

CEQA FINDINGS OF FACT
FOR THE
COPPER TRAILS SPECIFIC PLAN AND ANNEXATION
City of Ceres, CA
State Clearinghouse No: 2023090637

March 2026

Prepared for:
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FINDINGS OF FACT FOR THE COPPER TRAILS SPECIFIC PLAN AND ANNEXATION PROJECT

CITY OF CERES

March 2026

(As Adopted by the Ceres City Council, _____, 2026)

1.0 INTRODUCTION

1.1 BACKGROUND INFORMATION

The California Environmental Quality Act (CEQA) requires that a Lead Agency prepare an Environmental Impact Report (EIR) when a proposed project may involve significant environmental effects. Prior to approval of the project, the Lead Agency is required to certify that the EIR was completed in compliance with CEQA and that the Lead Agency reviewed and considered the information in the EIR before approving the project. If the EIR identifies significant or potentially significant environmental effects, CEQA requires that the Lead Agency include feasible mitigation measures in the project and that the Lead Agency make specified written findings regarding disposition of significant environmental effects prior to project approval.

If the Lead Agency intends to approve a project but finds that mitigation measures are not feasible for one or more of the significant environmental effects of the project, it must also adopt a Statement of Overriding Consideration that identifies economic, social, technical, and other benefits of the project that override any significant unavoidable impacts that would result from the project. The Copper Trails Specific Plan and Annexation (CTSP) project involves several potentially significant environmental effects, and the project EIR indicates that there are not feasible mitigation measures that will substantially reduce these impacts or reduce them to a less than significant level. The proposed Statement of Overriding Considerations for these unavoidable effects of the Copper Trails Specific Plan and Annexation project is shown in Section 4.0 of this document.

If an EIR identifies significant or potentially significant environmental effects, the Lead Agency must also adopt a Mitigation Monitoring Reporting Program (MMRP) that lists all of the mitigation measures identified in the EIR and identifies responsibility for their implementation and/or monitoring. The proposed MMRP for the Copper Trails Annexation and Specific Plan project is shown in the separate document cited below.

Mitigation Monitoring/Reporting Program for the Copper Trails Specific Plan and Annexation project. City of Ceres. November, 2025.

The City of Ceres (the “City”) is the Lead Agency for the Copper Trails project. This document sets forth the Lead Agency’s findings regarding the project as required by CEQA Guidelines sections 15091-15093. The primary source document for the findings is the *Environmental Impact Report for the Copper Trails Specific Plan and Annexation Project* (SCH# 2020120283) (the “EIR”). When referenced as such, the EIR includes both the Public Review Draft EIR (the DEIR) dated November 2024 and the Final EIR (the FEIR) dated November 2025, as well as documents that are incorporated into either the DEIR or FEIR, or both, by reference.

The proposed project that is the subject of these findings, the environmental review process, the environmental documentation prepared for the project, and the findings that the City must make to fulfill the requirements of CEQA, are discussed below. The City’s findings with respect to the Copper Trails project are described in subsequent sections of this document.

These findings provide the written analysis and conclusions of the Ceres City Council regarding the project’s environmental impacts, mitigation measures, alternatives to the project, and the overriding considerations, which in the City Council’s view, justify approval of the project, despite the project’s significant and unavoidable environmental impacts.

1.2 PROJECT DESCRIPTION

The Copper Trails project consists of the annexation of a 680.7-acre area south and west of the City of Ceres, hereinafter referred to as the “project site.” The project “site” includes two components, which are referred to for convenience as the “CTSP Area” and the “Pocket Area,” both of which are proposed for annexation and future development; the Pocket Area is already largely developed. See attached Figures 1-1 through 1-5.

The CTSP Area is associated with the proposed City adoption of the CTSP, approval of related permits and other approvals that would lead to development of their area. The CTSP establishes a land use plan for, and would result in, development of residential, commercial, and other urban land uses on 68 existing parcels within the approximately 534.6-acre CTSP area. Planned urban development within the CTSP Area would require City approvals of the CTSP, the proposed annexation, and pre-zoning of the CTSP Area. Future development within the CTSP Area is expected to require one or more development agreements and Tentative Map application submittals.

The project also includes annexation of the “Pocket Area,” comprised of 176 additional parcels totaling 146.1 acres of unincorporated land outside and north of the CTSP Area. The “Pocket Area,” is located between the existing City boundary and the CTSP Area. If the CTSP Area were annexed without the Pocket Area, the Pocket Area lands would become an unincorporated “island,” which is contrary to State statute and local annexation policies. Both the CTSP and Pocket Area annexations would require approval from the City, and from the Stanislaus LAFCO.

CTSP approval and annexation of the CTSP Area would result in the potential for development of approximately 260.3 acres of low-, medium-, medium high-, and high-density residential units. A total of approximately 107.4 acres within the CTSP Area is proposed for Regional Commercial development. The CTSP also proposes approximately 42.3 acres of parks and open space, including street landscapes, and 3.4 acres for new public uses that would be in addition to the 74.1 acres already occupied by the Central Valley High School, Ceres Adult School, and Hidahl Elementary School, all operated by the Ceres Unified School District (CUSD). The planned circulation system within the CTSP Area would utilize and improve existing roads and add new roads and streets and would provide for development of new bicycle and pedestrian trails and open space linkages that would and between the planned residential neighborhoods, commercial areas, schools, and parks.

Annexation of the Pocket Area would include pre-zoning of the 146.1-acre Pocket Area consistent with existing Ceres General Plan designations; annexation of this area would make City utilities and services available to this largely developed unincorporated area. The Pocket Area includes approximately 25 scattered acres comprising some 25 non-contiguous parcels of undeveloped land with some new but unquantified development potential. The largest of these parcels, approximately 5.7 acres in size, would be pre-zoned for Neighborhood Commercial development in conjunction with the proposed annexation. Approximately 4.5 acres in two parcels would be available for Medium High Density Residential development, and 12 parcels totaling 17 acres would be available for Medium Density Residential development. The Pocket Area includes several scattered parcels that would be available for Community Commercial or Industrial use. There are, however, no known plans for development of these lands.

1.3 THE CEQA PROCESS FOR THE COPPER TRAILS PROJECT

The potential environmental effects of the project, mitigation measures necessary to address significant effects and alternatives to the project are discussed in detail in the EIR prepared by the City of Ceres. In addition to preparing the EIR, the City conducted the EIR process as required by CEQA. Steps in the EIR process included preparation and public review of a Notice of Preparation, conducting a scoping meeting, publication and distribution of a Draft EIR for a 45-day public review period, preparation of a Final EIR addressing comments received during the public review period, and preparation of this CEQA Findings document and the associated MMRP that are intended to be adopted by the Ceres City Council prior to taking action on the project.

Notice of Preparation

The City issued a Notice of Preparation (NOP) of the EIR on September 27, 2023; the NOP was circulated for agency review for a 30-day period as required by CEQA. Detailed information on the content, circulation and comments received by the City on the Notice of Preparation is contained in DEIR Appendix A; comments submitted on the NOP were considered during the preparation of the DEIR and were incorporated into the DEIR.

The City also held a virtual public scoping meeting for the project on October 16, 2023. Public notice of the meeting was provided by the City in accordance with its standard noticing procedures. Verbal comments during the meeting were provided by local residents Robert Conway, Don Lawrence and Bob Kachel. No written comments were submitted to the City during or after the scoping meeting.

Draft EIR Public Circulation

The Public Review Draft EIR (DEIR) was prepared by consultants, independently reviewed by the City and distributed for agency and public comment during a 45-day period extending from November 5, 2024 to December 20, 2024. The public review period was extended for an additional 45 days at the request of the Stanislaus LAFCo.

The DEIR contained a description of the project, a description of the environmental setting, identification of project impacts, and discussion of feasible mitigation measures for environmental impacts found to be potentially significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The DEIR also identifies areas of environmental concern determined to involve no impact or a less than significant impact.

The public notification and distribution process for the DEIR is outlined below.

The DEIR was available for viewing and download on the City's web site during the public review period.

A Notice of Availability was filed with the Stanislaus County Clerk, published in the Ceres Courier, a newspaper of regional circulation, and uploaded to the State Clearinghouse. The Notice of Availability was distributed to a list of agencies and interested parties as shown in Appendix A of the FEIR.

A Notice of Completion, the DEIR and the State Clearinghouse Summary were posted to the State Clearinghouse CEQAnet web site for review by State agencies.

The City received nine written comments on the DEIR during and shortly after the public review period. The ninth comment from the Ceres USD was received several months after the close of the review period.

1. Pacific Gas and Electric Company (6 pages)
2. State Water Resources Control Board (3 pages)
3. California Department of Fish and Wildlife (10 pages)
4. Stanislaus LAFCo (4 pages)
5. John and Patti Warren (2 pages)
6. Stanislaus County Department of Environmental Resources (1 page)
7. San Joaquin Valley Air Pollution Control District (15 pages)
8. Stanislaus County Chief Executive Office

9. Ceres Unified School District (submitted outside of the review period)

The City considered the above-listed comments and made specific responses to each of the comments. These comments and the City's responses are shown in Chapter 3.0 of the Final EIR. An additional comment from Lozano Smith for the Ceres Unified School District was submitted August 2025, well outside the EIR public review period.

Final EIR

The City prepared the FEIR (March, 2026) in advance of a planned meeting of the Ceres Planning Commission. As required by CEQA, the City's responses to comments were provided to each of the agency commenters at least 10 days ahead of the Planning Commission meeting. The Planning Commission reviewed the FEIR and recommended that the Ceres City Council certify the Final EIR. An additional comment for Lozano Smith for the Ceres Unified School District was submitted in August 2025, well outside the EIR public review period.

Recirculation Requirements

The City of Ceres received a total of eight comment letters during the EIR review period. In accordance with CEQA Guidelines Section 15088, the Final EIR responds to all of the comments received, including the one comment submitted outside the review period. Based on its detailed review of the comments and consideration of the EIR, the City has determined that the comments, responses to comments and revisions to the EIR shown in FEIR Chapter 4.0 do not reveal any new significant impacts or "significant new information" that would require recirculation of the EIR pursuant to CEQA Guidelines Section 15088.5.

The FEIR for the Copper Trails project does include additional information, but the FEIR does not identify any new significant environmental impacts or impacts that are substantially more severe than those that were identified in the Draft EIR. No feasible new project alternatives or mitigation measures have been identified that are considerably different from others previously analyzed and that would clearly lessen the environmental impacts of the project, nor have the project's proponents declined to adopt any alternatives or feasible mitigation measures. No party has suggested that meaningful public review and comment on the EIR were precluded.

