EXHIBIT A

CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT, FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING AND REPORTING PROGRAM FOR APPROVAL OF THE 2010 CITY OF PATTERSON GENERAL PLAN UPDATE

I. Introduction

The City of Patterson, as lead agency under the California Environmental Quality Act (Pub. Res. Act § 21000 et seq.) and the CEQA Guidelines (14 Cal. Code Regs. §§ 15000-15387) (collectively, "**CEQA**"), has completed the Final Environmental Impact Report ("**Final EIR**" or "**EIR**") for the 2010 City of Patterson General Plan Update (hereinafter, "**Project**"). On November 9th , November 16th, and November 30th, 2010 at duly noticed public meetings, the City Council ("**Council**"), as the decision-making body of the City, considered the Project. At the November30th, 2010 hearing, the Council voted to certify the Final EIR and approve the Project.

The purpose of these Findings is to satisfy the requirements of Public Resources Code Section 21000, et seq., and Sections 15091, 15092, 15093 and 15097 of CEQA Guidelines, associated with adoption of the 2010 City of Patterson General Plan Update. These Findings provide the written analysis and conclusions of the City Council regarding the Project. They are divided into general sections. Each of these sections is further divided into subsections, each of which addresses a particular impact topic and/or requirement of law. At times, these findings refer to materials in the administrative record which are readily available for review in the City's Planning and Building Department located at City Hall, 1 Plaza, Patterson, California.

The City Council recognizes that there may be differences in and among the different sources of information and opinions offered in the documents and testimony that make up the Environmental Impact Report (EIR) and the administrative record, that experts disagree, and that the City Council must base its decision and these Findings on the substantial evidence in the record that it finds most compelling. Therefore, by these Findings, the City Council ratifies, clarifies, and/or makes insignificant modifications to the Final EIR and resolves that these findings shall control and are determinative of the significant impacts of the project.

The following Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program are hereby adopted by the City Council of the City of Patterson as required by CEQA, Public Resources Code sections 21081, 21081.5, and 21081.6, and CEQA Guidelines sections 15091 through 15093, for the 2010 Patterson General Plan Update.

This document is organized into the following sections:

Section I "Introduction," provides an Introduction to the Document.

Section II "Project Description," provides a summary of the Project, a statement of the Project objectives, the alternatives considered in the Final EIR, and an overview of the Record of Proceedings for approval of the Project.

Section III "Certification of the Final EIR," provides an overview of the EIR process and sets forth the City's findings in support of certification of the Final EIR.

Section IV "Findings", sets forth the Findings required under CEQA, as follows:

Section IV.A: Findings regarding the environmental review process and the contents of the Final EIR.

Section IV.B: Findings regarding the environmental impacts of the Project and the mitigation measures for those impacts identified in the Final EIR and adopted as conditions of approval. As described in Part IV.B, the City hereby adopts the impact findings as set forth in Exhibit A to these findings.

Section IV.C: Findings regarding alternatives and the reasons that such alternatives to the Project are not approved.

Section IV. D. "Statement of Overriding Considerations," sets forth the substantial benefits of the Project that outweigh and override the Project's significant unavoidable impacts, such that the impacts are considered acceptable.

Section IV. E. "Mitigation Monitoring and Reporting Program", sets forth the monitoring program required by CEQA Guidelines Section 15097.

Section IV.F. "Summary", provides a summary of the findings contained in this document.

II. Project Description

II.A. The 2010 City of Patterson General Plan Update

Section 3.0 of the July 19, 2010 Draft Environmental Impact Report, State Clearinghouse No. 2010022035, prepared for the City of Patterson by Crawford Multari and Clark Associates ("**Draft EIR**"), as amended by the Final EIR, describes three Equal-Weight Project alternatives which were analyzed by the Draft and Final EIR. The Project is commonly known as the 2010 City of Patterson General Plan Update and constitutes a comprehensive update of the 1992 City of Patterson General Plan. The 2010 Patterson General Plan Update consists of two documents: the *General Plan Background Report* and the *General Plan Policy Document,* and a land use map.

1. General Plan Background Report
The General Plan Background Report inventories and analyzes existing conditions and trends in Patterson, and provides the formal supporting documentation for general plan policy.

2. The General Plan Policy Document and Land Use/Circulation Diagrams
The General Plan Policy Document includes the goals, policies, standards, implementation measures, quantified objectives, draft land use diagram, and draft circulation plan diagram that constitute the formal policy of the City of Patterson for land use, development, andenvironmental quality.

