

Attachment "B"

City of Kerman 2040 General Plan

Facts, Findings, and Statement of Overriding Considerations
Regarding the Environmental Effects from the
Environmental Impact Report

State Clearinghouse # 2019049018

May 2020

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FACTS, FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

1.0 Introduction

The City Council of the City of Kerman (City), in approving the proposed City of Kerman 2040 General Plan Update by approving General Plan Amendment No. 2020-01, (the Project), makes the Findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings. The Environmental Impact Report (EIR) (State Clearinghouse #2019049018) was prepared by the City acting as lead agency pursuant to the California Environmental Quality Act (CEQA). Hereafter, unless specifically identified, the Notice of Preparation (NOP), Notice of Availability & Completion (NOA/NOC), Draft Environmental Impact Report (EIR), Appendices, Technical Studies, and the Final EIR containing Responses to Comments and textual revisions to the Draft EIR (in the Final EIR) will be referred to collectively herein as the "EIR." These Findings are based on the entire record before the City Council, including the EIR. The City Council adopts the facts and analyses in the EIR, which are summarized below for convenience. The omission of some detail or aspect of the EIR does not mean that it has been rejected by the City.

2.0 Project Summary

2.1 Project Description

The "Project" under CEQA is the adoption of the City of Kerman 2040 General Plan Update ("General Plan Update") and implementation of the goals, policies, and implementation programs set forth therein (including any future annexations or other regulatory procedures required for implementation). The 2040 General Plan is a comprehensive update of the City's 2007 General Plan. The City of Kerman 2040 General Plan Update is incorporated herein by reference. The "Project" description in the EIR is a summary of the General Plan Update.

The elements of the 2040 General Plan contain updated goals, policies, and implementation programs that reflect the community's vision for Kerman. The City's General Plan Land Use Map and Circulation Map have also been updated to reflect the city's planned growth through 2040 and anticipated and proposed changes to State Routes 180 and 145. The General Plan update proposes the expansion of the Sphere of Influence (SOI) to Nielsen Avenue to the north, Goldenrod Avenue to the east, Jensen Avenue to the south, and Modoc Avenue to the west. The current (2019) SOI, which Fresno LAFCo established in 1974 and was last updated in 2007, spans beyond city limits to Nielsen Avenue to the north and Jensen Avenue to the south. The planning area extends to Belmont Avenue to the north, Howard Avenue to the east, Jensen Avenue to the south, and Lassen Avenue to the west. It

spans from Howard Avenue to the east and Lassen Avenue to the west because these corridors are identified as potential route realignments for SR 145, which passes through the heart of the city along Madera Avenue.

Contents of the General Plan (Summary)

The City of Kerman 2040 General Plan is made up of two documents: the Background Report and the Policy Document.

General Plan Background Report

The Background Report takes a “snapshot” of current conditions and trends in Kerman. It provides a detailed description of a wide range of topics within the city, such as demographic and economic conditions, land use, public facilities, and environmental resources. The report provides decision-makers, the public and local agencies with context for making policy decisions. Unlike the Policy Document, the Background Report is objective and policy neutral. The Background Report also serves as the “Environmental Setting” section of the EIR prepared for the General Plan Update. The City published the public review draft of the Background Report in September 2019.

General Plan Policy Document

The Policy Document is the essence of the General Plan Update. It contains the goals and policies that will guide future decisions within the city. It also identifies a set of implementation programs that will ensure the goals and policies in the General Plan are carried out.

The Policy Document is organized into separate chapters, which are the collection of “elements,” or topical areas, of which nine are mandatory. The nine State-mandated elements are land use, circulation, housing, conservation, open space, noise, safety, environmental justice, and air quality. Communities may include other elements that address issues of particular local concern, such as economic development or urban design. Communities can also organize their general plan anyway they choose, as long as the required topics are addressed, and elements can be combined.

The City of Kerman 2040 General Plan Policy Document is organized into the following nine chapters: Seven chapters containing the nine mandatory elements, some of which are combined, an introduction, and a glossary. The following provides a brief description of each chapter in the 2040 Kerman General Plan Policy Document. The acronym following each element’s name represents the letters used to identify the goals, policies, and implementation programs in each element.

1. Introduction: The Introduction chapter provides an overview of the General Plan and the process used to develop the 2040 General Plan. This chapter also includes a Reader’s Guide that provides useful information on how to read and use the goals, policies, and programs presented in each element.

2. Economic Development Element (ED): The Economic Development Element focuses on supporting traditional employment sectors, including agriculture, manufacturing, construction, transportation, and warehousing, while ensuring the city is responsive to cost pressures, shifting consumer demands, and competition. To address these needs, the Economic Development Element includes goals, policies, and programs related to retention and expansion of existing business sectors as well as diversifying the economy to develop new kinds of businesses in the city.

3. Land Use Element (LU): The Land Use Element establishes the pattern and intensity of land use in the city and sets forth policies and standards to guide future development. This Element serves as the primary vehicle for ensuring that new land uses are logically organized and developed in a way that preserves Kerman's small-town, Central Valley charm as well as surrounding agricultural and open space lands. The Land Use Element has a significant impact on existing and future Kerman residents as it defines the general location of residential, commercial, industrial, public, and open space uses in the Planning Area. This Element balances land use issues, opportunities, and constraints with the community's other needs and desires.

4. Circulation Element (CIRC): The Circulation Element focuses on providing a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel.

5. Housing Element (HE): The Housing Element ensures that there is adequate land in place to accommodate Kerman's fair share of new residents and provides for safe and sanitary housing for all residents. The City adopted the 2015-2023 Housing Element in 2016 to identify and address housing needs in the city in compliance with State housing law. The 2040 General Plan integrates the City's current 2015-2023 Housing Element by formatting the document to be consistent with the 2040 General Plan update. Housing elements in the state are updated on a schedule prescribed by the State of California. As the current Housing Element is not due for update until 2023, the General Plan Update does not propose any changes to the existing Housing Element which was recently updated and adopted by the City.

6. Conservation, Open Space, Parks and Recreation (COS): The Conservation, Open Space, Parks and Recreation Element focuses on conserving the city's natural and open space environment for present and future residents, as well as enhancing important attributes to Kerman that provide recreation for residents and visitors.

7. Public Health and Safety (PH): The Kerman Public Health and Safety Element establishes a policy framework for protecting people and property from unreasonable risks from natural

disasters, crime, noise, and other human-caused or natural events. It also focuses on disaster and emergency response.

8. Public Facilities and Services (PFS): Existing and planned development in the city depends on a complex network of public facilities and services. Each type of facility and service has a unique set of challenges and must adapt to growth and change differently. This element provides the framework for decision-making concerning public and private infrastructure, utilities, and services.

9. Glossary: The Glossary contains definitions of key terms in the 2040 General Plan.

The General Plan also includes two appendices.

Appendix A: Appendix A provides additional information on environmental justice and disadvantaged unincorporated communities related to the Kerman General Plan. See Section 3.5 for goals and policies related to these topics.

Appendix B: Appendix B describes project specific review requirements that can be applied, as appropriate to the project, to reduce the adversity of potential environmental impacts. Please refer to Policy LU-7.3 for applicability.

The General Plan contains the goals, policies, and implementation programs upon which the City Council, Planning Commission, and other decision makers will base their decisions. The horizon year for the General Plan Update is 2040.

2.2 Project Location and Study Area Boundaries

The City of Kerman is in the northwest portion of Fresno County in the central San Joaquin Valley. The city is at the junction of State Route (SR) 180 (Whitesbridge Avenue) and SR 145 (South Madera Avenue), approximately 15 miles west of the city of Fresno and 20 miles south of the city of Madera. West Jensen Avenue is located just to the south of Kerman, South Modoc Avenue to the west, and South Goldenrod Avenue to the east. SR 180 runs across the north edge and SR 145 bisects the city. The city is bordered by unincorporated areas of Fresno County. The nearest cities are Fresno to the east, San Joaquin to the southwest, and Madera to the north. Figure 2-1 of the EIR shows the city's relationship to nearby cities, communities, and the regional transportation system.

The planning area for the General Plan Update includes land within the city limits and the SOI, as well as unincorporated land outside the SOI. The planning area extends to an area generally bounded by Belmont Avenue to the north, Howard Avenue to the east, Jensen Avenue to the south, and Lassen Avenue to the west, as further shown in Figure 2-2 of the EIR.

Study Area Boundaries: In addition to the City proper, state law requires that a municipality adopt a General Plan that addresses “any land outside its boundaries which in the planning agency’s judgement bears relation to its planning (California Government Code Section 65300).” This includes the City’s Sphere of Influence (SOI), which encompasses the unincorporated areas that are related to the City’s current and desired land use planning and growth. The SOI includes all lands within the City’s jurisdiction as well certain surrounding areas as shown on EIR Figure 2-2.

2.3 Project Objectives

The objectives of the 2040 General Plan include strengthening of the city center through encouraging in-fill development and commercial corridors in the city, as well as expansion of the city’s Planning Area to create a buffer with the Planning Area boundary to preserve the existing surrounding agricultural lands through planned growth. Thus, the General Plan has been prepared to do the following:

- Establish a long-range vision that reflects the aspirations of the community and outlines steps to achieve this vision;
- Establish long-range land use development policies that will guide development decision-making by City departments by providing a basis for judging whether specific development proposals and public projects are cohesive with the outcomes envisioned in the 2040 General Plan policies;
- Reflect the city’s current planning, resource conservation, and economic development efforts;
- Guide development in a manner that improves the quality of life for the whole community and meets future land use needs based on the projected population and job growth; and
- Allow the city, other public agencies, and private developers to design projects that will preserve and enhance community character and environmental resources, promote resiliency, and minimize hazards.

In this regard the project objectives of the General Plan Update are reflected in its goals as follows:

- Attract a range of commercial uses to fulfill the needs and entertainment desires of residents and visitors.
- Support the continued economic viability of the agricultural sector as an integral business to the city.
- Foster a thriving local economy through the expansion of local businesses and attraction of new industries to provide quality employment opportunities for residents, as well as stable businesses and a sound tax base.

- Develop a mix of land uses that fulfill residents' daily needs and provide recreational and entertainment amenities.
- Enhance the design, character, and vibrancy of Kerman as a family-friendly hometown community representative of the Central Valley.
- Create a land use pattern that protects agricultural and open space lands by promoting compact and centralized urban growth around the historical Kerman townsite.
- Protect agricultural resources in Kerman, particularly prime agricultural land.
- Ensure that land use decisions benefit Kerman residents, and do not create a disproportionate burden to a community based on location, income, race, color, national origin, or another demographic feature.
- Promote meaningful dialogue and collaboration between members of disadvantaged communities and decision-makers to advance social and economic equity.
- Provide a clear framework for the ongoing administration, maintenance, and implementation of the 2040 General Plan consistent with State law.
- Provide a safe and efficient roadway system that serves all users and enhances the community of Kerman.
- Ensure the design, construction, and maintenance of a safe, efficient, and complete roadway system that is well designed, visually attractive, and provides access to all parts of Kerman.
- Establish safe and efficient truck routes and truck facilities with minimal impacts on residents or business in Kerman.
- Ensure adequate off-street parking that is safe.
- Promote bicycling, walking, and using public transit, as functional alternatives to single-passenger automobile travel.
- Facilitate and encourage the provision of a range of housing types to meet the diverse needs of residents.
- Encourage and facilitate the development of affordable housing.
- Improve and maintain the quality of housing and residential neighborhoods.
- Provide a range of housing types and services to meet the needs of individuals and households with special needs.
- Promote housing opportunities for all residents regardless of age, race, religion, sex, marital status, ancestry, national origin, color, disability, or economic level.
- Encourage energy efficiency in all new and 2015-2023 Housing.
- Preserve and expand undeveloped open space areas in Kerman to meet the current and future needs of the community and support natural habitats.
- Expand and maintain a high-quality public park and recreation system that is convenient, accessible, and affordable to all segments of the city.
- Protect sites and structures of historical and cultural significance, and to enhance the availability of new cultural amenities.

- Effectively manage water resources by adequately planning for the development, conservation, and protection of water resources for present and future generations.
- Minimize energy consumption and reduce greenhouse gas emissions as part of the statewide effort to combat climate change.
- Provide timely, adequate, and fair law enforcement services to ensure a safe community.
- Minimize the risks to life and properties from fire hazards.
- Provide the highest levels of public safety services as fiscally feasible to respond to natural and man-made disasters.
- Prevent the loss of life and personal property by reducing the risk and magnitude of hazards from natural and man-made hazards, including earthquakes, floods, and fires.
- Protect residents and employees from potential hazards from unreinforced masonry buildings and other substandard buildings.
- Protect residents from exposure to hazardous materials and wastes.
- Protect public health, agricultural crops, and natural resources from air pollution.
- Protect the health, safety, and welfare of residents by striving to eliminate or avoid exposure to excessive noise.
- Provide quality public facilities and services that enhance social opportunities and quality of life.
- Ensure a quality and reliable water supply to meet the needs of residents, businesses, and the agricultural industry.
- Secure ample and predictable funding to maintain and upgrade infrastructure.
- Support and invest in efficient energy practices at City facilities and events.

2.4 Actions Covered by the EIR

The City of Kerman is the Lead Agency for the proposed Project. The General Plan Update will be presented to the Planning Commission and City Council for comment, review and consideration prior to adoption. The City Council has the sole discretionary authority to approve and adopt the General Plan Update. In order to approve the proposed Project, the City Council would consider the following actions:

- Certification of the EIR (State Clearinghouse # 2019049018);
- Adoption of required CEQA findings for the above action including a statement of overriding considerations (i.e., this document);
- Approval of the General Plan Update, by adopting General Plan Amendment No. 2020-01.

There are no items which would require adoption of a Mitigation Monitoring and Reporting Program. Generally, implementing projects for which this EIR may be utilized include, but are not limited to:

- General Plan Amendments;

- Rezonings;
- Specific Plans;
- Tentative maps, variances, conditional use permits, and other land use permits;
- Approval of utility or infrastructure master plans;
- Approval and funding of public improvements projects;
- Approval of resource management plans;
- Fresno County LAFCo consideration of boundary changes requested by the City; and
- Permits issued by responsible/resource agencies.

Subsequent Use of the EIR

The EIR is an informational document for use in the City's review and consideration of the General Plan update to be used to facilitate creation of a General Plan that incorporates environmental considerations and planning principals into a cohesive policy document. The 2040 General Plan will guide subsequent actions taken by the City in its review of new development projects. The information in the EIR will be used by the Kerman City Council, the general public, and potentially the trustee and responsible agencies. The focus of the EIR is to:

- Provide information about the 2040 General Plan for consideration by the City Council in its selection of the proposed project, an alternative to the proposed project, or a combination of various chapters from the proposed project and its alternatives, for approval.
- Review and evaluate the potentially significant environmental impacts that could occur as a result of the growth and development envisioned in the 2040 General Plan.
- Identify feasible mitigation measures that may be incorporated into the proposed project to reduce or eliminate potentially significant effects.
- Disclose any potential growth-inducing and/or cumulative impacts associated with the proposed project.
- Examine a reasonable range of alternative growth scenarios that could feasibly attain the basic objectives of the proposed project, while eliminating and/or reducing some or all its potentially significant adverse environmental effects

The EIR has been prepared as a Program EIR pursuant to Section 15168 of the CEQA Guidelines. A Program EIR is appropriate for a series of actions that can be characterized as one large project and, as stated in the CEQA Guidelines, are related either: i) Geographically, ii) As logical parts in the chain of contemplated actions, iii) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or iv) As individual activities carried out under

the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways. The EIR fulfills the requirements for a Program EIR.

When considering approval of subsequent activities under the proposed General Plan, the City of Kerman would utilize this EIR as the basis in determining potential environmental effects and the appropriate level of environmental review, if any, for a subsequent activity. Projects or activities successive to this Program EIR may include, but are not limited to, the following:

- Annexations;
- Development Plan Approvals, such as tentative maps, variances, conditional use permits, and other land use permits;
- Development Agreements;
- General Plan Amendments;
- Rezonings;
- Specific Plans;
- Approval of utility or infrastructure master plans;
- Approval and funding of public improvements projects;
- Approval of resource management plans;
- Fresno County LAFCO consideration of boundary changes requested by the City; and
- Permits issued by responsible/resource agencies.

A range of responsible and trustee agencies may utilize this EIR in the review of subsequent implementation activities over which that may have responsibility. A responsible agency is a public agency which has discretionary review approval power over a project (CEQA Guidelines Section 15381). A trustee agency is a state agency that has jurisdiction by law over natural resources affected by a project which are held in trust for the people of the state (CEQA Guidelines Section 15386). These responsible and trustee agencies may include, but are not limited to, the following:

- Fresno Local Agency Formation Commission (LAFCo).
- California Department of Transportation (Caltrans).
- California Department of Fish and Wildlife (CDFW).
- Fresno County.
- Fresno Council of Governments (FCOG).
- San Joaquin Valley Air Pollution Control District.
- North Central Fire Protection District.
- Department of Toxic Substance Control.

- Central Valley Flood Protection Board.
- California Department of Forestry and Fire Protection (CAL FIRE).
- California Department of Housing and Community Development.
- Any other responsible or trustee agency.

3.0 Environmental Review Process Summary; Content of EIR and Record

3.1 Notice of Preparation

The City of Kerman distributed a Notice of Preparation (NOP) of the EIR for a 30-day agency and public review period from April 5, 2019 to May 6, 2019. In addition, the City held a joint EIR Scoping Meeting and Community Workshop on April 23, 2019.

3.2 Draft EIR

The Draft EIR was properly noticed and circulated for public review and comment for 45 days, from November 22, 2019 through January 6, 2020. The Notice of Availability was published in *the Kerman Newspaper*. The Draft EIR and Appendices were sent to the State Clearinghouse for distribution and notices were mailed to local/state agencies and other interested individuals. The City received five comment letters on the Draft EIR. These letters are reproduced in their entirety in Chapter Two of the Final EIR and responses are shown after each letter.

3.3 Content of the EIR

The EIR is comprised of the following materials:

- The FEIR including any attached appendices;
- The DEIR including attached appendices;
- The Notice of Preparation and comments received in response to the Notice of Preparation (“NOP”);
- Additions and corrections to the remaining portions of the DEIR that have been made pursuant to public comments and DEIR review including all appendices attached thereto;
- Comments received on the DEIR with responses to each of the comments made;
- The Notice of Completion and Availability of the DEIR for public review; and
- Any other information added by the Lead Agency.

(All hereafter collectively referred to as the “EIR”).

There are no items which would require adoption of a Mitigation Monitoring and Reporting Program.

Documents that shall accompany and be part of the EIR are:

- Findings of Fact; and
- Statement of Overriding Considerations.

The EIR, is hereby incorporated by reference into these findings without limitation. This incorporation is intended to address the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the project despite the potential for associated significant and unavoidable impacts.

3.4 Record of Proceedings

In accordance with CEQA Section 21167.6(e), the record of proceedings for the City's decision on the Project includes, without limitation, the following documents:

- The NOP and all other public notices issued by the City in conjunction with the scoping period for the project (provided in Appendix A of the Draft EIR);
- All comments submitted by agencies or members of the public during the scoping comment period on the NOP;
- The Draft EIR for the Project;
- All comments submitted by agencies or members of the public during the comment period on the Draft EIR;
- Responses to agency comments on the Draft EIR (provided in the Final EIR);
- The Final EIR for the Project;
- Documents cited or referenced in the Draft and Final EIRs;
- The Notice of Completion and Availability of the Draft EIR for public review;
- All findings and resolutions adopted by the City in connection with the project and all documents cited or referred to therein, including these findings;
- All reports, studies, memoranda, diagrams, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the project;
- All documents submitted to the City by other public agencies or members of the public in connection with the project up through final consideration of project approval;
- All minutes and/or verbatim transcripts, as available, of all public meetings held by the City in connection with the project;
- Any documentary or other evidence submitted to the City at such public meetings, and any other information added by the City as Lead Agency;

- Any other materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

The official custodian of the documents comprising the record of proceedings is the City of Kerman Planning Department, located at 850 South Madera Avenue, Kerman, California 93630. All files have been available to the Department and the public for review in considering these findings and whether to approve the Project.

3.4 Public Hearings

A duly noted public hearing was held at the Planning Commission on May 11, 2020.

4.0 Preliminary Findings

4.1 Lead Agency; Independent Judgment

The City of Kerman is the “Lead Agency” for the proposed Project, and evaluated the EIR. The City retained the independent consulting firm of Rincon Consultants, Inc. to prepare the EIR for the Project. Rincon Consultants, Inc., prepared the EIR under the supervision, direction, and review of the City. The City has received and reviewed the EIR prior to certifying the EIR and prior to making any decision to approve or disapprove the Project. The City finds it has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in directing the consultant in the preparation of the EIR, as well as reviewing, analyzing, and revising material prepared by the consultant. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the proposed Project, that the Draft EIR which was circulated for public review reflected its independent judgment, the Final EIR reflects the independent judgment of the City, and that the EIR reflects the independent judgment of the City.

4.2 Public Review Provided

The City Council finds that the EIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the proposed Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.

4.3 Purpose of Errata and Corrections; Clerical Errors

Textual refinements and Errata (including corrections and additions to the Draft EIR) were compiled and presented to the decision-makers for review and consideration. City decision-makers and the interested public/agencies have been notified of each textual change in the various documents associated with project review of the proposed Project. These textual refinements arose for a variety

of reasons. First, it is inevitable that draft documents would contain errors and would require clarifications and corrections. Second, textual clarifications were necessitated to describe refinements suggested as part of the public participation process. The changes and modifications made to the EIR after the Draft EIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code section 21092.1 or CEQA Guidelines section 15088.5.

4.4 Clerical Errors

The City recognizes that the EIR may contain clerical errors. The City reviewed the entirety of the EIR and bases its determination on the substance of the information it contains.

4.5 Evaluation and Response to Comments

The City evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the City prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides an adequate, good-faith and reasoned response to the comments. The City reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the EIR.

4.6 Recirculation of Final EIR Not Required

The Final EIR documents changes to the Draft EIR. The Final EIR incorporates information obtained and produced after the Draft EIR was completed, and the Final EIR contains additions, clarifications, and modifications to the Draft EIR. The City has reviewed and considered the Final EIR and all of this information. The new information added to the EIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure or alternative considerably different from others previously analyzed that the project sponsor declines to adopt and that would clearly lessen the significant environmental impacts of the Project. No information indicates that the Draft EIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR or the Project. Specifically, the City finds that the information was not "significant new information" as contemplated by CEQA Guidelines section 15088.5, and does not show:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Thus, recirculation of the Draft EIR is not required.

4.7 MMRP; Mitigation Measures

CEQA requires the Lead Agency approving a project to adopt a MMRP or the changes to the project which it has adopted or made a condition of project approval to ensure compliance with the mitigation measures during project implementation.

However, in this case there are no items that would require a MMRP as the changes have been incorporated into the General Plan itself. In this regard, the General Plan Update includes goals, objectives, and implementing policies that effectively reduce the potential environmental impacts of the project. As part of the process of preparing the General Plan Update and the EIR, General Plan policies, etc., were specifically developed to reduce the potential for significant environmental impacts. These policies are directly incorporated into, and identified in, the General Plan Update itself, and effectively constitute self mitigation to ensure that implementation of the 2040 General Plan will include the reduction of associated environmental impacts in accordance with CEQA. As all feasible changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects identified in the EIR, there are no further feasible mitigation measures identified for the proposed project that would be required to be included in a MMRP. As such, the City finds that an MMRP for this Project is not required.

4.8 Substantial Evidence

The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.

4.9 Entirety of Action

The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the proposed Project.

4.10 Program EIR

For the proposed General Plan update, the EIR is considered to be a "program" EIR. That is, it is written at more of a general level because the General Plan Update only establishes a regulatory and policy framework for future development and does not describe or analyze any specific projects. As a result, future developments within General Plan area may use this EIR as a basis of the analysis, but

must conduct their own project level environmental review to the extent that specified impacts have not already been assessed. The EIR serves as the primary environmental compliance document for entitlement decisions regarding the proposed Project by the City and other regulatory jurisdictions.

4.11 Effect of Public Comments

The City finds that none of the public comments to the Draft EIR or subsequent public comments or other evidence in the record, including any changes in the proposed Project in response to input from the community, include or constitute substantial evidence that would require recirculation of the EIR prior to certification of the EIR and that there is no substantial evidence elsewhere in the record of proceedings that would require substantial revision of the EIR prior to its certification, and that the EIR need not be recirculated prior to its certification.

4.12 Independent Review of Record

The City Council, after receiving a recommendation from the Planning Commission, certifies that the EIR has been completed in compliance with CEQA. The City Council has independently reviewed the record and the EIR prior to certifying the EIR and approving the Project. By adopting these Findings, the City Council on behalf of the City confirms, ratifies, and adopts the findings and conclusions of the EIR as supplemented and modified by these Findings. The EIR and these Findings represent the independent judgment and analysis of the City and the City Council.

4.13 Adequacy of EIR to Support Approval of the Proposed Project

The City certifies that the EIR is adequate to support all actions in connection with the approval of the proposed Project. The City Council certifies that the EIR is adequate to support approval of the proposed Project described in the EIR, each component and phase of the proposed Project described in the EIR, any variant of the Project described in the EIR, any minor modifications to the proposed Project or variants described in the EIR, as well as all components of the proposed Project.

4.14 Program EIR

In accordance with Public Resources Code section 21081 and CEQA Guidelines sections 15091 and 15092, the City makes the specific findings required by CEQA with respect to each area of potential environmental impact as further set forth in this Section of these Findings. These Findings do not repeat the full discussions of environmental impacts, mitigation measures, and related explanations contained in the EIR. The City ratifies, adopts, and incorporates, as though fully set forth, the analysis, explanation, findings, responses to comments and conclusions of the EIR. The City adopts the reasoning of the EIR, staff reports, and presentations provided by City staff and the independent consulting firm of Rincon Consulting, Inc., as may be modified by these Findings.

4.15 Specific Findings of Impact, Below

In accordance with Public Resources Code section 21081 and CEQA Guidelines sections 15091 and 15092, the City makes the specific findings required by CEQA with respect to each area of potential environmental impact as further set forth in Sections 5 of these Findings. These Findings do not repeat

the full discussions of environmental impacts, mitigation measures, and related explanations contained in the EIR. The City ratifies, adopts, and incorporates, as though fully set forth, the analysis, explanation, findings, responses to comments and conclusions of the EIR. The City adopts the reasoning of the EIR, staff reports, and presentations provided by the staff as may be modified by these Findings.

