



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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MEMO TO: Stanislaus County Planning Commission
FROM: Department of Planning and Community Development
SUBJECT: **GENERAL PLAN AMENDMENT APPLICATION NO. PLN 2014-0051
STANISLAUS COUNTY GENERAL PLAN UPDATE**

RECOMMENDATION

Based on the discussion below and on the whole of the record provided to the County, staff is requesting that the Planning Commission provide a recommendation of approval of General Plan Amendment Application No. PLN2014-0051 – Stanislaus County General Plan Update, including certification of the Final Environmental Impact Report, as presented in this staff report. If the Planning Commission decides to provide a recommendation of approval, Exhibit A, provides an overview of all of the findings required for project approval.

All amendments being recommended for approval are reflected in Exhibit C – *Draft Stanislaus County General Plan Update – Bold and Strikeout*, which shows all proposed text additions in **bold** and all proposed text deletions in ~~strikeout~~.

PROJECT DESCRIPTION

Stanislaus County proposes to update its General Plan to extend the 20-year planning horizon to 2035 and reflect the population projections adopted by the Stanislaus Council of Governments for the 2014 Regional Transportation Plan/Sustainable Communities Strategy, which projects that by the year 2035 the population of Stanislaus County will reach 721,582, with a projected 21.3% change in population from 2010 to 2035 in the unincorporated area. The projected 2035 population for the unincorporated area is 133,763. An update to the Airport Land Use Compatibility Plan (ALUCP) has also been processed in tandem with the General Plan Update. The ALUCP is a plan that sets up standards for compatibility for all public use airports in Stanislaus County, which currently consist of the Modesto/County and Oakdale airports. A Final Environmental Impact Report (FEIR), covering both the General Plan Update and the ALUCP, has been prepared for the purposes of environmental analysis.

The FEIR consists of: the Draft EIR (DEIR); comments and recommendations received on the DEIR; a list of persons, organizations, and public agencies commenting on the DEIR; responses of the Lead Agency of significant environmental points raised in the review and consultation period; and any other information added by the lead agency. (See Exhibit D – Final Environmental Impact Report – Stanislaus County General Plan Update and Airport Land Use Compatibility Plan Updates)

The essential goal of the project is to update the Stanislaus County General Plan and ALUCP. This is represented by the following objectives, as outlined in Chapter Four, Section 4.1 - *Project Objectives*, page 4-1 of the DEIR (Exhibit D).

To comprehensively review and amend the general plan to incorporate current requirements of State law related to planning issues.

- To avoid making changes to the General Plan Land Use Diagram.
- 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 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.

The project being presented for Planning Commission consideration includes only the certification of the FEIR and adoption of the proposed General Plan Update. As lead agency, the Board of Supervisors will act to certify the FEIR which will be utilized for adoption of the General Plan Update and ALUC for adoption of the ALUCP. The ALUC will consider adoption of the ALUCP at a separate public hearing to be scheduled after the Board of Supervisors certification of the FEIR.

The discussion in this report will focus on the proposed updates to the General Plan and the FEIR, including any environmental comments related to the ALUCP. A discussion on the entire ALUCP update, both environmental and non-environmental issues, will be provided when the item is considered for adoption by the ALUC. A draft of the ALUCP Update is available for review at <http://www.stancounty.com/planning/pl/act-proj/gp-update.shtm>.

PROJECT LOCATION

The proposed General Plan Update will apply county-wide, with the exception of the incorporated cities and state or federal lands.

PROCESS

The Planning Department contracted with the consulting firm Jones and Stokes, now ICF International (ICF), for the update of the General Plan and ALUCP, and for the development of an EIR, in February of 2010. The contract included two sub-contractors: Fehr and Peers, traffic consultant, and Mead and Hunt, airport land use consultant. Development of language and policy updates involved ongoing consultation with the Stanislaus County General Plan Update Committee, Stanislaus County Agricultural Advisory Board, Airport Technical Committee, and various County Departments. ICF prepared a number of technical memos which guided proposed changes to general plan and airport land use goals, policies, and implementation measures. On February 6, 2014, a joint workshop for the Planning Commission and ALUC was held to provide an overview of the project. In April of 2014, a Notice of Preparation (NOP) was distributed and a series of public meetings were held throughout the County to elicit public input. The Notice of Availability (NOA) of the DEIR was circulated for the required 45-day public review period, from April 19, 2016 to June 3, 2016. Fourteen comments were received and

addressed within the FEIR. The project was also circulated to all seven Municipal Advisory Councils (MACs) with an offer for county staff to make a presentation on the project. The Salida MAC was the only MAC to request a presentation. In June of 2016, presentations on the project were made to the Salida MAC and the Stanislaus County Agricultural Advisory Board.