The General Plan Policy Document is divided into two main parts. The first part ("**Part I**") describes the designations appearing on the Land Use Diagram and outlines the standards of population density and building intensity for these land use designations as required by state law. Part I also contains a diagram depicting the proposed circulation system and a description

of the Street classification system.

The second part ("**Part II**") contains explicit statements of goals, policies, standards, implementation measures, and quantified objectives for each of the following general plan elements:

Land Use
Community Design
Housing
Transportation and Circulation
Public Facilities and Services
Economic Development
Recreational, Cultural and Historic Resources
Natural Resources (Conservation and Open Space)
Health and Safety (Noise, Safety)
Administration and Implementation.

Each section includes several goal statements relating to different sub-issues or different aspects of the issue addressed in the section. For each goal statement there are several policies which amplify the goal statement. Implementation measures are listed at the end of each section. Each implementation measure is accompanied by the actions necessary carry out the measure, the agencies or departments with primary responsibility for carrying out the measure, and the time frame for implementation. The housing section also includes a statement of *quantified housing objectives.* Notably, the existing Housing Element is not intended to be revised by this General Plan Update, and will remain in full force and effect.

Table 1: Summary of Gross Acres By General Plan Land Use Category

General Plan Land Use Category	Gross Acres[1]
Mixed-Use Hillside Development[2]	650
Estate Residential	1,038
Low Density Residential	4,937
Medium Density Residential	369
High Density Residential	58
Downtown Residential	203
Downtown Core	69
Regional Commercial	0
General Commercial	792
Highway Service Commercial	113
Neighborhood Commercial	0
Medical/Professional Office	6
Light Industrial	1,701
Heavy Industrial	492
Public/Quasi-Public[3]	444
Parks and Recreation[4]	258
Other[5]	664
Total Acres:	11,794

Source: CMCA, 2009

1. Gross acres refers to the total area inclusive of streets.
2. The Mixed-Use Hillside Development land use designation includes the range of uses and percentage of uses prescribed by Policy LU-1.4.
3. Includes 145 acres associated with the wastewater treatment plant.
4. Does not include parkland required within residential expansion areas or Mixed-Use Hillside Development required by policies LU-1.3 and LU1.4, respectively.
5. Land not classified by a land use designation. Includes canals, Interstate 5 right-of-way and other land.

Table 2: Summary of Development Holding Capacity	
Attributes	Total At Buildout
Dwelling Units	22,151
Population	66,673
Commercial Floor Area	12,633,175
Industrial Floor Area	17,991,605
Service	5,749,920
Jobs	32,196
Ratio of Jobs to Housing	1.45
Total Acres:	11,794

The Project accommodates a buildout population of about 66,673. Key attributes of the Plan are:

- New residential neighborhoods are shown to the north of the Patterson Business Park and on the land north of Zacharias Road surrounding the future high school site west of Highway 33.
- The land west of I-5 is shown with a 'Mixed Use' designation which would accommodate housing and commercial development.
- The area west of Rogers Road and north of the westerly extension of the West Patterson Business Park is shown as industrial.
- The area south of Elfers Road is designated Estate Residential.
- The areas designated for residential development to the east of the City extend to an area about mid way between Sycamore Avenue and Elm Avenue.
- Land west of Highway 33 and north of the future high school site is designated for Heavy Industrial development along the railroad right-of-way and spur.

The Project is identical to the Jobs Emphasis Alternative analyzed by the Draft EIR with the following exceptions:

- An additional 339 acres of land is designated for Heavy Industrial development north of the future high school site is designated for Heavy Industrial development along the railroad right-of-way and spur; and
- The Project makes no distinction between a 20-year and 40-year buildout timeframe.

Unless otherwise stated in the Findings that follow, impacts associated with the Project are identical to those associated with the Jobs Emphasis Alternative analyzed by the Final EIR.

II. B. Approvals

The City Council of the City of Patterson has the sole discretionary approval authority for the Project. Additionally, future projects would be required to comply with permitting requirements that may be instituted following approval of the General Plan, as applicable. The following paragraphs cover permits and authorizations which may potentially apply to subsequent projects.

San Joaquin Valley Unified Air Pollution Control District (SJUAPCD)

The SJUAPCD exercises permit authority to construct or obtain permits to operate certain types of equipment such as boilers.

Stanislaus Local Agency Formation Commission (LAFCO)

Stanislaus LAFCO decides the reorganization of local governments such as the annexation of territory and amendments to the City's adopted sphere of influence.

Stanislaus County

The County may issue encroachment permits for construction within County rights-of-way.