Record of Proceedings and Custodian of Record:

For purposes of CEQA and the findings set forth herein, the record of proceedings consists of the following documents and testimony, at a minimum:

1. The NOP, comments received on the NOP, and all other public notices issued by the City in relation to the project (e.g., NOA and State Clearinghouse Notice of Completion).
2. The Draft EIR and the Final EIR.

3. Comments on the Draft EIR and the City's responses to those comments.
4. All non-draft and/or non-confidential reports and memoranda prepared by the City and consultants in relation to the EIR.
5. Minutes and transcripts of the discussions regarding the project and/or project components at public hearings held by the City.
6. Staff reports associated with City Council meetings on the project.
7. Those categories of materials identified in Public Resources Code § 21167.6.

The Ceres City Clerk is the custodian of the administrative record for this project. The documents and materials that constitute the administrative record are available for review at the Ceres Community Development Department, 222 Magnolia Street Ceres , CA 95307.

2.0 FINDINGS REQUIRED UNDER CEQA

Public Resources Code § 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” Further, the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 also provides that “in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles established by the Legislature in Public Resources Code §21002 are implemented, in part, through the requirement in Public Resources Code §21081 that agencies must adopt findings before approving projects for which an EIR is required. The CEQA Guidelines §15091 provides specific direction regarding findings required under CEQA:

15091. 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:

- 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 EIR.
- 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 final EIR.

As described in the EIR and shown in the FEIR Summary Table 2-1, the project would involve a range of potential environmental effects; these effects include numerous potential effects that are identified as Less than Significant or that would have No Effect on the environment. Several additional potential environmental effects are identified as potentially significant or significant; the EIR prescribes feasible mitigation measures for these effects that would avoid or reduce most of the identified significant effects to a less than significant level.

The EIR, however, describes five potentially significant environmental effects that are, after the inclusion of all feasible mitigation measures, considered unavoidable:

Impact AG-1: Conversion of Farmland

Impact AG-4: Indirect Agricultural Land Conversion

Impact GHG-2: GHG Emissions from Project Operations.

Impact TRANS-3: Vehicle Miles Traveled.

Impact TRANS-5: Traffic Hazards - Queuing.

Provided that the City wishes to approve the project, it must therefore adopt a Statement of Overriding Considerations with respect to these impacts.

The proposed CEQA findings for the Copper Trails project are described in the following sections, including the Statement of Overriding Considerations in Section 4.0. The proposed findings are based upon substantial evidence, comprised primarily of the information, analysis and mitigation measures described in the EIR, the responses to public comments shown in Chapter 3.0 of the FEIR and any other information incorporated into these documents by reference. Specific references to supporting information are provided in conjunction with the City's finding for each potentially significant effect of the project.

2.1 GENERAL FINDINGS BY THE CITY OF CERES

Consideration of the Environmental Impact Report

In adopting these Findings, the Ceres City Council finds that the EIR, inclusive of the DEIR and the FEIR, was presented to this City Council, the decision-making body of the lead agency, which has reviewed and considered the information in the EIR prior to approving the project. By adopting these findings, this City Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the EIR. The City Council finds that the EIR was completed in compliance with CEQA and that the EIR represents the independent judgment of the City.

Mitigation Monitoring/Reporting Program

A Mitigation Monitoring/Reporting Program (MMRP) has been prepared for the project in a separate document and has been adopted concurrently with these Findings. The City will use the MMRP to document the project's compliance with the mitigation measures described in the certified EIR.

Severability

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining

provisions of these Findings, or their application to other actions related to the project, shall continue in full force and effect unless amended or modified by the City.

2.2 FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL EFFECTS

As noted above, the EIR describes five potentially significant environmental effects are considered unavoidable:

Impact AG-1: Conversion of Farmland

Impact AG-4: Indirect Agricultural Land Conversion

Impact GHG-2: GHG Emissions from Project Operations.

Impact TRANS-3: Vehicle Miles Traveled.

Impact TRANS-5: Traffic Hazards - Queuing.

The CEQA Guidelines provide in Section 15021 that if significant impacts cannot be feasibly avoided or substantially lessened with mitigation measures, a public agency may nevertheless approve the project if the agency first adopts a Statement of Overriding Considerations setting forth the specific reasons that the project's benefits outweigh its significant unavoidable adverse environmental effects. These requirements are identified and discussed in Section 4.0 of this document.

Whether mitigation measures or alternatives are considered feasible is central to CEQA findings related to significant and unavoidable effects. As defined by CEQA, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors. The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. Moreover, "feasibility" under CEQA encompasses "desirability" to the extent that overall desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors."

The following information defines each of the project's unavoidable environmental effects, the mitigation measures that are applied to the effect in the EIR, and the City Council's determinations with respect to each effect under CEQA Guidelines 15091 – 15093. In order to address the project's significant and unavoidable effects, findings related to alternatives and a Statement of Overriding Consideration for the project are also required. These subjects are addressed in Sections 3.0 and 4.0 of this document.

IMPACT AG-1: CONVERSION OF FARMLAND

(a) Potential Impact:

The CTSP would convert 319.5 acres of Farmland, which consists of Prime Farmland and Farmland of Statewide Importance, as defined by CEQA Guidelines Appendix G. The City's Plan for Agricultural Preservation would compensate for impacts on Farmland but would not avoid or substantially reduce Farmland conversion. [This issue was analyzed in the Ceres General Plan EIR and was determined to be significant and unavoidable even with mitigating General Plan policies.]

(b) Mitigation Measures:

The following mitigation measure is hereby adopted and will be implemented as provided by the adopted MMRP:

AG-1: Prior to the approval of improvement plans, building permits, or recordation of a final map, applicants for projects in the Specific Plan Area shall offset the loss of Prime Farmland. This shall be done in coordination with the City, through the acquisition of conservation easements in Stanislaus County at a 1:1 ratio (i.e., one acre on which easements are acquired to one acre of Prime Farmland removed from agricultural use) that provide in-kind or similar resource value protection; payment of in-lieu fees to an established, qualified, mitigation program to fully fund the acquisition and maintenance of agricultural land or easements, or compliance with the City's adopted Plan for Agricultural Preservation, as adopted by Stanislaus LAFCO in accordance with LAFCO Policy 22Ceres.

This same impact was previously addressed in Ceres General Plan EIR and was included in the City's Statement of Overriding Considerations when the General Plan was adopted.

No other feasible mitigation measures for this impact have been identified.

(c) Findings:

Based on the EIR and the entire record before this City Council, the City Council finds that:

The project would result in the permanent conversion of 319.5 acres of Prime Farmland and Farmland of Statewide Importance under the California Department of Conservation Farmland Mapping Program to non-agricultural use. These losses are considered a significant environmental impact.

Mitigation Measure AG-1 requires the project to provide "agricultural mitigation land" - land encumbered by an agricultural conservation easement - on a 1:1 basis for each acre of Farmland converted by the project, or alternatively, projects must pay an established Agricultural Land Mitigation Fee, which is used to acquire agricultural mitigation land or easements or administer the program.

While the proposed project will acquire agricultural land conservation easements or contribute fees toward the purchase of conservation easements on agricultural lands, the resulting easements would not result in the creation of new farmland to offset the loss that would occur with project implementation. There are no other known mitigation measures for agricultural land conversion. As such, the conversion of agricultural land is considered a significant and unavoidable impact.

The Ceres General Plan 2040 and the certified General Plan EIR (GPEIR) considered potential conversion of agricultural land in conjunction with planned urban development mapped in the General Plan, which included urban development of the CTSP Area. The agricultural land conversion impact associated with the project was also identified in the GPEIR as significant and unavoidable. The GPEIR concluded that no additional mitigation was available that would reduce this impact to a level that would be less than significant. The Ceres City Council adopted a Statement of Overriding Considerations for agricultural land conversion impacts when it adopted the General Plan 2035.

(d) Overriding Considerations:

The environmental, economic, social and other benefits of the project that would override the significant adverse effect of the project on Farmlands, are described in the Statement of Overriding Considerations in Section 4.0, below. A corresponding Statement of Overriding Considerations with respect to agricultural land conversion was adopted at the time of adoption of the Ceres General Plan 2035.

IMPACT AG-4: INDIRECT AGRICULTURAL LAND CONVERSION

(a) Potential Impact: The project may indirectly result in conversion of other agricultural land in the vicinity of the CTSP to non-agricultural uses, even with the implementation of City policies intended to reduce conversion pressure. The DEIR noted that these influences would include division of large tracts of agricultural land into smaller, less agriculturally viable tracts; increases in land values and taxes; and loss of agricultural support infrastructure, such as agricultural product processing facilities. Urban growth may also compete with agriculture for the use of water resources. This same impact was considered in the Ceres General Plan EIR and found to be significant and unavoidable.

(b) Mitigation Measures: No mitigation measures are available.

(c) Findings: Based on the CTSP EIR and the entire record before it, the City Council finds that the project may indirectly result in conversion of other agricultural land in the vicinity of the CTSP to non-agricultural uses. Although potential for agricultural land conversion is not quantified by the DEIR, these potential losses are considered a significant environmental impact.

The DEIR analysis of this issue describes a range of City and County policies and practices that would help limit indirect effects on agricultural land conversion. Beside these provisions, which are already in place, however, no other potential mitigation measures have been identified that would substantially reduce this impact.

The Ceres General Plan EIR stated that existing and proposed general plan policies would not eliminate the indirect impacts that could result in agricultural conversion, leaving this as a significant and unavoidable impact of general plan adoption and the new development that could result from its adoption. The CTSP DEIR likewise concludes that this would be a significant and unavoidable impact of CTSP approval.

(d) Overriding Considerations: The environmental, economic, social and other benefits of the project that override the significant adverse impact of the project associated with indirect agricultural land conversion are described in the Statement of Overriding Considerations in Section 4.0, below.

IMPACT GHG-2: GHG EMISSIONS FROM PROJECT OPERATIONS

(a) Potential Impact:

Unmitigated operational GHG emissions would be reduced by mitigating features of the project, but impacts would remain significant and unavoidable.