Section 65351 of the California Government Code requires that during the preparation or amendment of a general plan, the planning agency shall provide opportunities for the involvement of citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups, through public hearings and any other means the planning agency deems appropriate. All required agencies, and many additional stakeholders, were notified of the General Plan Update during both the NOP and NOA process. As required by California State law, the draft Safety Element of the General Plan was also circulated to the California Board of Forestry for the required 90-day review period from August 18, 2015 to November 16, 2015.

DISCUSSION

The General Plan Update is limited to revisions of the land use, circulation, conservation/open space, noise, safety, and agricultural elements. The update does not include changes to the General Plan Land Use Diagram, but rather is a “clean-up” of the General Plan to incorporate changes in State law and local standards, such as Senate Bill (SB) 375 (sustainable communities strategy), SB 5 (floodplains), Assembly Bill 359 (groundwater mapping), and SB 244 (disadvantaged communities). The update also includes changes in agency names, structures, and responsibilities, changes in local codes, standards, and management plans, minor language and formatting revisions, changes to ensure consistency with the ALUCP, and a number of policy enhancements (described in more detail in the Summary of Changes Section of this report). Existing support documentation was also incorporated into the text of each element.

Below is a summary of the general purpose of each general plan element (Section 65302 California Government Code):

Land Use Element

The Land Use Element is a required element intended to designate the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land.

Circulation Element

The Circulation Element is a required element which consists of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the Land Use Element of the plan.

Conservation/Open Space Element

The Conservation Element is a required element which considers the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources.

The Open-Space Element is a required element which considers the preservation of natural, archeological, paleontological, historical, and recreational resources, managed production of resources, and open space for the purpose of public health and safety. Although inclusion of each of these elements is a distinct requirement, State Law allows them to be combined, as is the case with the Stanislaus County General Plan.

Noise Element

A Noise Element is a required element which analyzes and quantifies, to the extent practicable, current and projected noise levels for highways and freeways, primary arterials and major local streets, passenger and freight online railroad operations and ground rapid transit systems, commercial, general aviation, heliport, helistop, and military, airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation, local industrial plants, including, but not limited to, railroad classification yards, other ground stationary noise sources, including, but not limited to, military installations, identified locally as contributing to the community noise environment.

Safety Element

A Safety Element is a required element which considers the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure, slope instability leading to mudslides and landslides, subsidence, liquefaction, or other seismic hazards, and other locally recognized geologic hazards known, flooding, and wildland and urban fires.

Agricultural Element

The Agricultural Element of the General Plan is an optional element, voluntarily included in the Stanislaus County General Plan, the purpose of which is to promote and protect local agriculture. The County's first Agricultural Element was adopted in April of 1992. The Agricultural Element was added to the County General Plan in recognition of the importance of agriculture to our local economy. Most recently, the Agricultural Element underwent a comprehensive update and was adopted in its present form by the Board of Supervisors in December of 2007.

Housing Element

The Housing Element is a required element of the General Plan, which is updated through a separate process, the timing of which is designated by the California Department of Housing and Community Development (HCD). The fifth cycle update of the Stanislaus County Housing Element was most recently adopted by the Board of Supervisors on April 5, 2016 and was subsequently certified by HCD on April 27, 2016. The Housing Element is not required to be updated for the sixth cycle until April 2024.

GENERAL PLAN UPDATE - SUMMARY OF CHANGES

Below is a summary of the goal, policy, and implementation measure amendments proposed in the General Plan Update by element. The draft General Plan can be viewed in its entirety in Exhibit C – *Draft Stanislaus County General Plan Update – Bold and Strikeout*, which shows all proposed text additions in **bold** and all proposed text deletions in ~~strikeout~~.

Land Use Element

- Updated policies and implementation measures regarding unincorporated urban communities.
 - Updated language within the Land Use Element to reflect the elimination of redevelopment agencies throughout the state of California, including the Stanislaus County Redevelopment Agency.
 - Added new implementation measures and amended existing implementation measures to encourage the upgrading of services for existing communities, including supporting the establishment of “self-help” programs, and to ensure adequate and effective levels of public services for new development.
 - Clarified existing implementation measures which address the circumstances under which connecting to existing public water/waste water systems is required.
 - Identifies the infrastructure needs of “disadvantaged communities”, through inclusion of a Stanislaus County Disadvantage Unincorporated Communities Report included as a separate document of the element.
- Updated policies and implementation measures regarding economic development.
 - Added new policy and implementation measure regarding supporting efforts to direct economic development and job creation centers towards cities, while also considering approval of centers in unincorporated areas of unique character and proximity to transportation infrastructure.
 - Added a new implementation measure which encourages reuse of the Crows Landing Air Facility as a regional jobs center.
- Updated policies and implementation measures regarding complementing the general plans of cities within the county.
 - Amended existing implementation measures and added new implementation measures, which encourages coordination with cities to identify opportunities to develop uniform development standards in city spheres and along all major county defined gateways to cities and to formally acknowledge agreements.
 - Added new policy and implementation measures to encourage participation in developing a county-wide growth management strategy.
 - Added new policy and implementation measure to require development which requires discretionary approval located within one mile outside of a city’s adopted sphere of influence boundary and within a city’s adopted general plan area, to be referred out to the city for consideration. However, the County reserves the right for final discretionary action.
- Added new policy and implementation measures regarding promoting and protecting healthy living environments, including encouraging development that:
 - Decreases air and water pollution;
 - Reduces the consumption of natural resources and energy;
 - Increases the reliability of local water supplies;
 - Facilitates alternative modes of transportation;
 - Promotes active living; and
 - Promotes the extension of public transportation systems and efforts to improve the siting of local health care options.