Stanislaus County Airport Land Use Commission

State law requires a local general plan to be consistent with the restrictions provided in adopted Airport Land Use Plans for airports affecting the jurisdiction's general plan.

Caltrans

The California Department of Transportation exercises approval authority for roadway improvements involving State highways.

US Army Corps of Engineers -- Section 404 Permit

Section 404 of the Clean Water Act is administered by the ACOE, and requires a permit before any excavated, dredged or fill material is discharged into wetlands or waters of the United States. Waters of the United States include Del Puerto Creek, the San Joaquin River and Salado Creek. The City must obtain a Section 404 permit if future projects associated with the General Plan require filling or developing of jurisdictional wetlands or waterways.

The ACOE also administers Section 10 of the Rivers and Harbors Act of 1899. Section 10 requires permit approval before any "navigable water" of the United States is obstructed or altered in any way. Navigable waters of the United States are defined by the Army Corps of Engineers as "those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce."

Regional Water Quality Control Board (RWQCB)

Future projects associated with the General Plan may require federal permits or licenses for activities which result in discharges to water bodies. Section 401 under the Clean Water Act requires applicants to obtain State Water Quality Certification from the RWQCB that the proposed project will comply with state water quality standards.

California Water Code Section 13260 requires a report of waste discharge from any person or agency proposing to discharge waste or construct an injection well. The Regional Water Quality Control Board imposes waste discharge requirements which impose restrictions per discharge to protect the beneficial uses of water in the state.

US Fish and Wildlife Service (USFWS) -- Section 7 of the Endangered Species Act

Section 7 of the Endangered Species Act requires all Federal agencies to consult with the USFWS to ensure that their actions do not jeopardize endangered or threatened species or critical habitat. Section 7 would apply where a project would require a Section 404 permit under the Clean Water Act. In this case, the required consultation of ACOE with USFWS could result in the issuance of a biological opinion by the USFWS subsequent to consultation regarding endangered or threatened species and/or critical habitat.

Section 10 of the Endangered Species Act

Section 10 provides applicants with "incidental take permits" which allow for the unintentional "taking" (capture, seize, hunt, kill etc.) of (an) endangered or threatened specie(s). A Habitat Conservation Plan ("**HCP**") would be prepared if the City or property owner needed to receive a take permit. The HCP must demonstrate how the applicant will minimize any impact on the listed animal and mitigate any impacts that might still result from the action.

Section 106 Compliance (National Historic Preservation Act of 1966)

Section 106 of the National Historic Preservation Act seeks to afford preservation to historical and archaeological resources with respect to the needs of Federal projects. Federal agencies must consider the effects of proposed projects on cultural resources. The Advisory Council on Historic Preservation is offered a reasonable opportunity to comment with regard to proposed Federal projects. At the state level, the California Office of Historic Preservation reviews projects for compliance with Section 106 and CEQA, as well as Section 5024 of the Public Resources Code regarding historic resources on state-owned property.

Section 1602 Permit (CDFG)

The California Department of Fish and Game regulates projects that would divert or obstruct the natural flow or substantially affect resources associated with rivers, streams and lakes. Section 1602 requires public projects to obtain a Lake or Streambed Alteration Agreement from the CDFG before altering a lake or stream. This requirement may apply to projects located within the 100-year floodplain of a stream or its tributaries.

Section 2081 Compliance (CDFG)

Section 2081 of the California Endangered Species Act allows the Department to issue an incidental take permit for endangered or threatened species. Certain criteria are required to obtain an incidental take permit from the State. The take must be incidental to an otherwise lawful activity and fully minimized and mitigated. Permits are not issued if a proposed action will jeopardize the continued existence of a listed species.

NPDES Permit (RWQCB)

The National Pollutant Discharge Elimination System ("**NPDES**") permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Point sources are discharge locations such as pipes or man-made ditches. Under this permit program, discharges are required to meet certain water quality standards. Any future discharges of pollutants from specific projects into US waters will require an NPDES permit. Projects greater than one acre must prepare a Storm Water Pollution Prevention Plan and obtain a construction permit.

II. C. Project Purpose and Objectives

1. Purpose of the 2010 City of Patterson General Plan Update
The purpose of the 2010 City of Patterson General Plan Update is to:

- Set forth a strategy for the long-term growth and development of the City that serves the needs of present and future residents.
- Incorporate policies and implementation measures that address changes to State and federal laws that have occurred since the General Plan last underwent a comprehensive revision in 1992.
- Improve the supply of affordable housing and the ratio of jobs to housing in Patterson.
- Provide a wider range of retail opportunities to meet more for the day to day needs of City residents.
- Attract stable, well paying jobs.
- Grow the local economy and become the economic center of western Stanislaus County.