(b) Mitigation Measures:

The CTSP land use plans, alternative transportation, walkability, parks and open space, adopted San Joaquin Valley Air Pollution Control District regulations and other provisions described in the CTSP EIR would help to reduce operational GHG emissions, which would, as calculated by the EIR's air emissions modeling be reduced from unmitigated emissions by a percentage that is consistent with the State's GHG reduction plans. Additional GHG reduction measures to be implemented by the State, such as the Clean Fleet regulations and the Renewables Portfolio Standard would further reduce GHG emissions. These elements of the project and State GHG reduction measures would substantially reduce the GHG impacts of the project but not necessarily to a less than significant level.

No other feasible mitigation measures have been identified for this impact.

Nevertheless, GHG emissions resulting from CTSP development may remain significant even with application of GHG reduction measures and regulations. Therefore, project impacts are considered potentially significant and unavoidable.

(c) Findings:

(1) The project would result in potentially significant emissions of GHGs, which would be offset by project features that limit VMT and promote reduced GHG emissions and by compliance with applicable SJVAPCD regulations and programs. This is nonetheless considered a potentially significant environmental impact. No additional mitigation measures are available.

(2) Overriding Considerations. The environmental, economic, social and other benefits of the project that override the significant adverse impact of the project associated with greenhouse gas emissions are described in the Statement of Overriding Considerations in Section 4.0, below.

IMPACT TRANS-3: VEHICLE MILES TRAVELED

(a) Potential Impact:

Based on significance thresholds developed for the project, the project would have a potentially significant impact on residential and commercial VMT. Mitigation has the potential to substantially reduce but not demonstrably avoid this impact.

(b) Mitigation Measures:

Other mitigation listed in Chapter 4.0 Errata would be assigned during review of future CTSP projects, which would increase potential VMT mitigation, but still leave the impact potentially significant and unavoidable.

The Draft EIR evaluated elements of new development and related transportation improvements required by the CTSP that could be expected to reduce VMT for both residential and commercial uses as described in the CAPCOA (2021) handbook for analyzing potential greenhouse gas emission reduction. These elements are detailed in Wood Rodgers' transportation report Table 6.15, which is Appendix G of the Draft EIR. The CTSP defines a range of alternative transportation, pedestrian and bicycle path improvements that would be included with proposed new development, and which would produce quantifiable GHG emission reductions. Additional GHG analysis in future projects could reveal additional potential emission reductions.

The potential for office development, and associated VMT generation, is relatively small and potential emissions were considered speculative and not quantified by Wood Rodgers. Should large office projects be proposed in the CTSP area, additional GHG reduction measures should be explored including Commute Reduction Programs, Ridesharing Programs, End of Trip Bicycle Facilities and Employer-Sponsored Vanpool. In addition, SJVAPCD Rule 9410, requires that projects with more than 100 employees incorporate Transportation Demand Measures such as these.

(c) Findings:

Although a range of potential GHG reduction measures were explored, Wood Rodgers concluded that the project's VMT impacts would remain potentially significant and unavoidable. Although the EIR identified a range of project features and other measures and programs that would result in substantial reductions in GHG emissions, the EIR concluded that the project's VMT impacts would remain potentially significant and unavoidable. The effectiveness of these measures, their quantification with respect to the project and their potential to substantially reduce the subject impact, is uncertain. As a result, the project's effects on VMT are considered potentially significant.

(d) Overriding Considerations: The environmental, economic, social and other benefits of the project override the significant adverse impact of the project associated with

VMT as described in, in the Statement of Overriding Considerations in Section 4.0, below.

IMPACT TRANS-5: TRAFFIC HAZARDS

(a) Potential Impact:

The DEIR identifies Impact TRANS-5: Traffic Hazards – Queuing as a significant environmental effect. As discussed in the EIR, project traffic would lead to excessive queuing at southbound off-ramp and northbound on-ramp at the SR 99/Service Road interchange. Reconstruction of the interchange is in the design process, and the City is considering a substantial change in the direction of interchange planning. No workable interim queuing solution can be defined at this time. Until interchange improvements are constructed, implementation of the CTSP would result in a significant and unavoidable queuing impact.

(b) Mitigation Measures:

No mitigation measures are available for this impact other than planned interchange reconstruction. Interchange reconstruction is expected to occur well ahead of CTSP buildout. Impact may be significant and unavoidable but only in the short term.

(c) Findings:

Traffic Hazards – Queuing had been identified as a significant traffic effect occur expected to occur at the SR 99/Service Road interchange. Reconstruction of the interchange is currently in the design process, and the City and Caltrans are considering a substantial change in the direction of interchange planning.

As the interchange design is uncertain and in flux for the foreseeable future, no specific mitigation measure for queuing impacts can be defined. This is, however, a short-term impact as the approved interchange design is expected to provide adequate queuing storage arriving and departing traffic at Service Road upon project completion.

(d) Overriding Considerations: The environmental, economic, social and other benefits of the project override the significant adverse queuing impact of the project as described in the DEIR at Impact TRANS-5, in the Statement of Overriding Considerations in Section 4.0, below.

2.3 FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT IMPACTS WHICH ARE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

The environmental effects that were found by the EIR to be significant and/or potentially significant prior to the application of mitigation measures include the effects listed below. As required by CEQA, the City must make specific findings with respect to each of these significant effects; the City's findings are discussed in more detail below. All of the following environmental effects would be reduced to a less than significant level by incorporating the mitigation measures prescribed in the EIR into the project.

Impact AG-3: Agricultural Zoning and Williamson Act.

Impact AIR-1: Air Quality Plans and Standards - Construction Emissions

Impact AIR-4: Exposure of Sensitive Receptors to Toxic Air Contaminants.

Impact BIO-1: Special-Status Species and Habitats.

Impact BIO-4: Migration Corridors and Nursery Sites.

Impact BIO-5: Local Policies and Ordinances.

Impact CULT-1: Historical Resources.

Impact CULT-2: Archaeological Resources.

Impact CULT-3: Tribal Cultural Resources.

Impact GEO-6: Paleontological Resources and Unique Geological Features.

Impact HAZ-4: Hazardous Material Sites.

Impact HAZ-5: Airport Hazards.

Impact HAZ-6: Interference with Emergency Vehicle Access and Evacuations.

Impact HAZ-8: Waterway Hazards.

Impact HYDRO-2: Groundwater Resources and Quality.

Impact NOISE-1: Increase in Noise Levels in Excess of Standards-Traffic.

Impact NOISE-2: Increase in Noise Levels in Excess of Standards-Other Project Noise.

Impact NOISE-3: Increase in Noise Levels in Excess of Standards-Construction.

Impact UTIL-1: Relocation and Construction of Infrastructure Facilities.

IMPACT AG-3: AGRICULTURAL ZONING AND WILLIAMSON ACT

(a) Potential Impact:

The CTSP Area is mostly zoned General Agriculture, while three parcels within the project site are under a Williamson Act contract. The project would rezone the CTSP Area to be consistent with proposed urban development, and the Williamson Act contracts would be cancelled or not renewed.

(b) Mitigation Measures:

The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP:

AG-2: Project applicants for urban development of lands with a surviving Williamson Act contract shall apply to the City for approval of immediate cancellation of the contract. The application shall be processed pursuant to the requirements of Sections 51282 and 51284 of the Government Code, including detailed findings specified in the law, and review and comment by the California Department of Conservation:

1. That the cancellation is consistent with the purposes of this chapter, and
2. That cancellation is in the public interest.

Provided that required findings can be made, immediate cancellation of remaining Williamson Act contracts will reduce potential conflicts to a less than significant level.

(c) Findings:

The above-described mitigation measure for impacts on agricultural zoning is an appropriate and effective measure that will be incorporated into the project and will substantially lessen the subject environmental effect, as it is described in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to have direct or indirect effects on agricultural zoning resources will be mitigated to a less-than-significant level.

IMPACT AIR-1: AIR QUALITY PLANS AND STANDARDS – CONSTRUCTION EMISSIONS

(a) Potential Impact:

Project construction emissions would not exceed SJVAPCD significance thresholds in a maximum development year, thereby being consistent with adopted air quality plans. Dust emissions would be reduced through the required implementation of SJVAPCD Regulation VIII and the Indirect Source Rule.

(b) Mitigation Measures:

Recommendation: The CTSP and/or conditions of approval should specifically require project conformance with existing SJVAPCD rules and regulations, including Regulation VIII and Rule 9510, as shown in the following measures:

AIR-1: Prior to the issuance of a Grading Permit for each phase of the Project, the Project Proponent shall prepare and submit a Dust Control Plan that meets all of the applicable requirements of APCD Rule 8021, Section 6.3, for the review and approval of the APCD Air Pollution Control Officer.

AIR-2: During all construction activities, the Project Proponent shall implement dust control measures, as required by APCD Rules 8011-8081, to limit Visible Dust Emissions to 20% opacity or less. Dust control measures shall include application of water or chemical dust suppressants to unpaved roads and graded areas, covering or stabilization of transported bulk materials, prevention of carryout or trackout of soil materials to public roads, limiting the area subject to soil disturbance, construction of wind barriers, access restrictions to inactive sites as required by the applicable rules.

AIR-3: During all construction activities, the Project proponent shall implement the following dust control practices identified in Tables 6-2 and 6-3 of the GAMAQI (2002).

- a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.
- b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- c. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall control fugitive dust emissions by application of water or by presoaking.
- d. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.
- e. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.
- f. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

- g. Limit traffic speeds on unpaved roads to 5 mph.
- h. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.

AIR-4: Asphalt paving shall be applied in accordance with APCD Rule 4641, the purpose of which is to limit VOC emissions by restricting the application and manufacturing of certain types of asphalt for paving and maintenance operations. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations. The applicant shall coordinate with the APCD, prior to paving activities and provide the City of Ceres with evidence of consultation with the APCD, including confirmation of compliance with APCD Rule 4641.

(c) Findings:

The above-described recommendations for impacts on air quality during project construction is an/are appropriate and effective measures that will be incorporated into the project and will avoid or will substantially lessen the subject environmental effect, as it is described in the EIR.

IMPACT AIR-4: EXPOSURE OF SENSITIVE RECEPTORS TO TOXIC AIR CONTAMINANTS

(a) Potential Impact: Development in the project site is unlikely to generate or be exposed to TACs at a level that can present a risk to human health. Projects that could generate potentially significant amounts of TACs would be subject to City review.