5.0 ENVIRONMENTAL IMPACTS AND FINDINGS

5.1 Introduction

City staff reports, the EIR, written and oral testimony at public meetings or hearings, these facts, findings, and statement of overriding considerations, and other information in the administrative record (as further defined above) serve as the basis for the City's environmental determination. Public Resources Code Section 21081 requires that the City Council make one of the following findings for each significant impact:

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects identified in the EIR;
- Those changes or alterations are within the purview and jurisdiction of another public agency, and such changes have been, or can and should be adopted by that other agency; or
- Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR.

The same requirements for adopting these findings are also contained in CEQA Guideline Section 15091(a). Public Resources Code Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, and environmental, social and technological factors." By this document, the City Council makes the findings required by Public Resources Code Section 21081 with regard to the proposed Project.

Additionally, Public Resources Code Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." It also states, "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 three available findings under Section 21081 and Guideline Section 15091(a) allow an approving agency to specify, as to particular significant environmental impacts, whether the agency is (a) adopting mitigation measures recommended in an EIR; (b) identifying measures that lay outside its control but should be, or have been, adopted by another agency; or (c) identifying measures that are infeasible. For projects with EIRs that include numerous mitigation measures that are either infeasible or outside the approving agency's control, findings may be very lengthy, as they must explain, for example, why some measures are rejected as being infeasible. In contrast, where the approving agency chooses to adopt each and every mitigation measure recommended in an EIR, there would seem to be little point in repeated invoking, over many dozens of pages, the finding that "[c]hanges 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." (CEQA Guideline Section 15091(a).)

Where significant impacts are not avoided or significantly lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's benefits rendered acceptable its unavoidable adverse environmental effects. (CEQA Guidelines §§15093, 15043(b).)

The findings below are the City Council's best efforts to set forth the evidentiary and policy bases for its decision to approve the proposed Project in a manner consistent with the requirements of CEQA. These findings are not merely informational but, rather, constitute a binding set of obligations that come into effect with the City Council's approval of the proposed Project. The City Council adopts these findings for the entirety of the actions described in these findings and in the Final EIR.

Having received, reviewed, and considered the Final EIR and other information in the record of proceedings, based on the substantial evidence and its own independent judgment, the City Council hereby adopts the findings set forth in this document in compliance with CEQA and the CEQA Guidelines.

5.2 No Environmental Impacts

The City Council hereby finds, based its own independent judgment and upon substantial evidence in the record including the EIR and as discussed below, that the following potential environmental areas result in no impacts by the Project.

5.2.1 Aesthetics

b. Would the project substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Facts and Finding. California's Scenic Highway Program designates scenic highways with the intention of protecting their corridors from change that would diminish the aesthetic value of adjacent lands.

Fresno County has one officially designated State Scenic Highway: State Route (SR) 180 (Caltrans 2011). Although SR 180 borders the City's northern boundary, the portion of SR Route 180 that is officially designated as scenic is located over 30 miles to the east. Because implementation of the 2040 General Plan would have no impact on scenic resources within the vicinity of a state scenic highway, there would be no impact.

5.2.2 Forestry Resources

- c. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)); timberland (as defined by Public Resources Code Section 4526); or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?**
- d. Would the project result in the loss of forest land or conversion of forest land to non-forest use?**

Facts and Finding. The City of Kerman planning area consists primarily of agricultural and urban land uses and does not contain any forest land or woodlands. No Timber Harvesting Plans (TPH) currently (2018) exist in Kerman planning area and no Timber Preservation Zones (TPZ) exist within the planning area (CalFire 2012; Fresno County 2018). Because there are no forest or timberland areas in the Planning Area, implementation of the 2040 General Plan would not result zoning conflicts or loss/conversion of forest land. There would be no impact.

5.2.3 Biological Resources

- f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

Facts and Findings. The City of Kerman does not currently have a habitat conservation plan, natural community conservation plan, or any other similar approved plan. Therefore, implementation of the 2040 General Plan would not conflict with any habitat conservation plan or natural community conservation plan. There would be no impact.

5.2.4 Geology and Soils

- a.4 Would the project directly or indirectly cause potential adverse effects, including the risk of loss, injury, or death involving landslides?**

Facts and Finding. Landslide hazard areas in the City of Kerman or immediate vicinity (City of Kerman 2019). The nearest landslide hazard area is located 75 miles to the southeast in the Sierra Nevada range near Kings Canyon National Park (City of Kerman 2019). There would be no impact.

d. Would the project be located on expansive soil, as defined in Table 1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Facts and Findings. Soils with relatively high clay content are considered expansive because of the capacity of clay minerals to take in water and expand to greater volumes. Four soil types underlie the City of Kerman: Hanford course sandy loam, Hesperia sandy loam, Traver sandy loam, and Tujunga loamy sand. All four types have low to moderate shrinks/swell potential and are not considered expansive (City of Kerman 2019). All future development would be required to adhere to California Building Code (Chapter 15.04 of the Kerman Municipal Code), which would ensure that buildings are built in accordance with the most recent structural regulations for building safety. No impacts related to expansive soils would occur.

e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Facts and Findings. New development facilitated by the 2040 General Plan would occur where existing sewer systems are in place or extended to serve new development. New development under the 2040 General Plan would not require the use of septic systems or alternative wastewater disposal systems. Because no new septic tank or alternative wastewater disposal system would be allowed under the plan, there would be no impact related to soils incapable of handling such systems. There would be no impact.

5.2.5 Hazards and Hazardous Materials

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

Facts and Findings. The nearest active airports to the City of Kerman are the Fresno Chandler Executive Airport and Sierra Sky Park Airport, both located about 12 miles to the east in Fresno. Kerman is located outside the Airport Influence Areas associated with these airports, noise contour maps, and safety compatibility zones (City of Fresno 1995; 2014). Bland Field, a former privately-owned airstrip, is located approximately 0.7 mile southeast of Kerman city limits, south of Church Avenue, and east of Goldenrod Avenue. This airstrip is closed and therefore does not currently pose a risk of aviation hazards to the community. As a result, implementation of the 2040 General Plan would not subject residents or workers to substantial aviation related hazards. There would be no impact.

g. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

Facts and Findings. As designated by the California Department of Forestry and Fire Protection, the City of Kerman is located in an unzoned local responsibility area according to the most recent Fire

Hazard Severity Zones map. The nearest mapped hazard zone is listed as a moderate fire hazard severity zone and is located five miles northwest of the City of Kerman between the City of Mendota and the unincorporated community of Tranquility. The nearest very-high fire hazard severity zone is located 30 miles to the southwest near the community of Huron. In addition, there are no wild or forestlands located in the City (see 4.17.1, Forestry Resources). Because the Planning Area is not located in a fire hazard severity zone, does not contain nor located near wildland areas, implementation of the 2040 General Plan would not exacerbate impacts related to wildfire hazards. There would be no impact.

5.2.6 Mineral Resources

- a. Would the project result in a loss of availability of a known mineral resource that would be of value to the region and residents of the state?**
- b. Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?**

Facts and Findings. The entire City of Kerman is located in the Fresno County Production-Consumption Region, which is primarily mined for Portland concrete cement grade (PCC) aggregate resources. The Surface Mining and Reclamation Act of 1975 (SMARA) requires the state geologist [Division of Mines and Geology (DMG)] to identify and classify all mineral deposits in California. In 1979, the state Board of Mining and Geology adopted guidelines that require local general plans to reference identified mineral deposits and sites that are identified for conservation. The City of Kerman is not located in an area identified mineral deposit significance and per the most recent Department of Conservation's Active Mine Operations Map, there are no active mine operations in the planning area (DMG 2019; Division of Mine Reclamation 2019). The nearest active mine, Glamis Pit, is located over five miles to the northeast from the planning area. The 2040 General Plan would not facilitate any new mining activity and would not result in the loss of availability of known mineral resources. There would be no impact.

5.2.7 Noise

- c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

Facts and Findings. The nearest active airports to the City of Kerman are the Fresno Chandler Executive Airport and Sierra Sky Park Airport, both located about 12 miles to the east in Fresno. Kerman is located outside both airports noise contour maps (City of Fresno 1995; 2014). Bland Field, a former privately-owned airstrip, is located approximately 0.7 mile southeast of Kerman city limits, south of Church Avenue, and east of Goldenrod Avenue. This airstrip is closed and therefore does not currently generate any sources of noise to the community. As a result, implementation of the 2040

General Plan would not subject residents or workers to excessive noise levels. There would be no impact.

5.2.8 Wildfire

- a. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?
- b. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- c. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- d. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Facts and Findings. As designated by the California Department of Forestry and Fire Protection, the City of Kerman is located in an unzoned local responsibility area according to the most recent Fire Hazard Severity Zones map. The nearest mapped hazard zone is listed as a moderate fire hazard severity zone and is located five miles northwest of the City of Kerman between the City of Mendota and the unincorporated community of Tranquility. The nearest very-high fire hazard severity zone is located 30 miles to the southwest near the community of Huron. Because the Planning Area is not located in a fire hazard severity zone, implementation of the 2040 General Plan would not impair adopted emergency response in a fire hazard area or exacerbate impacts related to wildfire hazards. There would be no impact.

5.3 Less Than Significant Environmental Impacts

The City Council hereby finds, based on its independent judgment and on substantial evidence in the record including the EIR and as noted below, that the following potential environmental impacts of the Project are less than significant and therefore do not require the imposition of mitigation measures.

5.3.1 Aesthetics

a. Would the General Plan have a substantial adverse effect on a scenic vista?

Finding. (Impact AES-1) Implementation of the 2040 General Plan would facilitate development that would adversely affect scenic vistas and/or views of scenic natural or architectural resources. With implementation of proposed General Plan policies that protect scenic views, impacts on scenic vistas and resources would be less than significant.

Facts. The closest significant topographical features to the city are the mountains of the Coastal Range and the Sierra Nevada begin approximately 35 miles southwest and northwest of Kerman, respectively (Kerman 2007). Kerman's city limits are surrounded entirely by agricultural land, farmhouses, and small ranches, which give the City a greenbelt effect. The rural agricultural character surrounding the city provides scenic views. There are no officially designated scenic viewsheds, corridors, or State-designated scenic highways within the Planning Area. According to the 2040 General Plan, preservation of the long-distance vistas of the Sierra Nevada and the Coast Ranges, agriculture fields, or other local view-points are important to the community. Therefore, loss of open space and significant urbanization would be considered a significant impact to the city's scenic vistas.

Implementation of the 2040 General Plan could have significant adverse impacts on scenic views of the above-described natural and man-made features within the 2040 General Planning Area. As residential, commercial, and industrial urbanization occurs, the amount of man-made improvements could replace the existing open space, agricultural fields, and/or open land.

The 2040 General Plan contains several policies that demonstrate no potential adverse effects to the city's scenic vistas would occur as a result of new development and urbanization of existing open space. Implementation of and adherence to the following policies of the Land Use Element and the Conservation, Open Space, Parks and Recreation Element of the 2040 General Plan would reduce significant impacts to the city's scenic vistas and resources.

Policies LU-2.1 through LU-2.8 set requirements to analyze and reduce impacts to the community character and aesthetics to maintain the existing low-density residential appearance. Policies LU-3.1 through LU-3.6 would prevent sprawl and leapfrog development by prioritizing infill and increased density and intensity within the city limits, thereby preserving the surrounding agricultural areas and preserving scenic views. Policy COS-1.2 in the Conservation, Open Space, Parks and Recreation Element specifically requires reserving "the existing scenic qualities by regulating entryways, view preservation, and landscaping." Policies COS-1.3 through COS-1.4 also provide for landscaping buffers and maintenance districts to address aesthetic considerations.

While increasing density and intensity can change the appearance of the area within the city, implementation to the above policies during the design and development of new buildings would maintain the existing scenic character of the built environment of Kerman. Therefore, development within the 2040 General Plan would not adversely affect the existing rural setting and visual resources.

Impacts would be less than significant on scenic vistas and resources due to new development projected by General Plan 2040 would not have a substantially adverse effect on scenic views of the city's rural setting or Sierra Nevada Mountains, and mitigation is not required.

c. Would the General Plan, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the General Plan is in an urbanized area, would the General Plan conflict with applicable zoning and other regulations governing scenic quality?

Finding. (Impact AES-2) Implementation of the 2040 General Plan would protect Kerman's small town, rural character by directing urban development to existing urbanized areas and preserving agricultural lands within the new 2040 general plan boundaries. Compliance with existing standards and proposed general plan policies would ensure that new development complements and enhances the city's existing visual character and quality. therefore, the project would have a less than significant impact on visual character and quality.

Facts. The 2040 General Plan's overall land use vision would preserve the city's existing development pattern through targeted infill development. Based on the land use designations shown on the 2040 General Plan land use diagram, the Planning Area boundary would effectively create a greenbelt that reinforces a strong community edge that clearly separates urban and agricultural uses surrounding the city. The 2040 General Plan land use diagram keeps the expanded areas designated for agriculture consistent with the current Fresno County General Plan agricultural designation and encourages future growth to occur within or adjacent to city limits and not extend outside the SOI. This greenbelt would provide a buffer between the residential, commercial, and industrial development within the city limits and preserve the existing agricultural land adjacent to and beyond the SOI to maintain agricultural lands and rural character of the city.

Proposed policies in the 2040 General Plan would promote the preservation of scenic natural resources and the development of visual transitions to the city. Implementation of the policies LU-2.2, LU-2.4, LU-2.5, LU-2.6, LU-2.8, HE-1.3, and COS-1.2 would provide a sense of transition between active farmland within the planning area and development within the city, as well as visually attractive gateways into Kerman.

As discussed above, the 2040 General Plan would protect the city of Kerman's small town, rural community character by maintaining residential development scale and densities, enhancing the four major entryways into the city, and providing regulations to preserve the existing scenic qualities of the community. All new development and modification to existing structures would also be subject to existing design, density, and height standards applicable to specific land use and zoning designations. Compliance with established standards and the above policies proposed in the 2040 General Plan would ensure that new development complements and enhances the City's existing

visual character and quality. Therefore, the project would have a less than significant impact on visual character and quality, and no mitigation is required.

d. Would the General Plan create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?

Finding. (Impact AES-3.) Implementation of the 2040 General Plan would incrementally increase the amount of light and glare in the City, through the introduction of new development and increased number of vehicles. The effects of this gradual increase would be reduced by policies in the 2040 General Plan, as well as the City municipal Code. Impacts would be less than significant.

Facts. The 2040 General Plan would facilitate new development that could introduce new sources of light and glare within the city, resulting in increased ambient nighttime lighting. New sources of light and glare could be installed for infill development, new development in currently vacant or undeveloped lots, or modification of existing buildings. Specific sources would include streetlights, light fixtures in parking lots, signage on businesses, exterior building illumination, interior lighting passing through building design, and outdoor lighting at recreational facilities. Reflective building and vehicles surfaces, and the headlights of motor vehicles could generate additional glare.

Adherence to proposed 2040 General Plan policies and existing Municipal Code regulations would minimize adverse effects from light spillover to nearby properties and glare. Lighting requirements vary based on development type and zoning district, which need to be consistent with 2040 General Plan land use designations as outlined in the Land Use Element. There are no 2040 General Plan policies that would specifically minimize sky glow (i.e., the brightness of the sky at nighttime from the emission of upward light). However, policies LU-1.4 and LU-1.5 would retain single family residential neighborhoods and encourage future development near commercial, parks and schools; this would concentrate new sources of potential light and glare to areas of the city with existing light pollution and reduce impacts to daytime or nighttime views in the area. Additionally, existing performance standards for light and glare are in the Kerman Municipal Code Chapter 17.14. During site plan review, according to these standards, "The site plan shall clearly indicate the following information: Exterior lighting indicating direction of illumination, type of luminaire, and hooding or shielding devices." This chapter indicates regulation of lighting is subject to review by the city planner during the site plan review process or when conditions of approval are deemed necessary to protect the public health, safety, and welfare (Kerman 1990).

The 2040 General Plan contains Policy COS-1.3 and Program COS-A to ensure new developments would address impacts due to new sources of light and glare within the city. Individual projects facilitated by the proposed 2040 General Plan would be subject to CEQA review. New lighting associated with these projects would be reviewed on an individual basis and would be regulated by the City's Municipal Code. Adherence to existing City lighting requirements, the 2040 General Plan policies would reduce impacts to a less than significant level, and no mitigation is required.

5.3.2 Agricultural Resources

- a. **Would the General Plan convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**
- e. **Would the General Plan involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?**

Finding. (Impact AG-1) Implementation of the 2040 General Plan would encourage the continued operation of existing agriculture in, and surrounding, the city. buildout of the 2040 General Plan would result in the conversion of active agricultural land, but this conversion would be offset by a policy requirement to preserve an equal amount of like agricultural land. Therefore, impacts would be less than significant.

Facts. The 2040 General Plan would result in changes to the existing land use designations by allowing the conversion of existing Prime Farmland, Unique Farmland and Farmland of Statewide Importance, specifically within the Sphere of Influence (SOI) to be converted to a mix of land uses, primarily for residential, industrial, or office use and would establish an urban reserve as shown in the 2040 General Plan Land Use Map in Section 2, Project Description, Figure 2-4. Provision of additional land adjacent to the City of Kerman for urban uses provides for orderly urban development and reduces the pressure on converting agricultural lands within more rural Fresno County to urban uses, which would have a greater impact on commercial agricultural operations in the region. Nevertheless, buildout of the 2040 General Plan would result in the loss of agricultural lands as indicated by the FMMP. Implementation of an Agricultural Mitigation Program to mitigate the loss of agricultural land to urban development within the SOI by preserving an equivalent amount and type of agricultural land would offset this impact.

By design, the 2040 General Plan would focus future development in underdeveloped areas and prioritize infill development where there is sufficient infrastructure capacity and public services. One of the themes of the 2040 General Plan is to have agricultural farming practices and urban uses exist harmoniously with conflicts limited through buffers at the City's edge. The 2040 General Plan policies that would protect agricultural resources, particularly prime agricultural land, from premature future development are Goal LU-4 and Policies LU-4.1 to LU-4.4. The Conservation, Open Space, Parks and Recreation Element of the 2040 General Plan would provide conservation and protection of natural resources for agricultural use (see Goal COS-4 and Policies COS-4.4 and COS 4.7), the Economic Development Element would support and expand the agricultural industry and related tourism (See

Goal ED-2, and Policies ED-2.1 through ED-2.5); while the Land Use Element is designed to protect the continued operation of agricultural lands in and around Kerman (see Goal LU-3 and Policies LU-3.1 to LU-3.5, and Goal LU-4 and Policies LU-4.1 to LU-4.4).

Full buildout under the 2040 General Plan would result in conversion of existing agricultural uses in the Planning Area to non-agricultural uses. Impacts would be potentially significant, but with implementation of Policy LU-4.2 to develop an Agricultural Mitigation Program consistent with the DOC's recommendations, the loss of Prime Farmland, Unique Farmland, and/or Farmland of Statewide Importance would be offset with the preservation of an equal acreage of similar prime agricultural land. With the incorporation of the DOC recommended Agricultural Mitigation Program policies (equal preservation) to the 2040 General Plan, impacts related to the conversion of Farmland to non-agricultural use would be less than significant, and no mitigation is required.

There are no designated forests within the 2040 General Plan. Therefore, no impacts to forest land would occur.

b. Would the General Plan conflict with existing zoning for agricultural use, or a Williamson Act contract?

Finding. (Impact AG-2). Implementation of the 2040 General Plan would alter the current land use pattern surrounding the city within its Planning Area, and may result in incompatibilities where urban and agricultural uses would directly abut each other, and/or impact Williamson Act contracted lands. However, land use conflicts would be reduced through proposed agricultural land buffers and 2040 General Plan policies addressing agricultural impacts. Therefore, the 2040 General Plan's conflicts with existing agricultural zoning and land under Williamson Act Contract would be reduced to a less than significant level.

Facts. As shown in **Error! Reference source not found.** of the DEIR, Williamson Act Contract Land, there are no Williamson Act contracted lands within the City limits; however, several parcels are designated as Williamson Act contracted lands within the SOI and Planning Area at approximately 2,850 acres or 48 percent of the parcels within the Planning Area (Kerman 2019).

A determination of the impacts to agricultural zoning and conflicts with Williamson Act contracts would be made on a case-by-case basis as individual projects are implemented. Many individual projects would likely not create significant impacts or would be located in urban built-up areas zoned for development. The General Plan Goal LU-3 and Policies LU-3.1 through LU-3.6 reduce conflicts with existing agricultural zoning and the conversion of Williamson Act contracted lands to more urban uses.

Due to the agricultural importance to Kerman, several parcels within the Planning Area and SOI under Williamson Act contracts as shown in **Error! Reference source not found.** would remain under contract. These Williamson Act parcels are located north, south, east, and west of the City limits. The 2040 General Plan policies in the Land Use Element mentioned above, and the protection provided

under a Williamson Act contract would preserve these parcels from premature development and therefore reduce impacts to land designated under a Williamson Act contract. Any parcels under Williamson Act contract would require a project-specific analysis and specific findings regarding the cancellation would be made prior to allowing cancellation pursuant to Section 51282 and Section 51284 of the Government Code. Property owners can also file a Notice of Non-Renewal in anticipation of future development that would start the 10-year countdown of the contract. Therefore, based on the 2040 General Plan policies and Williamson Act restrictions, impacts would be less than significant.

Hence, the 2040 General Plan policies would protect premature development from occurring on agricultural land and would minimize potential land use conflicts between agricultural and non-agricultural uses. The 2040 General Plan's proposed agricultural buffers (i.e., the Urban Reserve designation) and Agriculture designation, disclosure of agricultural activity, and low-density development would not conflict with the County's current agricultural land use designations, zoning districts, or Williamson Act Contracts. As such, impacts would be less than significant.

Cumulative Impacts

Facts and Findings. No cumulative impacts would occur to forest land because the 2040 General Plan does not affect forest land and there is no forest land in the vicinity of the city.

As discussed in EIR Section 4.2.1, Setting, implementation of the 2040 General Plan, combined with regional growth, would result in a substantial contribution to the conversion of important farmland and may increase agriculture/urban interface conflicts. This is a significant cumulative impact. The farmland conversion associated with General Plan buildout would be in addition to development anticipated under the applicable land use plans of Fresno County, the cities of Fresno and Clovis, and to a lesser extent, the 13 additional smaller cities within Fresno County. While the focus of the cumulative impact analysis is the growth of the city of Kerman onto Prime Farmland, it is acknowledged that cumulative important farmland conversion contributions within Fresno County are of a statewide concern. The 2040 General Plan contains several goals, policies, and programs that would assist in reducing agricultural land conversion and conflict impacts. These can be found in the Conservation, Open Space, Parks and Recreation Element; Land Use Element; and the Economic Development Element, including those noted above. These policies and programs contain specific, enforceable requirements and/or restrictions and corresponding performance standards that assist in reducing this impact. The planned growth within the 2040 General Plan also reduces the pressure to develop urban uses within the agricultural lands surrounding Kerman. In addition, the 2040 General Plan Land Use Map establishes Agriculture and Urban Reserve designations, which create an agricultural/open space greenbelt around the city intended to minimize the physical effects of agricultural practices on urban uses, such as chemical spraying, noise, etc., to ensure the long-term ability of agricultural uses to continue beyond the expanded City limit and minimize land use conflicts between agricultural land uses and urban land uses.

Implementation of the 2040 General Plan would increase density and intensity of existing land uses and discourage sprawling development and unnecessary expansion of City limits to conserve existing agricultural resources and mitigate for the conversion of agricultural land developed within the planning area. Therefore, the 2040 General Plan would have incremental contribution to cumulative impacts associated with agricultural resources and important farmland conversion, but impacts to these resources would not be cumulatively considerable. Cumulative impacts would be less than significant.

5.3.3 Air Quality

a. Would the General Plan conflict with or obstruct the implementation of the applicable air quality management plan?

Finding. (Impact AQ-1) The 2040 General Plan would strive to reduce emissions of ozone precursors and particulate matter to levels below those identified in the 2016 Ozone Plan and the 2018 PM2.5 Plan, and subject to SJVAPCD recommended Rule 9510 and/or Rule 9410. Impacts related to consistency of the proposed project with air quality plans would be less than significant.

Facts. The 2040 General Plan growth forecasts and control measures are consistent and comply with the SJVAPCD 2016 Ozone Plan and 2018 PM2.5 Plan. The 2040 General Plan includes a number of goals and policies that would reduce air contaminant emissions, primarily by promoting alternatives to personal vehicle use. These goals and policies would promote the implementation of the TCMs identified in the SJVAPCD 2016 Ozone Plan and 2018 PM2.5 Plan (Table 4.3-7) would reduce impacts to less than significant. Some of the most salient of these goals and policies include the following:

- Land Use Element: Goal LU-3, Policies LU-3.2 through LU-3.6.
- Circulation Element: Goal CIRC-1, Policies CIRC-1.1 through CIRC-1.3; Goal CIRC-2, Policies CIRC-2.1 and CIRC-2.3, Policy CIRC-2.4, Policy CIRC-2.6, and Policy CIRC-2.7; Goal CIRC-5, Policies CIRC-5.1 through CIRC-5.6, and Policy CIRC-5.8.
- Public Health and Safety Element: Goal PH-7, and Policies PH-7.1 through PR-7.6.
- Housing Element: Goal HE-1, Policy HE-1.3, Policy HE-1.5, and Policy HE-1.6; Goal HE-2 and Policy HE-2.6; Goal HE-6, Policy HE-6.1, and Policy HE-6.2.

While buildout of the 2040 General Plan would increase annual emissions during the construction and operational phases of development which could potentially be considered cumulatively considerable, implementation of the policies listed above would reduce impacts to air quality. By including policies that encourage infill development, the 2040 General Plan would reduce vehicle trips and emissions, encourage alternative modes of transportation, and comply with statewide measures to reduce energy usage in Kerman. The 2040 General Plan will also promote design and safety elements through

Implementation Program J which would create an active transportation plan to guide future active transportation facilities in the community, further reducing vehicle emissions.

Development in the city facilitated by the 2040 General Plan would be required to comply with the City's policies within the Land Use Element limiting development to growth control allocations. Thus, development would limit the emissions associated with buildout of the 2040 General Plan. Adoption of the 2040 General Plan would result in less than significant criteria pollutant emissions or other significant air quality impacts because it would be consistent with the population growth projections and emissions control measures of the 2016 Ozone Plan and the 2018 PM2.5 Plan. As such, no mitigation is required.

b. Would the General Plan result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Finding. (Impact AQ-2.) Construction of New development under the 2040 General Plan would potentially generate significant impacts to air pollutant emissions of ozone precursors, CO, SO₂, PM10, and PM2.5. However, implementation of 2040 General Plan policies would result in compliance with SJVAPCD Guidelines and reduce these impacts to a less than significant level.