2. Objectives of the 2010 City of Patterson General Plan Update
The draft General Plan was crafted to address the following overall objectives:

In General

1. Patterson's small size and character contribute to a strong sense of community shared by its residents. These characteristics should be protected and enhanced as the City's future is planned.

2. The City is located within proximity of the San Francisco Bay area, the Sierras and Sacramento. The General Plan should explore ways to capitalize on Patterson's strategic location to these amenities.

3. The City's unique history should be preserved and celebrated.

4. Patterson's population is diverse, and within that diversity there remains an atmosphere of friendliness and cooperation toward the common good. This is based on a number of important factors including good schools and recreational programs for youth, active service clubs and churches, and civic involvement. The General Plan should reinforce efforts to maintain this neighborliness in a true community.

Community Form and Design

5. The principal entrances to Patterson should be developed with "gateways" which announce that one has entered the City. Elements of such gateway treatments can include structures, special landscaping and signs. Gateways to the downtown should also be well marked.

6. New residential neighborhoods should be designed to capture the best qualities of existing neighborhoods (attractive architecture and tree-lined streets) while providing a range of housing products that are affordable to all segments of the community. New neighborhoods contiguous to the older parts of town should build upon the existing grid pattern of streets and incorporate amenities such as parks, pedestrian and bicycle paths, and street trees.

7. The City's climate is generally viewed as favorable, with warm dry summers and mild winters. The General Plan should acknowledge these environmental elements and consider them in its recommended policies and programs. For example, the Plan can encourage more shade trees and wind-rows, narrower streets in new residential areas, and the provision of outdoor shelter in new commercial projects.

8. Recognizing that the General Plan will eventually become the basis for appropriate zoning to implement land use and design objectives, elements of the Plan should ensure that land uses near one another are compatible and that new buildings fit their context.

Agriculture/Natural Resources

9. Patterson is surrounded by productive agricultural soils. The farming environment, especially the row crops and orchards, provide a beautiful rural context for the City that residents and visitors enjoy. Moreover, a good portion of the regional economy is related to agriculture, both directly and indirectly. Thus, protection of agricultural resources around the City and in the region is an important consideration in planning for the City's future.

10. Agricultural activities and residences can impact one another. For example, noise, dust or spraying associated with farming could adversely affect housing; in turn, complaints from residents can sometimes impede efficient cultivation practices. Therefore, the interface or boundary between agriculture and new development must be carefully considered.

11. The land in and around the City contains important natural resources, including productive agricultural soils, seasonal creeks, the San Joaquin River and the foothills to the west. These sensitive resources should be protected from the effects of urban development.

Noise, Access, & Traffic

12. Patterson has a quiet ambiance which should be protected in the future.

13. In addition to automobile circulation, the General Plan must address other transportation modes such as a bicycle route system and additional transit opportunities to surrounding communities.

14. The General Plan should investigate the need for, and options for providing, an additional interchange on the I-5 freeway north of the City.

15. The General Plan should also assess the need for, and the location of, one or more expressways to by-pass the City on the north and/or south to provide an additional east-west connection to the I-5 freeway.

Economic Development

16. While it is important to think expansively about the town's future, the Plan should be practical. An important element of this practicality is the City's financial position. Therefore,

the General Plan should strive toward enhancing Patterson's fiscal resources so that the public facilities and services desired by the community can be paid for.

17. Efforts undertaken by the City to revitalize the downtown should continue. It is important that the downtown cultivate a market niche that protects downtown businesses from competition with commercial development anticipated elsewhere in the City. Increased activities (such as a farmers market and other special events) and more activities in the evening (such as more restaurants, bars and a movie theater) would help solidify the image of the downtown as a desirable place to shop, dine and visit.

18. Encouraging a more diverse range of commercial uses in Patterson is important, especially increased retail opportunities for large-scale, single tenant retail and/or smaller scale department stores, as well as greater variety of restaurants.

19. A strong economy is important to the desirable quality of life in Patterson. Industries that provide well-paying jobs and economic stability are especially valuable. The City should consider programs to actively recruit and retain such businesses for the West Patterson Business Park and elsewhere. In addition, the General Plan should continue to provide suitable locations for heavier industrial development.

Housing

20. Affordable housing is an important issue facing Patterson residents. The General Plan should ensure that sufficient affordable housing is provided to meet the needs of all income groups. Of particular importance is the provision of suitable land for higher-density residential development and entry-level for-sale housing.