(b) Mitigation Measures:

The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP:

AIR-5: For service station projects, as part of the Conditional Use Permit evaluation process, the Gasoline Service Station Industrywide Risk Assessment Look-up Tool shall be used to screen service stations for their cancer and non-cancer chronic and acute risks. If the results of the Look-up Tool indicate that the proposed service station would not exceed the significance thresholds for cancer and non-cancer chronic and acute risks, as set by the San Joaquin Valley Air Pollution Control District (SJVAPCD), then no further action need be taken. However, if the service station project exceeds one or more of these thresholds, particularly the cancer risk threshold, then the project shall be required to prepare a Health Risk Assessment. The Health Risk Assessment shall quantify the health risks associated with the project and identify project or design changes sufficient to reduce these risks to levels below their respective significance thresholds. These recommendations shall be incorporated as conditions of approval for the Conditional Use Permit and shall be implemented upon permit approval.

(c) Findings:

The above-described mitigation measure for impacts of toxic air contaminates on sensitive receptors is an appropriate and effective measure that will be incorporated into the project and will substantially lessen the subject environmental effect, as it is described in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential of the project to have direct or indirect toxic air contaminant impacts on sensitive receptors will be mitigated to a less-than-significant level.

IMPACT BIO-1: SPECIAL-STATUS SPECIES AND HABITATS.

(a) Potential Impact:

Project development would involve the potential for impacts on foraging habitat for Swainson's hawk and Valley elderberry longhorn beetle. The potential for the project to result in impacts on special-status species is discussed on pages 7-11 and 7-12 of the Draft EIR.

(b) Mitigation Measures:

The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP:

BIO-1: If ground-disturbing activities would take place on sites where suitable nesting habitat may exist, a survey for nesting Swainson's hawks shall be conducted by a qualified wildlife biologist, following survey methods developed by the Swainson's Hawk Technical Advisory Committee (2000) prior to undertaking any ground-disturbing activities. The survey shall include recommended mitigation measures for any potential impacts from the project.

If ground disturbing activities would take place during the nesting season (March 1 through August 31) and Swainson's hawk nests are found to be present, a no-disturbance buffer of a minimum of 0.5 miles shall be established around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged.

BIO-2: Prior to the start of construction activities for an approved development project, a survey shall be conducted by a qualified biologist for blue elderberry (*Sambucus mexicana*) shrubs. Should such shrubs be discovered by the survey, the development project shall avoid removal of these shrubs to the extent feasible. If avoidance is not feasible, then the biologist shall recommend actions to be taken to minimize or to compensate for any impacts on blue elderberry shrubs in accordance with the applicable state or federal regulations.

(c) Findings:

Project development would involve the potential for impacts on foraging habitat for Swainson's hawk and elderberry shrub habitat for the Valley elderberry longhorn beetle.

Mitigation Measures BIO-1 and BIO-2 are effective mitigation measures that have been required in, or will be incorporated into, the project which would avoid or substantially lessen the significant biological resource effect as identified in the EIR. Based upon the EIR and the record before it, this City Council finds that the project's potential to have direct or indirect effects on special-status species will be mitigated to a less-than-significant level.

IMPACT BIO-4: MIGRATION CORRIDORS AND NURSERY SITES

(a) Potential Impact: Existing trees and grassy areas could be used by protected migratory bird species for nesting. The potential for the project to result in impacts on migration corridors and nursery sites is discussed on pages 7-13 and 7-14 of the Draft EIR.

(b) Mitigation Measures:

The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP:

BIO-3: If construction of a development project commences during the general avian nesting season (March 1 through July 31), a pre-construction survey for all species of nesting birds shall be conducted. If active nests for any bird species are found, work in the vicinity of the nests shall be delayed until the young have fledged. No survey shall be required if construction occurs outside the general avian nesting season.

(c) Findings:

Based upon the Final EIR and the entire record before it, this City Council finds that:

The above-described mitigation measure(s) for impacts on migratory wildlife habitat is an appropriate and effective measure that will be incorporated into the project and will avoid or substantially lessen the subject environmental effect.

Mitigation Measure BIO-3 is appropriate mitigation for the above described impact that will be incorporated into the project and which avoids or substantially lessens the significant environmental effect as identified in the Final EIR. As a result, the project, as mitigated, will not involve a significant effect on migratory fish and wildlife habitats.

IMPACT BIO-5: LOCAL POLICIES AND ORDINANCES

(a) Potential Impact:

The Ceres General Plan has goals and policies intended to protect biological resources. The CTSP implements the City's goals and directing future development activity, including impacts on special status species through the implementation of Mitigation Measure BIO-1 above. The City of Ceres has no other requirements protecting biological resources. With the implementation of BIO-1, the project's effect on local policies and ordinances would be less than significant. The potential for the project to result in impacts on local biological requirements is discussed on pages 7-14 and 7-15 of the Draft EIR.

(b) Mitigation Measures:

Implementation of Mitigation Measure BIO-1, as described above, would reduce this potential effect to a less than significant level

© Findings

Based upon the Final EIR and the entire record before it, this City Council finds that:

Development on the project site would be consistent with Ceres General Plan policies on biological resources with implementation of Mitigation Measure BIO-1. No local ordinances protecting biological resources have been enacted.

The above-described mitigation measure for impacts on Local Biological Requirements is an appropriate and effective measure that will be incorporated into the project and will avoid or substantially lessen the subject environmental effect, as it is described in the EIR.

IMPACT CULT-1: HISTORICAL RESOURCES

(b) Potential Impact:

No historical resources have been recorded on the project site. However, buildings of at least 50 years of age may exist in areas planned for development. The potential for the project to result in impacts on historical resources is discussed on pages 8-6 and 8-7 of the Draft EIR.

(b) Mitigation Measures:

The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP:

CULT-1: Based on a determination of potential historical value by the Community Development Director, existing buildings or other structures on the site that are 50 years of age or older that are planned to be removed shall be evaluated by a qualified architectural historian to determine if they are eligible for listing on the National Register of Historic Places and/or the California Register of Historical Resources. This evaluation shall be conducted prior to issuance of a demolition permit. Should any buildings be found eligible for such designation(s), then the architectural historian shall make recommendations concerning the disposition of the identified buildings, which shall be implemented by the project developer. Recommendations may include, but are not limited to, preservation of the existing structure or reuse of the structure in accordance with historic property standards of the U.S. Secretary of the Interior.

© Findings:

Based upon the EIR and the entire record before it, this City Council finds that:

The above-described mitigation measure(s) for impacts on historical resources is an/are appropriate and effective measures that will be incorporated into the project and will avoid

or substantially lessen the subject environmental effect, as it is described in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to have direct or indirect effects on historic resources will be mitigated to a less-than-significant level.

IMPACT CULT-2: ARCHAEOLOGICAL RESOURCES.

(b) Potential Impact:

It is possible that subsurface archaeological resources, including Native American burials, may be encountered during project construction. The potential for the project to impact Native American burials is discussed on pages 8-7 and 8-8 of the Draft EIR.

(b) Mitigation Measures:

The following mitigation measure is hereby adopted and will be implemented as provided in the MMRP:

CULT-2: If any subsurface cultural resources are encountered during project construction that occurs within the Copper Trails Specific Plan area, the City of Ceres Community Development Department shall be immediately notified of the discovery, and all construction activity within 50 feet of the find shall be halted. A qualified archaeologist shall examine the find and determine its significance. If the find is determined to be significant, then the archaeologist shall recommend further mitigation measures that would reduce potential effects on the find to a level that is less than significant. Recommended measures may include, but are not limited to, 1) avoidance and preservation in place, or 2) excavation, recovery, and curation by qualified professionals. Construction activities in the area of the find shall not resume until the mitigation measures are in place. The project developer shall be responsible for retaining qualified professionals, implementing recommended mitigation measures, and documenting mitigation efforts in a written report to the City's Development Services Department, consistent with the requirements of the CEQA Guidelines.

© Findings:

Based upon the EIR and the entire record before this City Council, this City Council finds that:

Although the cultural resource study did not indicate the presence of any archaeological resources in the project area. It is conceivable that archaeological resources could be encountered during project construction activities. Mitigation Measure CULT-2 sets forth procedures to be observed by the project and City should any subsurface archaeological resources be encountered during project construction. This will reduce potential archaeological effects to a less than significant level.

IMPACT CULT-3: TRIBAL CULTURAL RESOURCES

(b) Potential Impact:

It is possible that tribal cultural resources, including Native American burials, may be encountered during project construction. The potential for the project to impact Native American burials is discussed on pages 8-8 and 8-9 of the Draft EIR.

(b) Mitigation Measures:

The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP:

Implementation of Mitigation Measure CULT-2, as described above, will reduce this potential effect to a less than significant level.

The above-described mitigation measure(s) for impacts on Tribal Cultural Resources are appropriate and effective measures that will be incorporated into the project and will avoid or substantially lessen the subject environmental effect, as it is described in the EIR.

c) Findings:

Based upon the EIR and the entire record before this City Council, this City Council finds that:

The cultural resource study did not indicate the presence of any human burials on the project site. Discoveries of remains are considered unlikely, given the negative results of the research, survey, and Native American community outreach. However, it is conceivable that human remains, including Native American burials, could be encountered during project construction activities.

Mitigation Measure CULT-2 sets forth procedures to be observed by the project should any human burials be encountered during project construction beginning with notification of the County Coroner. If the burial is determined to be Native American in origin, then the Native American Heritage Commission would be contacted and additional required procedures would be implemented. This would ensure that the Native American burial would be treated with appropriate dignity and that significant tribal cultural resource effects would be avoided.

IMPACT GEO-6: PALEONTOLOGICAL RESOURCES AND UNIQUE GEOLOGICAL FEATURES

(a) Potential Impact:

Construction could unearth previously unknown paleontological materials of significance. The potential for the project to impact paleontological resources is discussed on pages 9-9 and 9-10 of the Draft EIR.

(b) Mitigation Measures:

The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP:

GEO-1: If paleontological resources are encountered during project construction, the City of Ceres shall be immediately notified of the discovery, and construction activity within 50 feet of the encounter shall cease until a qualified paleontologist examines the materials, determines their significance under CEQA, and recommends mitigation measures that would be necessary to reduce potentially significant effects to a level that is less than significant. The developer or its contractor shall be responsible for retaining a qualified paleontologist and for implementing recommended mitigation measures. Construction activities in the area of the find shall not resume until the mitigation measures are in place.

The above-described mitigation measure(s) for impacts on paleontological resources is an appropriate and effective measure that will be incorporated into the project and will avoid or substantially lessen the subject environmental effect, as it is described in the EIR.

(c) Findings:

Based upon the EIR and the entire record before it, this City Council finds that the project has the potential to disturb paleontological resources.