Facts. Construction activity facilitated by the 2040 General Plan would cause temporary emissions of various air pollutants from demolition, grading, construction worker travel to and from project sites, delivery and hauling of construction supplies and debris to and from project sites, and fuel combustion by on-site construction equipment would generate pollutant emissions. As discussed EIR, the SJVAPCD has not established plan-level significance thresholds for construction air pollutant emissions. However, the guidelines include project-level thresholds for construction emissions. The SJVAPCD developed the Small Project Analysis Level (SPAL) screening tool to determine the size below which it is reasonable to conclude that an individual project would not exceed applicable thresholds of significance for criteria pollutants. If individual projects fall below the SPAL screening levels, then SJVAPCD has determined that quantification of construction emissions is not necessary and that project-level air quality impacts would be less than significant.

Development under the 2040 General Plan requiring discretionary approvals by the City would also potentially be subject to SJVAPCD Rules 9510 and/or 9410. Based on correspondence from SJVAPCD, new development under the 2040 General Plan is subject to compliance to these rules, as mentioned in Section 4.3.2, Regulatory Setting. Rule 9510 would reduce construction exhaust NO_x and PM10 emissions by 20 percent and 45 percent respectively. Compliance with Rule 9510 would reduce operational emissions of NO_x and PM10 emissions by 33.3 percent and 50 percent respectively. Rule 9410 would require larger employers to establish an eTRIP to encourage employees to use alternative transportation and ridesharing for their morning and evening commutes.

At this time, most projects facilitated by the 2040 General Plan do not have sufficient detail to allow project-level analysis and thus it would be speculative to analyze project-level impacts. However, per SJVAPCD guidance, projects facilitated by the 2040 General Plan that do not exceed the SPAL screening levels would have less than significant construction-related air quality impacts. Nevertheless, projects that exceed the SPAL screening levels would result in potentially significant air quality impacts due to construction-related emissions of ROG, NOX, CO, SO2, PM10, and PM2.5. Implementation of 2040 General Plan Public Health and Safety Element Policy PH-7.4 would be required to reduce construction-related air quality impacts to a less than significant level. As such, implementation of 2040 General Plan policies would result in compliance with SJVAPCD Guidelines and reduce these impacts to a less than significant level, and no mitigation measures are required.

c. Would the General Plan expose sensitive receptors to substantial pollutant concentrations?

Finding. (Impact AQ-3.) Buildout of the 2040 General Plan may expose sensitive receptors to substantial pollutant concentrations. construction-related emissions associated with the 2040 General Plan would generate short-term emissions of carbon monoxide and toxic air contaminants, which can contribute to human health hazards. However, implementation of 2040 General Plan policies would reduce sensitive receptors exposure to pollutant concentrations. Impacts would be less than significant (Class II).

Facts. The 2040 General Plan would include the development of land uses considered to be sensitive receptors, as well as new development near existing sensitive receptors.

Lead: The SJVAPCD and CARB have regulations that address the handling of hazardous air pollutants such as lead and asbestos, and this impact would be less than significant. No mitigation measures are required.

CO Hotspots. As discussed the EIR, localized CO concentrations are the result of the volume of cars along a road and the level of emissions generated by vehicles, rather than the flow of traffic, and vehicle CO emissions have declined over time due to stringent State standards for vehicle emissions and would continue to decline as more stringent standards are put in place. BAAQMD has determined that a volume of 44,000 vehicles per hour is the level above which traffic volumes may contribute to a violation of CO standards (BAAQMD 2017). All of the studied road and freeway segments would have daily traffic volumes below 44,000 vehicles under buildout of the 2040 General Plan; see Appendix A of the EIR for roadway volumes. Therefore, the 2040 General Plan would not result in volumes of traffic that would create, or substantially contribute to, the exceedance of State and Federal AAQS for CO. This impact would be less than significant, and no mitigation measures are required.

Toxic Air Contaminants: All stationary source projects subject to air permitting are assessed for TAC impacts by the SJVAPCD as part of the permitting process. However, no specific stationary sources are envisioned under the 2040 General Plan. New developments that require discretionary approval may be subject to SJVAPCD regulations to complete a project-specific Health Risk Assessment (HRA)

State law measures are required which reduce DPM emissions as noted in the EIR. At this time, the projects facilitated by the 2040 General Plan do not have sufficient detail to allow project-level analysis and thus it would be speculative to determine that substantial TAC emissions that could pose a significant health risk to nearby sensitive receptors would not occur. Therefore, air quality impacts would be potentially significant. However, new developments requiring discretionary approvals would be subject to 2040 General Plan Circulation Element (See Policy CIRC-2.3) and Public Health and Safety Element (see Policy PH-7.5) which require SJVAPCD evaluation of stationary sources near sensitive receptors, reducing TACs impacts.

In conclusion, no mitigation measures are required, and Impacts would be less than significant without mitigation (Class II), and no mitigation measures are required.

d. Would the General Plan result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Finding. (Impact AQ-3) The 2040 General Plan would not create objectionable odors that would affect a substantial number of people. Impacts would be less than significant.

Facts. The intensity of an odor source's operations and its proximity to sensitive receptors influences the potential significance of odor emissions. **Error! Reference source not found.** of the EIR shows the G AMAQI Screening Levels for Potential Odor Sources for the SJVAB. Land uses that typically produce objectionable odors include landfills, rendering plants, chemical plants, agricultural uses, wastewater treatment plants, refineries, fast food restaurants, bakeries, and coffee roasting facilities (CARB 2005; SJVAPCD 2015d). The residential uses in the 2040 General Plan are not considered odor-generating land uses. At this time, the projects facilitated by the 2040 General Plan do not have sufficient detail to allow project-level analysis and thus it would be speculative to determine adverse odor affects from the 2040 General Plan. Two of the city's existing odor sources include the wastewater treatment plant, located on 15485 W. Church Street, and the Mid Valley Disposal composting facility, located at 15300 W Jensen Avenue. Both are within the industrial areas near the City's southern boundary and more than 2 miles from any sensitive receptors. Therefore, odor impacts would be adverse, but less than significant (Class III), and no mitigation measures are required.

Cumulative Impacts

Facts and Findings. The City of Kerman falls within the jurisdiction of Fresno County which is in the jurisdiction of the SJVAPCD. As discussed in Impact AQ-1, the SJVAPCD would require all jurisdictions within the SJVAB to be consistent with their air quality management plans. Buildout of the 2040 General Plan would increase annual emissions during the construction and operational phases of development which could potentially be considered cumulatively considerable. However, implementation of the 2040 General Plan policies would reduce impacts to air quality. The policies would reduce vehicle trips and emissions by encouraging infill development, alternative modes of transportation, compliance with state-wide measures to reduce energy usage in Kerman, and creation

of an active transportation plan via Implementation Program J in the Circulation Element which would guide future active transportation facilities in the community to further reduce vehicle emissions. Adoption of the 2040 General Plan would result in less than significant criteria pollutant emissions or other significant air quality impacts because it would be consistent with the population growth projections and emissions control measures of the 2016 Ozone Plan and the 2018 PM2.5 Plan, and cumulatively reduce impacts to a less than significant level within the SJVAB.

While the SJVAPCD is primarily responsible for regulating emissions generated in the air basin, the transport of emissions in one area can affect another area's ability to achieve attainment of pollutant standards. The SJVAB currently exceeds two Federal air quality standards and two State air quality standards multiple times. Construction activities associated with implementation of the 2040 General Plan would create fugitive dust and ozone precursor emissions and have the potential to result in temporary adverse impacts on air quality.

However, implementation of the 2040 General Plan goals and policies, including those noted above, would ensure that the developments facilitated by the 2040 General Plan would not result in cumulative odors from both construction and operation. Therefore, the proposed project would not have a cumulatively considerable contribution to regional air quality impacts.

5.3.4 Biological Resources

- a. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

Finding. (Impact BIO-1) With implementation of the goals and policies in the 2040 General Plan, substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special species in local or regional plans, policies, or regulations by the California department of fish and wildlife or U.S. Fish and Wildlife service would be avoided or minimized. Impacts would therefore be less than significant., and no mitigation measures are required.

Facts. Based on the highly disturbed (non-natural, urbanized state) nature of the 2040 General Plan Planning Area, sensitive species are not expected to regularly occur. Species that occur in these areas are typically adapted to anthropogenic disturbance and/or are ornamental species. Developed and agriculturally disturbed areas within or surrounding the city of Kerman include vineyards, almond orchards, cotton and alfalfa fields, irrigated row and field crops, residential development, commercial development, and industrial development. Plant species in urban habitats typically consist of

ornamental and other non-native invasive plant species, with large developed areas lacking vegetation.

There are no special-status or sensitive habitats within the Planning Area. As shown in Figure 4.4-1 of the EIR, the Planning Area consists of two habitat types: agricultural and urban. Both habitat types are highly disturbed, developed, and have sparsely/non-vegetated habitats generally associated with urban and agricultural areas.

New development within the 2040 General Plan Planning Area would minimize natural resources impacts because the General Plan emphasizes preservation of natural resources. Goal COS-1 in the Conservation, Open Space, Parks and Recreation Element of the 2040 General Plan would ensure the preservation of and expansion of open space areas in the city of Kerman to meet the current and future needs of the community and support natural habitats. The City's growth management policies in the Land Use Element of the 2040 General Plan include LU-3.1 to LU-3.6, which emphasize infill development with increased densities and confine City development to prevent sprawl which would minimize effects on sensitive species surrounding the city's developed areas. Additionally, all development planned for under the 2040 General Plan would be subject to the provisions of the various Federal and State natural resources regulations (discussed in EIR Subsection 4.4.1, Setting) and their respective permitting processes. Furthermore, prior to project-specific development planned for in the 2040 General Plan, the preparation of biological assessments and inventories of sensitive biological resources would ensure that potential special-status plant and animal species that could be impacted by future development would be identified and potential impacts would be reduced or avoided. Therefore, implementation of these policies would avoid substantial impacts to special-status plant and animal species. Impacts would be less than significant, and no mitigation measures are required.

b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Finding. (Impact BIO-2) Implementation of the 2040 General Plan would not result in a substantial adverse effect on any riparian habitat or other sensitive natural communities. Impacts would be less than significant.

Facts. There are no natural surface water features such as streams or lakes in the 2040 General Plan Planning Area. There are several irrigation canals that run through the city and its surrounding lands that are used for agricultural purposes as shown in Figure 4.4-2. The nearest naturally occurring riparian habitat to the city is the San Joaquin River located approximately 5 miles north, outside the Planning Area.

According to CDFW and USFWS databases, there are occurrences of special-status species within the Kerman Quad as indicated in Impact BIO-1. However, there is no designated critical habitat for any

special-status plant or wildlife species within the boundary of the city of Kerman or in the 2040 General Plan Planning Area. The closest designated critical habitat is the Fresno kangaroo rat located approximately 11 miles west of the city (USFWS 2018b). Because of the highly disturbed habitat observed within the city and the 2040 General Plan Planning Area, new development within the Planning Area would not impact riparian or sensitive habitat communities. Therefore, impacts would be less than significant, and no mitigation measures are required.

- c. **Would the project have a substantial adverse effect on State or Federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Finding. (Impact BIO-3) Implementation of the 2040 General Plan would not result in substantial adverse effect on protected wetlands. impacts would be less than significant.

Facts. Wetland and water features in Kerman have been highly altered and are presently very scarce. As mentioned in Impact BIO-2, there are no natural surface water features such as streams or lakes in the 2040 General Plan Planning Area. There are several irrigation canals which run through the 2040 General Plan Planning Area and are used for agricultural purposes.

Although the NWI classifies several areas throughout the Planning Area as wetlands and bodies of water, these are either man-made, currently in use for agricultural purposes, and/or are highly disturbed. As described in Impact BIO-1 and shown in Figure 4.4-1 of the EIR, the only habitat types present within the 2040 General Plan Planning Area are agricultural and urban. Therefore, it is highly unlikely these NWI classified areas would support wetland habitats. Therefore, implementation of the 2040 General Plan would not result in substantial adverse effects on potentially jurisdictional waters. In addition, the Land Use Element for the 2040 General Plan includes policies that would promote infill development, reduce sprawl, and protect existing agricultural resources around city limits. These policies include those listed under Goal LU-3, policies LU-3.1 through 3.6. These growth policies would reduce the possible impacts of city development that could encroach upon the State ecological reserves just west of the city that includes vernal pools. Therefore, impacts would be less than significant, and no mitigation measures are required.

- d. **Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Finding. (Impact BIO-4) the 2040 General Plan planning area does not largely support wildlife movement corridors. New development under the 2040 General Plan would avoid impacts to wildlife movement corridors by emphasizing infill development and conserving existing open space areas. Therefore, impacts would be less than significant.

Facts. There is not a diversity of wildlife or creek channels in Kerman that would serve as wildlife movement corridors. The city of Kerman lies between the Anticline Ridge-Joaquin Ridge ECA and the

Coyote Ridge-Owens Mountain ECA, which are approximately 30 miles southwest and 30 miles east of the city, respectively. The Great Central Valley ecoregion is composed of the valleys of Central California, bordered by the Pacific Coast Ranges on the west, the Sierra Nevada and Cascade Ranges on the east, and the Tehachapi Range on the south. Most of this land does not support wildlife movement because of high fragmentation and conversion of natural habitats to agricultural and urban uses.

New growth and development under the 2040 General Plan would preserve the existing agricultural land and open spaces. The level of change that would result from the 2040 General Plan would not result in development of existing open spaces within the city, as the 2040 General Plan includes goals and policies to conserve the city's natural environment. The 2040 General Plan goals and policies to preserve natural habitat and open space within the city, thus protecting wildlife corridors that may exist. These include Goal COS-1, Policy COS-1.1, Goal LU-3, Policy LU-3.2, Policy LU-3.3, Policy LU-3.4, Policy LU-3.5, and Policy LU-3.6.

Preserving access to open space, as stated in Policy COS-1.1, would maintain protection and enhancement areas that may be used as wildlife corridors in the city. In addition, Policies LU-3.2 to LU 3.6 which would focus development within the City and reduce sprawl to preserve agricultural land and potential wildlife corridors. Therefore, the 2040 General Plan would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. Therefore, impacts would be less than significant, and no mitigation measures are required.

e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Finding. Development proposed by the 2040 General Plan would not conflict with local policies and ordinances that protect biological resources, including a tree preservation ordinance or policy. Impacts would be less than significant.

Facts. Implementation of the 2040 General Plan would be subject to all applicable local policies and regulations related to the protection of important biological resources. Specifically, development under the 2040 General Plan would be required to comply with the Kerman Municipal Code (KMC) Chapter 12.20—Trees and Shrubs in Public Places. The ordinance provides standards for the planting, maintenance, protection, and removal of trees along public streets. The ordinance requires the expressed permission of the superintendent of streets to cut, trim, prune, plant, remove, injure, or interfere with any tree, shrub, or plant on any public street or place in the city. This may be subject to the condition that any removed tree be replaced by an official tree in conformity with the city's street tree plan as described in Section 12.20.040 of the KMC.

Lands proposed for development under the 2040 General Plan would be evaluated on a project-by project basis and would be required to comply with the City's ordinance protecting public and street

trees. Therefore, the 2040 General Plan would not conflict with local policies and ordinances protecting biological resources, such as a tree preservation policy or ordinance, impacts would be less than significant and no mitigation measures are required.

Cumulative Impacts

Facts and Finding. Cumulative development in the Fresno County area surrounding Kerman in combination with the 2040 General Plan buildout may contribute to the loss of foraging and breeding habitat for special status species, decline of special status species, fragmentation of habitat and isolation of populations, and decrease of movement opportunities. Implementation of the 2040 General Plan would increase density and intensity of existing land uses. However, goals and policies in the 2040 General Plan would conserve existing natural resource and limit impacts on special status species. Furthermore, impacts on biological resources associated with the individual development projects would be less than significant with mitigation incorporated. Therefore, buildout of the 2040 General Plan would have incremental contribution to cumulative impacts associated with biological resources but the impacts to biological resources would not be cumulatively considerable. Cumulative impacts would be less than significant.

5.3.5 Cultural Resources

- a. **Would the General Plan cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?**
- b. **Would the General Plan cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?**

Finding. (Impact CUL-1) Development facilitated by the 2040 General Plan has the potential to impact historical and unique archaeological resources. However, adherence to existing regulations and policies in the 2040 General Plan would reduce impacts to a less than significant level.

Facts. Development under the proposed 2040 General Plan could affect known or unknown historic or archaeological resources.

The 2007 General Plan EIR indicates a search of the California Archaeological Inventory database revealed that no known archaeological sites are located within the 2007 Planning Area or on adjacent properties. At the time, two linear archaeological investigations had been conducted near the Planning Area. In 1988, Noble and Weigel conducted a 4.5-mile survey along Madera Avenue, south of the City limits. A second, smaller survey north of the Planning Area was also conducted but did not reveal any archaeological finds.

According to the Office of Historic Preservation, no resources within Kerman were listed on the National Register of Historic Places, California Register of Historical Resources, the California

Historical Landmarks, or the California Points of Historical Interest are located within Kerman. Although, Buildings and other resources older than 45-years of age have the potential to qualify as a historic resource, Kerman does not maintain a register of local historical resources.

Effects on archaeological resources would be discoverable once a specific project has been proposed and would be highly dependent on the individual project site conditions and the characteristics of the proposed ground-disturbing activity. Ground-disturbing activities associated with development planned for in the 2040 General Plan have the potential to damage or destroy previously unknown archaeological resources that may be present on or below the ground surface. To ensure that development within Kerman does not have a detrimental effect on archaeological resources, each project will need to be assessed once it is proposed.

Chapter 17.49.060 of the City of Kerman Code of Ordinances requires that all discretionary proposals consider the potential to disturb significant cultural resources, and further survey and evaluation be performed by a qualified professional in areas where such resources may exist. The 2040 General Plan Conservation, Open Space, Parks and Recreation Element and Land Use Element includes policies and implementation programs to protect cultural resources. These are: Goal COS-3, Policy COS-3.1, and Policy LU-7.3. Impacts on historic and archaeological resources can only be determined once a specific project has been proposed because the effects depend on both the individual built structure or historic resource and the characteristics of the proposed activity. Specifically, implementation of the COS-3.1 and LU-7.3 would reduce project-specific impacts to a less than significant level, and no mitigation measures are required.

c. Would the General Plan disturb any human remains, including those interred outside of formal cemeteries?

Finding. (Impact CUL-2.) Ground disturbing activities associated with development facilitated by the 2040 General Plan could result in damage to or destruction of human burials; however, adherence to existing regulations and policies in the 2040 General Plan would reduce impacts to a less than significant level.

Facts. Human burials outside of formal cemeteries often occur in prehistoric archeological contexts. Although much of the Planning Area is built out or previously disturbed from agricultural activities, the potential still exists for these resources to be present. Excavation during construction activities in the city would have the potential to disturb these resources, including Native American burials.

Human burials, in addition to being potential archaeological resources, have specific provisions for treatment in Section 5097 of the California Public Resources Code. The California Health and Safety Code (Sections 7050.5, 7051, and 7054) has specific provisions for the protection of human burial remains. Existing regulations address the illegality of interfering with human burial remains, and protects them from disturbance, vandalism, or destruction, and established procedures to be implemented if Native American skeletal remains are discovered. Public Resources Code Section

5097.98 also addresses the disposition of Native American burials, protects such remains, and established the NAHC to resolve any related disputes.

Development facilitated by the 2040 General Plan would be required to adhere to the regulations listed in the Public Resources Code, which would ensure that formalized procedures such as halting construction work and retaining the County Coroner are undertaken if human remains are unearthed during any future construction activities. As a result, due to required adherence to existing regulations, this impact would be less than significant, and no mitigation measures are required.

Cumulative Impacts

Facts and Finding. Cumulative development in the 2040 General Plan Planning Area may contribute to impacts on cultural resources as growth occurs in the region. The increase in growth from cumulative development may impact existing and previously undisturbed and undiscovered historical, archaeological, and paleontological resources. While most cultural resources are typically site-specific, with impacts that are project-specific, others may have regional significance; for example, an historical structure that represents the last known example of its kind. For such a resource, cumulative impacts, and the contribution of the 2040 General Plan to them, would be potentially significant. Implementation if the 2040 General Plan policies as outlined above and in the EIR would reduce the cumulative cultural resources impacts due to development facilitated by the 2040 General Plan to a less than significant level.

5.3.6 Energy

- a. **Would the General Plan result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?**

Finding. (Impact E-1.) The development and population growth facilitated by the 2040 General Plan would result in an increase of overall consumption of energy compared to existing conditions. However, the 2040 General Plan is based on a land-use strategy that would promote greater overall energy efficiency in community and municipal operations. 2040 General Plan policies and implementation programs would ensure that development under the 2040 General Plan would comply with existing energy efficiency regulations, and would encourage new development to take advantage of voluntary energy efficiency programs. Wasteful, inefficient, or unnecessary consumption of energy would not occur and impacts would be less than significant.

Facts. Development facilitated by the 2040 General Plan would involve the use of energy during construction and operation. Long-term operation of development projects would require permanent grid connections for electricity and natural gas service to power internal and exterior building lighting,

and heating and cooling systems. In addition, the increase in vehicle trips associated with potential development would increase fuel consumption. Daily operation of the regional transportation system uses energy in the form of fuel consumed by propulsion of passenger vehicles, including automobiles, vans and trucks, and transit vehicles, including buses and trains. Increases in motor vehicle trips are primarily a combined function of population and employment growth.

In the City of Kerman under 2018 conditions and future 2040 conditions with implementation of the 2040 General Plan, direct transportation energy demand would increase from approximately 2,904.57 daily Btu per capita to approximately 4,698.01 daily Btu per capita, an increase of 2.8 percent over a 22-year period. However, proposed 2040 General Plan Policies from the Circulation Element listed EIR Table 4.6-4, would improve the availability of alternative transportation modes and help reduce congestion and overall demand for transportation fuels.

The 2040 General Plan Circulation Element contains Section 4.6 Alternative Transportation with a goal and subsequent policies to promote a reduction in VMT through support of alternative transportation. There are two public transit systems that service Kerman: the Fresno County Rural Transit Agency (FCRTA) and the Westside Transit service. The City is working on upgrades to bicycle facilities, including construction of additional bicycle lanes, particularly along California Avenue. The City is also improving sidewalks, completing a trail that connects existing sidewalks and bike lanes, and adding amenities to rest areas, including park benches, lighting, and trash receptacles. The 2040 General Plan contains goals, policies, and implementation programs designed to support alternative transportation. These include Goal CIRC-5, and Policies CIRC-5.1 through CIRC-5.8.

Construction and maintenance of future land use development envisioned under the 2040 General Plan would result in short-term consumption of energy resulting from the use of construction equipment and processes. CalGreen includes specific requirements related to recycling, construction materials, and energy efficiency standards that would apply to construction of future development envisioned by the 2040 General Plan and would minimize wasteful, inefficient, and unnecessary energy consumption. Construction and operation of projects facilitated by the 2040 General Plan would be required to comply with relevant provisions of CalGreen and Title 24 of the California Energy Code, as well as the City's Water Conservation and Construction and Demolition Debris Recycling Ordinances, which would further avoid wasteful, inefficient, and unnecessary energy consumption.

Operation of the development facilitated by the 2040 General Plan would consume natural gas and electricity for building heating and power, lighting, and water conveyance, among other operational requirements. As shown in EIR **Error! Reference source not found.**, per capita natural gas consumption for the anticipated population growth and land use scenario envisioned under the 2040 General Plan would be approximately 51.3 MBtu and approximately 2,582 MBtu for electricity. The 2040 General Plan contains goals, policies, and implementation programs that would prevent

inefficient, wasteful, and unnecessary energy consumption during construction and operation of development facilitated by the General Plan. The 2040 General Plan goals, policies, and implementation programs that present the greatest potential for reducing wasteful, inefficient, and unnecessary energy consumption are as follows: Goal COS-5, Policy COS-5.1, and Policy COS-5.3, Policies COS-5.4 through COS-5.7; Goal PFS-4, Policy PFS-4.1, Policy PFS-4.2, and Policy PFS-4.5; Goal HE-6, and Policies HE-6.1 through HE-6.3. In addition to these policies and implementation programs, the 2040 General Plan encourages infill and transit-oriented development and active transportation to reduce overall energy consumption and result in greater energy efficiency throughout the City. For example, the 2040 General Plan contains land-use strategies to prioritize increases in overall residential densities and building intensities and to encourage infill and renovation of existing structures to prevent development on surrounding agricultural lands. The 2040 General Plan also sets a strong community edge and directs new development to areas that are contiguous to existing or approved development to prevent sprawl. Mixed-use, transit-oriented, and higher-density developments improve energy efficiency as the resulting development pattern places City residents closer to places of employment, businesses residents patronize, and public transit facilities. By placing services and amenities close to where people live and work, the 2040 General Plan would minimize the need to drive and reduce per capita energy consumption and greenhouse gases.

Implementation of the 2040 General Plan policies and implementation programs listed above, as well as other policies and implementation programs contained in the 2040 General Plan that would result in indirect energy conservation, such as the promotion of alternative transportation, water conservation, and waste reduction, would promote greater energy efficiency in municipal and community operations and development. Furthermore, the 2040 General Plan contains a land-use strategy that actively promotes infill mixed-use and transit-oriented development, which would result greater energy efficiency overall for City residents, businesses, and City operations. Therefore, the 2040 General Plan would not result in wasteful, inefficient, or unnecessary consumption of energy. This impact would be less than significant, and no mitigation measures are required.

b. Would the General Plan conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

Finding. (Impact E-2.) The 2040 General Plan would be consistent with energy efficiency goals contained in the City of Kerman Clean Energy Roadmap. Construction and operation of projects facilitated by the 2040 General Plan would comply with relevant provisions of the State's CalGreen Program and Title 24 of the California Energy Code. Impacts would be less than significant.

Facts. As discussed in EIR section 4.6.1, Setting, Kerman developed a Sustainable Energy Roadmap (SER) in 2015. The SER outlines strategies to assist in identifying areas where sustainable energy potential is abundant, but resources and information are scarce. The SER is a customized policy

roadmap containing guidance to set and pursue high-impact goals related to smart growth, transportation, land use, climate, and energy.

The 2040 General Plan contains new policies and goals which are in line with those identified by the SER. The 2040 General Plan is consistent with the SER to target energy efficiency and renewable energy. (See EIR Table 4.5-6.) The 2040 General Plan is consistent with the City of Kerman SER and the energy efficiency strategies contained therein. As described in Impact E-1, above, construction and operation of projects facilitated by the 2040 General Plan would be required to comply with relevant provisions of CalGreen and Title 24 of the California Energy Code. Therefore, this impact would be less than significant and no mitigation measures are required.

