FIFTEEN

Coordinate the provision of recreation needs with other providers such as the Army Corps of Engineers, the State Resources Agency, school districts, local cities, river rafters, horse stable operators, and private organizations such as the Sierra Club, and Audubon Society.

IMPLEMENTATION MEASURES

1. The County will pursue various funding options for providing recreational opportunities.
2. The County will assume responsibility for parks, when financially feasible, dedicated to them by state or federal agencies.
3. Prior to the issuance of any building permit on parcels fronting on rivers and streams, it shall be verified that the building site is outside of Army Corps of Engineers easements.
4. An inventory of recreational facilities shall be maintained for use in parks and recreation facilities planning.
5. Proposals to establish new or expanded recreational areas shall be reviewed for consistency with policies of the Safety Element when located within an adopted Airport Influence Area as a means to prevent the creation of potential wildlife strike hazards or other hazards to park users, aviators, and the traveling public.

Traffic

Impact TRA-3: Result in traffic operations below the minimum acceptable thresholds on roadways outside Stanislaus County's jurisdiction (i.e., Caltrans facilities)

Findings:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the project alternatives identified in the environmental impact report.

Supporting Evidence:

The County has adopted a number of policies as part of the General Plan update that address this issue. These policies comprise the extent to which the County can feasibly reduce this impact. This impact will result from future, individual development projects. Because the specific design of, location, and roads affected by these developments are not known and cannot be known at this time, the County cannot adopt specific mitigation measures to avoid this impact. Future, individual development projects will be subject to CEQA review and mitigation, but the County cannot guarantee that the future mitigation will fully reduce this impact to a less than significant level.

Land Use Element

POLICY TWENTY FIVE

Development, other than agricultural uses and churches, which requires discretionary approval and is within the sphere of influence of cities or in areas of specific designation created by agreement (e.g., Sperry Avenue and East Las Palmas Corridors), shall not be approved unless first approved by

the city within whose sphere of influence it lies or by the city for which areas of specific designation were agreed. Development requests within the spheres of influence or areas of specific designation of any incorporated city shall not be approved unless the development is consistent with agreements with the cities which are in effect at the time of project consideration. Such development must meet the applicable development standards of the affected city as well as any public facilities fee collection agreement in effect at the time of project consideration.

IMPLEMENTATION MEASURE

1. All discretionary development proposals within the sphere of influence or areas of specific designation of a city shall be referred to that city to determine whether or not the proposal shall be approved and whether it meets their development standards. If development standards of the city and County conflict, the city's standards shall govern.

Circulation Element

POLICY TWO

The Circulation systems shall be designed and maintained to promote safety by combining multiple modes of transportation into a single, cohesive system.

IMPLEMENTATION MEASURES

4. The County will work with StanCOG and the cities to identify and secure funding for improvements to the regional and local circulation system.
6. The County will work with staff of the nine cities, StanCOG and Caltrans to establish more coordinated standards and routes for Expressways, Majors Principal & Minor Arterials, and Major & Minor Collectors that cross jurisdictional lines.

POLICY FIVE

Transportation requirements shall be considered during planning, design and construction of commercial and industrial development to address safety, mobility and accessibility needs.

IMPLEMENTATION MEASURES

2. Prior to approving new industrial and commercial development, provisions will be made to ensure that roadways providing primary access to these developments from Interstate and State Highways are designed and constructed to the standards necessary to accommodate truck traffic.
3. Industrial and commercial development shall be planned so that truck vehicle access on local roads through residential areas is avoided.

POLICY SEVEN

Bikeways and pedestrian facilities shall be designed to provide safe and reasonable access from residential areas to major bicycle and pedestrian traffic destinations such as schools, recreation and transportation facilities, centers of employment, and shopping areas.

IMPLEMENTATION MEASURE

2. Within the sphere of influence of a city, bikeways and pedestrian facilities and amenities shall be provided in accordance with the applicable city's general plan and development standards.

POLICY NINE

The County shall promote the development of safe inter-city and interregional transportation facilities that more efficiently moves goods and freight within and through the region.

IMPLEMENTATION MEASURE

1. The County will coordinate with the Stanislaus Council of Governments (StanCOG), Caltrans, and other appropriate agencies in the implementation of the Regional Transportation Plan, including the development of a system of State Highways and expressways to allow more efficient people and goods movement.