- Added new policy and implementation measure addressing the compatibility of outdoor lighting with other uses.
- Cleaned up community plan language and incorporated all Community Plans as separate Appendices within the Land Use Element.

Circulation Element

- Revised “Road Classification” terminology to be consistent with the US Department of Transportation, Federal Highway Administration’s (FHWA) naming standards.
- Minor changes were made to Figure II-1 Circulation Diagram, including the downgrade of Dakota Avenue from a Principal Arterial (OPA) to a Major Collector (MJC). The North County Corridor and South County Corridor proposed alignments were also added to the Circulation Diagram. A number of other roadways were downgraded as summarized below. The downgrading of a roadway primarily means a reduction in the width of the ultimate right-of-way.
 - Santa Fe Avenue;
 - Milnes: Albers west to Crossroad;
 - 26 Mile Road: from Hwy 120 to Milton;
 - River Road: Hwy 120 to Cleveland;
 - All roadways around and through City of Newman, except for Stuhr/Hills Ferry/Hwy 33;
 - Morse Road;
 - Sawyer Road: River Rd to Hwy 120; and
 - Crane Rd: Hwy 108 to North end.
- Updated tables to be consistent with the Department of Public Works Standards and Specifications including:
 - Table II-1 Roadway Segment Levels of Service (LOS) Criteria;
 - Table II-2 Rural Local Minor Collector Roadways Requiring at Least 80 Feet of Right-Of-Way;
 - Table II-3 Functional Classifications – Typical Roadway Characteristics;
 - Table II-4 Official Plan Lines; and
 - Table II-5 Special Study Areas.
- Updated data on sections regarding public transit, rail service, freight, and aviation.
- Added language, amended policies, and added new and revised implementation measures to emphasize that the Circulation Element applies to all modes of transportation, which must be considered in any traffic impact study prepared for a project. New implementation measures added that require a strategic plan to be prepared to identify areas to which new multi-modal transportation guidelines will apply, that require consideration of public transit and multi-modal transportation in development projects, and that focus on a safe, comprehensive, and coordinated transportation system, which considers a broad range of transportation modes.
- Added an implementation measure which requires development to identify and mitigate all operations and safety impacts to the circulation system.

Amended an implementation measure and added an implementation measure to encourage reciprocal access easements and shared driveways.

- Added an implementation measure to encourage development with multiple points of ingress and egress to aid in traffic flow and the accessibility of multiple modes of transportation.
- Added an implementation measure to promote the transformation of major transportation corridors which are attractive, safe, and comfortable for pedestrians.
- Amended an existing implementation measure regarding the Congestion Management Process to identify alternative strategies such as travel demand management (TDM), traffic operational improvements, public transit options, Intelligent Transportation System (ITS), Non-motorized alternatives (bicycle and pedestrian), and smart growth alternative land use strategies as alternatives to manage congestion.
- Added a new goal, policy, and implementation measures regarding alternatives to on-site parking requirements.
- Amended acceptable Level of Service on roadway segments from a “C” to a “D”.
- Added language, amended policy, and added a new implementation measure regarding a focus on safety and vehicle miles traveled to reflect changes to State law (CA Senate Bill 743).
- Incorporated existing support documentation, including information on water, pipe, and utility conveyance systems, into the element.