Mitigation Measure GEO-1 sets forth procedures to be observed by the project should any paleontological resources be encountered during project construction. An important part of this mitigation is for project work to stop within 50 feet of the find and to not resume until a paleontologist can examine the find and make recommendations on its disposition. Mitigation Measure GEO-1 will reduce the potential for paleontological impacts to a less than significant level.

IMPACT HAZ-4 : HAZARDOUS MATERIAL SITES

(a) Potential Impacts:

No active hazardous material sites were identified on the project site. Past agricultural activities within the CTSP Area have the potential of leaving hazardous pesticide residues that could be released to the environment. Also, demolition of older buildings could release asbestos and lead-based paints into the environment. The potential for project impact hazardous materials is discussed on pages 11-9 through 11-11 of the Draft EIR.

(b) Mitigation Measures:

The following mitigation measures are hereby adopted and will be implemented as provided by the MMRP:

HAZ-1: Prior to approval of a site plan or a tentative subdivision map for future development, a Phase I Environmental Site Assessment shall be conducted and submitted to the City Community Development Department. The Phase I Assessment shall evaluate the site for potential contamination, including residues

of agricultural chemicals on sites of previous agricultural land use. If the Phase I Assessment determines the potential presence of any hazardous material contamination, then a Phase II Environmental Site assessment shall be conducted to identify the type and extent of hazardous material contamination. If necessary, the Phase II report shall include remediation measures. Project approval shall include requirements for completion of any Phase II remediation needed to permit the proposed land use under existing applicable regulations.

HAZ-2: If evidence of unusual odors or soil discoloration is noted during construction, construction shall be halted and the City shall be notified. The property owner or responsible party shall contact a qualified environmental professional to evaluate the situation and take action as required by applicable environmental regulations. Construction work at the identified site shall not resume until the site is either remediated or found to pose no risk to worker health.

HAZ-3: Demolition permits shall be obtained from the City for structures to be removed from development sites. Demolition would occur in accordance with the conditions of the City Demolition Permit, which shall include a Demolition Plan that is reviewed and approved by the Building Official. The Demolition Plan shall include the required qualifications of demolition contractors, demolition procedures, safety requirements, testing for hazardous materials that shall include asbestos-containing material and lead-based paint, waste disposal worker and public health, and environmental protections. Permit applications for uses regulated shall include a Demolition Permit Release Form from the SJVAPCD.

(c) Findings:

Based upon the EIR and the entire record before it, this City Council finds that the project may result in disturbance of existing hazardous materials contamination and potential releases to the environment.

The above-described mitigation measure(s) HAZ-1, HAZ-2, and HAZ-3 for hazardous materials impacts are appropriate and effective measures that will be incorporated into the project and will avoid or substantially lessen the subject environmental effect, as it is described in the EIR. As a result, the projects effect on hazardous materials sites would be reduced to less than significant level with mitigation.

IMPACT HAZ-5: AIRPORT HAZARDS

(a) Potential Impacts:

A portion of the project site is within the Airport Influence Area established for the Modesto City-County Airport and could therefore involve an aviation hazard. The potential for project impact airport hazards is discussed on page 11-11 of the Draft EIR.

(b) Mitigation Measures:

The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP:

HAZ-4: For projects located within the Airport Influence Area of the Modesto City-County Airport, as delineated within the Stanislaus County Airport Land Use Compatibility Plan, site plan and design review submittals for the project shall be referred to the Stanislaus County Airport Land Use Commission for its review and recommendations. Implementation of applicable recommendations of the Airport Land Use Commission shall be made a condition of City approval unless the City overrides any recommendation in accordance with State law.

(c) Findings:

Based upon the EIR and the entire record before it, this City Council finds that although the project could result in potential for aviation hazards, the process of referring such projects to the Stanislaus County ALUC and incorporation of their recommendations in the project would reduce this potential impact to a less than significant level.

IMPACT HAZ-6: INTERFERENCE WITH EMERGENCY VEHICLE ACCESS AND EVACUATIONS.

(a) Potential Impacts:

The project would also include improvements to existing roadways that could potentially interfere with emergency vehicle access and evacuations in the area. The potential for project impact on emergency vehicle access and evacuations is discussed on pages 11-11 through 11-12 of the Draft EIR.

(b) Mitigation Measures:

The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP:

HAZ-5: Encroachment permits for work within the public right-of-way shall be obtained from the City of Ceres. As a condition of the permit, and prior to the start of project construction, the permittee shall prepare and implement a Traffic Control Plan, which shall include such items as traffic control requirements, resident notification of access closure, and daily access restoration. The contractor shall specify dates and times of road closures or restrictions, if any, and shall ensure that adequate access will be provided for emergency vehicles. The Traffic Control Plan shall be reviewed and approved by the City Department of Public Works and shall be coordinated with the Ceres Police Department and the applicable firefighting agency if construction will require road closures or lane restrictions.

(c) Findings:

Based upon the EIR and the entire record before it, this City Council finds that:

The above-described mitigation measure for impacts on emergency vehicle access and evacuations is an appropriate and effective measure that will be incorporated into the project and will avoid or substantially lessen the subject environmental effect, as it is

described in the EIR. As a result, the subject environmental effect will be reduced to a less than significant level.

IMPACT HAZ-8: WATERWAY HAZARDS.

(a) Potential Impacts:

Residential development adjacent to TID Lower Lateral 2 could lead to trespassing and safety hazards to trespassers. The potential for project impact on waterway hazards is discussed on page 11-13 of the Draft EIR.

(b) Mitigation Measures:

The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP:

HAZ-6: Prior to the start of development within the Copper Trails Specific Plan area, design plans for any trails along Turlock Irrigation District (TID) canals shall be submitted to TID for its review and approval. TID approval shall be obtained for any trail construction along the TID canals.

(c) Findings:

Based upon the EIR and the entire record before it, this City Council finds that:

The above-described mitigation measure for impacts on waterway hazards is an appropriate and effective measure that will be incorporated into the project and will avoid or substantially lessen the subject environmental effect, as it is described in the EIR. As a result, the subject environmental effect will be reduced to a less than significant level.

IMPACT HYDRO-2: GROUNDWATER RESOURCES AND QUALITY

(a) Potential Impacts:

The project would be served by the City's water system, which relies in part on groundwater. The project can be accommodated from City's existing groundwater supplies. The project may reduce groundwater recharge through increased impervious surfaces, but the impact is not considered substantial. Existing groundwater wells would need to be plugged over the course of development. The potential for project impact on waterway hazards is discussed on page 12-10 – 12-11 of the Draft EIR.

(b) Mitigation Measures:

The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP:

HYDRO-1: Prior to the start of development within any portion of the Copper Trails Specific Plan area, any remaining existing groundwater wells shall be plugged and abandoned in accordance with the requirements of the Stanislaus

County Department of Environmental Resources and the provisions of California Water Code Section 13751.

HYDRO-2: For areas containing a shallow groundwater table, a dewatering permit shall be obtained from the RWQCB prior to the start of construction activities. Dewatering shall be done in accordance with the conditions of the permit.

(c) Findings

Based upon the EIR and the entire record before it, this City Council finds that:

The above-described mitigation measure(s) for impacts on groundwater resources is an/are appropriate and effective measures that will be incorporated into the project and will avoid or substantially lessen the subject environmental effect, as it is described in the EIR. As a result, the subject environmental effect will be reduced to a less than significant level.

IMPACT NOISE-1: INCREASE IN NOISE LEVELS IN EXCESS OF STANDARDS-TRAFFIC

(a) Potential Impact:

Traffic generated under Near Term Plus Project conditions would increase traffic noise levels along East Service Road by an amount exceeding applicable significance thresholds. Mitigation would reduce this impact to a less than significant level.

(b) Mitigation Measures:

The following mitigation measures are hereby adopted and will be implemented as provided by the adopted MMRP:

NOISE-1: To reduce traffic noise increases under Near-Term Plus Project conditions to less than +1.5 dB, widening or new improvements to the segment of East Service Road north of the Copper Trails Specific Plan boundary shall be paved with quiet pavement, or another equivalent mitigation shall be provided, with approval from a qualified noise consultant and City staff. The pavement would be required for any portion of the roadway passing a noise-sensitive use, and for a distance of 100 feet on either side of the sensitive use.

(c) Findings:

Application of Mitigation Measure NOISE-1 as required by the adopted MMRP will reduce this potential noise impact to a less than significant level.

IMPACT NOISE-2: INCREASE IN NOISE LEVELS IN EXCESS OF STANDARDS-OTHER PROJECT NOISE

(a) Potential Impact:

Noise from recreational uses, trailer parking and truck loading/unloading in planned commercial areas could affect nearby sensitive land uses, mainly residences. The potential

for project construction to result in the generation of other project noise in excess of standards is discussed under IMPACT NOISE-3.

(b) Mitigation Measures:

The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP:

NOISE-2: Proposed commercial and active sports recreational projects shall be subject to a preliminary review by Community Development staff for potentially significant noise impacts. Where potential noise impacts may be significant, an acoustical analysis shall be performed by a qualified acoustical consultant as to the project's consistency with the City's noise level standards and mitigation measures needed to bring the proposed source into compliance with City standards, assuming that compliance with City noise standards is maintained.

(c) Findings:

Based upon the FEIR and the entire record before this City Council, this City Council finds that:

Operation of the proposed retail commercial uses would generate new noise that may affect nearby noise-sensitive land uses but not to a significant level. The resulting calculated noise levels would be 54 decibels (dB) Leq and 74 dB Lmax. The noise levels would comply with the City's daytime noise level standards of 55 dB Leq and 75 dB Lmax; however, they would not comply with the nighttime noise level standards of 45 dB Leq and 65 dB Lmax. The noise study indicates sound walls may need to be placed at specific locations where residences are close to potential commercial or recreational activity areas. The need for noise barriers would vary from project to project, but the recommended mitigation NOISE-2 would require additional professional analysis and specify that noise walls or other mitigation be incorporated into the project to maintain conformance with City standards.

Mitigation Measure NOISE-2 is an appropriate change or alteration that will be incorporated into the project which avoids or substantially lessens the potentially significant noise effect as identified in the EIR. Based upon the EIR and the entire record before it, this City Council finds that the potential to have direct or indirect effects related to noise from other project noise sources will be reduced to a less than significant level.