Impact TRA-6: Result in transportation network changes that would prevent the efficient movement of goods within the county (cumulative impact)

Finding:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the project alternatives identified in the environmental impact report.

Supporting Evidence:

The County has adopted a number of policies as part of the General Plan update that address this issue. These policies comprise the extent to which the County can feasibly reduce this impact. This impact will result from the cumulative demands of future development projects. Demands for goods movement through the horizon year of the General Plan update are uncertain. Because the specific design, location, and goods movement needs of these developments are not known and cannot be known at this time, the County cannot adopt specific mitigation measures to avoid this impact. Future, individual development projects will be subject to CEQA review and mitigation, but the County cannot guarantee that the future mitigation will fully reduce this impact to a less than significant level.

Land Use Element

POLICY TWENTY-NINE

Support the development of a built environment that is responsive to decreasing air and water pollution, reducing the consumption of natural resources and energy, increasing the reliability of local water supplies, and reduces vehicle miles traveled by facilitating alternative modes of transportation, and promoting active living (integration of physical activities, such as biking and walking, into everyday routines) opportunities.

POLICY THIRTY

New development shall be designed to facilitate the efficient extension of public transportation systems.

Circulation Element

POLICY NINE

The County shall promote the development of safe inter-city and interregional transportation facilities that more efficiently moves goods and freight within and through the region.

IMPLEMENTATION MEASURE

1. The County will coordinate with the Stanislaus Council of Governments (StanCOG), Caltrans, and other appropriate agencies in the implementation of the Regional Transportation Plan, including the development of a system of State Highways and expressways to allow more efficient people and goods movement.

Impact TRA-8: Create additional vehicle, bicycle, or pedestrian travel on roadways or other facilities that do not meet current county design standards

Finding:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the project alternatives identified in the environmental impact report.

Supporting Evidence:

The County has adopted a number of policies as part of the General Plan update that address this issue. These are intended to ensure that future development will meet county design standards and improve roadways that currently do not meet standards in order to reduce this impact. However, this cannot guarantee that all existing facilities deficiencies can be rectified.

The Stanislaus County Council of Governments' adopted Non-Motorized Transportation Master Plan (2013) identifies the County's priority bicycle and pedestrian facilities. The Master Plan estimates that the total future funding need for new bicycle infrastructure in Stanislaus County is approximately \$118 million. The Master Plan estimates that the total funding need for first tier priority projects alone is approximately \$19.3 million.

Land Use Element

POLICY TWENTY-NINE

Support the development of a built environment that is responsive to decreasing air and water pollution, reducing the consumption of natural resources and energy, increasing the reliability of local water supplies, and reduces vehicle miles traveled by facilitating alternative modes of transportation, and promoting active living (integration of physical activities, such as biking and walking, into everyday routines) opportunities.

IMPLEMENTATION MEASURES

1. County development standards shall be evaluated and revised, as necessary, to facilitate development incorporating the following (or similar) design features:
 - Alternative modes of transportation such as bicycle lanes, pedestrian paths, and facilities for public transit;
 - Alternative modes of storm water management (that mimic the functions of nature); and
 - Pedestrian friendly environments through appropriate setback, landscape, and wall/fencing standards.

Circulation Element

POLICY THREE

The County's Capital Improvement Program (CIP) shall be consistent with the General Plan. Section 65103(c) of the California Government Code states that the Capital Improvement Program shall be periodically reviewed. This review ensures that capital improvements are coordinated with land use policies stated in the General Plan.

IMPLEMENTATION MEASURE

3. Roadway, bicycle, pedestrian, and transit, and aviation improvements shall be included in the Capital Improvement Program, as appropriate, to implement the policies of this element.

POLICY SIX

The County shall strive to reduce motor vehicle emissions and vehicle miles traveled (VMT) by encouraging the use of alternatives to the single occupant vehicles.

IMPLEMENTATION MEASURES

1. The use of alternative modes of transportation will continue to be encouraged by participating in programs to promote walking, bicycling, ridesharing, and transit use for commuting and recreation.
2. The County will continue to work with StanCOG, Caltrans, and the cities to identify and secure funding for the development and improvement of bikeways, pedestrian pathways, park-and-ride facilities, transit systems, and other alternatives to the single-occupant vehicles.
5. Applicants will construct or pay the cost of new pedestrian pathways, bikeways, rideshare facilities, transit amenities, and other improvements necessary to serve the development and to mitigate impacts to the existing circulation system caused by the development.