Cumulative Impacts

Facts and Findings. Based on the comparisons of 2040 General Plan buildout electricity, natural gas, and fuel demand to statewide demand for these resources shown in Table 4.6-4 and Table 4.6-5, energy demand associated with 2040 General Plan buildout would result in a nominal increase in statewide energy demand. Furthermore, California's use of non-renewable electricity and natural gas are expected to continue to decline as a proportion of overall energy demand due to stringent energy efficiency measures and a growing acceptance of solar power by residential and commercial customers. A mandated increase in renewable energy use would also serve to offset any increase in non-renewable energy use resulting from the General Plan buildout. Therefore, the 2040 General Plan would not be expected to result in the need for construction of new major facilities or substantial alteration of existing facilities to meet projected energy demands and cumulative impacts would be less than significant.

5.3.7 Geology And Soils

- a(i). Would the General Plan directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?**
- a(ii). Would the General Plan directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?**
- a(iii). Would the General Plan directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?**
- c. Would the General Plan be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?**

Finding. (Impact GEO-1) Construction and occupancy of new structures facilitated by the 2040 General Plan could directly or indirectly risk exacerbating hazards to people or structures to a risk of loss, injury, or death from seismic related hazards. Adherence to the requirements of the California Building Code, Kerman Municipal Code, and implementation of the goals and policies of the 2040 General Plan would minimize the potential for loss, injury, or death following a seismic event and/or non-seismic hazards, and would reduce these impacts to a less-than-significant level.

Facts.

Seismic Hazards: No known faults traverse the City or Planning Area. Therefore, implementation of the 2040 General Plan would not result in exposing people or structures related to fault rupture.

As described in the EIR, the likelihood of development facilitated by the 2040 General Plan to expose residents and employees to seismic-related ground shaking or ground failure from local and regional earthquakes is relatively low due to the Planning Area's location from major local and regional active faults. The 2040 General Plan would encourage infill development, which would in many cases replace older buildings subject to seismic damage with newer structures built to current seismic standards that could better withstand the adverse effects of strong ground shaking. Potential structural damage and the exposure of people to the risk of injury or death from structural failure would be minimized by required compliance with CBC engineering design and construction measures. Foundations and other structural support features would be designed to resist or absorb damaging forces from strong ground shaking and liquefaction in accordance with CBC requirements. In addition, the Public Health and Safety Element of the 2040 General Plan contains Goal PH-4 and associated policies, listed below, related to minimizing the risks associated with natural and man-made hazards in order to protect public health and safety, property, and the environment.

The 2040 General Plan would encourage infill development, which would in many cases replace older buildings subject to seismic damage with newer structures built to current seismic standards that could better withstand the adverse effects of strong ground shaking. Potential structural damage and the exposure of people to the risk of injury or death from structural failure would be minimized by compliance with CBC engineering design and construction measures. Foundations and other structural support features would be designed to resist or absorb damaging forces from strong ground shaking and liquefaction in accordance with CBC requirements.

The 2040 General Plan Public Health and Safety contains goals, policies and programs related to, related to minimizing the risks associated with seismic hazards in order to protect public health and safety, property, and the environment. Policy PH-4.3 requires that all new development be constructed in accordance with the current seismic safety design standards at the time of initial building plan submittal. Other goals and policies include: Goal PH-4, Policy PH-4.1, and Policy PH-4.2, Policy PH-4.3; Goal PH-5 and Policy PH-5.1. These would ensure that the City continues to reduce exposure to hazards from earthquakes and other natural disasters, as well as reinforcing existing

buildings that are structurally unsafe. Implementation Program C of the Land Use Element and Program P of the Housing Element specifically require that the City shall actively enforce the State Housing Code to ensure that unsafe, dilapidated residential structures are rehabilitated or demolished and that City's Code Enforcement Officer will be in charge of enforcing the City's building codes with the objective of protecting the health and safety of residents. Implementation Program B of the Public Health and Safety Element requires that the City shall use the vulnerability assessment in the Fresno Multi-Hazard Mitigation Plan to identify critical at-risk facilities and implement related mitigation measures to reduce exposure to potential damage caused by a disaster.

Based on the nature of the subsurface materials and the relatively low to moderate seismicity of the region, seismic settlement and/or lateral spread are not anticipated to represent a substantial hazard within the Planning Area during seismic events. As each development project is proposed, implementation of the 2040 General Plan Goal PH-4 and Policies PH-4.1 through PH-4.3, and the Kerman Municipal Code, including Chapter 15.04, Building Code and Regulations, would reduce potential settlement and lateral spread impacts to less than significant levels.

Implementation of the goals, policies and programs, in addition to compliance with applicable laws and regulations, would minimize the potential for loss, injury, or death following a seismic event and would reduce potential seismic related impacts to a less than significant level, and no mitigation measures are required.

Non-Seismic Hazards

Liquefaction, Subsidence, and Collapse: As discussed in the EIR, due to deep groundwater depths for the city of Kerman, and soils that are not conducive to liquefaction, liquefaction hazards are minimal in the City. Groundwater pumping has led to ground subsidence in areas of Fresno County, increased groundwater pumping during drought conditions tends to exacerbate this phenomenon. Despite the city's location in an area susceptible to subsidence, according to a map of Areas of Land Subsidence in California produced by the United States Geological Service (USGS), the city of Kerman is not listed as an area of concern for land subsidence or collapse (City of Kerman 2019). The 2040 General Plan goals and policies, in addition to the Kerman Municipal Code, provide standards to reduce potential liquefaction, subsidence and collapse impacts. This includes Goal PH-4, Policy PH-4.1 to Policy PH-4.3 and Kerman Municipal Code Chapter 16.48, Soil Reports, which would require a preliminary soils report, prepared by a civil engineer registered in California for every subdivision for which a tentative and final map is required. Therefore, with the implementation of the 2040 General Plan goals and policies, and the municipal code, potential exposure to soil liquefaction, subsidence, and collapse impacts would be less than significant, and no mitigation measures are required.

Landslides: The 2040 General Plan Planning Area is within an area that consists of mostly flat topography within the Central Valley. There are no substantial slopes on or near the Planning Area. The Planning Area is not located within a currently designated Alquist-Priolo Earthquake Fault Zone.

Therefore, the opportunity for slope failure in response to the long-term geologic cycle of uplift, mass wasting, and difference of slopes is unlikely. Site conditions preclude the possibility of earthquake-induced landsliding on site. Accordingly, there is no risk of exposure to large landslides in the majority of the Planning Area. Therefore, impacts are less than significant, and no mitigation measures are required.

b. Would the General Plan result in substantial soil erosion or the loss of topsoil?

Finding. (Impact GEO-2) Construction of new development facilitated by the 2040 General Plan would include ground disturbance such as excavation and grading that would result in loose or exposed soil. This disturbed soil could be eroded by wind or during a storm event, which would result in the loss of topsoil. Compliance with applicable regulations, including the Clean Water Act, and the City Municipal Code would minimize the potential for erosion and loss of topsoil. This impact would be less than significant.

Facts. Development under the 2040 General Plan would involve construction activities such as stockpiling, grading, excavation, paving, and other earth-disturbing activities. Loose and disturbed soils are more prone to erosion and loss of topsoil by wind and water.

Construction activities that disturb one or more acres of land surface are subject to the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2012-0006-DWQ) adopted by the State Water Resources Control Board (SWRCB). Compliance with the permit requires each qualifying development project to file a Notice of Intent with the SWRCB. Permit conditions require development of a storm water pollution prevention plan (SWPPP), which must describe the site, the facility, erosion and sediment controls, runoff water quality monitoring, means of waste disposal, implementation of approved local plans, control of construction sediment and erosion control measures, maintenance responsibilities, and non-storm water management controls. Inspection of construction sites before and after storms is also required to identify and implement erosion controls, where necessary. For projects subject to the state's CGP, project applicants may submit a SWPPP developed pursuant to the CGP in lieu of submitting an erosion and sediment control plan.

All individuals undertaking ground disturbing activities must take steps to prevent discharge of pollutants and regulate erosion. The City Municipal Code requires adherence to the California Building Code, which regulates grading activities, including drainage and erosion control. In conjunction with obtaining coverage under the CGP, the City may require an erosion and sediment control plan for projects subject to a grading permit which would reduce the potential for erosion through the implementation of Best Management Practices (BMPs) or Low Impact Development practices. The implementation of BMPs are required for construction activity, new development and redevelopment, to prevent the discharge of construction wastes or contaminants from construction materials, tools and equipment from entering the storm drain system or watercourse. Erosion control

BMPs may include scheduling and timing of grading activities, timely revegetation of graded areas, the use of hydroseed and hydraulic mulches, and installation of erosion control blankets. Adherence to the requirements of the Kerman Municipal Code and CBC would reduce the potential for construction under the 2040 General Plan to cause erosion or the loss of topsoil by ensuring proper management of loose and disturbed soil.

Implementation of these programs would ensure that future development minimizes soil erosion and the loss of topsoil. Implementation of these goals and policies, in addition to compliance with applicable laws and regulations, would minimize the potential for erosion and loss of topsoil and would reduce this impact to a less-than-significant level. Therefore, no mitigation measures are required.

f. Would the General Plan directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Finding. (Impact GEO-3) Individual development projects facilitated by the 2040 General Plan may result in ground disturbance that has the potential to directly or indirectly destroy a paleontological resource or geologic feature. 2040 General Plan Policy COS-3.5 would ensure that individual development projects are reviewed, designed, and mitigated to reduce potential impacts to paleontological resources. Impacts would be less than significant.

Facts. The Conservation, Open Space, Parks and Recreation Element, including Policy COS-3.5, would provide policies specific to ensuring that development facilitated by the 2040 General Plan would protect paleontological resources in the City of Kerman, as would Policy LU-7.3. There are no geologic features within the City. As such, development under the 2040 General Plan would not result in ground disturbing activities that could directly or indirectly destroy a unique paleontological resource, site or geologic feature in the City of Kerman. Impacts would be less than significant, and no mitigation measures are required.

Cumulative Impacts

Facts and Findings. Cumulative development in the Planning Area and areas of Fresno County surrounding Kerman would gradually increase population and therefore gradually increase the number of people exposed to potential geologic hazards, including effects associated with seismic events such as ground rupture and strong shaking. Potential geologic and seismic hazards are project-level impacts, and are not cumulative in nature. Individual development projects are subject to project-specific review by the City and undergo environmental review when it is determined that the potential for significant impacts exist. In the event that future cumulative development would result in impacts related to geologic or seismic impacts, those potential impacts would be addressed on a case-by-case basis in accordance with the requirements of CEQA. Compliance with the Kerman Municipal Code and 2040 General Plan goals, policies and implementation programs, as well as other laws and regulations mentioned above and discussed in the EIR, would ensure that project-specific

impacts associated with geology and soils would be less than significant. Potential impacts associated with geology and soils would not be cumulatively considerable, and cumulative impacts related to geologic hazards would be less than significant.

5.3.7 Greenhouse Gas Emissions

b. Would the General Plan conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Finding. (Impact GHG-2.) The 2040 General Plan would substantially increase GHG emissions at buildout compared to existing conditions to a significant and unavoidable level (GHG-1). However, the goals, policies and programs of the 2040 General Plan would be consistent with the GHG reduction goals and objectives of the FCOG 2040 RTP-SCS and the 2017 Scoping Plan. Therefore, the 2040 General Plan would not conflict with regional and state plans, policies or regulations adopted for the purpose of reducing GHG emissions. This impact would be less than significant.

Facts. As discussed under EIR Section 4.8.1, Setting, a number of plans have been adopted to reduce GHG emissions in the region and at the state level.

FCOG's 2040 RTP-SCS provides land use and transportation strategies to reduce regional GHG emissions. The project's consistency with applicable goals and objectives from the 2040 RTP/SCS are discussed in EIR Table 4.8-5. As summarized in EIR Table 4.8-5, the 2040 General plan would not conflict with the goals and objectives of the FCOG 2040 RTP-SCS due to the consistency of shared environmental, mobility, and system reliability goals that would encourage active transportation and reduce greenhouse gas impacts. In addition, discussed in Impact GHG-1, the Circulation Element; Conservation, Open Space, and Recreation Element; and Public Health and Safety Element contain policies that reduce VMT and GHG impacts through improvements to the roadway system to decrease trip times, through efficient and safe roadway design.

In addition, the 2017 Scoping Plan outlines a pathway to achieving the reduction targets set under SB 32, which is considered an interim target toward meeting the State's long-term 2045 goal established by Executive Order (EO) B-55-18. EIR Table 4.8-6 demonstrates the 2040 General Plan would enable infill, transit-oriented development and provide transit improvement goals and therefore be consistent with the goals and objectives of the 2017 Scoping Plan and EO B-55-18. As a result, this impact would be less than significant, and no mitigation measures are required.

Cumulative Impacts

Facts and Finding. GHG emissions and climate change are by definition cumulative impacts, as they affect the accumulation of greenhouse gases in the atmosphere. As indicated above in Impact GHG-1

emissions associated with the 2040 General Plan would be considered significant and unavoidable; and therefore cumulatively considerable and significant.

As shown in Table 2-1 in Section 2, Project Description, the City currently anticipates population increase of 4,170 residents and 780 new jobs by 2040 buildout. New development within the 2040 General Plan would involve primarily infill, commercial, industrial and residential development within the City limits and SOI which would be consistent with the surrounding suburban and urban nature of development within the city.

New development in the 2040 General Plan falling below the impact thresholds discussed above would have a less than significant impact, both individually and cumulatively. As discussed in Impact GHG-2, the project would not conflict with applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions. These impacts would not be considered cumulatively considerable and impacts would be less than significant.

5.3.7 Hazards and Hazardous Materials

- a. **Would the General Plan create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**
- b. **Would the General Plan create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

Finding. Implementation of the 2040 General Plan could result in an incremental increase in the overall routine transport, use, storage, and disposal of hazardous materials within the City and increase the risk of release of hazardous materials. However, compliance with applicable regulations related to the handling and storage of hazardous materials and compliance with 2040 General Plan policies would minimize the risk of spills and the public's potential exposure to these substances to a less than significant level.

Facts. Implementation of 2040 General Plan would facilitate development in the City consistent with development forecasts, including conversion of uses in response to market demand, and more intense use of land in several locations throughout the City. The focus of the 2040 General Plan's growth would be on infill development, and would be primarily residential, commercial, office space, and industrial land uses. Residential and office space land use typically do not use or handle large quantities of hazardous materials.

The precise increase in hazardous materials transported within Kerman as a result of implementation of 2040 General Plan cannot be predicted because specific development projects are not identified in the 2040 General Plan at a level of detail allowing such analysis. Instead, the potential nature and

magnitude of risks associated with the accidental release, storage, transportation, and use of hazardous materials used during operations of typical residential, industrial, and retail-commercial development projects has been assessed by the EIR. As in the EIR, compliance with applicable federal and State laws related to the transport, storage and handling of hazardous materials would reduce the likelihood and severity of accidents associated with the use of hazardous materials.

Although the overall quantity of hazardous materials and waste generated in the City could incrementally increase as a result of implementation of the 2040 General Plan, all new developments that handle or use hazardous materials would be required to comply with the regulations, standards, and guidelines established by the U.S. EPA, State, Fresno County, and City of Kerman related to storage, use, and disposal of hazardous materials.

As discussed in Section 4.2, Agricultural Resources, buildout of the 2040 General Plan would result in new development adjacent to agricultural production. The regulation of pesticide storage, application, and waste disposal is under the jurisdiction of the County Agricultural Commissioner. The Fresno County Agricultural Commissioner regulates agriculture and pesticide use in the General Planning Area and pesticide application permits must be renewed yearly. In addition, regulated commercial applications of pesticides are documented on a monthly basis in an annual report submitted to the County. Agriculture production within and adjacent to the Planning Area must comply with all Cal-DPR pesticide regulations including pesticide registration and work requirements.

The transport of hazardous materials can result in accidental spills, leaks, toxic releases, fire, or explosion. It is possible that licensed vendors could bring some hazardous materials to and from new residential and retail-commercial sites in the City under the 2040 General Plan. However, appropriate documentation for all hazardous waste transported in connection with specific project-site activities would be provided as required for compliance with existing hazardous materials regulations codified in Titles 8, 22, and 26 of the California Code of Regulations, and their enabling legislation set forth in Chapter 6.95 of the California Health and Safety Code. In addition, individual developers would be required to comply with all applicable federal, State, and local laws and regulations pertaining to the transport, use, disposal, handling, and storage of hazardous waste, including but not limited to, Title 49 of the Code of Federal Regulations.

California Building Code requirements prescribe safe accommodations for materials that present a moderate explosion hazard, high fire or physical hazard, or health hazards. Compliance with applicable federal and State laws related to the storage of hazardous materials would maximize containment (through safe handling and storage practices described above) and provide for prompt and effective cleanup if an accidental release occurs.

For those employees that would work with hazardous materials, the amounts of hazardous materials that are handled at any one time are generally relatively small, reducing the potential consequences

of an accident during handling. Further, site-specific project activities would be required to comply with federal and State laws to eliminate or reduce the consequence of hazardous materials accidents. For example, employees who would work around hazardous materials would be required to wear appropriate protective equipment, and safety equipment is routinely available in all areas where hazardous materials are used.

The Fresno County Environmental Health Division implements the Hazardous Waste Generator Program and the Hazardous Waste Treatment/Tiered Permit Program to ensure that all hazardous waste generated by Fresno County businesses is properly handled, recycled, treated, stored, and disposed. Major hazardous materials accidents associated with residential, industrial, and retail-commercial uses are fairly infrequent, and additional emergency response capabilities are not anticipated to be necessary to respond to the potential incremental increase in the number of incidents that could result from implementation of the 2040 General Plan. Further, adherence to applicable regulations as discussed above would be required to reduce any potential consequences of a hazardous materials operational accident.

Goals and policies in the Public Health and Safety Element of the 2040 General Plan would minimize any impacts related to the use, storage, transport, and release of hazardous materials in the City. Goal PSH-5 emphasizes the need to protect residents from exposure to hazardous materials and wastes, and Policy PH-6.2 states that new hazardous uses shall be located in the industrial area of the City, in order to separate these uses from residential and commercial areas. Additional Goals and Policies include Goal PH-6, and Policy PH-6.3 through Policy PH-6.6.

Compliance with existing applicable regulations and 2040 General Plan policies would ensure that risks from routine use, transport, handling, storage, disposal, and release of hazardous materials would be minimized. Oversight by the appropriate federal, State, and local agencies and compliance by new development with applicable regulations related to the handling and storage of hazardous materials would minimize the risk of the public's potential exposure to these substances. Therefore, impacts from a hazard to the public or the environmental through routine transport, use or disposal of hazardous materials would be less than significant and no mitigation measures are required.

c. Would the General Plan allow the emitting of hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?

Finding. (Impact HAZ-2.) Implementation of the 2040 General Plan could result in hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, but compliance with existing regulatory requirements would minimize risks to schools and students, resulting in a less than significant impact.

Facts. New commercial development, including gas stations, dry cleaners, and auto-body shops, could occur within one-quarter mile of an existing or potential future school. Consequently, sites utilizing hazardous materials may be located within one-quarter mile from school sites. EIR Figure 4.9-1 illustrates one-quarter mile buffer areas around existing and proposed schools and commercial/industrial land uses in the Planning Area.

Since the 2040 General Plan does not include any specific development projects, the quantity and type of hazardous materials proposed for use by future commercial developments within the City is currently unknown. Accidental release or combustion of hazardous materials at new commercial and industrial developments could endanger residents or students in the surrounding community. It is possible that future development and redevelopment associated with the 2040 General Plan may result in an increase in hazardous emissions and handling of hazardous materials and wastes within one-quarter mile of an existing or future proposed school. However, the California Education Code (Section 17210 et seq.) outlines the requirements for siting school facilities near or on known or suspected hazardous materials sites, or near facilities that emit hazardous air emissions, handle hazardous or acutely hazardous materials, substances, or waste.

Hazardous materials and waste generated from future development would not pose a health risk to nearby schools because businesses that handle or have on-site storage of hazardous materials would be required to comply with the provisions of the California Fire Code adopted by the City (Chapter 15.04.010 of the City Municipal Code) and any additional elements as required in the California Health and Safety Code Article 1 Chapter 6.95 for Business Emergency Plan. As described in the EIR's Regulatory Setting for Hazards and Hazardous Materials, both the federal and State governments require all businesses that handle more than a specified amount of hazardous materials to submit a business plan to a regulating agency. As such, compliance with the provisions of the California Fire Code and existing applicable State and federal regulations would minimize the risks associated with exposure of schools to hazardous materials, impacts would be less than significant, and no mitigation measures are required.

- d. Would the General Plan be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.**

Finding. (Impact HAZ-3.) Implementation of the 2040 General Plan could result in development on sites contaminated with hazardous materials. However, compliance with applicable regulations relating to site cleanup and 2040 General Plan goals and policies would minimize impacts from development on contaminated sites. Impacts would be less than significant.

Facts. Existing sites that may potentially contain hazardous land uses in the City can include large and small-quantity generators of hazardous waste, such as gas stations. Hazardous waste generators

in Kerman also include industrial operations on the south side of the city and the wastewater treatment plant. As of August 2018, there are two permitted Underground Storage Tank (UST) sites and no active Leaking Underground Storage Tank (LUST) sites in Kerman. There are no Superfund hazardous waste cleanup sites in the city. The U.S. EPA has identified 14 small-quantity hazardous waste generators (between 100 and 1,000 kilograms of hazardous waste per month) and three large-quantity hazardous waste generators (greater than 1,000 kilograms of hazardous waste per month) in Kerman. These documented hazardous waste generation sites are clustered in the industrial area south of the rail line and along SR 145 and SR 180. The nearest facility for disposal of hazardous waste is the Regional Permanent Household Hazardous Waste Management Facility, which is operated by Fresno County.

New development occurring on documented hazardous materials sites would be preceded by remediation and cleanup under the supervision of the DTSC before construction activities could begin. In addition, the 2040 General Plan contains policies related to contaminated sites. Specifically, Policy LU-5.2 requires the City consider potential adverse health and safety impacts associated with land use decisions that may potentially generate negative impacts upon residents from hazardous materials, industrial activities, facility locations, design features, and other aspects that may negatively impact health or quality of life for affected county residents. Specific goals and policies from the 2040 General Plan that pertain to reducing exposure to hazardous materials sites are Goal PH-6, Policy LU-5.3, and Policy LU-5.5 through Policy LU-5.8.

It is also possible that underground storage tanks (USTs) that were in use prior to permitting and record keeping requirements may be present in the City. If an unidentified UST were uncovered or disturbed during construction activities, it would be closed in place or removed according to existing Fresno County standards as enforced and monitored by the Environmental Health Division. If groundwater contamination is identified, remediation activities would be required by the RWQCB prior to the commencement of any new construction activities. If contamination exceeds regulatory action levels, the developer would be required to undertake remediation procedures prior to grading and development under the supervision of the County or RWQCB (depending upon the nature of any identified contamination). Compliance with existing state and local regulations as well as implementation of the 2040 General Plan goals and policies would reduce impacts to less than significant, and no mitigation measures are required.

f. Would the General Plan impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Finding. (Impact HAZ-4.) The 2040 General Plan policies and Implementation Programs address participation in the Fresno County Hazard Multi-Hazard Mitigation Plan and emergency access and response plan implementation. Therefore, the proposed project would not result in interference with these types of adopted plans. Impacts would be less than significant.

Facts. The Circulation and Public Health and Safety Elements of the 2040 General Plan direct the City to accommodate safety needs when planning and designing, while increasing the resiliency of the City's residents and businesses to respond to and be prepared for potential emergencies. This would include identifying hazards and preparing emergency response plans and identifying emergency facilities and utilities to ensure adequate function in the event of a disaster. Specific goals and policies from the General Plan include: Goal CIRC-3, Policy CIRC-3.1, and Policy CIRC-3.2; Policy PH-3.2, Policy PH-3.5, Policy PH-4.1, Policy PH-4.2, and Policy PH-6.3.

In addition to the goals and policies listed above, the 2040 General Plan includes a Implementation Program, Program A in the Public Safety Element, which states that the City shall encourage and support responsible agencies/organizations to regularly update all emergency response plans to ensure that they are current, accurate, and that relevant staff understand its protocols. These updates shall consider potential impacts from changes in the frequency and severity of future natural and man-made disasters. The North Central Fire Protection District reviews and approves projects to ensure that emergency access meets fire safety standards. Implementation of the 2040 General Plan policies associated with emergency planning and response, in addition to Fire District Review would ensure that potential impacts from implementation of the 2040 General Plan on emergency response and evacuation would be less than significant, and no mitigation measures are required.

Cumulative Impacts

Facts and Findings. There are no known contaminated sites at this time located outside of the Planning Area and no new major contaminated sites have been identified. Cumulative development in the County of Fresno surrounding the City of Kerman in combination with development proposed under the 2040 General Plan would increase density exposing additional residences to hazardous materials but would not impair an emergency response plan. Therefore, implementation of the 2040 General Plan Public Health and Safety Element policies and compliance with existing laws and regulations would reduce potential exposure with hazardous materials and maintain consistency with emergency response plans. Thus, the 2040 General Plan would have an incremental contribution to cumulative impacts associated with hazards and hazardous materials but would not be cumulatively considerable. Cumulative impacts would be less than significant.

5.3.8 Hydrology and Water Quality

- a. **Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?**

c(i) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?

Finding. (HWQ-1) The 2040 General Plan would not violate any current water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. In addition, it would not substantially alter existing drainage pattern of the area in a manner that would result in substantial erosion or siltation due to policies. Impacts would be less than significant.

Facts. The City of Kerman relies solely on groundwater for its water supply. All nine active wells are, as of 2018, over SWRCB 2014 and SB 385 established MCL levels for Hexavalent chromium, or chromium 6. The MCL for hexavalent chromium at 10 micrograms per liter ($\mu\text{g}/\text{L}$) was withdrawn by SWRCB, but the State Water Board is working to expedite the process of adopting a new MCL and it is unclear at this time if the SWRCB what MCL standard would be pursued.

The California State Water Board had approximately 300 funding requests totaling approximately \$2.8 billion for drinking water planning and construction funding on its Comprehensive List for 2019. The Comprehensive list identified Public Water Systems (PWSs) seeking financial assistance for specific drinking water infrastructure projects. Placement of a project on the Comprehensive List, however, does not constitute a commitment to provide financing. The City of Kerman was placed on the Draft Comprehensive List January 30, 2017 under Project Number 1010018-003P for the Kerman Hexachromium Planning project estimated to cost \$2.7 million (SWRCB 2019d).

The City of Kerman would currently be in violation for water quality standards if the MCL of 10 $\mu\text{g}/\text{L}$ is ever reinstated. Any new development as proposed under the 2040 General Plan would continue to utilize existing drinking water in violation of the State's anticipated water quality standards for chromium 6. However, the 2040 General Plan has policies listed that would require the City to install and update infrastructure to meet current water quality standards including a policy for the City to actively seek additional funding to start the process of providing water treatment to the City's water supply in anticipation of a new MCL for hexavalent chromium by 2021. These are Goal PFS-2, Policy PFS-2.1 and Policy PFS-2.2.