IMPACT NOISE-3: INCREASE IN NOISE LEVELS IN EXCESS OF STANDARDS-CONSTRUCTION

(a) Potential Impact:

Construction activities may potentially increase ambient noise above City standards at nearby residences or other sensitive land uses. The potential for project construction to result in the generation of noise in excess of standards is discussed on pages 14-11, 14-12 and 14-13 of the Draft EIR.

(b) Mitigation Measures:

The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP:

NOISE-3: The City shall establish the following as conditions of approval for any permit that results in the use of construction equipment:

- Construction shall be limited to 7:00 a.m. to 8:00 p.m. unless allowed by special permit issued by the Building Inspector or City Engineer.
- All construction equipment powered by internal combustion engines shall be properly muffled and maintained.
- Quiet construction equipment, particularly air compressors, are to be selected whenever possible.
- All stationary noise-generating construction equipment such as generators or air compressors are to be located as far as is practical from existing residences. In addition, the project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors closest to the project site.
- Unnecessary idling of internal combustion engines is prohibited. In accordance with State regulations, idling shall be limited to no more than five minutes.
- The construction contractor shall, to the maximum extent practical, locate on-site equipment staging areas to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.

(c) Findings:

Based upon the EIR and the entire record before this City Council, this City Council finds that:

Noise from project construction activities would temporarily add to the noise environment in the project vicinity during the construction period and may generate noise levels exceeding City standards. Construction activities would be temporary in nature and would occur primarily during daytime working hours, which is allowed by the Ceres Municipal Code.

Mitigation Measure NOISE-3 requires project construction activities to adhere to the requirements of the City of Ceres Municipal Code with respect to hours of operation and other specific noise control requirements.

The above-described mitigation measures for construction noise impacts are an appropriate and effective measure that will be incorporated into the project and will avoid or substantially lessen the subject environmental effect, as it is described in the EIR. As a result, the subject environmental effect will be reduced to a less than significant level.

IMPACT UTIL-1: RELOCATION AND CONSTRUCTION OF INFRASTRUCTURE FACILITIES.

(a) Potential Impact:

The CTSP Area would require new infrastructure, which would be provided in accordance with City and State requirements and standards. The project may require removal or relocation of TID facilities as discussed on pages 17-10 and 17-11 of the Draft EIR.

(b) Mitigation Measures

The following mitigation measure is hereby adopted and will be implemented as provided by the MMRP:

UTIL-1: Prior to the start of development that impacts TID irrigation facilities, the project shall design one or more method acceptable to the City and TID that will minimize or avoid the impacts of development on the continued operation of existing TID irrigation facilities. The agreed-upon methods shall be incorporated as applicable into the design and construction of future development.

(c) Findings:

Based upon the FEIR and the entire record before it, this City Council finds that:

The above-described mitigation measure for impacts on future operation of TID facilities is an appropriate and effective measure that will be incorporated into the project and will avoid or substantially lessen the subject environmental effect, as it is described in the EIR. As a result, the project will have a less than significant on the operation of TID facilities.

2.4 FINDINGS AND RECOMMENDATIONS REGARDING ENVIRONMENTAL IMPACTS THAT HAVE NO EFFECT, ARE LESS THAN SIGNIFICANT OR LESS THAN CUMULATIVELY CONSIDERABLE

Among the potentially significant environmental effects analyzed and described in the EIR, including potential cumulative impacts, numerous potential impacts were found to be less than significant or to have no substantial effect on the environment. The following specific impacts within the defined categories of environmental effect described in the EIR were found to be less than significant as described in more detail in the FEIR. No CEQA Findings are required for these less than significant effects.

Chapter 4.0 Aesthetics and Visual Resources: The following specific aesthetic and visual resource impacts were found to be less than significant:

Impact AES-1: Scenic Vistas, DEIR page 4-4

Impact AES-2: Scenic Resources, DEIR page 4-5

Impact AES-3: Visual Character and Quality, DEIR pages 4-5,6

Impact AES-4: Light and Glare, DEIR pages 4-6,7,8

Chapter 5.0 Agricultural Resources: The following specific agricultural resource impacts were found to be less than significant:

Impact AG-2: Conflict Between Agricultural and Urban Land Uses, DEIR pages 5-7, 8

Chapter 6.0 Air Quality: The following specific air quality impacts were found to be less than significant:

Impact AIR-2: Air Quality Plans and Standards – Operational Emissions, DEIR pages 6-16, 17,18,19

Impact AIR-3: Exposure of Sensitive Receptors to Criteria Pollutants, DEIR pages 6-19

Impact AIR-5: Odor Emissions, DEIR pages 6-21

Chapter 7.0 Biological Resources: The following specific biological resource impacts were found to be less than significant:

Impact BIO-2: Riparian and Other Sensitive Habitats, DEIR page 7-13

Impact BIO-3: State and Federally Protected Wetlands, DEIR page 7-13

Impact BIO-6: Habitat Conservation Plans, DEIR page 7-14, 15

Chapter 9.0 Geology, Soils and Mineral Resources: The following specific geology, soils and mineral resource impacts were found to be less than significant:

Impact GEO-1: Fault Rupture, Seismic Shaking, and Seismically Induced Failure, DEIR page 9-8

Impact GEO-2: Soil Erosion, DEIR page 9-8

Impact GEO-3: Exposure to or Effects on Unstable Geologic Units or Soils, DEIR page 9-8,9

Impact GEO-4: Expansive Soils, DEIR page 9-9

Impact GEO-5: Adequacy of Soils for On-Site Wastewater Disposal Systems, DEIR page 9-9

Impact GEO-7: Mineral and Energy Resources, DEIR page 9-10

Chapter 10.0 Greenhouse Gas Emissions: The following specific greenhouse gas impacts were found to be less than significant:

Impact GHG-1: GHG Emissions from Construction Activities, DEIR pages 10-10,11

Impact GHG-3: Consistency with Applicable GHG Plans and Policies, DEIR pages 10-12, 13, 14

Chapter 11.0 Hazards and Hazardous Materials: The following specific hazards impacts were found to be less than significant:

Impact HAZ-1: Hazardous Material Transportation, DEIR pages 11-7, 8

Impact HAZ-2: Hazardous Material Storage and Use, DEIR page 11-8

Impact HAZ-3: Hazardous Material Releases, DEIR page 11-8, 9

Impact HAZ-7: Wildfire Hazards, DEIR pages 11-12, 13

Impact HAZ-9: Railroad Hazards, DEIR pages 11-13, 14

Chapter 12.0 Hydrology and Water Quality: The following specific hydrology and water quality impacts were found to be less than significant:

Impact HYDRO-1: Surface Water Features and Quality, DEIR pages 12-7, 8

Impact HYDRO-3: Exposure to Flooding Hazards, DEIR pages 12-11, 12

Impact HYDRO-4: Conflict with Water Plans, DEIR page 12-12

Chapter 13.0 Land Use, Population and Housing: The following specific land use, population and housing impacts were found to be less than significant:

Impact LUP-1: Division of Established Communities, DEIR page 13-8

Impact LUP-2: Conflict with Land Use Plans, Policies, and Regulations, DEIR pages 13-8, 9, 10.

Impact LUP-3: Unplanned Population Growth, DEIR pages 13-10, 11.

Impact LUP-4: Displacement of Housing and People, DEIR page 13-11

Chapter 14.0 Noise: The following specific noise impacts were found to be less than significant:

Impact NOISE-4: Groundborne Vibrations, DEIR page 14-13

Impact NOISE-5: Airport and Airstrip Noise, DEIR page 14-13

Chapter 15.0 Public Services and Recreation: The following specific public services and recreation impacts were found to be less than significant:

Impact PSR-1: Fire Protection Service, DEIR pages 15-6, 15-7

Impact PSR-2: Police Protection Services, DEIR pages 15-7, 8

Impact PSR-3: Schools, DEIR pages 15-8, 9

Impact PSR-4: Parks and Recreational Services, DEIR page 15-9

Impact PSR-5: Other Public Facilities, DEIR pages 15-9, 10

Chapter 16.0 Transportation: The following specific transportation impacts were found to be less than significant:

Impact TRANS-1: Conflict with Circulation Plans – Motor Vehicle, DEIR pages 16-9, 10, 11, 12

Impact TRANS-2: Conflict with Circulation Plans Non-Motor Vehicle, DEIR pages 16-12, 13

Impact TRANS-4: Traffic Hazards - Collisions, DEIR pages 16-16, 17

Impact TRANS-6: Emergency Access, DEIR pages 16-18

Chapter 17.0 Utilities and Energy: The following specific utilities and energy impacts were found to be less than significant:

Impact UTIL-2: Availability of Adequate Domestic Water Supply, DEIR pages 17-11, 12

Impact UTIL-3: Wastewater System Capacity, DEIR pages 17-13, 14

Impact UTIL-4: Storm Drainage Services, DEIR page 17-14

Impact UTIL-5: Irrigation Water Systems, DEIR pages 17-14, 15

Impact UTIL-6: Solid Waste, DEIR pages 17-15, 16

Impact UTIL-7: Energy Consumption, DEIR pages 17-16, 17

The cumulative impacts of the project were evaluated in separate issue-specific sections of Chapter 18.0 of the EIR. The project was found to have a less than cumulatively considerable contribution to cumulatively significant impacts within the following categories of environmental effects, as described in more detail in the DEIR.

18.3.1 Aesthetics and Visual Resources: DEIR page 18-3.

18.3.2 Agricultural Resources: DEIR pages 18-3, 4.

18.3.3 Air Quality: DEIR pages 18-4, 5, 6

18.3.4 Biological Resources: EIR pages 18-6,7.

18.3.5 Cultural Resources and Tribal Cultural Resources: DEIR page 18-7.

18.3.6 Geology, Soils, and Mineral Resources: DEIR pages 18-7,8.

18.3.7 Greenhouse Gas Emissions: DEIR pages 18-7, 8.

18.3.8 Hazards and Hazardous Materials: DEIR pages 18-8,9.

18.3.9 Hydrology and Water Quality: DEIR pages 18-9.

18.3.10 Land Use, Population, and Housing: DEIR pages 18-10.

18.3.11 Noise: DEIR pages 18-10, 11, 12.

18.3.12 Public Services and Recreation: DEIR pages 18-12, 13.

18.3.13 Transportation: DEIR pages 18-13,14,15,16.

18.3.14 Utilities and Energy: DEIR pages 18-17.

Each of the above-listed potential cumulative impacts were determined to be less than significant or less than cumulatively considerable for one of the following reasons:

The DEIR determined that the impact is less than significant for the Copper Trails project;

The DEIR determined that the project would have a less than cumulatively considerable contribution to the cumulative impact; or

The DEIR determined that the impact is beneficial (would be substantially reduced) for the project.