Conservation/Open Space Element

- Added language and implementation measures to ensure consistency between the ALUCP and the General Plan, including measures that require ALUC review of projects located in the adopted Airport Influence Area to reduce conflicts between open space, parks, recreation, conservation or nature preserve areas, and Airport Influence Zones.
- Added a new implementation measure which considers adoption of natural scenic vistas.
- Amended an existing policy and added a new implementation measure requiring any ground disturbing activities on lands previously undisturbed to mitigate impacts to riparian habitat and vernal pools.
- Added and amended implementation measures to reference the Stanislaus County Parks Master Plan, the Stanislaus Council of Government’s Non-Motorized Transportation Plan, and all applicable Hazard Mitigation Plans, to ensure general plan consistency with local plans.
- Amended existing policies and added and amended implementation measures to support the development and implementation of water management strategies including measures to:
 - Coordinate with water purveyors, private landowners and other water resource agencies in the region on data collection of groundwater conditions;

Promote efforts to increase reliability of groundwater supplies through water resource management tools;

- Support and where appropriate help facilitate the formation of an integrated and comprehensive county-wide, and where appropriate regional, water resources management plan;
 - 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);
 - Obtain the technical information, and develop the planning and policy needs to improve groundwater recharge opportunities and groundwater conditions in the County; and
 - Adopt General Plan changes to protect recharge areas and manage land use changes that have an impact on groundwater use and quality, as information becomes available.
- Added an implementation measure to encourage the development of resort services and recreational development within water reservoirs, where appropriate.
 - Added and amended implementation measures regarding solid waste management, including the evaluation of recycling facilities that receive waste materials diverted from landfills or transformation facilities for compatibility with surrounding land uses.
 - Incorporated existing support documentation, including information on fish and wildlife inventory, parks and trails, and historic and cultural sites, into the element.

Noise Element

- Updated language, terminology, and data, and added and amended implementation measures to ensure consistency with the updated Circulation Element, the updated ALUCP, and the Stanislaus County Noise Control Ordinance.
- Added a new implementation measure which requires active enforcement of the Noise Ordinance to reduce the number of incidents of excessive noise.
- Incorporated the 2005 Technical Reference Document into the element, previously included in the support documentation of the Noise Element, which provides a source for existing noise measurements; including a summary of long-term and short-term measurements and noise contour distances for major railroads.

Safety Element

- Incorporated existing support documentation and data and maps from the environmental impact report prepared for the project, and from the Stanislaus County Multi-Jurisdictional Hazardous Mitigation Plan (MJHMP) regarding seismic and geological hazards, dam inundation, flood hazards, fire hazards, hazardous materials, airports, and other safety hazards. Included a summary of the MJHMP, and incorporated references to the MJHMP throughout the element.
- Added information into the introduction regarding climate adaptation to be consistent with State law requirements for Safety Element content.

Added an implementation measure which requires completion of an ordinance amendment to address the Urban Level of Flood Protection 2007 Flood Protection Bill Package (AB 162/SB/AB 5) which is designed to protect development within 200 year flood plain located within urban areas (over 10,000 in population) based on best available mapping.

- Amended implementation measures to promote the design of the built environment to allow for surveillance of publically accessible areas and crime prevention through design
- Incorporated references to emergency access and evacuation routes, State Responsibility Areas (SRAs), Very High Fire Severity Zones, adopted fire code, local fire agencies, local strategic fire plans, state fire standards, and other codes in response to a comment letter provided by the California Department of Forestry.
- Added an implementation measure to consider the adoption of safety hazard overlay zones for the purpose of alerting property owners to restrictions relating to safety hazards.
- Added an implementation measure to require air strip easements to restrict development on neighboring properties.
- Amended existing policy and implementation measures regarding the development standards (height, markings, and location) for communication and wind power facilities within the agricultural area to ensure safety and compatibility with existing standards and uses.
- Incorporated references to the ALUCP for the purposes of general plan consistency.

Agricultural Element

- Updated objective and added implementation measures related to protecting food safety and supporting grower's rights to utilize the widest range of newest available technologies.
- Added an implementation measure to encourage alternative energy sources provided it is not located on land considered to be the most productive agricultural areas.
- Clarified that in addition to agricultural and urban uses, water policies also apply to rural uses.
- Added implementation measure encouraging the use of appropriately treated water for agricultural and urban irrigation.
- Added policy and implementation measure relating to the protection of groundwater for agricultural, rural domestic, and urban use in Stanislaus County, including implementation of the existing groundwater ordinance to ensure the sustainable supply and quality of local groundwater.
- Added definition for "Prime Agricultural Land" to be consistent with the Stanislaus County Williamson Act Uniform Rules.

COMMENTS RECEIVED

The DEIR for the Stanislaus County General Plan and ALUCP Updates was circulated for the required 45-day public comment period from April 19, 2016 to June 3, 2016. Comments were received from the following agencies and County resident:

1. California Department of Transportation, District 10
2. California Department of Transportation, Division of Aeronautics
3. Chevron USA
4. City of Ceres
5. City of Modesto
6. City of Turlock
7. Central Valley Regional Water Quality Control Board
8. Del Puerto Health Care District
9. Stanislaus LAFCO
10. Ryan Thornberry, for River Oaks Golf Course
11. Mark Boone, Salida Resident
12. San Joaquin County Public Works
13. San Joaquin Valley Air Pollution Control District (SJVAPCD)
14. Stanislaus County Environmental Review Committee.

