

RESOLUTION NO. 2014-015

A RESOLUTION OF THE COUNCIL OF THE CITY OF REEDLEY, CALIFORNIA, CERTIFYING ENVIRONMENTAL IMPACT REPORT (SCH No. 2010031106) AS RELATED TO THE PROPOSED PLAN AMENDMENT NO. 2012-002 FOR THE REEDLEY GENERAL PLAN 2030 UPDATE, ADOPTING FINDINGS OF FACT AS REQUIRED BY PUBLIC RESOURCES CODE SECTION 21081(A) AND CEQA GUIDELINES, SECTION 15091, APPROVING A MITIGATION MONITORING PROGRAM AS REQUIRED BY PUBLIC RESOURCES CODE SECTION 21081.6 AND CEQA GUIDELINES SECTION 15097, AND ADOPTING THE STATEMENT OF OVERRIDING CONSIDERATIONS AS REQUIRED BY PUBLIC RESOURCES CODE SEC. 21081(B) AND CEQA GUIDELINES SECTION 15093, AS RELATED TO THE PROPOSED PLAN AMENDMENT FOR THE REEDLEY GENERAL PLAN 2030 UPDATE

WHEREAS, the City of Reedley, Community Development Department initiated General Plan Amendment Application No. 2012-002, related to the Reedley General Plan 2030 update, and

WHEREAS, the Reedley General Plan 2030 (GPU) is proposing to amend and update the existing *City of Reedley General Plan 2012* (City of Reedley)(hereinafter "2012 General Plan") and expand the City's sphere of influence; and

WHEREAS, the proposed GPU includes a substantially greater level of development potential than does the 2012 General Plan; and

WHEREAS, the GPU preparation process focused on amending and updating the Land Use, Circulation, Conservation and Open Space, Noise, and Safety Elements of the General Plan 2012; and

WHEREAS, the Reedley General Plan 2030 (GPU) has been prepared pursuant to California Government Code Section 65300 et seq., and

WHEREAS, the GPU is proposing to update the existing *City of Reedley General Plan 2012* (City of Reedley)(hereinafter "2012 General Plan") so as to serve as the the principal policy document for guiding development, expand the City's existing sphere of influence and incorporate the goals and policies of the various adopted specific plans including the Reedley Specific Plan, Rail Corridor Master Plan and the Southeast Reedley Industrial Area Specific Plan; and

WHEREAS, the proposed project area is generally bounded by Adams Avenue to the north, Floral Avenue to the south, Englehart Avenue to the east and Lac Jack Avenue to the west; and

WHEREAS, in accordance with the California Environmental Quality Act (Pub. Resources Code §21000 et seq. (CEQA")) the City of Reedley, as the lead agency, determined that an Environmental Impact Report ("EIR") was required to evaluate the impacts of the proposed GPU; and

WHEREAS, on March 25, 2010 the City issued a Notice of Preparation (NOP) and accepted comments until the close of the comment period on April 23, 2010; and

WHEREAS, on April 14, 2010 the City held a noticed public scoping meeting at the City of Reedley Council Chamber, at 845 "G" Street to receive public comments; and

WHEREAS, the City received eleven comment letters from various agencies, including responsible and trustee agencies, during the NOP comment period, which provided additional insight for the City with regard to the scope of the environmental analysis, alternatives and mitigation measures to include in the Environmental Impact Report; and

WHEREAS, the scope of environmental analysis and topics to be addressed within were the direct result of the public comments, technical studies and scope of the environmental issues that were raised during the scoping; and

WHEREAS, the City caused to have the Draft Environmental Impact Report (DEIR) prepared in accordance with CEQA, Public Resources Code, Sections 21000-21178, and the CEQA Guidelines, California Code of Regulations, title 14, Sections 15000-15387; and

WHEREAS, on January 17, 2013, the City issued a Notice of Availability of the Draft EIR (NOA), filed the NOA with the Fresno County Clerk and filed a Notice of Completion of the Draft EIR with the State Clearinghouse along with the necessary copies of the Draft EIR, in compliance with the CEQA Guidelines, and circulated the Draft EIR for a 45-day public/agency review until the close of the comment period on March 4, 2013; and

WHEREAS, the issuance of the NOA included, publication in the Reedley Exponent, which is a newspaper of general circulation, posting the NOA in City Hall and distribution of the NOA and copies of the Draft EIR to those individuals who requested notification, and to other responsible, trustee or affected agencies and interested organizations; and

WHEREAS, the City received six comments on the DEIR from other governmental agencies and interested parties as part of the environmental review process for the proposed project, and

WHEREAS, as a result of comments provided by the Consolidated Irrigation District (CID) on the DEIR, the City determined that new supplemental information should be developed for inclusion and consideration as part of the environmental review process for the proposed project, and