POLICY SEVEN

Bikeways and pedestrian facilities shall be designed to provide safe and reasonable access from residential areas to major bicycle and pedestrian traffic destinations such as schools, recreation and transportation facilities, centers of employment, and shopping areas.

IMPLEMENTATION MEASURES

1. Bikeways shall be considered and implemented in accordance with the StanCOG Regional Bicycle Action Plan Non-Motorized Transportation Plan (20092013, StanCOG) and adopted Community Plans or Specific Plans when constructing or improving the roadway system in the unincorporated area outside the spheres of influence of the cities.
2. Within the sphere of influence of a city, bikeways and pedestrian facilities and amenities shall be provided in accordance with the applicable city's general plan and development standards.
3. Facilities to safely move, and support the use of, bicycles, pedestrians, transit and ridesharing shall be considered and implemented in all new development and roadway construction.
5. To safely accommodate bicycle traffic, adequate pavement shoulder and/or striping shall be planned and implemented for Expressways, Major, and Collector roads, and, in agricultural areas, on Local roads when constructing new roadways or implementing major rehabilitation projects in accordance with the County Standards and Specifications, the Caltrans Highway Design Manual, or other nationally recognized standard.
6. Whenever a roadway is resurfaced or restored, adequate pavement shoulder and/or striping will be considered to safely accommodate bicycle travel in accordance with the County Standards and Specifications, the Caltrans Highway Design Manual, or other nationally recognized standard, where adequate right-of-way exists.

7. Federal funds, special grants, and other sources of funding shall be pursued for the development and improvement of bikeways and pedestrian pathways.

Utilities and Service Systems

Impact UTL-2: Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects

Finding:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the project alternatives identified in the environmental impact report.

Supporting Evidence:

The County has adopted a number of policies as part of the General Plan update that address this issue. These policies comprise the extent to which the County can feasibly reduce this impact. This impact will result from future facilities that are not planned or programmed at this time. These projects will be subject to CEQA review and will require mitigation. However, the location, design, and environmental impacts of these facilities cannot be known at this time and therefore the County cannot guarantee that the future mitigation will fully reduce this impact to a less than significant level.

Land Use Element

POLICY FOUR

Urban development shall be discouraged in areas with growth-limiting factors such as high water table or poor soil percolation, and prohibited in geological fault and hazard areas, flood plains, riparian areas, and airport and private airstrip hazard areas unless measures to mitigate the problems are included as part of the application.

POLICY SIX

Preserve and encourage upgrading of existing unincorporated urban communities.

POLICY TWELVE

The expansion of urban boundaries of unincorporated communities shall attempt to minimize conflict between various land uses.

POLICY TWENTY-FOUR

Future growth shall not exceed the capabilities/capacity of the provider of services such as sewer, water, public safety, solid waste management, road systems, schools, health care facilities, etc.

POLICY TWENTY-EIGHT

The County shall support a County-wide growth management strategy that is equitable to the needs of the County and all nine cities, taking into consideration land consumption and absorption rates.

Conservation/Open Space Element

POLICY THREE

Areas of sensitive wildlife habitat and plant life (e.g., vernal pools, riparian habitats, flyways and other waterfowl habitats, etc.) including those habitats and plant species listed in the General Plan Support Document or by state or federal agencies shall be protected from development and/or disturbance.

IMPLEMENTATION MEASURES

1. Review all development requests to ensure that sensitive areas (e.g., riparian habitats, vernal pools, rare plants, flyways, etc.) are left undisturbed or that mitigation measures acceptable to appropriate state and federal agencies are included in the project.
3. All discretionary projects that will potentially impact riparian habitat and/or vernal pools or other sensitive areas shall include mitigation measures for protecting that habitat.
6. Any ground disturbing activities on lands previously undisturbed that will potentially impact riparian habitat and/or vernal pools or other sensitive areas shall include mitigation measures for protecting that habitat, as required by the State Department of Fish and Wildlife.