The issues brought forth within each comment letter have been evaluated in terms environmental significance and in terms of technical amendments needed to the draft documents for clarification purposes. Responses to all comments received are included in the FEIR (See Exhibit D). The discussion below includes a summary of only those comments specific to the DEIR and/or General Plan Update. All other comments received were either “no comments” or informational in nature or included minor text amendments or were non-environmental ALUCP specific. Non-environmental ALUCP specific comments will be addressed by the ALUC in considering the adoption of the ALUCP.

City Of Modesto

Comments: The City of Modesto’s response letter requested clarification on the Circulation Diagram of which roadways are designated rural vs. urban Principal Arterials and when Principal Arterials will have limited or partially limited access. The comment letter further identified concerns with providing access to abutting properties along Principal Arterials.

Response: Principal Arterials may be urban or rural, which is defined by the environment, and may be either four or six lanes. No distinction is provided in the Circulation Diagram, as the right-of-way dedications are the same for all four cross-sections. The number of lanes will be determined on a per project basis. Page 2-8 of the Draft Circulation Element, under the summary of Principal Arterials (Chapter Two of Exhibit C – Draft *Stanislaus County General Plan Update – Bold and Strikeout*) describes that the number of lanes that are required will be determined at project build time for the 20-year design life of the roadway. This section continues on to define when Principal Arterials will be partially access-controlled or limited access-controlled as summarized below:

- (1) *Partially access-controlled Principal Arterial roadways, formerly identified as “Class B” Expressway (See Figure II-2 – Previous Expressway Access Classes), are traffic-controlled intersections at Principal and Minor Arterials. Collectors and Locals are permitted right-in, right-out access only at 1/4- to 1/2-mile intervals.*

- (2) *Limited access-controlled Principal Arterial roadways, formerly identified as a “Class C” Expressway (See Figure II-2 – Previous Expressway Access Classes), with are traffic-controlled intersections at Expressways and Principal or Minor Arterials. Intersections at Collectors and Locals may or may not be controlled by a traffic signal.*

In response to the City of Modesto’s letter, the title and reference to Circulation Element Figure II-2 has been updated to clarify where vehicular access is partially limited and where it is limited. The main objective for roadways that are defined as Principal Arterials is mobility, but it must be noted that reasonable access is allowed to all properties. All properties are allowed one vehicular access point from adjacent roadways. Freeways and Expressways are the only classifications with prohibited property access. It is expected that all developments are to maintain proper spacing of access driveways and combine access with adjacent properties.

City Of Ceres

Comments: The City of Ceres provided comments focused on the draft ALUCP regarding ALUCP Policy 3.3.2 and 3.3.4 and the discussion regarding density for the proposed safety zones surrounding the airports. The response requests that the ALUCP’s Exhibit 1 and 2, which provide an example of an intensity calculation for a non-residential use, be expanded to include a residential example. The response letter proceeds to take issue with the requirements in the ALUCP, that requires projects be referred to the ALUC when located within Referral Area 2. The City’s response letter also provided requests for clarifying information within the DEI Report regarding recreation and water supply information. Finally, the City’s response letter provides comments on the draft Land Use Element, specifically Policy 26, Implementation Measure (IM) 5, and requested that language be added to clarify the types of projects that are non-discretionary. They continued to request the removal of Land Use Element Policy 28, IM 2, as it is already the role of LAFCO to do this.

Response: As the comments provided by the City of Ceres on the draft ALUCP were non-environmental in nature, response to these comments will be discussed in the staff report for the ALUC hearing, which will consider adoption of the draft ALUCP. The requested changes to Chapter 3.15 Recreation, to Chapter 3.17 Utilities and Service Systems, and to Chapter 5 Other CEQA Considerations, of the DEIR, have been made, as reflected in the Errata of the FEIR. No changes are proposed in response to the comments provided by the City of Ceres on the Draft General Plan Update. In accordance with CEQA Guidelines Section 51369, non-discretionary development includes ministerial projects which, “involve little to no personal judgement by the public official as to the wisdom or manner of carrying out the project.” Generally, ministerial projects are permitted uses requiring only the issuance of a building permit and/or business license. In response the City of Ceres’ comment regarding Land Use Element Policy 28, IM 2, this implementation measure is intentionally reinforcing the existing role of LAFCO.