WHEREAS, the City completed an assessment and determined it was appropriate to recirculate the revised chapters or portions of the DEIR, pursuant to CEQA Guidelines Section 15088.5(f); and

WHEREAS, on October 11, 2013, the City issued a NOA of the Recirculated Draft EIR (RDEIR), filed the NOA with the Fresno County Clerk and filed a Notice of Completion of the RDEIR with the State Clearinghouse along with the necessary copies of the RDEIR, in compliance with the CEQA Guidelines, and circulated the RDEIR for a 45-day public/agency review and comment until the close of the comment period on November 25, 2013; and

WHEREAS, the issuance of the NOA related to the RDEIR included, publication in the Reedley Exponent, which is a newspaper of general circulation, posting the NOA in City Hall and distribution of the NOA and copies of the RDEIR to those individuals who requested notification, and to other responsible, trustee or affected agencies and interested organizations; and

WHEREAS, the City received comments from nine agencies and/or interested parties, and in accordance with CEQA Section 15066, the City as the Lead agency evaluated the comments for environmental issues raised by persons who reviewed the RDEIR and prepared written responses to said comments; and

WHEREAS, the DEIR has identified the following impacts associated with the proposed project that can be mitigated to less than significant: Aesthetics, Biological, Cultural, Geology and Soils, Hazards and Hazardous Materials, Noise, Traffic and Transportation, Mineral Resources, and Population and Housing; and

WHEREAS, the DEIR and RDEIR identified potential significant effects on the environment as discussed in the proposed Final EIR include Agricultural Resources, Air Quality, Public Utilities, Urban Growth Management, Hydrology (cumulative) and Green House Gas Emissions (cumulative) that would remain significant after the implementation of the recommended mitigation measures; and

WHEREAS, CEQA Guidelines Section 15126.6(a) requires a description of a reasonable range of alternatives to the proposed project, or to the location of the project, which could feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project; and

WHEREAS, an Alternative 3, Additional SOI Acreage Reduction Alternative, was developed for inclusion in the RDEIR based upon the following considerations:

- 1) The comments received from the Consolidated Irrigation District.
- 2) Staff's determination that the reduction in the projects proposed SOI by 633-acres would not materially and detrimentally impact the City's ability to accomplish the goals for new development set forth in the GPU.
- 3) Staff's determination that the adoption of Alternative 3 would reduce all significant adverse environmental impacts identified in the Draft EIR.
- 4) Staff's determination that Alternative 3 would feasibly meet all of the objectives of the project.
- 5) Implementation would result in the reduction of nearly all impacts identified for the proposed GPU.

WHEREAS, the City prepared written responses to comments received on the DEIR and RDEIR, and prepared a Final EIR, which consists of the DEIR and RDEIR (incorporated by reference), all comments received on the DEIR and RDEIR, written responses to comments received on the DEIR and RDEIR, and revisions to the DEIR and RDEIR (collectively, "EIR"); and

WHEREAS, at a notice public hearing held on January 30, 2014, the Planning Commission received and considered the EIR, and public testimony regarding the adequacy of the EIR and using its independent judgment unanimously recommended to the City Council certification of the EIR and approval of Plan Amendment 2012-002 and recommended, on a vote of 3-1, adoption Alternative 3 with the inclusion of Area 6 as the Land Use Map to include in the GPU; and

WHEREAS, pursuant to Section 21092.5 of CEQA, on February 7, 2014, the City mailed written responses to comments to all public agencies as well as private parties that commented on the DEIR and RDEIR; and,

WHEREAS, on February 18, 2014, the City Council conducted a public hearing and

considered the record of proceedings for the EIR, which includes, but is not limited to the documents and items listed in Section III of the "CEQA Findings and Statement of Overriding Considerations," attached hereto as Exhibit "A;" and

WHEREAS, on February 18, 2014 the City Council considered and discussed the adequacy of the proposed EIR as an informational document and applied its own independent judgment and analysis to the review and hereby desires to take action to certify the EIR, as having been completed in compliance with CEQA, based on the findings found herein; and

WHEREAS, CEQA requires in Public Resources Section 21081 the following:

§ 21081. Findings necessary for approval of project

Pursuant to the policy stated in Sections 21002 and 21002.1, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

(a) The public agency makes one or more of the following findings with respect to each significant effect:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

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

(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

WHEREAS, CEQA guidelines require the following for certification of a final environmental impact report:

Section 15090. Certification of the Final EIR.

(a) Prior to approving a project the lead agency shall certify that:

(1) The final EIR has been completed in compliance with CEQA;

(2) The final EIR was presented to the decision making body of the lead agency and that the decision making body reviewed and considered the information contained in the final EIR prior to approving the project; and

(3) The final EIR reflects the lead agency's independent judgment and analysis.

