

RESOLUTION NO. 2018-049

**APPROVING THE CERTIFICATION OF THE ENVIRONMENTAL IMPACT
REPORT (SCH#2017052063) FOR THE 2035 GENERAL PLAN UPDATE AND
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS
PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT;
ADOPTION OF THE 2035 GENERAL PLAN UPDATE; AND THE
ACCEPTANCE OF THE GENERAL PLAN FINANCING STRATEGY**

THE CITY COUNCIL
City of Ceres, California

WHEREAS, the City prepared and completed the Ceres 2035 General Plan Update (hereafter "Proposed Project") and determined that an Environmental Impact Report (hereafter "EIR") was required in order to analyze significant impacts that may be associated with the Proposed Project; and,

WHEREAS, in accordance with Sections 15063 and 15082 of the California Environmental Quality Act (CEQA) Guidelines, the City prepared a Notice of Preparation ("NOP") of an EIR and filed such Notice with the Governor's Office of Planning and Research ("OPR") on June 5, 2017. The NOP was circulated to the public, local and state agencies, and other interested parties to solicit comments on the Proposed Project; and,

WHEREAS, based on the response to the Notice of Preparation, the City prepared a Draft EIR and circulated it for the required 45-day public review period from February 7, 2018 to March 26, 2018. CD Copies of the Draft EIR and the 2035 Draft General Plan Update were available for public review and also distributed to responsible and trustee agencies. In addition, the Draft EIR and the Draft General Plan were made available on the City's website; and,

WHEREAS, the City received several comment letters on the Draft EIR from the public along with local and state agencies during the public review period. The City prepared a Final EIR containing written responses to all comments received during the public review period, of which the responses demonstrated the City's good faith, reasoned analysis of the environmental issues raised by the comments; and,

WHEREAS, the Notice of the release of Final EIR was released to the public and public agencies on April 20, 2018 at least ten days prior to the Planning Commission hearing; and,

WHEREAS, the Planning Commission reviewed the Staff Report, the EIR, the Public Review Draft General Plan Update, and considered related public comments at a public noticed public hearing on April 30, 2018, at which time all interested parties had the opportunity to be heard and by a 3/1/1 vote (Commissioner Condit No, Commissioner Smith absent) recommended the City Council approve the Proposed Project and Certify the EIR; and,

WHEREAS, the Planning Commission in the approval resolution recommended that the classification of Faith Home Roadway be downgraded from a six-lane expressway to a four-lane arterial; and,

WHEREAS, a City Council Staff Report, dated May 14, 2018, incorporated herein by reference, described and analyzed the Proposed Project and the environmental issues raised by the EIR; and,

WHEREAS, the City Council Staff Report reviewed the Staff Report and related documents regarding the Proposed Project including the EIR, at a duly noticed public hearing on May 14, 2018, at which time all interested parties had the opportunity to be heard; and,

WHEREAS, the Draft and Final EIRs reflect the City's independent judgment and analysis on the potential environmental impacts for the Environmental Impact Report for the 2035 General Plan Update; and

WHEREAS, the Draft and Final EIRs are separate documents, incorporated herein by reference, and pursuant to Public Resources Code Section 21081.6 and California Code of Regulations, Title 14, Section 15091, the City is the custodian of the documents and other materials that constitute the record of proceedings upon which the City's decision is based, and such documents and other materials are located at: Ceres Planning and Building Division, 2220 Magnolia Street, Ceres, CA 95307; and

WHEREAS, approval of the Proposed Project includes findings concerning alternatives contained in the EIR; which includes the Findings of Fact and Statement of Overriding Considerations, dated April 25, 2018; and,

WHEREAS, the City of Ceres, after balancing the specific economic, legal, social, technological, and other benefits of the Proposed Project, finds that the unavoidable adverse environmental impacts identified may be considered "acceptable" due to the specific considerations listed above, which outweigh the unavoidable, adverse environmental impacts of the Proposed Projects; and,

WHEREAS, recognizing that significant unavoidable impacts related to agricultural resources; air quality; hazards and hazardous materials; land use; population; housing; noise; and transportation may result from implementation of the proposed General Plan, the City finds that the benefits of the proposed General Plan and overriding considerations outweigh the potential adverse effects; and,

WHEREAS, having included all feasible mitigation measures as policies and actions in the proposed General Plan, and recognizing all unavoidable significant impacts, the City of Ceres hereby finds that each of the separate benefits of the Proposed Project, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants adoption of the Proposed Plan and outweighs and overrides its unavoidable significant effects, and thereby justifies the adoption of the Proposed Project; and,

WHEREAS, the City Council has considered the information contained in the 2035 General Plan Update and Draft and Final EIRs and has fully reviewed and considered all of the public testimony, documentation, exhibits, reports, and presentations included in the record of these proceedings; and,

WHEREAS, the City Council specifically finds and determines that the Findings of Fact and Statement of Overriding Considerations is based upon and supported by substantial evidence in the record; and,

WHEREAS, the City Council has carefully weighed the benefits of the Proposed Plan against any adverse impacts identified in the Final EIR that could not be feasibly mitigated to a level of significance and while the City of Ceres has required all required feasible mitigation measures, some impacts remain potentially significant; and,

WHEREAS, the Findings of Fact and Statement of Overriding Considerations applies specifically to those impacts found to be potentially significant and unavoidable as set forth in the Final EIR and the record of these proceedings; and,

WHEREAS, the City Council accepts the General Plan Financing Strategy prepared for the General Plan Update, dated April 24, 2018; and,

WHEREAS, that the foregoing recitals are true and correct and made part of this resolution.

NOW, THEREFORE, BE IT RESOLVED, that the City Council upon its independent judgment and analysis, recommends that the Certification of the Environmental Impact Report (SCH#2017052063) pursuant to CEQA and the adoption of the Findings of Fact and Statement of Overriding Considerations; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council hereby adopts the Findings of Fact and the Statement of Overriding Considerations as incorporated herein by reference.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the City Council does hereby adopt the 2035 General Plan Update.

PASSED AND ADOPTED by the Ceres City Council at a regular meeting thereof held on the 14th day of May 2018, by the following vote:

AYES: Council Members: Durossette, Kline, Lane, Ryno, Mayor Vierra

NOES: Council Members: None

ABSENT: Council Members: None



Chris Vierra, Mayor

ATTEST:



Diane Nayaes-Perez, CMC
City Clerk