City Of Turlock

Comments: The comments provided by the City of Turlock focus on Chapter 3.9 Hydrology and Water Quality, of the DEIR. The response letter requests that agricultural-related impacts on groundwater be considered in the document’s evaluation of impacts to HYD-1 and HYD-2 (page 3.9-15 through 19 of the DEIR), particularly impacts to groundwater overdraft in East Turlock and East Oakdale. The response letter further provided detailed information on the Turlock Sub-basin, cited from the Tuolumne Rivers Groundwater Association, and requested that the information be incorporated into Chapter 3.9 of the DEIR, inclusive of a recommendation for amendments to the references section of the chapter. The response letter also included a number of requests for technical amendments to Chapter 3.9-15 Hydrology and

Water Quality, of the DEIR, including adding hexavalent chromium to the list of total dissolved solids of concern in local groundwater supplies, and deletion of a reference to industrial wastewater. The City of Turlock's response continued to request that the DEIR be recirculated after changes are made to reflect their comments. Finally, the City's response letter provided one comment on the Draft Land Use Element of the General Plan, suggesting the addition of policy language regarding working with Cities to implement financing mechanisms to mitigate the impacts of growth.

Response: The EIR examines the substantial changes in the existing environment that would occur as a result of the Project. Groundwater overdraft is an existing condition that is discussed under "Groundwater" beginning on page 3.9-10 of the DEIR. The DEIR identifies the depletion of groundwater as a significant and unavoidable impact. The DEIR focuses on urban water use because that has the potential to increase as a result of future development that is foreseeable under the General Plan's land use designations. Urban water use will increase as agricultural and other lands are converted to urban and suburban uses. However, the General Plan does not change the amount of agricultural land currently designated for that use, nor does it prescribe the types of crops that may be grown on agricultural land. Therefore, the existing conditions of agricultural water use are not anticipated to change as a result of the Project. Although groundwater problems are expected to remain at their existing level, at least until a Sustainable Groundwater Management Plan is adopted for the affected basins, this is an existing condition and not the result of the General Plan update. The remaining requested changes to Chapter 3.9 Hydrology and Water Quality, of the DEIR, have been incorporated into the document, as reflected in the Errata of the FEIR. However, as stated in the FEIR (Exhibit D) these changes are considered to be non-environmental in nature and do not therefore necessitate a re-circulation of the DEIR. In response to the City of Turlock's Land Use Element policy suggestion, the Land Use Element currently includes Policy 24 and 25 which require future growth to not exceed the capabilities/capacity of public service providers, and require that new development pay its fair share of the cost of cumulative impacts on circulation and transit systems. Additionally Goal 5, Policy 26 and 27 provide guidance for how development within a city Sphere of Influence shall be developed in accordance with city standards and with city input. The additional policy language was presented to the General Plan Update Committee and the Committee stated that they felt that the existing policies were adequate in addressing concerns regarding development paying its fair share to mitigate the impacts of growth and recommended no change be made.

Del Puerto Healthcare District

Comment: A representative for the Del Puerto Health Care District requested an amendment to Land Use Element Policy 24, IM 4, to reflect the County's support of health care districts implementing fees to help finance public facilities to support their services.

Response: As reflected in Exhibit C – *Draft Stanislaus County General Plan Update – Bold and Strikeout*, the words "health care district" have been added to Land Use Element Goal 4, Policy 24, IM 4.

Stanislaus County LAFCO

Comment: LAFCO provided a response letter observing that policies throughout the Land Use Element replaced the words "Urban Transition" with "a LAFCO adopted Sphere of Influence (SOI)", effectively making the policies apply to a larger area as the SOI is larger than land designated Urban Transition. LAFCO also requested clarification within the SOI Section of the Land Use Element of the distinction between "Urban Transition" and "Sphere of Influence".

LAFCO's response letter also requested specific language changes, for the purposes of consistency and clarification, on Policy 6 (IM3), and the SOI, Planned Industrial, and Educational Facilities sections of the Land Use Element.

Response: Planning presented the recommend language changes to the General Plan Update Committee, who recommended changes be made to the Land Use Element as recommended within LAFCO's response letter (See Exhibit C – *Draft Stanislaus County General Plan Update – Bold and Strikeout*). Policy 6, IM 3 of the Draft Land Use Element was amended to be consistent with other policies in the Land Use Element in terms of language regarding restricting development from occurring until annexation to or formation of the required district is completed. A paragraph regarding annexation was deleted from the Land Use Designations Section specific to the Planned Industrial land use designation, for purposes of consistency with the content of the Planned Development land use designation section. Language was also amended within the SOI section; Educational Facilities section, Industrial Transition, and Urban Transition section of the Land Use Element, to more clearly distinguish between the urban transition land use designation and a LAFCO adopted SOI, and to be consistent with state law.

All proposed amendments being considered by the Planning Commission as part of the General Plan update, included those discussed above, are reflected in Exhibit C – *Draft Stanislaus County General Plan Update – Bold and Strikeout* of this report. Those amendments include clarifying language to the Transit Section, Page 2-28, of the Circulation Element requested by the County's Public Works Transit Division following the 45-day DEIR review period.