POLICY SEVEN

New development that does not derive domestic water from pre-existing domestic and public water supply systems shall be required to have a documented water supply that does not adversely impact Stanislaus County water resources.

IMPLEMENTATION MEASURES

1. Proposals for development to be served by new water supply systems shall be referred to appropriate water districts, irrigation districts, community services districts, the State Water Resources Board and any other appropriate agencies for review and comment.
2. Review all development requests to ensure that sufficient evidence has been provided to document the existence of a water supply sufficient to meet the short and long term water needs of the project without adversely impacting the quality and quantity of existing local water resources.

POLICY ELEVEN

In areas designated "Agriculture" on the Land Use Element, discourage land uses which are incompatible with agriculture.

IMPLEMENTATION MEASURE

1. All development proposals that require discretionary approval shall be reviewed to ensure that the project will not adversely affect an existing agricultural area.

POLICY SIXTEEN

Discourage development on lands that are subject to flooding, landslide, faulting or any natural disaster to minimize loss of life and property.

IMPLEMENTATION MEASURES

5. The County shall utilize the California Environmental Quality Act (CEQA) process to ensure that development does not occur that would be subject to natural disasters.
6. Development proposals shall be reviewed for conformance with all applicable Hazard Mitigation Plans and consistency with policies of the Safety Element.

POLICY NINETEEN

The County will strive to accurately determine and fairly mitigate the local and regional air quality impacts of proposed projects.

IMPLEMENTATION MEASURE

1. Require all development proposals, where appropriate, to include reasonable air quality mitigation measures.

POLICY TWENTY-FOUR

The County will support the preservation of Stanislaus County's cultural legacy of archeological, historical, and paleontological resources for future generations.

IMPLEMENTATION MEASURES

5. The County shall utilize the California Environmental Quality Act (CEQA) process to protect archaeological, historic, or paleontological resources. Most discretionary projects require review for compliance with CEQA. As part of this review, potential impacts must be identified and mitigated.
6. The County shall make referrals to the Office of Historic Preservation and the Central California Information Center as required to meet CEQA requirements.

POLICY EIGHTEEN

The County will promote effective communication, cooperation and coordination among agencies involved in developing and operating local and regional air quality programs.

IMPLEMENTATION MEASURES

1. Refer discretionary projects under CEQA review to the San Joaquin Valley Air Pollution Control District (SJVAPCD), neighboring jurisdictions and other affected agencies for review and comment.
2. Work with other agencies in the San Joaquin Valley to establish coordinated air quality programs and implementation measures.

POLICY NINETEEN

The County will strive to accurately determine and fairly mitigate the local and regional air quality impacts of proposed projects.

IMPLEMENTATION MEASURES

1. Require all development proposals, where appropriate, to include reasonable air quality mitigation measures.
2. Minimize case-by-case analysis of air quality impacts through the use of standard criteria for determining significant environmental effects, a uniform method of calculating project emissions, and standard mitigation methods to reduce air quality impacts.

POLICY TWENTY-NINE

Habitats of rare and endangered fish and wildlife species, including special status wildlife and plants, shall be protected.

IMPLEMENTATION MEASURE

1. The County shall utilize the California Environmental Quality Act (CEQA) process to ensure that development does not occur that would be detrimental to fish, plant life, or wildlife species.

POLICY THIRTY-ONE

New construction by the County shall meet or exceed code requirements for energy conservation.

IMPLEMENTATION MEASURES

1. New County facilities should be designed to maximize energy efficiency.
2. Existing County facilities should be made to maximize energy efficiency where it is found to be economically reasonable.

Impact UTL -5: Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments

Finding:

Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the project alternatives identified in the environmental impact report.

Supporting Evidence:

This impact addresses the situation where a service provider has adequate capacity to serve new development, but would need to upgrade its existing facilities. The upgrades may result in significant unavoidable impacts similar to those resulting from construction of new facilities. The County has adopted a number of policies as part of the General Plan update that address this issue (see the Policies and Implementation Measures listed above for Impact UTL-2). As with Impact UTL-2, there is insufficient information about future facilities to develop effective mitigation measures at this time or to state with confidence that future environmental impacts can be mitigated to a less than significant level.