The State Water Resources Control Board has identified remediation and treatment technologies available to reduce and/or remove hexavalent chromium from water supplies. There are opportunities for in-situ treatment and above-ground treatment. If the SWRCB were to reinstate the new MCL for hexavalent chromium, the City would be legally required to meet the new water quality standards, which could be achieved by the acquisition of a secondary water supply system as referenced in Policy PFS-2.2. Therefore, impacts are less than significant. The environmental effects of the secondary water supply system would be evaluated at time of project consideration. Due to the uncertain project

components, location, and timing, an evaluation of the environmental effects of such a system would be speculative.

The 2040 General Plan would not violate waste discharge requirements as the City's newly updated wastewater treatment plant has adequate capacity to meet 2040 General Plan buildout and does not have any known violations for water quality standards that could impact groundwater in the Kings Subbasin. Policies listed below, in addition to the policies listed above, would ensure that impacts would be less than significant. Policy PFS-2.3, requiring new industrial development to mitigate impacts, would reduce impacts regarding waste discharge from new industrial development to less than significant.

Development of the 2040 General Plan would occur on currently or previously developed sites and undeveloped sites. Development on current or previously developed sites is unlikely to substantially change the hydrological conditions of the site that was graded and engineered to convey on-site flows to local storm drains or water ponding basins in accordance with the City standard requirements for drainage and flood control. Development on currently undeveloped sites would be required to connect to the City's stormwater drainage system. The City maintains stormwater facilities within existing right-of-ways consisting of drains and ponding basins located throughout the City. The 2040 General Plan includes policies that reduce the potential for substantial erosion or siltation as listed above. The General Plan Map 17 shows that the City and surrounding SOI would be served by the City's storm drainage system. With the implementation of the following General Plan policies and existing regulations, impacts due to changes to drainage patterns would be less than significant: Policy PFS-1.4; Goal COS-4, Policy COS-4.6, and Policy COS-4.2. As such, impacts would be less than significant without mitigation, and no mitigation measures are required.

- b. Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?**
- e. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

Finding. (Impact HWQ-2.) The 2040 General Plan would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge due to the city's policies to recharge the basin. The 2040 General Plan would not conflict with or obstruct implementation of a sustainable groundwater management plan. Impacts would be less than significant.

Facts. All of the City's water supply is groundwater pumped from the Kings Subbasin. The City withdraws groundwater from six deep wells. The wells penetrate underlying aquifers, located at depths from 300 to 900 feet. The total production capacity of these wells is approximately 6,700 gallons

per minute (gpm). According to the Department of Water Resources (DWR), the estimated storage in the Kings Subbasin is approximately 93 million AF. Well depths range from 100 to 500 ft, with an average depth of 210 ft. Although the City is not restricted to a specific volume of groundwater, the City is engaged in groundwater recharge projects and activities that reduce the consumptive use of groundwater and are intended to relieve and eliminate long-term overdraft of the Kings Subbasin. The 2040 General Plan Policies COS-4.2, COS-4.6, and PFS-2.1 listed above under impact HWQ-1, ensure storm drainage facilities and water recharge practices are incorporated in new development in the City. In addition, wastewater from the City's Wastewater Treatment Plant is discharged into disposal ponds where it is allowed to evaporate and percolate into the soil and recharge the groundwater table.

According to the North Kings Groundwater Sustainability Agency (GSA), through its various surface water resources and several decades of proactive groundwater recharge activities, the portion of the Kings Basin underlying Kerman has not experienced significant overdraft conditions as experienced elsewhere in the basin. Drought and other challenges, however, have contributed to a gradual decline in overall groundwater conditions that would be addressed through development of a sustainability plan for the North Kings region (NKGSA, 2019b). Policy PFS-2.7, would require the City to continue to work with the North Kings GSA in developing the Sustainable Groundwater Management Plan as part of the Sustainable Groundwater Management Act of 2014. As such, impacts are less than significant, and no mitigation measures are required.

- c(i) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?**
- c(iv) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?**

Finding. (Impact HWQ-3.) The 2040 general plan would not substantially alter the existing drainage, nor alter the course of a stream or river in a manner which would substantially increase the rate or amount of runoff that could result in flooding, or impede or redirect flood flows. Impacts would be less than significant.

Facts. According to the most recent FIRM, there are no currently identified flood prone areas in the City of Kerman. Areas of the City located to the northwest and to the east of Kerman, within the Planning Area identified in the 2040 General Plan, are located in Flood Zone A. Areas in Zone A are subject to 1 percent annual flood (100-year flood). This land is designated as Urban Reserve in the 2040 General Plan Land Use Element. The Urban Reserve designation identifies areas that are outside of

City limits but within the SOI. These are undeveloped, open space areas that are used for natural open space and agricultural production. Because no development is anticipated to occur in this area, impacts would be less than significant. There are no rivers or streams within or near the City of Kerman that could be impacted by development of the 2040 General Plan.

Certain areas in the City are subject to localized flooding and ponding of stormwater. Localized flooding has occurred in an approximately 16-square block area bound by West D Street to the north, the Southern Pacific railroad tracks to the south, South 11th Street to the east, and SR 145 to the west. New development, if not designed properly, can magnify drainage problems. New development must conform to standards and plans contained in the Kerman Stormwater Drainage Master Plan, which directs the location of new stormwater drainage lines, mains, and ponding facilities. In addition, the 2040 General Plan has specific policies in place to ensure stormwater measures are taken into account during development to avoid increasing flooding. Under 8.5 Implementation Programs, Program B states that the City shall construct a parallel storm drainage line along California Avenue within the 16-square block localized flooding area, to prevent flooding as part of Policy PFS-1.4 which requires the City to continue providing a safe and environmentally-sensitive storm drainage system that protects people and property. Therefore, impacts would be less than significant, and no mitigation measures are required.

c(3) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Finding. (Impact HWQ-4.) The 2040 General Plan would not substantially alter the existing drainage pattern or create or contribute to runoff water in a manner which would exceed the capacity of the City's stormwater plan or provide substantial additional sources of polluted runoff. Impacts are less than significant.

Facts. The City has stormwater facilities within existing right-of-ways that consists of a system of drains and ponding basins located throughout the City. The stormwater ponding basins consist of eleven percolation basins that provide groundwater recharge. The percolated stormwater is subsequently pumped as groundwater for local crop irrigation. The 2040 General Plan Public Facilities and Services Element Policy PFS-2.1 requires the installation of water, sewer, and storm drainage infrastructure to meet current and the demand of future growth. General Plan Map 17 shows that the City and surrounding SOI would be served by the City's storm drainage system. Impacts due to the effects of changes in drainage patterns would be less than significant with implementation of existing regulations and 2040 General Plan Policies.

New development has the potential to add additional sources of polluted runoff. Because the City of Kerman is located within a closed water system, any pollutants within storm water could possibly enter the groundwater table. Possible sources of storm water pollution in the City include permitted industrial facilities. However, the General Plan Update contains goals and policies to reduce this impact, including Goal PFS-2 and Policy PFS-2.5. Policy PFS-2.5 would ensure that future development would not result in substantial additional sources of polluted runoff. Therefore, impacts would be less than significant, and no mitigation measures are required.

d. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

Finding. (Impact HWQ-4.) The 2040 General plan designates the area of land in Flood zone A within the City's Planning Area as the Urban Reserve which would remain undeveloped. Development would not result in the possibility to release pollutants due to inundation. therefore there are no impacts.

Facts. As discussed in EIR Impact HWQ-3, there are no currently identified flood prone areas in the City of Kerman. Areas of the City located to the northwest and to the east of Kerman, within the Planning Area identified in the 2040 General Plan, are located in Flood Zone A. Areas in Zone A are subject to one percent annual flood (100-year flood). This land is designated as Urban Reserve in the 2040 General Plan Land Use Element. The Urban Reserve designation identifies areas that are outside of City limits but within the SOI. The purpose and application of this designation in the 2040 General Plan is as follows: "This designation identifies areas that are outside of City limits but within the SOI. These are undeveloped, open space areas. Typical Uses: Natural open space areas." Because no development would be authorized on this land designation that could risk the release of pollutants due to inundation, there would be no impact. As a result, no mitigation measures are required.

Cumulative Impacts

Facts and Findings. Cumulative development in Fresno County surrounding Kerman in combination with development projected by the 2040 General Plan would gradually increase population and therefore gradually increase the potential for impacts to hydrology and water quality, including increased stormwater runoff, erosion, pollutant discharge to waterbodies, flooding, and decreased groundwater infiltration capacity. However, compliance with the State Groundwater Management Act, the Kerman Municipal Code, and 2040 General Plan policies, as well as other laws and regulations mentioned above, would ensure that individual project-specific impacts associated with hydrology and water quality would be less than significant. Potential General Plan 2040 impacts associated with hydrology and water quality would not be cumulatively considerable. Cumulative impacts related to hydrology and water quality would be less than significant.

5.3.9 Land Use and Planning

a. Would the General Plan physically divide an established community?

Finding. (Impact LU-1.) Implementation of the 2040 General Plan contains goals and policies that would provide for orderly development in the City of Kerman and would not physically divide an established community. Impacts would be less than significant.

Facts. The 2040 General Plan does not contain substantial land use or circulation changes that would physically divide an established community. No major roads or other infrastructure will be constructed in established areas. Policy CIRC-3.3 identifies realignment or re-designation of truck routes through Kerman. The realignment of SR 180 north of the Belmont alignment would reduce the existing effect of SR 180 on Whitesbridge Avenue dividing the City of Kerman along its alignment. The 2040 General Plan incorporates the identified new alignment for SR 180 into its expanded land use plan for the area.

This policy would not divide an established community as the identified routes, Lassen Avenue or Howard Avenue, are outside of the City limits and surrounded by agricultural uses.

The 2040 General Plan includes many growth management strategies that would: 1) direct new growth to areas within already existing or planned development, 2) encourage new development at infill sites, and 3) support intergovernmental cooperation to achieve the City's slow growth management goals and policies. The 2040 General Plan does not include substantial land use or circulation changes that would physically divide an established community, residential, or otherwise (for example, no major roads or other facilities would be constructed that would physically divide an established community).

Overall the 2040 General Plan would promote orderly development in the planning area by encouraging growth in designated focused areas and at infill sites, and promote the enhancement of the City's multimodal circulation by incorporating Complete Streets practices in planning, design, and operation of the City's circulation network (Policy CIRC-1.2). The 2040 General Plan will therefore not divide established communities in the Planning Area. Impacts would be less than significant, and no mitigation measures are required.

b. Would the General Plan cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Finding. (Impact LU-2.) Implementation of the 2040 General Plan would be generally consistent with applicable land use plans, policies, or regulations adopted to avoid or mitigate environmental effects, such as Fresno COG *Regional Transportation Plan 2018-2042* and the SJVAPCD Air Quality Management Plans. Consistency with the SJVAPCD plan impacts is discussed in the Air Quality section of this report. Impacts would be less than significant.

Facts. Development proposed under the 2040 General Plan would intensify some of the existing residential land uses for an estimated 4,170 new residents and 720 new dwelling units through 2040. The residential growth is anticipated to result in a mix of single-family and multi-family housing; the 2040 General Plan Planning Area would be able to accommodate at total of approximately 586 acres for single-family dwelling units and 65 acres for multi-family dwelling units. The increased land uses are anticipated to generate 780 new jobs in Kerman for a total of 3,580 jobs by the year 2040 in the retail, service, government, education, and other sectors. This is roughly equivalent to 1.7 million square feet of non-residential uses.

The 2040 General Plan seeks to ensure that development is done in a way that sets a strong community edge, prevents sprawl, protects surrounding agricultural land, boost the local economy, provides housing opportunities, brings jobs and services to the City, and creates quality places that enhance the experience for residents, workers, and visitors. The 2040 General Plan emphasizes the integration of land use and transportation with strategies to encourage efficient use of land by placing more intensive development near transit centers, encouraging alternative transportation modes, and increasing development density.

The 2040 General Plan ensures preservation of the surrounding agricultural area to maintain the City's small-town residential atmosphere by promoting infill for new development and increased density and intensity of areas within the City limits. In addition, the 2040 General Plan prevents land use decisions that contribute to sprawl and leapfrog development. The Plan also seeks to preserve open space resource areas, by encouraging and supporting rural and agricultural uses outside the Urban Reserve (UR) boundary, establishing a well-defined community edge.

Both the 2007 and the 2040 General Plan direct new growth to the areas north, west, and east of the city limits in Kerman's SOI, with development within the City limits primarily being infill. New development at the City's edge will continue to provide a sense of transition between active farmland and development within the City. The following 2040 General Plan policies would maintain existing communities within the City of Kerman and would ensure that with implementation of the 2040 General Plan, established communities would not be divided: Goal LU-1, and Policies LU-1.2 through LU-1.6; Policies LU-3.1 through LU-3.6; Goal LU-4, and Policies LU-4.1 through LU-4.4; Goal LU-5, and Policy LU-5.1, and Policies LU-5.5 through LU-5.7; Policy LU-7.3; Goal CIRC-1, Policy CIRC-1.1,

Policy CIRC-1.2, and Policy CIRC-1.4 through CIRC-1.6; Goal CIRC-3, and Policy CIRC-3.2, Policy CIRC-3.3; Goal CIRC-5, Policy CIRC-5.3, Policy CIRC-5.5, and Policy CIRC-5.6.

The City of Kerman Zoning Ordinance is the primary method of implementing the General Plan. Adoption of the 2040 General Plan would require a review and possible revision of the Zoning Ordinance and Zoning Map to ensure consistency with the updated General Plan. This revision would incorporate any changes to land use, density or intensity, and design and development standards from the 2040 General Plan.

While the City of Kerman controls land use decisions within the City limits, the County makes the land use and development decisions for areas surrounding the City limits. In order to maintain the slow growth management policies established in the 2040 General Plan, the City plans to coordinate closely with the County and the Local Agency Formation Commission (LAFCO). Policies LU-4.2 and LU-4.3 task the City with encouraging LAFCO and Fresno County to apply large-lot agricultural zoning to unincorporated land within Kerman's SOI. This would preclude high density development from occurring in these areas in the future.

The Fresno Council of Governments Regional Transportation Plan 2018 – 2042 addresses greenhouse gas emissions reductions and other air emissions related to transportation, with the goal of preparing for future growth in a sustainable manner. The Fresno COG RTP applies to development under the City of Kerman 2040 General Plan, comprehensively assessing all forms of transportation available in Fresno County through 2042. The RTP includes a Sustainable Communities Strategy (SCS) that integrates land use and transportation planning to meet the California Air Resources Board's greenhouse gas reduction targets. The RTP contains 24 goals with supporting objectives and policies. EIR Table 4.11-2 includes the RTP goals, objectives, and policies related to land use and describes consistency of the proposed land use designations and patterns in the 2040 General Plan with these goals and policies. As shown in **Error! Reference source not found.**, the proposed 2040 General Plan would be consistent with the goals and policies contained in the Fresno COG RTP/SCS. As concluded within this impact discussion, as well as discussion in Section 4.3, *Air Quality*, and Section 4.8, *Greenhouse Gas Emissions*, implementation of the 2040 General Plan would be generally consistent with applicable adopted plans, regulations, or policies.

As a result, impacts would be less than significant, and no mitigation measures are required.

Cumulative Impacts

Facts and Finding. Planned growth in Fresno County surrounding the City of Kerman in combination with development proposed under the 2040 General Plan may have significant cumulative land use impacts related to either physical division of communities or conflicts with land use goals, policies, and plans adopted for the purpose of avoiding or mitigating environment effects. To achieve the

growth management policies established in the 2040 General Plan, the City would coordinate closely with other agencies, particularly Fresno County and Fresno LAFCO. Therefore, the 2040 General Plan would not contribute to a significant cumulative impact relative to the physical division of communities or conflicts with County land use goals and policies. The policies contained in the 2040 General Plan, and the plan's consistency with related plans and policies, would reduce cumulative land use impacts to a less than significant level.

5.3.10 Noise

- a. **Would the General Plan result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Finding. (Impact N-1.) Construction-related, operational, and transportation noise generated by development facilitated under the 2040 General Plan would potentially expose sensitive receivers to substantial temporary and permanent increases in ambient noise levels. However, implementation of the 2040 General Plan policies would reduce impacts to a less than significant level.

Facts.

Construction Noise. Construction Noise

Residences and other noise-sensitive land uses adjacent to potential development would be the most affected by construction noise associated with individual projects facilitated by the 2040 General Plan. Since there are no specific plans or time scales for individual development projects, it is not possible to determine exact noise levels, locations, or time periods for construction. However, construction noise would be highest and of the longest duration in areas where more future development and redevelopment is anticipated to occur. Most of the time construction noise impacts result when construction activities occur during noise-sensitive times of the day (early morning, evening, or nighttime hours), when construction occurs in areas immediately adjacent to noise-sensitive land uses, or when the duration of construction extends over long periods of time.

The highest construction noise levels would be generated during demolition, grading, and excavation activities, and the lowest levels would occur during paving and architectural coating activities. EIR Table 4.12-4 presents the noise levels generated by common types of construction equipment. Distance, intervening structures or terrain would also attenuate noise and reduce levels.

Temporary noise generated by construction activities associated with development facilitated by the 2040 General Plan would exceed the existing ambient noise level at noise-sensitive receivers adjacent to potential development sites. The City has adopted specific standards for construction noise in KMC Section 8.32.050(B), which states that outdoor construction activity may not occur within 500 feet of an occupied residence between the hours of 10:00 p.m. and 6:00 a.m. on Monday through Saturday and between 10:00 p.m. on Saturday and 8:00 a.m. on Sunday. These standards would ensure that construction noise impacts do not occur during noise-sensitive hours of sleep. However, daytime construction activities would result in a significant temporary increase in ambient noise levels at noise-sensitive uses such as residences and schools. The following General Plan policies reduce this impact to less than significant: Policy PH-8.2: Noise Compatibility Standards; Policy PH-8.4: Acoustical Analysis Requirement; and Policy PH-8.5: Site Building Design, and; Policy LU-7.3: CEQA Compliance.

Operational Noise: Buildout under the 2040 General Plan would have significant noise impacts if it would expose people to or generate noise levels in excess of applicable standards. The City has adopted specific standards for noise associated with commercial activities in KMC Section 8.32.050(B). Operation of equipment including parking lot sweepers, leaf blowers, and mowers may not occur within 500 feet of an occupied residence between the hours of 10:00 p.m. and 6:00 a.m. on Monday through Saturday and between 10:00 p.m. on Saturday and 8:00 a.m. on Sunday. The loading and unloading of commercial vehicles is exempt from this standard. Idling delivery trucks within the City would generate noise levels of approximately 70 dBA Leq at 25 feet from the source for short durations of time. While residences could be located within 25 feet of adjacent commercial land uses, noise from loading and unloading activities would be subject to KMC Section 8.32.050(A)(18), which prohibits the creation of excessive noise.

Furthermore, the following 2040 General Plan Public Health and Safety Element policies would ensure that the 2040 General Plan would reduce noise-related land use conflicts between planned residential and commercial land uses: Policy PH-8.1, Policy PH-8.3 and Policy PH-8.5

Compliance with the KMC would limit nuisance noise from some commercial activities; however, noise sources such as rooftop-mounted HVAC equipment, delivery trucks, car washes, and amplified sound would potentially result in ambient noise level environments at noise-sensitive uses that exceed the City's maximum allowable noise exposure standards set forth in Table 4.12-2. Therefore, future noise/land use conflicts between planned residential and commercial land uses north of Whitesbridge Avenue would be potentially significant. Implementation of the General Plan policies PH-8.1: Tranquil Residential Areas, PH-8.3: Noise Mitigation, and PH-8.5: Site and Building Design will reduce the impact to a less than significant level, and no mitigation measures are required.

Transportation Noise: Buildout under the 2040 General Plan would have significant noise impacts if it would expose people to or generate noise levels in excess of applicable standards. Because roadway traffic is the greatest noise source in the City, noise-sensitive receivers located adjacent to high-volume roadways would be exposed to the greatest noise increases generated by future traffic volumes.

Traffic Noise Impacts to Existing Noise-Sensitive Receivers: EIR Table 4.12-5 provides a quantitative analysis of traffic noise increases for comparison to the thresholds for changes in roadway noise (see Table 4.12-3). As shown in EIR Figure 4.12-3, the increase in roadway noise levels resulting from elevated traffic volumes in 2040 would not cause any roadway segments adjacent to noise-sensitive land uses to exceed the applicable FTA thresholds. Therefore, roadway noise impacts to existing sensitive receivers would be less than significant, and no mitigation measures are required.

Impacts to Future Noise-Sensitive Receivers

New noise-sensitive receivers could be constructed in future years due to the proposed residential land use designations between Whitesbridge Avenue and Nielsen Avenue, between Goldenrod Avenue and Howard Avenue, and between Siskiyou Avenue and Modoc Avenue. As shown in EIR Figure 4.12-3, new residential uses would generally be located outside the 60 dB noise level contour. However, residences constructed near the intersection of Nielsen Avenue and Modoc Avenue and along the existing UPRR corridor would potentially be exposed to ambient noise levels in excess of the City's noise/land use compatibility standards of 60 dBA Ldn in outdoor activity areas or 45 dBA Ldn in interior spaces. The 2040 General Plan Public Health and Safety Element includes the following policies specifically directed at addressing potential transportation noise impacts to future noise-sensitive receivers: Policy PH-8.2, Policy PH-8.4, and Policy PH-8.5; and Policy LU-7.3

Implementation of the above policies, particularly Policy PH-8.2, would ensure that transportation noise impacts are considered as individual development projects and roadway improvements are proposed and, if necessary, appropriate site-specific noise mitigation techniques are incorporated into project designs. In addition, as noted in Policies CIRC-1.1, CIRC-2.1, CIRC-2.2, CIRC-2.4, CIRC-2.5, CIRC-2.6, and CIRC-5.2 of the Circulation Element, the City would continue to emphasize VMT reduction techniques to address traffic issues with the added benefit that the use of such techniques would also reduce vehicular noise. With implementation of Plan policies, transportation noise impacts to future noise-sensitive receivers would be less than significant, and no mitigation measures are required.

b. Would the General Plan result in generation of excessive groundborne vibration or groundborne noise levels?

Finding. (Impact N-2.) Construction-related activities associated with individual projects facilitated by the 2040 General Plan would intermittently generate temporary ground-borne vibration near noise-

sensitive receivers in the city. However, such development facilitated by the 2040 General Plan would comply with the Kerman Municipal Code, which would reduce impacts to a less than significant level. Furthermore, the 2040 General Plan would not include new or expanded permanent vibration sources. Therefore, vibration impacts would be less than significant.

Facts. Vibration from construction activities could also have an impact on nearby noise-sensitive land uses. As described in the EIR, existing and future residences located 25 feet from potential future construction facilitated by the 2040 General Plan may intermittently be disturbed by vibration. However, vibration levels are not anticipated to exceed the threshold of 100 VdB, the level at which minor damage to fragile buildings may occur.

The City has adopted specific standards for construction activities in KMC Section 8.32.050(B). Outdoor construction activity may not occur within 500 feet of an occupied residence between the hours of 10:00 p.m. and 6:00 a.m. on Monday through Saturday and between 10:00 p.m. on Saturday and 8:00 a.m. on Sunday. These restrictions on hours of construction would prevent construction-related vibration from exceeding 72 VdB at the nearest sensitive receiver during nighttime hours. Therefore, construction-related vibration associated with development facilitated by the 2040 General Plan would not exceed the thresholds of 100 VdB for structural damage or 72 VdB for residences and buildings where people normally sleep during nighttime hours. Temporary construction-related vibration impacts would be less than significant.

Existing permanent sources of vibration in Kerman include the UPRR and industrial and agricultural operations. The 2040 General Plan does not propose new industrial or agricultural land uses and would not induce additional freight rail volumes along the railroad. Therefore, no permanent vibration impacts would occur. Mitigation beyond compliance with the City's Municipal Code is not required. Therefore, impacts are less than significant without mitigation, and no mitigation measures are required.

Cumulative Impacts

Facts and Findings. The City of Kerman is surrounded by existing agricultural uses, as designated in the County of Fresno General Plan. Beyond the land use changes proposed by the 2040 General Plan, no changes to the existing agricultural land uses around Kerman are proposed. Therefore, no substantial construction noise or vibration is anticipated that would combine with construction noise and vibration facilitated by buildup of the 2040 General Plan. In addition, no substantial changes to the operational noise and vibration generated by the existing surrounding agricultural land uses are anticipated that would combine with operational noise and vibration generated by development under the 2040 General Plan. Therefore, there would be no cumulative construction or operational noise and vibration impacts.

Cumulative development in the County of Fresno surrounding Kerman in combination with development proposed under the 2040 General Plan would generate increased traffic volumes on local and area roadways. However, the transportation noise analysis contained under Impact N-1 is cumulative in nature because it relies on traffic volumes provided by FCOG, which include traffic generated by development within Kerman as well as traffic generated by cumulative development in the surrounding region. Therefore, as discussed under Impact N-1, cumulative roadway noise impacts would be less than significant.

5.3.11 Population and Housing

- a. **Would the General Plan induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

Finding. (Impact PH-1.) Forecasted growth of the 2040 General Plan would result in an estimated 4,170 new residents, 720 new households, and 780 new jobs in the City. The 2040 General Plan is intended to accommodate regional housing needs and includes policies to manage new development and limit growth in accordance with projected regional forecasts. Therefore, impacts would be less than significant.

Facts. The 2040 General Plan would designate land uses and define the type of development that can occur throughout the City through the planning year of 2040 (over approximately 20 years). As discussed in Section 2, Project Description, projected growth facilitated by the 2040 General Plan could accommodate an estimated 4,170 new residents, 720 new households, and 780 new jobs in the City. EIR Table 4.13-5 shows the projected population and housing facilitated by the 2040 General Plan compared to regional forecasts projected by FCOG. Under the 2040 General Plan, the estimated growth of Kerman would result in a 2040 population of approximately 19,650 people, 4,710 households, and 3,580 jobs which is consistent with the projected growth in the FCOG Regional Transportation Plan/Sustainable Communities Strategy as shown in EIR Table 4.13-5.