CALIFORNIA PLANNING LAW AND GENERAL PLAN CONSISTENCY

California Planning Law (Government Code Section 65300 et seq.) requires the County to adopt a "comprehensive, long-term general plan for the physical development of the county." The general plan serves as a "blueprint" for growth; that is, it establishes the general pattern of land use and adopts goals and policies to guide the County in future land use decision-making.

Additionally, state law (Government Code Section 65300 et seq.) requires elements that make up the general plan to, "comprise an integrated, internally consistent and compatible statement of policies" (Government Code Section 65300.5). The California State Office of Planning and Research's (OPR) Draft 2015 General Plan Guidelines identifies five dimensions of general plan consistency. OPR serves the Governor and his Cabinet as staff for long-range planning and research, and constitutes the comprehensive state planning agency:

Equal Status Among Elements

All elements of the general plan have equal legal status. No element is legally subordinate to another; the general plan must resolve potential conflicts among the elements through clear language and policy consistency.

Consistency Between Elements

All elements of a general plan, whether mandatory or optional, must be consistent with one another. A city or county may incorporate by reference into its general plan all or a portion of another jurisdiction's plan, a regional plan, or its own plan, such as a community plan. When doing so, the city or county should make sure that any materials incorporated by reference are consistent with the rest of its general plan.

Consistency Within Elements

Each element's data, analyses, goals, policies, and implementation programs must be consistent with and complement one another. Established goals, data, and analysis form the foundation for any ensuing policies.

Area Plan Consistency

All principles, goals, objectives, policies, and plan proposals set forth in an area or community plan must be consistent with the overall general plan.

Text and Diagram Consistency

The general plan's text and its accompanying diagrams and maps are integral parts of the general plan and must be in agreement.

The general plan serves the function of integrating and synthesizing the various interrelated documents and programs that make a community function effectively. Therefore, it is important for the general plan to reference and be consistent with regional plans such as the Regional Transportation Plan, Multi-Jurisdictional Hazardous Mitigation Plan, or ALUCP, and state and local codes and ordinances. To avoid duplication, policies in general plan elements that affect or relate to each other are not repeated, except where appropriate.

The consistency of a land use proposal is viewed in light of the jurisdiction's entire General Plan. In this regard, OPR has provided the following explanation of consistency:

"The California Attorney General has opined that "the term 'consistent with' is used interchangeably with 'conformity with'" (58 Ops.Cal.Atty.Gen. 21, 25 (1975)). A general rule for consistency determinations can be stated as follows: "An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and will support their attainment.""

Thus, an exact match is not needed between a project and a general plan, but rather there must be agreement or harmony between a project and a general plan. Ultimately, the Board of Supervisors has the final authority and will exercise its discretion to determine whether the project "furthers" the objectives and policies of the general plan.

Locally, the following findings are required in order to approve an amendment to the General Plan:

1. The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses.
2. The County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service.

In the case of a proposed amendment to the diagram of the Land Use Element, an additional finding must be established.

3. The amendment is consistent with the General Plan goals and policies.

No changes to the diagram of the Land Use Element are proposed as a part of this proposed General Plan update.

Staff believes the proposed General Plan Update meets the requirements of consistency and conforms to the current requirements of state law. Staff believes the proposed update consists of goals, policies, and implementation measures that are designed to improve the overall economic, physical, and social well-being of the County as a whole. Furthermore, staff believes that none of the proposed modifications will negatively affect the ability of public agencies, within the County, to maintain current levels of service.

ZONING CONSISTENCY

A jurisdiction's Zoning Ordinance must be consistent with its general plan. Adoption of the proposed General Plan Update will require subsequent zoning ordinance amendments in response to implementation measures regarding 200-year flood protection and revised roadway classifications. These subsequent amendments will be processed independently following adoption of the proposed General Plan Update. Current zoning ordinance front yard setback standards will continue to be enforced using the previously adopted (current) roadway classifications until a zoning ordinance amendment is completed; which is anticipated to occur within 6-months of General Plan Update approval. Language has been incorporated into the Circulation Element to reflect this.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), a program level EIR has been jointly prepared for both the General Plan Update and the ALUCP. The NOP is included as Appendix A to the DEIR, which is part of the FEIR (See Exhibit D – *Final Environmental Impact Report – Stanislaus County General Plan and Airport Land Use Compatibility Plan Updates*).

The DEIR was available for a review period of 45 days from April 19, 2016 to 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 FEIR.

The DEIR provides a detailed overview of the project description, settings, a review of potential impacts, evaluation of alternatives, and cumulative impacts. Any issues brought forth throughout development of the DEIR were mitigated through the addition of policies, to the extent feasible. The program level EIR and will be utilized to evaluate future development projects.