III. Findings Regarding the Project Alternatives

As required by CEQA, the EIR includes a discussion of possible alternatives to the Project. In addition to the No-Project Alternative, the EIR examined a Reduced Developable Area Alternative. With adoption of the Project, the Board makes the following findings to support its rejection of the No-Project and Reduced Developable Area alternatives.

Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The CEQA Guidelines defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors." (CEQA Guidelines Section 15364) The concept of "feasibility" also encompasses the question of whether a particular alternative promotes the underlying objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) "[F]easibility' under CEQA also encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.)

Alternative 1. No Project Alternative

Under this alternative, the proposed amendments to the General Plan and ALUCP would not be made. As a result, these plans would not meet statutory requirements for completeness.

Finding:

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the project alternatives identified in the environmental impact report.

Supporting Evidence:

The No Project alternative would retain the existing General Plan without change and therefore would not meet the Project objectives. Under the No Project alternative, the General Plan would not include the subject content required under the Planning and Zoning Law (Government Code Section 65300, et seq.). As a result, the General Plan would not meet its legal responsibilities under the Planning and Zoning Law.

Alternative 2. Reduced Developable Area Alternative

This alternative would reduce the area designated for urban or residential use in comparison to the General Plan update. There are undeveloped areas in the unincorporated communities of Del Rio, Denair, Keyes, and Westley. Alternative 2 would include all of the proposed amendments to the General Plan and ALUCP, but would add new policies to each of these community plans to restrict new residential development projects on all vacant, agriculturally zoned lands to the residential use allowed in the particular agricultural zone. This would effectively preclude large scale residential subdivisions and limit development to single-family residences on lots meeting the minimum parcel size.

Finding:

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the project alternatives identified in the environmental impact report.

Supporting Evidence:

A fundamental objective of the General Plan update is to make its revisions while limiting changes to the land use diagram to a minimum. Alternative 2 would require substantial changes to the land use diagrams of the Del Rio, Denair, Keyes, and Westley Community Plans. Further, development in these communities is already limited by operation of countywide Measure E of 2008, which prohibits the re-designation of land designated for agricultural use to a residential use unless approved by voters at a countywide election. These two concerns argue against the selection of this alternative and are the reason for its rejection.

IV. Statement of Overriding Considerations

The Final EIR for the Project concluded that there would be several significant and unavoidable environmental impacts, as described above. Pursuant to CEQA Guidelines Section 15093, if it is to approve the Project, the Board must adopt a Statement of Overriding Consideration describing the Project's economic, legal, social, technological or other benefits. The following Statement of Overriding Considerations describes the specific Project benefits that outweigh its significant, unavoidable impacts.

The Board finds that the following Project benefits outweigh the significant impacts identified above in the findings.

The Project ensures the continued legal adequacy of the County General Plan. The update of the general plan incorporates current requirements of State law related to planning issues including, but not limited to, the following statutes listed in reverse chronological year of passage:

- 2003 Assembly Bill (AB) 170 – Air Quality and Land Use
- 2003 AB 32 – greenhouse gas reduction
- 2007 SB 375 – Sustainable Communities Strategy
- 2007 AB 162/SB/AB 5 – 200-year flood plain protection
- 2011 AB 359 – groundwater recharge mapping
- 2011 SB 244 – Disadvantaged Unincorporated Communities
- 2011 AB 26 – dissolution of redevelopment agencies
- 2012 SB 1241 – Safety Element and fire hazard impacts
- 2014 AB 1739 – groundwater management
- 2015 AB 52 – protections for tribal cultural and archaeological resources
- 2015 SB 379 – Safety Element, Local Hazard Mitigation Plan, and climate adaptation and resiliency strategies

The Project will enable the County to undertake its responsibilities that are dependent upon General Plan consistency, including consideration of zoning and subdivision map applications (Government Code Sections 65860 and 66474, respectively) and its capital improvements program (Government Code Section 65401), with a degree of confidence that the General Plan meets all applicable statutory requirements for content.

The Project also ensures the legal adequacy of the ALUCP by ensuring consistency with the general plan; incorporating the requirements of the California Department of Transportation's (Caltrans') *Airport Land Use Planning Handbook*; and reflecting new information relating to noise contours, safety zones, airspace protection zones, overflight areas, and current provisions of the pertinent city general plans.