3.0 FINDINGS REGARDING ALTERNATIVES

3.1 PROJECT ALTERNATIVES

The State CEQA Guidelines require that an EIR include a discussion of a reasonable range of alternatives to the proposed project or to the location of the project. Alternatives to the proposed project are addressed in Chapter 19.0 of the DEIR.

When a Lead Agency finds that mitigation measures needed to reduce a significant effect to less than significant, or to substantially reduce it, are infeasible (CEQA Guidelines Section 15091, Finding 3), the Lead Agency must also describe the specific reasons for rejecting alternatives that could meet the same need. As discussed in Section 2.1, the City is making Finding 3 with regard to five environmental effects that could result from the project; these effects will not be sufficiently reduced by mitigation measures and are therefore considered significant and unavoidable. The City Council's findings with regard to project alternatives are shown in the following sections.

An EIR is required to identify a range of reasonable alternatives to the project. The potential alternatives to the project include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects. "Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent)."

With the exception of the No Project Alternative, the alternatives discussed in the EIR are generally feasible but are unlikely to avoid or substantially lessen the environmental effects of the project. Therefore, these alternatives are not specifically rejected by the City, but their environmental effects are not such that any of the alternatives should be considered "environmentally superior" to the project and therefore selected in lieu of the proposed project. The alternatives are discussed below.

3.2 PROJECT OBJECTIVES

The quantifiable objectives of the Copper Trails project include annexation of the project site into the Ceres city limits, pre-zoning of the site and the subsequent development of the site for the urban use shown in the CTSP Land Use Plan. The DEIR identified the following CTSP project objectives:

- *General Plan Implementation:* Implement the General Plan by directing new development to the City's Sphere of Influence (SOI), consistent with City-adopted policies and regulations defined in the General Plan, Zoning Ordinance, Improvement Standards, and other applicable plans, documents, and programs.
- *Comprehensive Planning:* Prepare a Specific Plan and associated regulatory documents that create a comprehensive development plan for the orderly expansion

of the City within the CTSP Sphere of Influence (SOI), consistent with the preliminary land uses identified on the adopted General Plan Land Use Diagram and as directed by General Plan policy that prioritizes growth in the City's SOI.

- *Balanced Land Use Mix:* Create a development plan with a mix of land uses that results in a balance of jobs and housing by accommodating approximately 2,300 residential units and 1.2-million square feet of non-residential, employment-generating uses, which are in town supported by neighborhood parks, open space areas, and various public/quasi-public uses.
- *Housing Diversity:* Designate areas for construction of a diverse array of housing types that provide housing choices in varying densities for all market segments, including opportunities for single-family homes in conventional and compact development patterns, townhomes, apartments, as well as opportunities for rental units and affordable housing consistent with the City's General Plan.
- *Regional Housing Needs Allocation:* Aid the City in achieving its fair share obligation to accommodate a percentage of the region's forecasted population growth, as mandated by the California Department of Housing and Community Development and as directed by StanCOG.
- *Land Use and Transportation Integration:* Provide a mixture of land uses along the Service Road transportation corridor to take advantage of higher-intensity uses in proximity to State Route 99.
- *Regional Roadway Planning:* Establish a corridor for the future widening of Service Road, including land area for a planned interchange at State Route 99 and realignment of Lucas Road.
- *Bicycle and Pedestrian Facilities:* Develop a system of multi-use trails and Class II bikeway facilities that create alternative transportation modes within the CTSP Area and allow for connections to existing/planned bicycle/pedestrian facilities in the City.
- *Backbone Infrastructure:* Create a development plan that can be implemented in a phased manner and provides utility services via existing and planned infrastructure, which facilitates the logical, orderly expansion of the City adjacent to existing, urbanized areas.
- *Economic Viability:* Implement a public facility financing plan with logical development phases that enables the CTSP Area to develop in an economically feasible manner.
- *Fiscal Responsibility:* Create a development plan that can be implemented in a fiscally responsible manner, with neutral or positive fiscal impacts to the City and with identified revenue sources for the long-term maintenance of park facilities, open space areas, trails, landscape corridors, public services, and infrastructure.

3.3 ALTERNATIVES NOT SELECTED FOR FURTHER CONSIDERATION

The EIR briefly considered several alternatives that were not addressed in detail; these alternatives were not considered “feasible” alternatives under CEQA. These alternatives, discussed in detail in Section 19.3 of the EIR: 1) were clearly infeasible, or 2) did not have the ability to avoid or substantially lessen the significant environmental effects of the project. The alternatives considered are shown below.

Alternative Location

Alternative Land Use Plan or Design

A Notice of Preparation (NOP) was circulated to agencies and the public as part of the effort to identify a reasonable range of alternatives to the proposed project. Additionally, the City held a public scoping meeting during the NOP review period. No specific alternatives were identified during the NOP public review process or scoping meeting.

3.4 FINDINGS REGARDING ALTERNATIVES ANALYZED IN EIR

The DEIR alternatives analysis provides a summary of the relative environmental impacts associated with each alternative analyzed in the Draft EIR.

NO PROJECT ALTERNATIVE:

The **No Project Alternative** is discussed on page 19-5, 6 and 7 of the EIR. The EIR defines the “No Project” Alternative as no annexation to the City of Ceres, no pre-zoning, and no urban residential or commercial development as proposed by the project. The project site would continue to be used for agricultural and rural residential activities consistent with the existing Stanislaus County zoning.

Since urban development would not occur under this alternative, there would be no impacts associated with such development on the project site. Most environmental impacts associated with the proposed project would be avoided, particularly agricultural land, air pollutant and GHG emissions, noise, and traffic. However, this alternative would meet none of the objectives of the proposed project. It also would be inconsistent with the City of Ceres General Plan, which anticipates urban development of the project site. No annexation and development of the site also would mean that the City would not realize increase in revenue from property taxes, utility user taxes, license fees, and other taxes and fees. With no development, the site would offer only limited employment opportunities.

It is uncertain if continuing agricultural operations in the project area, even those involving higher-value crops, would be viable in the long term, given its location in an area designated for urban development under the Ceres General Plan. Continued agricultural use may require agricultural chemicals such as pesticides, herbicides, and fertilizers, with the potential to affect nearby residential areas and contaminate the project site if not

properly applied. Agricultural activities would continue to generate dust emissions to which nearby land uses, including residences, may be exposed.

Findings: Environmental benefits of this alternative over the proposed project include the reduction of impacts to aesthetics and visual resources, agricultural resources, air quality, biological resources, cultural and tribal resources, geology and soils, greenhouse gases and climate change, hazards and hazardous materials, hydrology and water quality, land use and population, noise, transportation and circulation, and utilities.

While the City understands the environmental benefits of the No Project Alternative, this alternative would not achieve any of the project objectives. Specifically, this alternative would not permit urban development of the site or any of the project's attendant economic impacts. It is not a reasonable expectation for the existing property owner(s) to keep the project site in the existing condition for the foreseeable future. For these reasons, this alternative is rejected.

The City Council hereby rejects the No Project Alternative because it would not meet the objectives of the project and could cause some environmental impacts that would not occur with the proposed project. The evidence in support of this finding is provided in Chapter 19.0 of the EIR.

2007 CTSP ALTERNATIVE:

The 2007 CTSP Alternative, would involve adoption of an earlier version of the CTSP as published for a public hearing in 2007. The 2007 CTSP involved approximately 175 acres vs. the 534.6 acres covered by the proposed CTSP. The land area covered by the 2007 CTSP included all land within the proposed CTSP west of Central Avenue. The development proposed in the 2007 CTSP is shown in Table 19-2 of the Draft EIR.

The 2007 CTSP alternative would permit substantially less development than under the proposed project; the number of residential units would be reduced to 411, the majority of these units would be Low Density Residential, and the project would include no regional commercial development. Neighborhood parks, a "pocket park," and linear parkways would be provided, linked with residential units with pedestrian/bicycle paths. The project would include improvements to major roads and extension of City utilities to serve new development.

This alternative would reduce the proposed project's direct physical environmental effects including conversion of Farmland to urban uses; much of the existing rural landscape would remain in place; increased remaining open space would retain more wildlife habitat value. Fewer housing units and elimination of commercial development would produce a substantial reduction in traffic generation and related noise and air pollutant emissions. Demands on the City's utility systems would be reduced, as would demands for public services.

The 2007 CTSP Alternative would not, however, meet the objectives of the proposed project. Specifically, the alternative would not involve development of commercial uses, and it would not provide a balance of residential and non-residential land uses. The alternative would not aid the City in achieving its fair-share obligation to provide its share

of affordable housing, as set forth in the StanCOG RHNA. The alternative would not promote a diverse array of housing types and would narrow the City's options for accommodating the housing needs of all economic segments, leading to increased land disturbance as the City moves to meet to its housing obligations on alternative sites.

The 2007 CTSP Alternative would involve a general reduction of environmental effects as compared to the proposed project. However, this alternative is not consistent with important project objectives, is in conflict with important Housing Element policies, and it could lead to some new or more severe environmental impacts. For these reasons, this alternative is rejected.

The City Council hereby rejects the 2007 CTSP Alternative because it would not adequately meet the objectives of the project and could cause some environmental impacts that would not occur with the proposed project. The evidence in support of this finding is provided in Chapter 19.0 of the FEIR.

CURRENT CERES GENERAL PLAN MAP ALTERNATIVE:

The Current Ceres General Plan Map Alternative would involve annexation and development of the CTSP area in accordance with the current land use designations of the Ceres General Plan and City development standards. The development potential of the Pocket Area would be the same under the proposed project and this alternative.

The General Plan Map Alternative could lead to as many as 2,461 new housing units, all low-density, which would slightly exceed the maximum 2,392 housing units that could be developed under the proposed CTSP. The Medium Density and High Density Residential designations might lead to additional housing units, but this effect is unquantifiable. Business Park development under this alternative would be slightly higher than the potential Regional Commercial development under the proposed CTSP. It is assumed that new development would require road improvements, and extension of City water, sewer, and storm drainage services would be required.

This alternative might meet CTSP objectives of providing some diversity in housing and in meeting RHNA targets, but these effects are not certain or quantifiable. This alternative could meet the objective of a more balanced land use mix of residential and commercial land uses and potentially-reduced VMT, with associated reductions in air pollutant and GHG emissions and noise.