The 2040 General Plan's focus is on controlled development in the existing urbanized portions of the City, and state and regional demographic trends are anticipated to limit citywide growth to within the forecast amounts. Because no exceedance of the population forecast is anticipated, the 2040 General Plan would not induce substantial population growth. One of the fundamental purposes of the 2040 General Plan is to direct future development in such a way as to minimize the impacts of growth by emphasizing the intensification and reuse of already developed areas, thus minimizing pressure to develop on the remaining open space and agricultural land in the city. Specific goals and

policies in the Land Use and Housing Elements of the 2040 General Plan direct the City to emphasize this pattern of development, to ensure that the 2040 General Plan does not result in substantial unplanned growth are as follows: Policies LU-3.2 through LU-3.5; Policies HE 1.4 through HE 1.7, Policy HE-1.9

Directing new residential and commercial growth at appropriate infill sites near transit and retail services would ensure that the City provides capacity for the total amount of development expected by 2040. No exceedances of the population forecast are anticipated, and the 2040 General Plan would not induce substantial population growth.

Caltrans adopted an alternate route for State Route 180 to create an expressway in western Fresno County. This expressway re-routing of SR 180 would move the current through traffic pattern of SR 180 from its current location through the City of Kerman to an area north of the City between Nielsen and Belmont within the City's SOI (Caltrans, 2011). This area is designated by the 2040 General Plan as agricultural land and Urban Reserve land. Due to the limited developable nature of both of these land use designations, it is not likely for the re-routing of SR 180 to induce substantial growth beyond what is planned for in the 2040 General Plan. In addition, development of the 2040 General Plan would not indirectly induce growth in the City by building other roads or other infrastructure in new areas that would facilitate development. Impacts would be less than significant, and no mitigation measures are required.

b. Would the General Plan displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

Finding. (Impact PH-2.) Development facilitated by of the 2040 General Plan would not displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere. Impacts would be less than significant.

Facts. The proposed 2040 General Plan would enable development in Kerman over the next 20 years that has the potential to add 720 new households to the City, primarily through infill development in areas designated residential and mixed-use (commercial +residential).

The Land Use Element of the proposed 2040 General Plan has been prepared to ensure that new land uses are logically organized by prioritizing infill development over development at the City's edge, maximizing the use of underutilized parcels, and minimizing the encroachment into valued open space areas. The proposed 2040 General Plan directs new growth within the City, where existing roads, water, and sewer are in place. This type of development pattern envisioned by the 2040 General Plan would allow the City to manage new development so that it occurs concurrently with necessary public services, facilities, and infrastructure while encouraging affordable housing. The following goals and policies of the Housing and Land Use Elements of the 2040 General Plan are aimed at

reducing the impacts associated with displacement of people and/or housing in the City and ensuring new housing is available for all demographics and economic segments: Goal HE-1, Policy HE-1.1, Policy HE-1.2, and Policy HE-1.5, Policy HE-3.1; Goal HE-5; Policy LU-2.3, and Policies LU-3.2 through LU-3.5

Nonetheless, displacement of existing residential units could still occur during redevelopment under the 2040 General Plan. The Caltrans adopted alternate route for SR 180 would displace roughly 172 homes within the City of Kerman SOI. However, the 720 new households at buildout would provide housing capacity to replace the anticipated displaced residences and Caltrans is required to provide compensation for displaced residents and businesses under the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act. With incorporation of the aforementioned goals and policies, the 2040 General Plan would result in a net increase in housing availability in the City, including affordable housing, and would provide housing for all future individuals to accommodate future growth. In addition, specific Implementation Programs contained in the Land Use Element, Programs C and H, would ensure that the City continues to provide housing to meet its Regional Housing Needs Allocation (1,332 units) and preserves the existing affordable housing stock to safeguard against potential loss.

As potential residential development or redevelopment projects are identified, additional project specific, environmental analysis, as necessary, would be completed at that time. Impacts associated with buildout of housing associated with the 2040 General Plan are discussed throughout the EIR. Due to the proposed increase in housing availability as well as Federal requirements for housing relocation compensation for displaced homes, impacts related to displacement of existing residences would be less than significant, and no mitigation measures are required.

Cumulative Impacts

Facts and Finding. Cumulative development in Fresno County surrounding the City of Kerman in combination with development proposed under the 2040 General Plan may result in increased population, job, and housing projections. Implementation of the 2040 General Plan would increase density and intensity of existing land uses potentially resulting in increased growth. However, the 2040 General Plan would be consistent with Fresno COG forecasts, which include regional development throughout the County. Therefore, the 2040 General Plan would not result in a considerable incremental contribution to cumulative impacts associated with population and housing. Cumulative impacts would be less than significant.

5.3.12 Public Services and Recreation

a(i) Would the General Plan result in substantial adverse physical impacts associated with the provision of new or physically altered fire facilities, or the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives?

Finding. (Impact PS-1.) Growth facilitated by the 2040 General Plan would incrementally increase the demand for fire protection services and facilities. Adherence to 2040 General Plan goals and policies would ensure that adequate services and facilities are provided and maintained and that impacts related to the provision of new or physically altered fire protection facilities would be less than significant.

Facts. The 2040 General Plan would facilitate development that would increase the demand for fire protection services such that both additional staff and new facilities would likely be needed in order to accommodate growth in the Planning Area. The Fire District is able to increase staff correspondingly through associated development impact fees earmarked for fire/emergency services. The need for additional fire/emergency facilities in the future is addressed in the Public Safety and Public Facilities and Services Elements of the 2040 General Plan through the inclusion of goals and policies which would ensure adequate firefighting staff, infrastructure, and fire protection related utilities (such as water supply). These goals and policies include: Goal PH-2, Policies PH-2.1 through PH-2.4; Policy PH-3.1; Policy PFS-1.1; and Policy PFS-1.7:

Goal PH-2 and Policies PH-2.1 and PH-2.3 call for ensuring that fire-fighting and support infrastructure, equipment, and personnel are adequately provided and that a high level of fire and emergency medical services are available to support Kerman's existing and future needs. Policy PH-2.2 prioritize the provision of sufficient water service for firefighting. As mentioned in Policy PH-2.3, development of a new fire station could occur when and where they are needed to achieve this response measure. It is not known at this time precisely when such facilities would be required or what the exact nature of these facilities would be. Therefore, identification of impacts related to implementation of the station would be speculative. Project-specific environmental impacts would be assessed when future facilities are proposed and the potential impacts would be identified during the fire facility planning process. Policies PFS-1.1 and PFS-1.7 would assess current facilities to ensure that fire services are adequate to respond to the City's needs. Adherence to the goals and policies of the GPU would ensure that impacts associated with the provision of new or physically altered fire facilities would be less than significant, and as such no mitigation measures are required.

a(ii) Would the General Plan result in substantial adverse physical impacts associated with the provision of new or physically altered police facilities, or the need for new or physically altered police protection facilities, the construction of which could cause significant

environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives?

Finding. (Impact PS-2.) Growth facilitated by the 2040 General Plan would incrementally increase the demand for police services and facilities. Adherence to 2040 General Plan goals and policies would ensure that adequate services and facilities are provided and maintained and that impacts related to the provision of new or physically altered police facilities would be less than significant.

Facts. The 2040 General Plan would facilitate growth, which would increase the demand for police protection services such that both additional staff and new police facilities may be needed in order to accommodate growth in the Planning Area. Staffing needs would be addressed as service demand increases. The Kerman Police Department, using a collection of development impact fees earmarked for police services, is able to use these funds for police department buildings, equipment and training facilities. The need for additional police services in the future is addressed in the Safety Element through the inclusion of goals and policies, which seek to ensure acceptable response times and police staffing levels. These goals and policies include: Goal PH-1, Policies PH-1.1 through PH-1.4; and Policy PH-3.1.

No new police facilities are proposed in conjunction with the 2040 General Plan. However, growth accommodated by the 2040 General Plan may require new staff and the construction of new facilities. It is not known at this time precisely when or where such facilities would be required or what the exact nature of these facilities would be. Therefore, identification of impacts related to implementation of such facilities would be speculative. Project-specific environmental impacts would be assessed when future facilities are proposed and the potential impacts would be identified during the fire facility planning process. Adherence to 2040 General Plan goals and policies, as stated above, would reduce impacts associated with the provisions for additional police services. As such, and no mitigation measures are required.

a(iii) Would the General Plan result in substantial adverse physical impacts associated with the provision of new or physically altered schools, or the need for new or physically altered schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

Finding. (Impact PS-3.) Growth facilitated by the 2040 General Plan would incrementally increase the demand for school facilities. Adherence to 2040 General Plan policies and Municipal Code would ensure that adequate facilities are provided and maintained and that impacts related to the provision of new or physically altered school facilities would be less than significant.

Facts. School districts were created by the state and are subject to the overview of the state legislature. Elected bodies (school boards) are responsible for budgeting and decision-making. Construction of

new schools is under the purview of the state Department of Education, which establishes school site and construction standards. School construction is funded through a combination of local school bonds, state school bonds, and developer fees. The amount of the share that comes from developers is limited under state law per Section 65995(3)(h) of the California Government Code (SB 50), and a state or local agency may not deny or refuse to approve the planning or development of real property on the basis of a developer's refusal to pay mitigation that exceeds the requirements of SB 50. There are a variety of additional funding sources for school districts, including a portion of local property taxes as well as state funds including AB 2926, and the School Facilities Dedication and Fee Ordinance. Required adherence to this Ordinance would ensure that new development projects, as proposed and approved, would not overcrowd the existing school system and that adequate school facilities are funded to meet growing demand.

The anticipated growth in the City, as discussed and shown in EIR Table 4.14 2, shows a need for new or expanded facilities. In 2016, Bond Measure K was approved by voters for the issuing of \$27,000,000 in bonds for school repairs and new classrooms. While the District has added classrooms to reduce class sizes and overcrowding in the city's schools, enrollment projections anticipate an increase of 2,000 to 4,000 students by 2040. Despite the addition of both a new elementary school and new classrooms at existing facilities, the District will need to increase capacity during the lifetime of the 2040 General Plan.

The Kerman Unified School District District-Wide Facilities Master Plan adopted in 2015 discusses future plans for school transformation projects to accommodate the growing student population and to provide an enhanced learning environment (KUSD 2015). The District identifies a "future" site set aside for a new education center, that would contain a new high school. The development of a new high school would also trigger the possibility of moving the middle school to the old high school site and creating an elementary school at the current middle school site. The Master Plan projects that the development of the new educational center would commence during Phase IV, which is beyond the year 2021.

The Public Facilities and Services Element of the 2040 General Plan includes policies to ensure adequate schools and facilities can accommodate the City's existing and future population. These policies include: Policy PFS-1.1, Policy PFS-1.5, and Policy PFS-1.7. Policy PFS-1.2 requires supporting local schools to provide the adequate development of educational facilities. The Kerman Unified School District will also continue to collect school impact fees from developers, and pursuant to SB 50 and AB 2926, these fees are considered to fully mitigate school capacity-related impacts. No new school facilities are proposed in conjunction with the 2040 General Plan. Associated potential impacts regarding the construction of new school facilities would be identified during the facility planning process and include mitigation measures where necessary for each project. The City does not have the authority to plan, design, approve, or construct school facilities as these tasks are the responsibility of

individual school districts (under the purview of the state Department of Education), which serve as their own lead agency under CEQA. Thus, future proposals for new school facilities in the Planning Area would be subject to case-by-case review by the Kerman Unified School District, and compliance with federal, state, and local building codes and regulations. As such, impacts would be less than significant, and no mitigation measures are required.

a(4) Would the General Plan result in substantial adverse physical impacts associated with the provision of new or physically altered parks, or the need for new or physically altered parks, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios or other performance objectives?

REC(a): Would the General Plan increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

REC(b): Does the General Plan include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Finding. (Impact PS-4.) Growth facilitated by the 2040 General Plan would incrementally increase the demand for future parks and recreational facilities. Adherence to 2040 General Plan policies, Implementation Programs, and Municipal Code would ensure that adequate facilities are provided and maintained and that impacts related to the provision of new or physically altered parks and recreation facilities would be less than significant.

Facts. As shown in EIR Table 4.14-4, Kerman has a total of 41.86 acres of developed parkland in 2018. Based on the 2017 estimated population of 14,614 persons, Kerman has approximately 2.86 acres of parkland per 1,000 residents. In 2040, Kerman is projected to have a population of 20,470. To meet the park standard of four acres per 1,000 residents in 2040, the City needs an additional 19.55 acres of parkland.

Growth accommodated by the 2040 General Plan would result in an increase in demand for neighborhood and regional parks and other recreational facilities in the Planning Area. The 2040 General Plan has several goals and policies designed to ensure that the City maintains existing parks and park facilities as well as provides and seeks funding for additional park land to serve future population growth as follows: Goal PFS-1 and Policy PFS-3.1; Policy COS-1.1; Policies COS-2.1 through COS-2.13.

The City would need to work toward identifying future planned parks in conjunction with future development in the Planning Area. The Conservation, Open Space, and Parks and Recreation Element of the 2040 provides several implementation programs (B, C, D, and E) which define specific City

programs to help guide the City towards providing further parks and recreation opportunities. Program B includes the development of a facilities use agreement between the Kerman Unified School District and Fresno County Parks Department for sharing parks and recreation facilities. Program C includes continuation of the “Adopt-A-Park” program which helps facilitate private citizens/organizations towards developing open space, parks, and recreation facilities. Program C includes the development of a Park Financing Feasibility Study which would be a study on financing park and recreation facilities by the sale of tax-allocation bonds. Lastly, Program E includes a requirement that the City annually review its fee programs to ensure that they are sufficient to finance future park needs.

Compliance with the goals, policies, and Implementation Programs set forth in the 2040 General Plan would improve park and recreation facilities to meet the demands associated with growth accommodated under the 2040 General Plan. The City is currently planning four additional parks, the Eastside Community Park (35 acres), Northwest Park (2.56 acres), Westside Community Park (35 acres), and Stanislaus Park (1.86 acres). This would add an additional 74.42 acres of parkland and with these planned improvements, forecast growth would not result in substantial physical deterioration of the park and recreational facilities. In addition, all new development must adhere to 2040 General Plan goals and policies designed to mitigate the physical impacts of projects and, in regards to park lands, be required to provide parkland or in-lieu fees, as required by the Municipal Code (Chapter 16.44) to maintain the standard of 4.0 acres of parkland per 1,000 population. Impacts associated the provision of new or physically altered recreational facilities would be less than significant, and no mitigation measures are required.

a(5) Would the General Plan result in substantial adverse physical impacts associated with the provision of other new or physically altered public facilities (libraries), or the need for other new or physically altered public facilities (libraries), the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

Finding. (Impact PS-5.) Growth facilitated by the 2040 General Plan would incrementally increase the demand for future library services. Adherence to 2040 General Plan policies would ensure that adequate facilities are provided and maintained and that impacts related to the provision of new or physically altered library facilities would be less than significant.

Facts. Growth forecasts under the 2040 General Plan would increase the demand for library services in the Planning Area. The Fresno County Public Library provides library services in the City. The County is the responsible agency for the planning of new library facilities and anticipating demand to meet existing and future population needs. However, the potential impacts would be identified during the facility planning process, and the County would have the authority and responsibility to

plan, design, approve, or construct library facilities. Although the County is responsible for new library facilities in the region, the 2040 General Plan Public Facilities and Services Element provides policies intended to ensure the development of necessary public facilities and services for the City, which can aid the County in the planning of future local libraries as follows: Policy PFS-1.1, Policy PFS-3.1, and Policy PFS-3.2.

Through Policies PF-1.1 and PF-3.2, the City would strive for and seek out funding to ensure that adequate facilities are available for existing and future residents. Through Policy-3.1, the City would require future development projects that have the potential to generate new students to pay fair share of development impact fees, which would include fees allocated for future library facilities. Future library facilities in the Planning Area would be subject to review by the County, and adherence to federal, state, and local building codes and regulations would minimize impacts from any future construction of such facilities. Therefore, impacts associated with the provision of new or physically altered library facilities would be less than significant, and no mitigation measures are required.

Cumulative Impacts

Facts and Finding. Cumulative development in Fresno County surrounding Kerman in combination with development proposed under General Plan 2040 may contribute to the need for additional public services including police, fire, school, library services, and parks and recreation facilities. Implementation of General Plan 2040 would increase density and intensity of existing land uses, which could regionally impact public services. However, goals and policies contained within General Plan 2040 would ensure adequate levels of public service under future development. Additionally, growth anticipated under General Plan 2040 would be within FCOG projections. Therefore, General Plan 2040 would have incremental contribution to cumulative impacts associated with public services and would not be cumulatively considerable. Cumulative impacts would be less than significant.

5.13.13 Transportation and Traffic

a. Would the General Plan conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Finding. (Impact T-1.) The 2040 Kerman General plan incorporates policies for Complete Streets to include transit, bicycle, and pedestrian facilities as part of the city's circulation system, reduce VMT consistent with the CARB 2017 Scoping Plan, and is consistent with the FCOG RTP including the realignment of SR 180 and to work with Caltrans and FCOG to identify a preferred option to route trucks west or east around Kerman off of Madera Avenue (SR-145). Impacts would be less than significant.

Facts. The 2040 Kerman General Plan Circulation Element includes policies to encourage active transportation. This includes policies for complete streets, developing Class I bicycle and pedestrian facilities, and integrating transit facilities into the circulation system. The 2040 General Plan also includes policies for maintaining LOS standards, but this is no longer considered an environmental impact under the 2019 CEQA Guidelines and Kerman has chosen to utilize the VMT standard for this analysis. The General Plan also includes policies designed to achieve VMT reductions consistent with the CARB 2017 Scoping Plan and to require mitigation measures on projects having potentially significant VMT impacts, and other policies to reduce VMT. Combined, these policies are designed to achieve consistency with State and regional policies for the reduction of VMT. Additional policies were designed to be consistent with Caltrans' approved realignment of SR 180 and to work in cooperation with Caltrans to develop an alternative route for SR 145 east and/or west of Kerman consistent with Caltrans policies.

The 2040 General Plan contains goals and policies to ensure there is not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, including as follows: CIRC-1.1 through CIRC-1.3; CIRC-2.4 through CIRC-2.7; and CIRC-3.2 through CIRC-3.4.

Therefore, implementation of the 2040 General Plan policies would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. Impacts would be less than significant, and no mitigation measures are required.

c. Would the General Plan substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?

Finding. (Impact T-3.) The 2040 Kerman General Plan sets forth a Goal with associated policies to provide a safe and efficient roadway system that serves all users (CIRC-1). The plan itself does not propose specific construction projects but facilitates certain transportation projects. Adherence to Caltrans and ASHTO regulations and standards, Kerman Municipal Code, and implementation of the goals and policies of the 2040 General Plan would minimize the potential to increase hazards to a geometric design feature or incompatible use to a less than significant level.

Facts. The 2040 General Plan sets forth a Goal and policies to provide a safer transportation system for the City and its residents. The following policies are aimed at achieving that goal: Policies CIRC-1.3 through CIRC-1.6; Policy CIRC-1.10, Policy CIRC-1.12, Policy CIRC-3.1, Policy CIRC-4.1, and Policies CIRC-5.3 through CIRC-5.5. The 2040 General Plan itself does not authorize the construction of specific projects with actual design features that can be evaluated. Any project authorized under the 2040 General Plan would have to conform to existing regulations that address geometric design and safety. As a result, implementation of the goals and policies of the 2040 General Plan would

minimize the potential to increase hazards to a geometric design feature or incompatible use to a less than significant level without mitigation, and no mitigation measures are required.

d. Would the General Plan result in inadequate emergency access?

Finding. (Impact T-4.) The 2040 Kerman General Plan sets forth policies to develop a safe and efficient transportation network along with City Development Review procedures will maintain adequate emergency access. This impact would be less than significant.

Facts. The 2040 General Plan would facilitate development that would need to ensure adequate emergency services access for new projects and not develop in a way to impede emergency access to existing development or through congested roads that could impede emergency response personnel. The Development Review process for new projects reviews project plans to ensure projects meet current standards for emergency access and require corrections if a project will impact emergency access for adjacent facilities or not meet current standards. This review applies to the construction phase of a project as well. In addition, the 2040 Kerman General Plan includes Policy CIRC-2.2 to address road congestion. This policy requires a minimum LOS of C for most roadways and LOS of B at intersections and rail crossings. At those levels, congestion would not interfere with emergency responders getting to their destination within the City. Additional General Plan Public Health and Safety policies ancillary to this issue address police response times, adequate staffing for fire protection, and implementation of a Hazard Mitigation Plan. Based on the development review process and the policy above, inadequate emergency access will be less than significant, and no mitigation is required.

Cumulative Impacts

Facts and Finding. The 2040 General Plan provides policies for the development of complete streets, promoting active transportation, and therefore would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities and therefore is not cumulatively considerable. The General Plan would also not substantially increase hazards due to a geometric design feature or incompatible uses that would result in inadequate emergency access. These impacts are more local in nature except for the possibility of regional traffic impeding emergency services, however, these impacts are not cumulatively considerable as the 2040 General Plan does not increase regional congestion that could result in inadequate emergency access. As a result, there is no cumulatively considerable impact.

5.13.14 Tribal and Cultural Resources

- a. **Would the General Plan cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?**
- b. **Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?**

Finding. (Impact TCR-1.) Development projected by the 2040 General Plan may involve excavation, which has the potential to impact previously unidentified tribal cultural resources. However, implementation of 2040 General Plan policies would reduce Impacts on tribal cultural resources to a less than significant level.

Facts. The majority of development projected by the 2040 General Plan would occur within the Kerman City limits and SOI. However, effects on tribal cultural resources can only be known once a specific project has been proposed because the effects are highly dependent on both the individual project site conditions and the characteristics of the proposed activity. Although the current AB 52 consultation for this document did not identify any specific tribal cultural resources within the City, new tribal cultural resources may be identified or established during implementation of the 2040 General Plan, which is expected to occur over many years. Therefore, as specific projects are proposed, consultation with tribes under AB 52 would occur to determine if any tribal cultural resources may be impacted by specific projects. If tribal cultural resources are identified during AB 52 consultation, impacts to any such tribal cultural resources would be potentially significant unless mitigation is incorporated.

The 2040 General Plan Conservation, Open Space, and Recreation Element includes policies and implementation programs to protect tribal cultural resources and requires compliance with SB 18 and AB 52, including consultation with California Native American Tribes regarding tribal cultural resources (Policy COS-3.1). (See also Goal COS-3.)

Impacts on tribal cultural resources can only be determined once a specific project has been proposed because the effects are highly dependent on both the individual built structure and the characteristics of the proposed activity. This would result in significant impacts to tribal cultural resources. However, implementation of 2040 General Plan policies, specifically COS-3.1 would reduce impacts on tribal cultural resources to a less than significant level by including an implementation program that requires cultural resource studies for projects within Kerman and implementation of further requirements to avoid or reduce impacts to such resources on a project-by-project basis, and no mitigation measures are required.

Cumulative Impacts

Facts and Finding. Development in the Plan area would be facilitated by the 2040 General Plan. The increase in growth contributes to regional impacts on tribal cultural resources. While most tribal cultural resources are typically site-specific, with impacts that are project-specific, others may have regional significance, such as an important viewshed or resource gathering area. For such a resource, cumulative impacts, and the contribution of the 2040 General Plan to them, would be potentially significant. Implementation of the 2040 General Plan policies would reduce cumulative tribal cultural resources impacts to a less than significant level.

5.13.15 Utilities and Service Systems

a. **Would the General Plan require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

Finding. (Impact UTL-1.) Implementation of the 2040 General Plan could require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities however the goals and policies in the general plan 2040 as well as state and federal requirements would ensure environmental effects are less than significant. The Impacts would be less than significant.

Facts.

The discussion for this impact is broken down into separate discussions for water, wastewater, stormwater, electric power, natural gas, and telecommunications.

Water: The projected growth of the 2040 General Plan would require a comparable increase in water capacity. The projected planned growth, as stated in EIR Section 4.13, Population and Housing, projects the population of Kerman at approximately 19,650 residents by year 2040. As discussed above, projected water usage demand for the 2040 General Plan is approximately 1,744 mgd and the projected normal year supply for 2040 is 1,744 mgd.

Water supply would be provided to the City by the existing underground wells. Currently, groundwater well capacity is much higher than the supply totals reported. However, it is important to consider that the Kings Subbasin has historically been in a state of overdraft. The 2015 UWMP concludes, when analyzing sufficiency of water supplies that the supply is equal to demand because there is currently a sufficient volume of water within the subbasin to meet the projected demand. For

example, the 2015 UWMP normal supply year and demand comparison assumes no difference in supply and demand totals from 2020 to 2040 per EIR Table 4.17-5. In order to continue to utilize groundwater, it is essential that the City continue its current efforts towards conservation, groundwater recharge, and groundwater management. The UWMP also recommends groundwater banking for drought years and that the City continues to develop additional water management strategies to meet projected demand. As population increases, the City plans to construct additional wells in the future to accommodate the projected increase in water demand. Land Use policies listed in the General Plan in addition to State and Federal requirements would provide for additional environmental analysis when projects are identified for development. The impacts related to development of new wells would be further analyzed when determinations are made on the type, scope, location, and timing of the wells. Such an analysis would be speculative at this time.

As described in above, the City's water supply quality has periodically exceeded the MCL for Hexavalent chromium. A detailed discussion on water quality can be found in EIR Section 4.10 Hydrology and Water Quality. If the State was to set new MCL levels for Hexavalent Chromium in the future, the City could be required to expand or construct new water treatment facilities to reduce Hexavalent Chromium levels to below any new MCL approved by the State. The construction of additional water treatment facilities has the potential to result in significant environmental impacts. The impacts related to development of a new facility would be further analyzed when determinations are made on the type, scope, location, and timing of treatment facilities required to reduce Hexavalent chromium MCL levels, if it does become necessary. The 2040 General Plan goals and policies, in addition to state and federal requirements would require evaluation of potential environmental impacts at the time of project development. Such an analysis would be speculative at this time.

The 2040 General Plan includes goals, policies, and programs related to the conservation, protection, and planning of the City's water supply to ensure quality and reliable water as follows: Goal COS-4, Policy COS-4.1 through Policy COS-4.5; Policy COS-4.6, and Policy COS-4.7; Goal PFS-2, Policy PFS-2.1, Policy PFS-2.2, and Policy PFS-2.5; Goal PFS-3 and Policy PFS-3.1

Reducing per capita water use, groundwater recharge, water metering, and recycled water are all important components of ensuring future usage of the Kings Subbasin. The City will need to continually develop water management strategies to meet projected demand on a long term basis. Though the 2040 General Plan could require or result in the relocation or construction of new or expanded water facilities, the 2040 General Plan policies and programs in addition to state and federal requirements, project level analysis of environmental impacts from construction and operation at the time of the development would be addressed as feasible, therefore impacts would be less than significant without mitigation and no mitigation measures are required.