Summary of Significant Environmental Impacts:

The following is an overview of the levels of significance for the identified potential impacts after mitigation: (*Please note: This overview does not include less than significant impacts with no identified mitigation measures.*)

Significant and Unavoidable (no feasible mitigation):

The FEIR 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 FEIR 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 San Joaquin Valley Air Pollution Control District (SJVAPCD) thresholds (individual and cumulative impacts).
- 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 impacts).
- 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 impacts).
- 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 impacts).
- 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.

CEQA Findings of Fact and Statement of Overriding Consideration:

In order to approve the subject General Plan Amendment, the County, acting as Lead Agency, must certify that the FEIR was prepared in compliance with CEQA, was reviewed and considered by the decision-making body, and represents the independent judgment and analysis of the Lead Agency.

When taking an action on a project for which an EIR was prepared, the lead agency may disapprove a project because it has significant environmental effects or require changes in a project to reduce or avoid a significant environmental effect. The Lead Agency may approve a project despite its significant environmental effects, if the proper findings and statements of overriding consideration are adopted. The Lead Agency is not required to select the most environmentally superior alternative.

Exhibit B consists of the Findings of Fact and the Statement of Overriding Considerations needed for certification of the EIR and ultimate approval of the project.

In order to support its decision to approve a project for which an EIR was prepared, the Lead Agency must provide written Findings of Fact for each significant environmental impact identified in the EIR. Each finding must contain an ultimate conclusion regarding each significant impact, substantial evidence supporting the conclusion, and an explanation of how the substantial evidence supports the conclusion. For each finding, the Lead Agency must find that the project has been changed (including adoption of mitigation measures) to avoid or substantially reduce the magnitude of the impact. If the Lead Agency cannot make these findings, it must make the finding either that changes to the project are within another agency's jurisdiction and have been or should be adopted or that specific economic, social, legal, technical, or other considerations make mitigation measures or alternatives infeasible.

Specific reasons must be provided if the Lead Agency is to find a mitigation measure or an alternative to be infeasible. A mitigation measure or alternative is considered feasible if it is capable of being accomplished, in a successful manner, within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. When a Lead Agency makes a finding that changes or alterations have been required in, or incorporated into, the project to mitigate impacts, the agency shall adopt a Mitigation Monitoring and Reporting Program designed to insure compliance. In this case all possible mitigation has been incorporated into the project in terms of additional or modified policies and implementation measures. No Mitigation Monitoring Plan and Reporting Program is included.

A Statement of Overriding Considerations is necessary if the Lead Agency is to approve a project which will have a significant effect on the environment after imposition of feasible mitigation or alternatives. The Statement of Overriding Consideration must explain why the benefits of the proposed project outweigh the unavoidable adverse environmental effects.

Chapter Four – *Alternatives* of the DEIR provides an extensive comparison of environmental impacts of the project and project alternatives. The project alternatives include: a “No Project Alternative”; and “Reduced Developable Area Alternative”. Based on the assessment included in Chapter Four – *Alternatives* of the DEIR, Alternative 2 - Reduced Developable Area, would be considered the environmentally superior alternative because it would result in lesser impacts in relation to the project in several resource areas. In comparison to the project, this alternative somewhat reduces impacts on aesthetics, air quality, biological resources, hydrology and water quality, noise, recreation, transportation and traffic, and utilities and service systems. However, many of those impacts would be significant and unavoidable even under Alternative 2. Table 4-1

compares the impacts of the alternatives (considered to be the change from existing conditions) to the severity of that impact in comparison to the project. However, Alternative 2 does not meet the project objectives.

Again, although the FEIR covers both the General Plan and ALUCP updates, the ALUCP will be considered through a separate action by the ALUC.

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Attachments:

- Exhibit A - Findings and Actions Required for Project Approval
- Exhibit B - Findings of Fact and Statement of Overriding Considerations
- Exhibit C - Draft Stanislaus County General Plan Update – Bold and Strikeout**
- Exhibit D - Final Environmental Impact Report – Stanislaus County General Plan and Airport Land Use Compatibility Plan Updates**
- Exhibit E - Environmental Review Referrals

**NOTE: COPIES OF THE DRAFT STANISLAUS COUNTY GENERAL PLAN UPDATE (EXHIBIT C) AND FINAL ENVIRONMENTAL IMPACT REPORT (EXHIBIT D) ARE AVAILABLE FOR REVIEW AT THE COUNTY PLANNING DEPARTMENT OFFICE OR ON THE COUNTY'S WEBSITE AT: (<http://www.stancounty.com/planning>). HARD COPIES OF ALL EXHIBITS, IN THEIR ENTIRETY, HAVE BEEN PROVIDED TO EACH MEMBER OF THE PLANNING COMMISSION.