On the whole, however, the environmental impacts of the alternative would be similar to those of the proposed project and not substantially reduced. The alternative would involve the same amount of Farmland conversion, changes to the rural landscape and the same potential for biological resources and water quality impacts. Demands on the City utilities would be increased, as would demands for public services, comparable to the proposed CTSP. However, the General Plan Alternative may lead to more severe impacts on air quality, GHG emissions, noise, and traffic. Development within the Business Park may introduce more trucks to local traffic in the area, which would contribute to toxic air pollutant and GHG emissions, as well as to ambient noise levels. It is possible that the

General Plan Alternative may have greater or lesser impacts on several issues in comparison to the proposed CTSP.

This alternative might meet the objectives of the project, but it would not provide more specific land use guidance or provide plans for infrastructure and public facility development.

In summary, the General Plan Alternative would be consistent with many of the project objectives and might lead to some reduction of environmental impact compared to the proposed project; however, it also could lead to an increase in the severity of some impacts, and it would not meet some CTSP objectives.

The City Council hereby rejects the General Plan Map Alternative because it would not necessarily meet the objectives of the project and may cause more environmental impact than would occur with the proposed project. The evidence in support of this finding is provided in Chapter 19.0 of the FEIR.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE:

As the No Project Alternative would eliminate or avoid all potential environmental effects associated with the proposed project, it would be considered the environmentally superior alternative. However, this alternative would meet none of the project objectives, while it could generate adverse environmental impacts of its own.

CEQA Guidelines Section 15126.6(e)(2) requires that, if a No Project Alternative is identified as the environmentally superior alternative, then an EIR shall identify an environmentally superior alternative from the other alternatives. The other alternatives analyzed in the EIR would involve environmental effects comparable to the proposed project but would not effectively meet the objectives of the proposed project. Therefore, none of the alternatives would not be considered the environmentally superior alternative in comparison to the No Project Alternative.

4.0 STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE COPPER TRAILS PROJECT

As described in detail in Section 2.0 of these Findings, the following five significant and unavoidable impacts could occur with implementation of the project:

Impact AG-1: Conversion of Farmland

Impact AG-4: Indirect Agricultural Land Conversion

Impact GHG-2: GHG Emissions from Project Operations.

Impact TRANS-3: Vehicle Miles Traveled.

Impact TRANS-5: Traffic Hazards - Queuing.

The adverse effects listed above, and described in detail in Section 2.0, are substantive issues of concern to the City of Ceres. The project is, however, consistent with City of Ceres land use designations and zoning and would implement important goals and policies of the Ceres General Plan while conforming with its applicable standards. The overall objective of the General Plan is to accommodate the City's needs for growth over the foreseeable future. The proposed CTSP project is designated for development of land uses that will generate jobs and tax revenue for the City, and which could reduce the number of residents that commute to work in areas outside of the City. The project would provide short-term employment opportunities during the design and construction of new land uses, and the proposed project would generate revenue that would, over time, exceed public costs associated with providing services to the project.

Pursuant to CEQA Guidelines Section 15093, the City Council of the City of Ceres hereby finds that the five potential environmental effects of the CTSP project, as described above and in the referenced sections of Final EIR for the project, are potentially significant and cannot be avoided, or are mitigated to Less Than Significant or substantially reduced by the mitigation measures described in the EIR and which will be required of the project.

The City also finds in Section 3.0 of this document that none of the project alternatives have the potential to avoid or substantially reduce the significant environmental effects of the project except the No Project Alternative, which is inconsistent with the project objectives.

The City Council hereby adopts and makes the following Statement of Overriding Considerations (SOC) with respect to Section 15093 of the CEQA Guidelines, which is shown in its entirety below. The SOC describes the anticipated economic, legal, social, technological and/or other benefits or considerations that warrant the City Council's decision to approve the project even though all of the environmental effects of the project are not fully mitigated.

The Ceres City Council specifically finds that the potentially significant and unavoidable environmental impacts of the CTSP project are considered acceptable in light of overriding social, economic and other benefits or considerations related to the project, and these overriding effects are listed below. The City Council finds that the social, economic and other benefits or considerations related to the project outweigh the significant and unavoidable environmental effects of the project. The City Council considers the following items to be the overriding social, economic and other benefits or considerations of the project.

1. The project site and surroundings are currently designated for urban development by the Ceres General Plan.
2. The project area is within the City's designated Sphere of Influence which is intended to be annexed and pre-zoned for urban development in the near future. In anticipation of eventual annexation and development, the project site is designated Urban Transition by Stanislaus County General Plan.
3. Economic development and job creation, including the designation of sufficient land for development of job-generating commercial land uses, are among the core objectives of the Ceres General Plan.
4. The project is in compliance with Ceres General Plan policies supporting urban growth on lands with existing transportation and utility services, thereby preventing unnecessary urban expansion into other greenfield areas on the periphery of the City. The project site is surrounded by other unincorporated areas designated for eventual urban development.
5. The General Plan EIR, considered and certified by the Ceres City Council before adopting the General Plan, described a range of potential environmental impacts associated with planned development in accordance with the adopted General Plan designations. The project would make contributions to these previously identified impacts consistent with the analysis provided in the certified General Plan Environmental Impact Report (GPEIR). The significant impacts analyzed in the GPEIR include conversion of agricultural lands, emissions of criteria pollutants including oxides of nitrogen, greenhouse gas emissions and traffic and noise increases along Service Road that would result from planned urban growth as a whole.
6. Proposed urban development is within the allowable land use intensities for the various General Plan land use designations applicable to the CTSP area. Approval of the project would not confer any substantial increase in planned future development intensity in the CTSP area that is not already accounted for in the Ceres General Plan and the GPEIR.
7. The 2025 Fiscal Impact Analysis and Public Facilities Financing Plan reports, prepared by Economic and Planning Systems, Inc. (EPS) indicate that the project will produce significant economic benefits to the local economy at buildout, including tax revenue, development impact fee revenue, construction spending and resulting one-time construction and ongoing employment associated with planned commercial uses.

8. EPS estimates that the project will generate approximately \$193 million in construction spending for backbone infrastructure and public facilities required to support project development at buildout.
9. At buildout, EPS estimates the project will generate an estimated \$3.4 million annually in property tax and other General Fund revenues directly benefitting the City of Ceres, net of estimated annual General Fund expenditures to serve the project. In addition, the project is estimated to generate an additional \$1.7 million in annual Measure H Public Safety Sales Tax revenue for the City at buildout.
10. Future commercial development in the CTSP area has the potential to employ an estimated 2,338 full-time employees generating substantial new employee spending, taxable sales, and sales tax revenue to the City and surrounding areas.
11. The project is estimated to generate nearly \$254 million in development impact fee revenues to the City, Stanislaus County, and Ceres Unified School District. Of these revenues, the project is estimated to generate \$118 million in citywide development impact fees and nearly \$82 million in project-specific development impact fees, to fund costs of new facilities or upgrades to existing streets, utilities, police, fire, parks and general government facilities required by new development.
12. The project is subject to the requirements of the Stanislaus County Agricultural Lands Mitigation Program. Mitigation for agricultural land conversion impacts will require acquisition and dedication of conservation easement-protected agricultural land or payment of equivalent in-lieu fees to the Mitigation Program as compensation for the 319.5 acres of agricultural land conversion associated with implementation of the CTSP.
13. The project will widen, improve and construct a wide range of existing and planned streets in the CTSP area, including turning lanes, pedestrian sidewalks and bike lanes, including:

Central Avenue from E. Service Road to Central Backbone Street	\$2,344,596.20
Central Avenue from Central Backbone Street to TID Lateral	\$4,170,086.45
Blaker Street from E. Service Road to TID Lateral	\$9,512,001.63
Service Road from Blaker Road to Existing High School Frontage	\$1,350,418.69
Western Backbone Street from Blaker Road to Central Avenue	\$5,286,700.55
E. Service Road from Central Avenue to Moffett Road	\$5,828,153.95
Moffett Road from E. Service Road to Central Backbone Street	\$3,551,664.56
Moffett Road from Central Backbone Street to E. Redwood Road	\$4,234,699.12
Central Backbone Street from Central Avenue to Moffett Road	\$7,887,471.73
E. Redwood Road from Central Avenue to Moffett Road	\$4,930,275.43
E. Redwood Road from Moffett Road to Mitchell Road	\$6,679,990.91
Mitchell Road from TID Lateral to Prairie Flower Road	\$2,236,147.32
Commercial Backbone Street #1 from Moffett Road to Prairie Flower Road	\$3,308,810.21
Commercial Backbone Street #2 from Prairie Flower Road to E. Redwood Road	\$2,581,455.73
Intersection Improvements Level of Service Improvements	\$4,794,475.00
STREET CONSTRUCTION SUB-TOTAL	\$68,696,947.48

14. Except for the five significant and unavoidable impacts addressed in this section of the CEQA Findings, all of the numerous other potential environmental effects of the project as described in the EIR were determined to be less than significant or would be reduced to less than significant level with implementation of mitigation measures listed in the project Mitigation Monitoring and Reporting Program in conjunction with the project

In addition to the above-listed social, economic and other benefits of the project, the City Council has also taken the following points into consideration:

15. The EIR considers a range of feasible alternatives to the proposed project. None of the alternatives would result in avoidance or a substantial reduction in the significant and unavoidable effects of the project.
16. The agricultural land conversion impacts of developing the project site were included in the analysis of this environmental concern in the EIR prepared and certified by the City prior to adoption of the Ceres General Plan. Agricultural land conversion impacts were accepted by the City as significant and unavoidable in its Statement of Overriding Considerations adopted in conjunction with adoption of the General Plan.
17. While the FEIR considers greenhouse gas emissions impacts to be significant and unavoidable, these impacts were also addressed for planned urban development foreseen by the General Plan EIR and accepted in the City's Statement of Overriding Considerations adopted in conjunction with adoption of the General Plan.

The City Council of the City of Ceres hereby finds in light of the whole record before it that the above-described economic, legal, social, technological and other benefits or considerations related to the project outweigh the environmental effects of the project that may remain unmitigated or are considered to be unavoidable. These environmental effects of project implementation are, therefore, considered to be acceptable.

The City Council also finds that any environmental detriment caused by the proposed project has been minimized to the extent feasible through the mitigation measures identified in the CTSP EIR, mitigation monitoring/reporting plan and herein. Where mitigation of environmental impacts is not feasible, these impacts will be outweighed and counterbalanced by the significant economic, social, environmental, and other benefits to be generated within the region.