Wastewater: In 2011, the Kerman WWTP was upgraded to a state-of-the-art facility with the capacity of 2.0 mgd, exceeding existing average daily flows. The City's WWTP had an average daily flow of 0.98 mgd in 2018. Impacts are reduced in the General Plan including the following goals and policies: Goal PFS-1, Policy PFS-1.7, Goal PFS-2, Policy PFS-2.1, Policy PFS-2.3, Policy PFS-2.4, Goal PFS-3 and Policy PFS-3.1.

The flows at the treatment plant exhibit very little seasonal variation because flows are predominately from residential uses since there are no major industrial, agriculture-related or seasonally-operated industries within the city. The projected growth, as defined in Section 4.13, Population and Housing, would not exceed the WWTP ability to manage average daily flow rates by 2040.

The 2015 UWMP projected the WWTP would meet capacity by the year 2027 with an average growth rate of three percent over 12 years. The 2040 General Plan projects an average growth rate of roughly one percent over 22 years, which is less than the number anticipated by the UWMP. The UWMP used Department of Finance population reports available at the time to determine population estimates. The 2040 General Plan uses Fresno COG estimates which are lower than the Department of Finance projections and the prior Fresno COG projections because both of those projections significantly over estimated recent population growth and were above the actual 2015 population reported by DOF most recently. Updated wastewater flow projections anticipate the average daily flow (ADF) rates for the WWTP to be 56 percent of capacity by 2027. Future residential development will result in typical wastewater discharges and will not require new methods or equipment for treatment that are not currently permitted for the existing treatment facility. In addition the 2040 General Plan includes Policy PFS-2.1, PFS-2.3, and PFS-2.4 as listed above, to ensure new development would be compatible with the existing infrastructure of the WWTP. As new development is constructed within the Planning Area, additional wastewater conveyance infrastructure could require expansion. This expansion would generally occur within existing disturbed areas and therefore would generally not result in significant environmental impacts. Additional environmental analysis would be required when projects are identified for development. The impacts related to development of new conveyance infrastructure would be further analyzed when determinations are made on the type, scope, location, and timing of the facilities. Such an analysis would be speculative at this time. Therefore, due to the existing capacity of the wastewater treatment plant, wastewater policies, state and federal regulations, and the anticipated growth of the population by 2040, impacts would be less than significant without mitigation.

Stormwater: The City of Kerman maintains a stormwater system that includes facilities within existing rights of ways, drains, and ponding basins throughout the City. The ponding basins provide groundwater recharge that is pumped for local crop irrigation. Average annual precipitation in the Kerman area is 11 inches. The City has no receiving water such as creeks, rivers, lakes or canals where stormwater can be directed.

The 2040 General Plan Map 17 shows that the City and surrounding Sphere of Influence will be served by the City's storm drainage system. New development within the Planning Area would be required to include additional stormwater facilities as listed in Policy PFS-2.5 to reduce pollutants in water runoff prior to entering the City's system. (See also Goal PFS-1, Policy PFS-1.6, Goal PFS-2, Policy PFS-2.5.) Any discretionary development that could occur within the 2040 General Plan, including stormwater system expansions or upgrades, would be required to go through an individual environmental review process that would ensure any possible impacts to the environment are known and mitigated to the extent feasible. The impacts related to development of new stormwater facilities would be further analyzed when determinations are made on the type, scope, and location of the facilities. Such an analysis would be speculative at this time. Though new development may require the expansion of solid waste facilities and transfer stations within the Planning Area, the policies listed in the 2040 General Plan, in addition to state and federal policies, would reduce impacts to less than significant without mitigation, and no mitigation measures are required.

Electric Power & Natural Gas: The City of Kerman is serviced for electric power and natural gas by Pacific Gas and Electric Company. The City of Kerman 2040 General Plan includes policies to ensure sufficient electric and natural gas is available for proposed buildout.

New development facilitated by the General Plan would require new electric and gas connections to formerly vacant parcels. These new expanded infrastructure facilities to provide power and gas to new development could have significant environmental impacts. Much of the land within the Planning Area, adjacent to the City limits are agricultural or vacant parcels that are identified for residential, commercial and industrial development under the 2040 General Plan. As each area is developed, large scale infrastructure for PG&E could be required to meet the new demand. All discretionary development that could occur in line with the 2040 General Plan Planning Area would be required to go through individual environmental review processes that would ensure any possible impacts to the environment are known and mitigated to the extent feasible. Though new development may require new and expanded systems for electric and natural gas; the policies listed in the 2040 General Plan (Goal PFS-1, Policy PFS-1.2, Goal LU-3, Policies LU-3.1 through LU-3.6, Goal COS-5, Policy COS-5.3 through Policy COS-5.5, Policy COS-5.7), in addition to state and federal policies, would reduce impacts to less than significant without mitigation, and no mitigation measures are required.

Telecommunications: As detailed in Section a above, existing broadband infrastructure for the City of Kerman lacks fixed cable connections for businesses, relying heavily on wireless services. Additional development in the City may reduce speeds due to increased activity on the system.

As part of the implementation of Policy ED-3.1, the City Program I – Enhance Broadband Capacity, states that the City shall coordinate with broadband providers and the regional broadband consortium

to explore opportunities to install gigabit speed broadband capacity in Kerman. This program is necessary to ensure adequate services are available to the City by buildout of the General Plan. Development of the required infrastructure to increase telecommunication services to the City could have significant environmental impacts. As areas within the City limits and SOI are developed, large scale and expanded broadband infrastructure may be required to meet demand. The impacts related to development of new telecommunications infrastructure would be further analyzed when determinations are made on the type, scope, location, and timing of the facilities. Such an analysis would be speculative at this time. Though new development may require new and expanded broadband and telecommunication systems, the policies listed in the 2040 General Plan, in addition to state and federal policies, would reduce impacts to less than significant without mitigation, and no mitigation measures are required.

b. Would the General Plan have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Finding. (Impact UTL-2.) The 2040 General Plan would have sufficient water supplies available to serve future development during normal, dry, and multiple dry years. Impacts on water supplies due to buildout of the 2040 general Plan would be less than significant.

Facts. The City of Kerman 2015 UWMP quantifies the City's water use projections through the year 2040 based on the 2007 General Plan. The UWMP concluded that because of large volumes of available groundwater and the fact that water levels are very stable in the subbasin and the Kerman area, groundwater would be able to meet all the water supply needs projected for the City for the next 25 years and beyond, even in drought periods such as the severe one-year drought experienced in 1977 and the prolonged drought of 1987 to 1992.

The UWMP analyzes water usage assuming a growth rate of 2.69 percent to the year 2040, roughly 1.19 percent greater than the growth rate projected for the 2040 General Plan at 1.5 percent over the next 20 years. Based on a slower growth projection, and the reliability of the City's water supply, it is anticipated that the City would have sufficient supplies available to serve the 2040 General Plan during normal, dry and multiple dry years. Issues with water quality and the City's potential requirements to address them are detailed in Impact UTL-1 above. In addition, the 2040 General Plan includes goals, policies, and programs related to the conservation, protection, and planning of the City's water supply to ensure quality and reliable water as detailed in Impact UTL-1 above. Therefore, impacts to the City's water supply would be less than significant, and no mitigation measures are required.

c. Would the General Plan result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Finding. (Impact UTL-2.) The City's Wastewater Treatment Plant is projected to have adequate capacity to serve the projected demand from buildout of the 2040 General Plan in addition to existing commitments. Impacts to wastewater treatment would be less than significant.

Facts. Wastewater for the City of Kerman is treated at the City of Kerman Wastewater Treatment Plant (WWTP), operated by the City. The Central Valley Regional Water Quality Control Board (RWQCB) issued wastewater treatment requirements for the WWTP in Order R5-2007-0115. The facility is subject to the permit requirements that establish pollutant limits for effluent discharges to receiving waters. A violation of the WWTP permit requirements would occur if effluent discharges exceeded adopted limits for one or more pollutants or if the daily maximum permitted treatment volume is exceeded and excess discharge is released into downstream water bodies. In 2011, the Kerman WWTP was upgraded to a state-of-the-art facility with the capacity to treat 2.0 mgd (millions of gallons per day) of wastewater, greatly exceeding existing average daily flows. The City's WWTP had an average daily flow of 0.98 mgd in 2018. The flows at the treatment plant exhibit very little seasonal variation because flows are predominately from residential uses since there are no major industrial, agriculture-related or seasonally-operated industries within the City.

The 2015 Urban Water Management Plan (UWMP) projected the WWTP would meet capacity by the year 2027 with an average growth rate of three percent over 12 years. The 2040 General Plan projects a growth rate of roughly one percent over 22 years, which is less than the rate anticipated by the UWMP. Updated wastewater flow projections anticipate the average daily flow (ADF) rates for the WWTP to be 56 percent of capacity by 2027. The anticipated addition of 1,500 homes would not exceed the current remaining capacity of 44 percent. The current housing count is at 4,215 units, utilizing 56 percent of capacity. Future residential development will result in typical wastewater discharges and will not require new methods or equipment for treatment that are not currently permitted for the existing treatment facility. In addition, the 2040 General Plan includes Policy PFS-2.1, PFS-2.3, and PFS-2.4 within Chapter 8, Public Facilities and Services, to ensure new development would be compatible with the existing infrastructure of the WWTP. Therefore, the project has adequate capacity to serve the 2040 General Plan to buildout, the impact would be less than significant without mitigation, and no mitigation measures are required.

Cumulative Impacts

Facts and Finding. Infrastructure Facilities Expansion: Cumulative buildout associated with the 2040 General Plan would require additional infrastructure for electrical, gas, telecommunications, wastewater, water, and solid waste as development occurs. The 2040 General Plan policies promote the orderly growth of the City and would require additional environmental analysis as type and scope of developments are realized. With adherence to the 2040 General Plan policies, associated expansion of infrastructure facilities would not result in cumulatively considerable impacts.

Wastewater: Cumulative buildout associated with the 2040 General Plan would increase demands on the existing wastewater treatment and conveyance facilities. The analysis provided under Impact UTL-1 is cumulative in nature and considers wastewater generation associated with the cumulative buildout. With implementation of General Plan 2040 policies, as described under Impact UTL-1, the proposed General Plan 2040 would not result in cumulatively considerable impacts related to wastewater infrastructure.

Water: The analysis provided under Impact UTL-1 is cumulative in nature and considers water demand imposed by the buildout associated with the 2040 General Plan. General Plan 2040 includes policies to minimize increased water demand associated with new developments. The policies promote water conservation, addresses water quality, and require new developments to incorporate water-efficient design features. With adherence to these 2040 General Plan policies, associated buildout would not result in cumulatively considerable water supply impacts.

5.4 Environmental Impacts Not Fully Mitigated to a Less Than Significant Level

The City Council finds, based on substantial evidence in the record including the EIR and as noted below, the following environmental impacts identified in the EIR remain significant even after application of all feasible mitigation measures, as set forth below. The City also finds that any alternative discussed in the EIR that may reduce the significance of these impacts is rejected as infeasible for the reasons given in the EIR and this Section of these Findings. In accordance with CEQA Guidelines Section 1092(b)(2), the City Council of the City of Kerman cannot approve the Project unless it first finds (1) under Public Resources Code Section 21081(a)(3), and CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social, technological, or other considerations, including provisions of employment opportunities make infeasible the mitigation measures or project alternatives identified in the EIR; and (2) under CEQA Guidelines Section 15092(b), that the remaining significant affects are acceptable due to overriding concerns described in the CEQA Guidelines Section 15093 and, therefore, a statement of overriding considerations is included herein. Each potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations as described further in Section 5.8, and the City finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

5.4.1 Greenhouse Gas Emissions

- a. **Would the General Plan generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Finding. (Impact GHG-1.) Implementation of the 2040 General Plan would substantially increase GHG emissions at buildout compared to existing conditions. Implementation of 2040 General Plan policies for reducing GHG emissions would not reduce impacts to below the projected locally appropriate threshold. Therefore, impacts would be significant and unavoidable.

Facts. Construction activities associated with individual development projects envisioned under the proposed 2040 General Plan would generate temporary short-term GHG emissions primarily due to the operation of construction equipment and truck hauling trips. Construction-related emissions were calculated using CalEEMod (Appendix D) as shown in EIR Table 4.8-3. Due to the temporary nature of construction emissions, they constitute a small proportion of emissions associated with 2040 General Plan Buildout land use development.

Operational emissions due to development facilitated by the 2040 General Plan would generate long-term GHG emissions from new vehicle trips (mobile emissions), combustion of natural gas and use of electricity (energy emissions), solid waste disposal, water use and wastewater generation, and consumer products, architectural coatings, and landscaping equipment (area emissions). EIR Table 4.8-3 summarizes and combines the amortized construction, operational, and mobile GHG emissions associated with the anticipated 2040 General Plan Buildout.

Buildout under the 2040 General Plan would anticipate the growth of 4,170 residents and 780 jobs. This land-use scenario concentrates the forecasted growth in population and employment within City limits and along major streets. As shown in EIR Table 4.8-4, combined annual GHG emissions from the anticipated new development would be approximately 26.7 MT of CO₂e per service person per year, which would exceed the locally-appropriate, 2030 project-specific threshold of 4.39 MT of CO₂e per service person per year. This accounts for a significant increase of 508 percent above the locally appropriate threshold. These calculations provide a conservative estimate of emissions associated with buildout of the 2040 General Plan because they do not take into account emission reductions that would result from 2040 General Plan goals and policies aimed at promulgating clean fuels, reducing VMT, and improving energy efficiency. Nor do the calculations take into account the Circulation Plan Implementation Plan J, which would direct the City of Kerman to prepare an active transportation plan.

However, the increase in overall land use intensity and associated population and employment growth within the 2040 General Plan Planning Area are primarily responsible for the increased GHG emissions. Under the 2040 General Plan, the City shall strive to achieve VMT reductions consistent with the California Air Resources Board (CARB) 2017 Scoping Plan statewide greenhouse gas (GHG) emission reduction goals of 40 percent below 1990 emissions levels by 2030.

Future development projects would be processed under separate CEQA evaluation and may on a project-level not result in a significant GHG impact; however, development facilitated by the 2040

General Plan would cumulatively exceed the locally-appropriate 2030 Project Threshold's therefore, buildup of the General Plan would result in a potentially significant increase in GHG emissions.

Relevant policies included in the 2040 General Plan designed to reduce impacts of GHG emissions are found throughout the Circulation, Conservation, Open Space and Recreation Element, and Public Health and Safety Elements. This includes: Goal CIRC-2, Policy CIRC-2.3, Policy CIRC-2.4, Policy CIRC-2.5, and Policy CIRC-2.6; Goal CIRC-5, Policy CIRC-5.1, Policy CIRC-5.2, Policy CIRC-5.3, and Policy CIRC-5.8; Goal COS-5, Policies COS-5.1 through Policy COS-5.7; Policy PFS-4.5; and Policy PH-7.4 and Policy PH-7.5

It is highly unlikely implementation of the 2040 General Plan policies specifically for GHG reduction emissions and impacts related to short-term GHG emissions would be capable of a 20 MT CO₂e/SP/year reduction to below the locally-appropriate threshold. There are no feasible mitigation measures in addition to the 2040 General Plan policies that would reduce GHG impacts. Therefore, impacts would be significant and unavoidable.

5.4.2 Transportation and Traffic

b. Would the General Plan conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

Finding. (Impact T-2.) The 2040 Kerman General Plan sets forth VMT as the standard for evaluating impacts under CEQA (CIRC-2.1) and a VMT significance threshold of 13 percent below baseline conditions based on the FCOG Regional Transportation Model for addressing transportation impacts (CIRC-2.5) for projects within expansion areas. Even with the incorporation of feasible policies to reduce VMT and promoting alternative transportation (Goal CIRC-5). Impacts would remain significant and unavoidable.

Facts. The 2040 Kerman General Plan has incorporated several policies geared toward reducing VMT per capita with the future growth in Kerman. The City has set a VMT reduction goal (Policy CIRC-2.5) of 13 percent below baseline conditions "as a clear and realistic VMT threshold of significance to determine impacts on the environment related to development projects". Policy CIRC-2.3, as listed above under Impact T-1, set forth policies to reduce trip length and travel time. In addition, Policy CIRC-2.7 that lists mitigation measures to be applied to projects having potentially significant VMT impacts (not achieving the 13 percent reduction). The General Plan also has other feasible policies to reduce impacts including Policies CIRC-5.1 through CIRC-5.6.

Proposed projects within the 2018 City limits can be considered infill development per OPR Guidelines (TA November 2017) and therefore considered less than significant regarding VMT impacts. Proposed projects within 2018 City limits would also be near existing and proposed active transportation facilities that would incentivize the use of active transportation for internal trips rather than driving, plus proximity to offices, shopping, parks, and schools. Development within the industrial lands would lead to the creation of additional jobs within Kerman, creating more jobs/housing balance in the community, further reducing VMT of residents working outside the City.

Baseline VMT (2018), and 2040 projected VMT was calculated as set forth in the EIR. As expected, most of the increase in VMT occurred in the planned growth areas for Kerman (see EIR Table 4.15-2). Overall, the calculated VMT increase for 2040 over the 2018 baseline is 62 percent as shown in EIR Table 4.15-2. This calculated VMT does not factor in VMT reductions from proposed policies discussed above but based strictly on the projected growth. The challenge for VMT reduction is Kerman's location over 15 miles west of Fresno, a major employment center for the region. The overall trip length increased by less than a mile: 12.01 miles in 2018 to 12.97 miles in 2040, which is a reflection of its location west of Fresno (consistent commute pattern). Increasing ride sharing and transit use for this commute would be effective at reducing VMT (30 miles per roundtrip per rideshare) as would increasing employment in Kerman. The projected increase in VMT from 2018 to 2040 is 62 percent, with a per capita increase of 8.56 miles or 27 percent in 2040. These numbers include regional trips assigned by the FCOG model to Kerman, which are hard to quantify. Based on these calculations, the 2040 Kerman General Plan would have a significant impact regarding increasing VMT. Implementation of the listed VMT policies, plus the policies for increasing active transportation and policies to increase transit use, would achieve a reduction from the currently projected VMT increase, but would be difficult to just reach 2018 baseline conditions, with a 15 percent below baseline (77 percent reduction) even more difficult. Overall growth in the 2040 Kerman General Plan combined with its long commute pattern increases overall VMT beyond what the proposed VMT reduction policies could reasonable reduce. With the implementation of the 2040 General Plan policies, no further feasible mitigation is available.

Implementation and adherence to 2040 General Plan policies would not reduce VMT impacts to a less than significant level. There are no other reasonable or feasible mitigation measures identified in the EIR that would reduce the impact to a less than significant level. Therefore, impacts would remain Significant and Unavoidable.

Cumulative Impacts

Facts and Finding. The Kerman 2040 General Plan will have a significant increase in VMT (Impact T-2) that would remain significant and unavoidable even with proposed mitigation and policies to reduce VMT and promote active transportation. The General Plan Buildout's VMT increase, combined with expected growth in Fresno County, its other cities, and in the San Joaquin Valley, will have a

cumulatively considerable impact on increased VMT for Fresno County and the surrounding region. As there is no feasible mitigation available, this impact is considered significant and unavoidable.

5.13.15 Utilities and Service Systems

- d. **Would the General Plan generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**
- e. **Would the General Plan comply with federal, state, and local management and reduction statutes and regulations related to solid waste?**

Findings. (Impact UTL-4.) Development facilitated by the 2040 General plan would increase demand for solid waste sent to landfills. Landfills serving the City of Kerman have adequate capacity to accept additional waste until August 2036. the City has met the target disposal rate under SB 1016 in 2017.it is anticipated that any additional growth would increase the population disposal rate to above allowable levels. This Impacts would significant and unavoidable as the City does not have jurisdiction over County landfill operations and therefore cannot mitigate this impact.

Facts. The City of Kerman contracts with Mid Valley Disposal (MVD) for solid waste, recycling, and composting services. MVD hauls solid waste to the American Avenue Landfill, about 6 miles southwest of Kerman, and recyclables to the MVD new Material Recover Facility (MRF) in Fresno which is capable of processing 35 tons of material an hour for division to manufacturer and can process wood into wood chips and mulch for safe public use. The MRF recovers 90% of material it sorts out of landfills. The MVD facility in Kerman is a transfer station that operates under Permit 10-AA-0201, consistent with federal, state, and local management and reduction statutes and regulations related to solid waste. The site was approved for expansion to develop an adjacent 28 acres in 2013, over three phases, and was completed in 2017. The full buildout of the facility included the completion of the MRF and increased the facility's ability to handle recycling and transfer station operations. The site is permitted for a throughput of 1,500 tons per day maximum of solid waste with a max permitted capacity of 49,000 cubic yards. In addition the facility processes compostable organic wastes with the ability to handle 60,000 tons of organic material per year, producing high quality finished compost (Kerman, 2019). The composting area is permitted for 5.5 acres and has a design maximum capacity of 218,686 cubic yards. The most recent permit for the facility also noted that MVD is in the process of adding medium volume in-vessel digestion as part of the facility with a permitted area of 1.2 acres and maximum design capacity of 10,900 cubic yards.

The American Avenue Landfill is owned and operated by Fresno County and began operation in 1992 for public and commercial solid waste haulers. The landfill has a maximum permitted capacity of

32,700,000 cubic yards and a remaining capacity of 29,358,535 cubic yards. The maximum permitted throughput is 2,200 tons per day. It is estimated that the landfill will be able to continue operation until August 3, 2036 when it is estimated to be full and will have to be closed. This is based on calculations completed on June 30, 2019. Landfill capacity is recalculated on a regular basis based on the most current conditions so it is possible that capacity could reach into 2040, but is unknown at this time. Future development throughout Fresno County may contribute to a reduced life span of the American Avenue Landfill. Additional landfill area is currently anticipated to be necessary in 2036 due to the anticipated overall growth of Fresno County and municipalities within the County. As the American Avenue Landfill reaches its capacity, the City of Fresno and/or County of Fresno will be responsible for acquisition of additional landfill area or possibly privatization at additional landfill locations.

As detailed in the EIR Section 2, Demographics and Economic Conditions, the growth associated with the General Plan is consistent with the Fresno Council of Governments (COG) population growth projections. Since the landfill capacity model relied on the 2007 General Plan population growth projections which were significantly higher than those projected for the 2040 General Plan buildout, the MVD facilities incorporate the growth associated with the General Plan. As new development occurs, landfill facilities may need to be expanded to accommodate growth. The expansion of these facilities could result in significant environmental impacts. Any discretionary development that could occur within the 2040 General Plan, including landfill and transfer facility expansions or upgrades, would be required to go through an individual environmental review process that would ensure any possible impacts to the environment are known and mitigated to the extent feasible. The impacts related to development of new landfill facilities would be further analyzed when determinations are made on the type, scope, location, and timing of the facilities. Such an analysis would be speculative at this time. Though new development may require the expansion of solid waste facilities and transfer stations within the Planning Area, the policies listed in the 2040 General Plan, in addition to state and federal policies, would reduce impacts to less than significant.

Pursuant to Senate Bill 1016 (SB 1016), jurisdictions have been assigned target disposal per capita rates for residents and employees. Target rates for the City of Kerman are 3.7 pounds per resident per day and 12.1 pounds per employee per day. According to the 2017 Jurisdiction Diversion/Disposal Rate Detail for the City of Kerman, the disposal rate for the City was 3.7 pounds per resident per day and 6.7 pounds per employee per day (CalRecycle 2017). EIR Figure 4.17-1 shows the disposal rate trends for the City from 2007 to 2017.

The policies in the 2040 General Plan would promote waste diversion and ensure sufficient landfill capacity to accommodate the estimated increase in solid waste generation, including: Goal PFS-1, and Policy PFS-1.3; Goal PFS-4 and Policy PFS-4.3.

Development under the proposed 2040 General Plan would be required to comply with SB 1016 related to solid waste. The implementation of the transfer station in 2017 allowed Kerman to increase waste diversion to comply with SB 1016. In addition, listed goals and policies in the General Plan, compliance with the City of Kerman Municipal Code requirements, and diversion requirements regarding solid waste disposal, would ensure that the City continues to meet SB 1016 targets. But due to the American Landfill currently estimated to reach capacity ahead of the General Plan horizon of 2040, and the City not having jurisdiction over the landfill, this impact must be considered significant and unavoidable. No feasible mitigation measures are available as Kerman does not jurisdiction or control over County landfills.

Cumulative Impacts

Facts and Finding. Solid Waste: Cumulative buildout associated with the 2040 General Plan would increase solid waste generation. As discussed under Impact UTL-4, the area landfill will be at capacity by 2036, however the City of Fresno and/or County of Fresno will be responsible for acquisition of additional landfill area or possibly privatization at additional landfill locations. Cumulatively, other areas which utilize the same landfills would also continue to experience growth and associated increases in solid waste generation. State-mandated solid waste diversion rates (for recycling) would continue to minimize the quantity of waste directed to area landfills, and compliance with applicable regulations and Kerman 2040 General Plan goals, policies, and actions would maintain or improve upon existing solid waste diversion rates. The City will need to monitor this, but because the City does not have jurisdiction over landfill management or expansion, and the landfill will reach capacity ahead of the plan horizon of 2040, feasible mitigation is not available to the City and therefore cumulative impacts on solid waste facilities would be cumulatively considerable.

5.5 Alternatives

The following alternatives are described and evaluated in the EIR and are summarized below.

5.5.1 Alternative 1: No Project Alternative (Existing General Plan)

CEQA Section 15126.6(e) requires the discussion of the No Project Alternative “to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.” The No Project scenario in this case involves continued implementation of the 2007 General Plan and not adopting the 2040 General Plan. Under this alternative, the 2040 General Plan would not be adopted and the existing General Plan, including the land use map, SOI boundaries, and all of the General Plan goals and policies, would remain in place through the horizon year of 2040. Thus, any new development in Kerman would occur consistent with the existing land use

designations and the allowed uses within each designation. Similarly, any new infrastructure would occur as envisioned in the 2007 General Plan without the new 2040 General Plan Circulation Element policies that would address VMT impacts. The 2040 General Plan proposes to expand the 2007 SOI; this new area would remain designated as Agriculture and would not be developed. Growth patterns between the 2007 General Plan and 2040 General Plan would be similar within the City under the No Project Alternative.

Based on the projections for growth in the 2007 General Plan, the overall growth would be greater with implementation of the No Project Alternative as compared to the proposed project due to the population projections of 83,384 and approximately 15,183 dwelling units at buildout. This would be an increase in overall development and growth compared to the 2040 General Plan which anticipates approximately 720 dwelling units and a population of approximately 19,650. However, the growth projections at the time were significantly higher than the actual growth rate for Kerman that occurred. Therefore, growth from the No Project Alternative compared to the proposed project is similar as both land use scenarios are similar. The land use patterns and density allowances within the development areas do not substantially differ and therefore, physical environmental impacts are assumed to be relatively similar for the No Project Alternative compared to the project.