Section 15091. Findings.

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) 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 EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

Section 15092. Approval.

(a) After considering the final EIR and in conjunction with making findings under Section 15091, the lead agency may decide whether or how to approve or carry out the project.

(b) A public agency shall not decide to approve or carry out a project for which an EIR was prepared unless either:

(1) The project as approved will not have a significant effect on the environment, or

(2) The agency has:

(A) Eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15091, and

(B) Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.

(c) With respect to a project which includes housing development, the public agency shall not reduce the proposed number of housing units as a mitigation measure if it determines that there is another feasible specific mitigation measure available that will provide a comparable level of mitigation.

Section 15093. Statement of Overriding Considerations.

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.
2. Compliance with CEQA. The FEIR, dated February 18, 2014 which is incorporated herein by this reference (including the DEIR, the RDEIR and related appendices, Errata sheets, and Responses to Comments) was prepared in compliance with the requirements of the California Environmental Quality Act (CEQA).
3. FEIR Reviewed and Considered. The Council certifies that the FEIR:

- (a) has been completed in compliance with CEQA;
- (b) was presented to the Council and that the Council has reviewed and considered the information contained in the Final EIR prior to approval of the Project, and all of the information contained therein has substantially influenced all aspects of the decision by the Council; and
- (c) reflects Council's independent judgment and analysis.

4. Findings Regarding Significant Effects.

Council finds that the FEIR identified several significant effects of the Project. Pursuant to Section 21081(a) and CEQA Guideline section 15091, Council makes the following findings:

(a) Findings Regarding Potentially Significant But Mitigable Effects.

The Council finds, based upon substantial evidence in the records of proceedings, that with regard to the effects in Exhibit A (Section VI. pp. 15-39) to this resolution, (entitled "Findings Regarding Environmental Impacts Mitigated to Less-Than-Significant"), which is hereby adopted and incorporated herein by reference, changes have been required in, or incorporated into, the project through the imposition of mitigation measures in the MMRP, which mitigate or avoid the significant effects on the environment. Council finds that to the extent that any of the mitigation measures are within the responsibility and jurisdiction of another public agency and not the City, those mitigation measures can and will be adopted and imposed by the other agency based on state and/or federal law, communications by those agencies, and/or existing policies and/or intergovernmental relationships with those agencies.

(b) Findings Regarding Unavoidable Significant Impacts.

The Council finds, based upon substantial evidence in the records of proceedings, that with regard to the effects in Exhibit A (Section VII. pp. 40-55) to this resolution, (entitled "Finding Regarding Significant and Unavoidable Environmental Impacts with Mitigation Measures"), which is hereby adopted and incorporated herein by reference, that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the FEIR, including the findings in Exhibit A (Section VIII. pp. 55-61 (entitled "Alternatives"). Therefore, those impacts are found to be significant and unavoidable.

- 5. Alternatives. The City Council adopts the Statement of Findings on Rejection of Project Alternatives, attached hereto as (Section VIII. pp. 55-61 (entitled "Alternatives") and incorporated herein by this reference.
- 6. Statement of Overriding Considerations. The Council adopts the Statement of Overriding Considerations, attached hereto as Exhibit A, which is incorporated herein by this reference, and finds that each of the Significant and Unavoidable impacts identified in Exhibit A (Section IX p. 61-64) may be considered acceptable.
- 7. Mitigation Monitoring. Pursuant to Public Resources Code Section 21081.6, the

mitigation monitoring and reporting program dated February 18, 2014 (“MMRP”) set forth in Exhibit D is hereby adopted and incorporated herein by this reference to ensure that all mitigation measures adopted for the Reedley General Plan 2030 Update Project are fully implemented. Additionally, compliance with the MMRP shall be made a condition upon future development within the City of Reedley, and shall be made a condition of approval of any subsequently entitlement approval.

8. Location and Custodian of Documents. The record of project approval shall be kept in the office of the City Clerk, City of Reedley, 1733 Ninth Street, Reedley, California 93654 which shall be held by the City Clerk as the custodian of the documents; all other record of proceedings shall be kept with the Community Development Department and the Director of the Community Development Department shall be the custodian of the documents.
9. Certification. Based on the above facts, findings and its own independent judgment, the Council of the City of Reedley certifies the Final EIR dated February 18, 2014 for the Reedley General Plan 2030 Update as accurate and adequate. The City Council further certifies that the FEIR was completed in compliance with CEQA and the CEQA Guidelines. The Community Development Department Director is directed to file a Notice of Determination as required by the Public Resources Code and CEQA Guidelines

This foregoing resolution is hereby approved and adopted this 18th day of February, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Robert O. Beck, Mayor
City Council

ATTEST:

Sylvia Plata, City Clerk