5.5.2 Alternative 2: 2040 General Plan with a Reduction in Residential Growth and Increased Transportation Alternatives

Alternative 2 would involve re-designating parcels currently designated Medium Density Residential near the northern City limits to either Urban Reserve or Agriculture land use designations. The goal of this re-designation would be to reduce growth by approximately 30 percent. This alternative would also add additional transit incentives and opportunities in the City to reduce the existing single occupancy vehicle commute pattern to Fresno from Kerman by approximately 20 percent.

Reduction to Residential Growth

Under the 2040 General Plan, an estimated 4,170 new residents and 720 new dwelling units would be added to the City of Kerman through 2040. This alternative proposes to add 2,919 new residents and 504 new dwelling units to the City of Kerman through 2040, a 30 percent reduction in planned growth compared to the 2040 General Plan. This alternative would result in a reduction of 1,251 new residents and 216 new dwelling units when compared to the 2040 General Plan.

In order to facilitate this reduction, under Alternative 2 land uses on the northern side of the City that are currently designated as Medium Density Residential would change to Urban Reserve or Agriculture. This reduction in residential growth would increase the jobs/housing balance under the assumption that the 780 new jobs would be added between 2018 and 2040, the same as the 2040

General Plan. A reduction in population growth for Kerman proposed under this alternative may have the unintended consequence of increasing growth in other rural areas of the county.

Transportation Opportunities

The 2040 General Plan's Circulation Element includes goals and policies that would provide a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel. Figure 4-1 and Figure 4-2 of the 2040 General Plan shows the proposed multi-modal transportation network within the City. These proposed transportation improvements within the City limits would be near existing and proposed active transportation facilities that would incentivize the use of active transportation for internal trips. With Kerman's proximity to the City of Fresno 15 miles to the east, a major employment center for the region, addressing the consistent commute pattern would provide the best way to reduce VMTs.

Under Alternative 2, the City would work with Fresno Council of Governments (FCOG) to increase public transportation service to and from the City by providing more times for fixed-route service to major metropolitan and job centers including Fresno, increase van pooling and carpooling, and collaborate to work with large employers in Fresno to provide incentives for employees to take public transit services for their commutes instead of single occupancy vehicles, in addition to other incentives. To encourage and increase active transportation usage within the City, Alternative 2 proposes to implement a bike share or scooter share program along with associated safety and education for these alternatives to further reduce internal trips. It is anticipated that a combination of effective marketing and increased public transportation options and funds, including incentives such as reduced ridership fees, could potentially increase ridership by approximately 20 percent by 2040.

Under Alternative 2, the reduction in residential housing and population, plus an increase in transit/rideshare options would have the potential to reduce VMT and impacts to GHG and the amount of solid waste generated in Kerman compared to the 2040 General Plan.

5.5.3 Environmentally Superior Alternative

EIR Table 6-1 below indicates whether each alternative's environmental impact is greater than, less than, or similar to that of the proposed project for each of the issue areas studied. Based on the alternatives analysis provided above, the City finds Alternative 2 would be the environmentally superior alternative.

Alternative 1 (No Project) would not be considered environmentally superior overall because it would involve an increase in population and result in similar ground disturbance than the 2040 General Plan

without added protections in the 2040 General Plan. Although Alternative 1 would entail continued growth as dictated by the existing 2007 General Plan, new policies included in the 2040 General Plan, such as those related to growth management, greenhouse gas reduction, and vehicle miles travel would not be implemented. Additionally, under Alternative 1, daily VMT and GHG emissions are anticipated to be greater under this alternative than for the 2040 General Plan. Alternative 1 would not eliminate the significant and unavoidable GHG emissions, VMTs, or solid waste disposal impacts, and increase these impacts when compared to the 2040 General Plan.

Alternative 2 (Decrease Residential Development and Increase Transit Opportunities) performs better than the 2040 General Plan in regard to GHG emissions and VMT. This alternative would involve 30 percent less residential growth and a 20 percent increase in public transportation ridership, and therefore less impacts to environmental resources overall. Alternative 2 would still have significant and unavoidable VMT impacts, but these impacts would be greatly reduced compared to the 2040 General Plan. Alternative 2 would also have significantly reduced GHG emissions impacts, but these would also still be significant and unavoidable. Similar to Alternative 1, the landfill will likely still be impacted similar to that of the 2040 General Plan.

Based on the information presented herein, Alternative 2 is determined to be the environmentally superior alternative when considering overall significant and unavoidable impacts relative to the performance metrics. However, reduced growth is inconsistent with the goals and vision of the 2040 General Plan, and may have the unintended consequence of impacting more agricultural areas and other associated impacts from rural residential development in Fresno County by pushing development into more rural areas of the County.

Alternatives however, would not meet the objectives of the proposed Project. After this full, substantial, and deliberate analysis, the proposed Project remains the preferred alternative.

5.6 Growth Inducing Impacts

Section 15126(d) of the CEQA Guidelines requires a discussion of a proposed project's potential to foster economic or population growth, including ways in which a project could remove an obstacle to growth. A growth-inducing impacts is defined by the CEQA Guidelines as:

The way in which a proposed project could foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth... it is not assumed that growth in an area is necessarily beneficial, detrimental, or of little significance to the environment.

Growth does not necessarily create significant physical changes to the environment. However, depending upon the type, magnitude, and location of growth, it can result in significant adverse environmental effects. The proposed project's growth inducing potential is therefore considered significant if project-induced growth could result in significant physical effects in one or more environmental issue areas. The project itself is to plan for and in anticipation of the growth of Kerman. The potential impacts associated with this growth would be mitigated through the goals and policies included in the General Plan that provide for orderly and planned growth in the City. This planned growth in existing urbanized areas would assist in reducing growth elsewhere in the more rural and agricultural sections of the County. Analysis of project related growth is analyzed through the EIR for individual environmental issue areas in EIR Sections 4.1 through 4.18.

5.6.1 Population and Employment Growth

As discussed in EIR Section 4.13, Population and Housing, development associated with the General Plan could accommodate an estimated 4,170 new residents, 1,010 new jobs and 1,500 new households in the City. With the estimated growth as part of the proposed project, Kerman would have a 2040 population of approximately 19,650, along with 3,580 jobs and 5,715 households. This would not exceed FCOG growth projections for 2040. As discussed in EIR Section 4.13, Population and Housing, employment in the City is projected to increase by approximately 1.2 percent per year by 2040. Therefore, the project would not directly or indirectly induce significant population growth in the City beyond that already anticipated.

5.6.2 Removal of Obstacles to Growth

The 2040 General Plan's focus is on controlled development in the existing urbanized portions of the City. State and regional demographic trends are anticipated to limit citywide growth to within the forecast amounts. Because no exceedance of the population forecast is anticipated, the 2040 General Plan would not induce substantial population growth. One of the fundamental purposes of the 2040 General Plan is to direct future development in such a way as to minimize the impacts of growth by emphasizing the intensification and reuse of already developed areas, thus minimizing pressure to develop on the remaining open space and agricultural land. Specific goals and policies in the Land Use and Housing Elements of the 2040 General Plan direct the City to emphasize this pattern of development, to ensure that the 2040 General Plan does not result in substantial unplanned growth. Therefore, although development of vacant lands would require new infrastructure and expansion of services, new development would occur primarily where existing roads, water, and sewer are in place and in a manner that minimizes the impact of development on existing facilities and services. In

addition, the goals, policies, and programs of the Land Use and Housing Elements would limit development in Kerman, thereby controlling, rather than removing, obstacles to growth. These policies would support growth management in order to protect and/or enhance whenever feasible the environment, maintain the existing infrastructure in the City, retain Kerman's small-town character, discourage development that "leapfrogs" over vacant and unused land, and encourage development around employment centers to provide local residents with opportunities to live and work in the same community (Policies LU-3.2 to LU-3.5, and Policies HE-1.4 to HE-1.7 and HE-1.9 as well as the Urban Reserve (UR)).

5.7 Statement of Overriding Considerations

Public Resources Code Section 21081 mandates that no public agency shall approve or carry out a project for which an environmental impact report has been certified that identifies one or more significant effects on the environment that would occur if the Project is approved or carried out unless both of the following occur:

- The public agency makes one or more of the following findings with respect to each significant impact:
 - Changes or alternatives have been required in, or incorporated into, the Project that mitigate or avoid the significant impacts on the environment.
 - Those changes or alternatives are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
 - Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR.
- With respect to the third point, the public agency finds that specific overriding economic, legal, social and technological, or other benefits of the project outweigh the significant impact on the environment.

As discussed in Subsection 5.3, with the identified goal and policies of the General Plan, no significant impacts were identified that would require mitigation measures be incorporated into the project that mitigate or avoid the significant impacts on the environment. In this regard, the General Plan Update includes goals, objectives, and implementing policies that effectively reduce the potential environmental impacts of the project. As part of the process of preparing the General Plan Update and the EIR, General Plan policies, etc., were specifically developed to reduce the potential for significant environmental impacts. These policies are directly incorporated into, and identified in, the General Plan Update itself, and effectively constitute self mitigation to ensure that implementation of the 2040 General Plan will include the reduction of associated environmental impacts in accordance

with CEQA. As all feasible changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant environmental effects identified in the EIR, there are no further feasible mitigation measures identified for the proposed project. Additionally, as discussed in Subsection 5.4, there were significant and unavoidable impacts that could not be feasibly mitigated to a less than significant level.

Accordingly, the City Council adopts this Statement of Overriding Considerations with respect to the significant unavoidable impacts associated with adoption of the Project as addressed in the EIR, specifically:

- Greenhouse Gas Emissions- increase in greenhouse gas emissions beyond local threshold.
- Transportation and Traffic-increase in VMT impacts beyond City threshold.
- Utility and Service Systems-solid waste capacity reached at year 2036 before 2040.

The City Council hereby declares that, pursuant to State CEQA Guidelines Section 15093, the City Council has balanced the benefits of the Project against any significant and unavoidable environmental impacts in determining whether to approve the Project. If the benefits of the Project outweigh the unavoidable adverse environmental impacts, those impacts are considered "acceptable."

The City Council hereby declares that the EIR has identified and discussed significant effects that may occur as a result of the Project. With the incorporation of the goals and policies as identified in the findings, potential impacts are reduced to a level of less than significant except for the unavoidable and significant impacts discussed in Subsection 5.4, above.

The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project.

The City Council hereby declares that to the extent any mitigation measures recommended to the City are not to be incorporated, such mitigation measures are infeasible because they would impose restrictions on the Project that would prohibit the realization of specific economic, social, and other benefits that this City Council finds outweigh the unmitigated impacts.

The City Council further finds that except for the Project, all other alternatives set forth in the EIR are infeasible because they may not substantially reduce environmental impacts associated with the Project, and would prohibit the realization of the Project objectives and/or specific economic, social, or other benefits that this City Council finds outweigh any environmental benefits of the alternatives.

The City Council hereby declares that, having reduced the adverse significant environmental effects of the Project, to the extent feasible by including goals and policies in the Project, having considered the entire administrative record on the Project and having weighted the benefits of the Project against

its unavoidable significant impact after mitigation, the City Council has determined that the social, economic, and environmental benefits of the Project outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable based on the considerations noted below.

Implementation of the Project would enable the City to achieve objectives of the City, as established in the General Plan, while avoiding significant environmental effects to the extent possible. Each of the separate benefits of the Project, as stated below, is determined to be, unto itself and independent of the other benefits of the Project, a basis for overriding all unavoidable adverse environmental impacts identified in these Findings. The benefits and reasons for the approval of the Project despite the occurrence of significant unavoidable Project impacts on greenhouse gas emissions (increase in greenhouse gas emissions beyond local threshold), transportation and traffic (increase in VMT impacts beyond City threshold), and utility and service systems (solid waste capacity reached at year 2036 before 2040), which create or otherwise contribute to related cumulative impacts, consist of the items listed below. The alternatives which were identified in the EIR would not meet, either in part or in whole to the same extent as the Project, the fundamental project objectives and goals of Project, including those as set forth in the General Plan, and each and all of which are deemed and considered by the City to be benefits of the proposed modified Project.

1. Economic and Resiliency Benefits

Among others, the General Plan has been prepared to do the following:

- Establish a long-range vision that reflects the aspirations of the community and outlines steps to achieve this vision; and
- Reflect the city's current planning, resource conservation, and economic development efforts; and
- Allow the city, other public agencies, and private developers to design projects that will preserve and enhance community character and environmental resources, promote resiliency, and minimize hazards.

In this regard the project objectives of the General Plan Update are reflected in the following goals as follows:

- Attract a range of commercial uses to fulfill the needs and entertainment desires of residents and visitors.
- Support the continued economic viability of the agricultural sector as an integral business to the city.

- Foster a thriving local economy through the expansion of local businesses and attraction of new industries to provide quality employment opportunities for residents, as well as stable businesses and a sound tax base.

The mixed-use nature of the proposed modified Project encourages diversification and development of its economic base. As noted below, the Project provides substantial diversification in terms of residential and commercial uses. Within additional residential uses, there will be additional property tax revenues available that will provide additional benefits. Additionally, within the commercial uses there is a broad diversification of uses that range from the provisions of various types of sales taxes (restaurants, outlets, entertainment, etc.) to potential transient occupancy taxes (hotel uses). Further, the proposed modified Project will provide significant benefits to the City and community in terms of creating both short and long-term employment opportunities for the residents of the City including construction work and 780 long-term jobs in the commercial and industrial sector, which are reasonably expected to result in more personal income likely to be spent locally, resulting in additional tax revenues and economic development.

Tax revenues in the City are important given the current budget and fiscal constraints being experienced by the City, and that the City's demographics and business realities are likely to continue to detrimentally affect revenues, potentially threatening budget shortfalls. The City has more residents to serve, but the cost of doing so has increased. The City finds that the opportunity to realize additional property, sales and transit occupancy tax revenues is an important consideration for the City.

Consequently, it is reasonably expected that the City and its residents will enjoy the economic and social benefits from the diversity of the economic benefits provided by the Project. These economic opportunities are especially significant in light of the traditionally high unemployment levels, budgetary, and other constraints experienced by the City, and which can be further compounded by economic downturns in budgetary situations involving less diversification. This promotes the economic well-being of the City, including the funding of a number of essential services provided by the City. The population growth generated Project would also support other commercial enterprises, and the commercial component would serve populations in surrounding neighborhoods.

2. Public Services and Infrastructure

The General Plan has also been prepared to do the following:

- Reflect the city's current planning, resource conservation, and economic development efforts; and

- Guide development in a manner that improves the quality of life for the whole community and meets future land use needs based on the projected population and job growth.

In this regard the project objectives of the General Plan Update are reflected in the following goals as follows:

- Provide timely, adequate, and fair law enforcement services to ensure a safe community.
- Provide the highest levels of public safety services as fiscally feasible to respond to natural and man-made disasters.
- Provide quality public facilities and services that enhance social opportunities and quality of life.
- Secure ample and predictable funding to maintain and upgrade infrastructure.
- Provide a safe and efficient roadway system that serves all users and enhances the community of Kerman.
- Ensure the design, construction, and maintenance of a safe, efficient, and complete roadway system that is well designed, visually attractive, and provides access to all parts of Kerman.
- Establish safe and efficient truck routes and truck facilities with minimal impacts on residents or business in Kerman.
- Ensure adequate off-street parking that is safe.
- Promote bicycling, walking, and using public transit, as functional alternatives to single-passenger automobile travel.
- Prevent the loss of life and personal property by reducing the risk and magnitude of hazards from natural and man-made hazards, including earthquakes, floods, and fires.
- Protect residents and employees from potential hazards from unreinforced masonry buildings and other substandard buildings.
- Provide quality public facilities and services that enhance social opportunities and quality of life.

In order to meet these objectives, there must be sufficient funds to support the services. Development will also be required to pay its fair share or install infrastructure so as not be a burden on the public and to instead provide a benefit to the community. As noted above, it is also reasonably expected that the City and its residents will enjoy the economic and social benefits from the diversity of the economic benefits provided by the Project. These economic opportunities are especially significant in light of the traditionally high unemployment levels,

budgetary, and other constraints experienced by the City, and which can be further compounded by economic downturns in budgetary situations involving less diversification. This promotes the economic well-being of the City, including the funding of a number of essential and core services and facilities provided by the City. These include law enforcement, safety services (including building inspection and enforcement related to substandard structures), public facilities (including parks) and infrastructure including streets, roadway systems (including bicycle lanes), sidewalks and walking paths, lighting, drainage, water, sewer, public transit, etc., which are critical components of community life.

The increased public transportation services to and from the City proposed by Alternative 2 is not feasible. To reduce VMT, the City by providing more times for fixed-route service to major metropolitan and job centers including Fresno, increase van pooling and carpooling, and collaborate to work with large employers in Fresno to provide incentives for employees to take public transit services for their commutes instead of single occupancy vehicles, in addition to other incentives. To encourage and increase active transportation usage within the City, Alternative 2 proposes to implement a bike share or scooter share program along with associated safety and education for these alternatives to further reduce internal trips. It would require a combination of marketing and increased public transportation options and funds, including significant subsidies, to partially reduce impacts. Given the anticipated cost, the City would be required to reduce primary essential and core services and facilities provided by the City as referenced above. Additionally, due to anticipated societal changes due to COVID-19, including enhanced awareness of social distancing, such an increase in transportation services (including van pooling and other shared facilities) to and from the City is not socially feasible, which will have an impact on economic feasibility as well.

Likewise, solid waste capacity reached at year 2036 before 2040. The American Landfill currently estimated to reach capacity ahead of the General Plan horizon of 2040. In addition to the City not having jurisdiction over the landfill, it would be economically infeasible for the City to obtain, permit, build, operate, etc., its own landfill while adequately maintaining primary essential and core services and facilities provided by the City as referenced above. Finally, the landfill is within the responsibility and jurisdiction of another public agency, the County of Fresno, and not the City. The County will, should, or can adopt changes to provide additional capacity at the American Landfill or identify another site to accept waste, which would avoid the potentially significant and adverse environmental effects. Pending such actions, the Council finds the current unavoidable significant adverse environmental effects related to landfill capacity are acceptable.

3. Housing

The General Plan has also been prepared to do the following:

- Establish a long-range vision that reflects the aspirations of the community and outlines steps to achieve this vision;
- Establish long-range land use development policies that will guide development decision-making by City departments by providing a basis for judging whether specific development proposals and public projects are cohesive with the outcomes envisioned in the 2040 General Plan policies; and
- Reflect the city's current planning, resource conservation, and economic development efforts.

In this regard the project objectives of the General Plan Update are reflected in the following goals as follows:

- Develop a mix of land uses that fulfill residents' daily needs and provide recreational and entertainment amenities.
- Enhance the design, character, and vibrancy of Kerman as a family-friendly hometown community representative of the Central Valley.
- Facilitate and encourage the provision of a range of housing types to meet the diverse needs of residents.
- Encourage and facilitate the development of affordable housing.
- Improve and maintain the quality of housing and residential neighborhoods.
- Provide a range of housing types and services to meet the needs of individuals and households with special needs.
- Promote housing opportunities for all residents regardless of age, race, religion, sex, marital status, ancestry, national origin, color, disability, or economic level.

California has been experiencing an extended and increasing housing shortage, such that by 2018, California ranked 49th among the United States in housing units per resident. This shortage has been estimated to be 3-4 million housing units (20-30% of California's housing stock, 14 million as of 2017). California would need to double its current rate of housing production (85,000 units per year) to keep up with expected population growth and prevent prices from further increasing, and would have to quadruple the current rate of housing production over the next seven years in order for prices and rents to decline.

State Housing Element Law (Government Code Section 65580, et seq.) mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. The California Department of Housing and Community Development (HCD) and the Fresno Council of Governments (Fresno COG) identify the projected Regional Housing Needs Allocation (RHNA) for each jurisdiction in

Fresno County in cycles of eight-year projection periods (currently 2015-2023). Once the RHNA has been identified, local governments must adopt a revised Housing Element that plans to accommodate their portion of the region's projected housing need. The City's current Housing Element, incorporated as part of the Fresno County Multi-Jurisdictional Housing Element, was adopted on April 6, 2016, and addresses housing needs for the 2015-2023 projection period.

The Project addresses both the current and long-range vision for the housing aspirations of the community, and outlines steps (including long-range land use development policies) to achieve this vision related to housing. The Project ensures that there is adequate land in place to accommodate Kerman's fair share of new residents. The General Plan facilitates and encourage the provision of a range of housing types to meet the diverse needs of all of its residents, including a range of housing types development of affordable housing, and plans for the improvement and maintenance of the quality of housing and residential neighborhoods.

The Alternative 2 proposal to re-designate parcels currently designated Medium Density Residential near the northern City limits to either Urban Reserve or Agriculture land use designations is not consistent with the Project objectives including those related to housing. The goal of this re-designation would be to reduce growth by approximately 30 percent. However, this is not economically or socially feasible given the housing shortage and the associated anticipated growth in RHNA. This alternative would also add additional transit incentives and opportunities in the City to reduce the existing single occupancy vehicle commute pattern to Fresno from Kerman. As noted above, this is not economically or socially feasible in itself.

4. Protection of Agriculture Resources

The General Plan has also been prepared to do the following:

- Establish a long-range vision that reflects the aspirations of the community and outlines steps to achieve this vision;
- Establish long-range land use development policies that will guide development decision-making by City departments by providing a basis for judging whether specific development proposals and public projects are cohesive with the outcomes envisioned in the 2040 General Plan policies;
- Reflect the city's current planning, resource conservation, and economic development efforts; and

- Allow the city, other public agencies, and private developers to design projects that will preserve and enhance community character and environmental resources, promote resiliency, and minimize hazards.

In this regard the project objectives of the General Plan Update are reflected in the following goals as follows:

- Create a land use pattern that protects agricultural and open space lands by promoting compact and centralized urban growth around the historical Kerman townsite.
- Protect agricultural resources in Kerman, particularly prime agricultural land.

Agriculture remains an economic base of the City of Kerman with nearly 20 percent of the labor force in agriculture-related occupations. Other agriculture-related occupations with high shares of the city's workforce include transportation, production, manufacturing, and distribution. The City has an interest in ensuring that the agricultural sector remains healthy and robust to maintain the local economy.

The Project will protect agriculture from urban encroachment, maintain land in agriculture until the time is appropriate for conversion to urban uses, and ensure that conflicts do not arise between agriculture and urban uses. As discussed in the Findings, the Project would prevent sprawl and leapfrog development by prioritizing infill and increased density and intensity within the city limits, thereby preserving the surrounding agricultural areas and preserving scenic views. Implementing planned, phased growth discourages large lot development that results in a greater consumption of agricultural land per capita. This, in conjunction with other aspects of the Project, will protect valuable agricultural resources, thereby further protecting the cultural and economic vitality of the community.

Each of these benefits provides a separate and independent basis for overriding the significant environmental effects of the proposed modified Project.

As the CEQA Lead Agency for the proposed action, the City of Kerman has carefully reviewed the Project and the alternatives presented in the EIR, and fully understands the Project and Project alternatives proposed for development. The City Council finds there are no feasible mitigation measures or alternatives that would further reduce or eliminate the significant unavoidable Project impacts, which create and/or otherwise contribute to related cumulative impacts. For the reasons stated above, and based on substantial evidence in the record before it, the City finds that these unavoidable adverse environmental impacts are acceptable and, furthermore, finds that the benefits of the Project outweigh its unavoidable adverse environmental effects. Further, the City Council finds

that all potential adverse environmental impacts and all feasible policy or mitigation measures to reduce the impacts from the Project have been identified in the Draft EIR, the Final EIR and public testimony. The City Council also finds that a reasonable range of alternatives was considered in the EIR and this document, Section 5.5, above, and finds that approval of the Project is appropriate.

In this Section 5.7, the City Council has identified economic and social benefits and important policy objectives that will result from implementing the Project. The City Council has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the Project. Given the substantial social and economic benefits that will accrue from the Project, this City Council finds that these specific overriding benefits of the Project outweigh the significant impact on the environment.

Public Resource Code 21002 provides, "In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof." Section 21002(c) provides, "In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency".

Finally, California Administrative Code, Title 4, 15093(a) states, "If the benefits of a Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'"

The City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the Project outweigh the identified significant adverse environmental impacts of the Project that cannot be mitigated. The City Council finds that each of the Project benefits outweighs the unavoidable adverse environmental impacts identified in the EIR, and finds those impacts to be acceptable.

6.0 Certification of the Final Environmental Impact Report

6.1 Findings

The City Council finds that it has reviewed and considered the EIR in evaluating the Project, that the EIR is an accurate and objective statement that fully complies with CEQA and the State CEQA Guidelines, and that the EIR reflects the independent judgment of the City Council. The City Council declares that no new significant information as defined by State CEQA Guidelines Section 15088.5 has been received by the City Council after the circulation of the Draft EIR that would require recirculation. All of the information added to the Final EIR merely clarifies, amplifies, or makes insignificant modifications to an already adequate Draft EIR pursuant to State CEQA Guidelines

Section 15088.5(b). The City Council hereby certifies the EIR based on the following findings and conclusions.

CEQA Compliance

As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Findings and supporting documentation. The City Council determines that the Findings contain a complete and accurate reporting of the environmental impacts and mitigation measures associated with the Project, as well as complete and accurate reporting of the unavoidable impacts and benefits of the Project as detailed in the Statement of Overriding Considerations. The City Council finds that the EIR was prepared in compliance with CEQA and that the City Council complied with CEQA's procedural and substantive requirements.

Significant Unavoidable Impacts / Statement of Overriding Considerations

The Project will have significant adverse impacts even following adoption of all feasible goals and policies into the General Plan that are required by the City Council, and there is no other feasible mitigation. As set forth in Section 5.4 of these Findings, the following significant environmental impacts have been identified in the Final EIR and no feasible mitigation measures are available to reduce these impacts to a level of insignificance:

- Greenhouse Gas Emissions- increase in greenhouse gas emissions beyond local threshold.
- Transportation and Traffic-increase in VMT impacts beyond City threshold.
- Utility and Service Systems-solid waste capacity reached at year 2036 before 2040.

The City Council has eliminated or substantially reduced environmental impacts where feasible as described in the Findings, and the City Council determines that the remaining unavoidable significant adverse impacts are acceptable due to the reasons set forth in the preceding Statement of Overriding Considerations.

Conclusions

All potentially significant environmental impacts from implementation of the Project have been identified in the Final EIR and, with the implementation of the policies and other measures identified in the General Plan, will result in an impact of a less than significant level, except for the impacts identified in Section 5.4, above. Other reasonable alternatives to the Project that could feasibly achieve the basic objectives of the Project have been considered and rejected in favor of the Project. Environmental, economic, social, and other considerations and benefits derived from the development of the Project override and make infeasible any alternatives to the Project or further mitigation or equivalent measures beyond those incorporated into the Project.