Public Facilities and Services

21. New schools must be provided concurrently or in advance of population growth, and should be incorporated into the design of new residential neighborhoods.

22. The General Plan should investigate appropriate locations for an institution of higher education, such as a community college or university.

23. The General Plan should provide guidance with regard to appropriate locations for different types of public facilities. Locational criteria may include the relationship of the facility to the neighborhood or area being served, good public access to the buildings or facility, the interrelationship among different public uses or functions, and the ability of public facilities to stimulate associated private development or investment.

24. Better street lighting, road maintenance, storm drainage, curbs, gutters, crosswalks, and sidewalks are needed in the older parts of town.

25. Accessibility to public facilities is important. Accordingly, access for handicapped persons should be provided in all public facilities. In addition, the City should continue to require new development to meet accessibility standards when reviewing and approving projects and should monitor and enforce such requirements.

26. The provision of health care services to Patterson residents is a critical issue. The General Plan should provide guidance with respect to the appropriate location for new and/or expanded health care services, and explore strategies for funding such services with the

Health Care District and other jurisdictions.

27. Patterson continues to be a relatively safe community. However, increased crime and vandalism are a growing concern. The General Plan should explore strategies for reducing crime and maintaining public safety.

Recreation

28. The City should foster a continued sense of community by providing opportunities for social activities and interaction, through parks and recreational facilities, public open spaces and plazas, and by supporting community festivities and events.

29. The quality of life for all residents is critically important, but enhancing the opportunities for the community's children is especially so. The General Plan should help address the needs of Patterson's youth. Examples include coordinated City/school district planning for schools and related educational facilities; providing for adequate parks and recreational programs; encouraging a wider variety of activities for youths; planning for safe and efficient transit.

30. Expanding the range of family oriented recreational facilities will be important.

31. The General Plan should investigate options for providing a performing arts center in Patterson.

II. D. Record of Proceedings

Various documents and other materials constitute the record upon which the City bases these findings and the approvals contained herein. The City is the custodian of the record of proceedings. The materials constituting the record supporting the City's decision are located at the City of Patterson Community Development Department, Planning Division, at 1 Plaza, P.O. Box 667, Patterson , California 95363.

II. E. Environmental Review and Public Participation

After determining in its Initial Study that the 2010 City of Patterson General Plan Update constituted a project with potential impacts under CEQA, on February 11, 2010 the City of Patterson issued and circulated an Initial Study and Notice of Preparation of the Draft EIR for public information and review to the State Clearinghouse in Sacramento, to the City of Patterson Community Development Department, and to public agencies and interested individuals. On February 22, 2010, the City held a formal public scoping meeting to receive public input on the information that should be included in the Draft EIR. Written comments on the scope of the Draft EIR were received by the City from public agencies and interested individuals and are provided in Appendix 1.0 of the Draft EIR.

A Notice of Completion in accordance with Public Resources Code sections 21083 and 21161 was provided to the State Clearinghouse on July 19, 2010 and the Notice of Availability was published on July 23, 2010 in the Patterson Irrigator.

On July 19, 2010, the City circulated for public review and comment a Draft Environmental Impact Report ("**Draft EIR**") for the Project. The Draft EIR assesses the potential environmental effects of implementation of the Project, identifies means to reduce potential adverse impacts, and evaluates a reasonable range of alternatives. The Appendices to the Draft EIR contain technical studies and other information which supports the analysis provided in the Draft EIR.

The public review and comment period for the Draft EIR covered 45 days and ended on September 1, 2010. In response to requests from the Patterson Irrigation District, Del Puerto Water District and the West Stanislaus Irrigation District, the lead agency extended the public review period for these agencies, only, to September 16, 2010. On September 1, 2006, the public comment period on the Draft EIR was closed for public review except for the three water agencies listed previously.

Twenty-five (25) comment letters were received on the Draft EIR. Following receipt of all oral and written comments, the Final EIR was prepared to include all comments received by the City, to respond to the comments raised, and to make any other revisions. The Final EIR is comprised of the Draft EIR together with the comments received on the Draft EIR submitted by interested public agencies, organizations, and members of the public; written responses to the environmental issues raised in those comments; a list of refinements to and clarifications to the Draft EIR and revisions to the text of the Draft EIR reflecting changes made in response to comments and other information. The Final EIR is hereby incorporated in this document by reference.

Pursuant to California Government Code section 65090, the City of Patterson Planning Commission ("**Planning Commission**") held duly noticed public hearings on August 5th, August 19th, September 9th, September 16th, September 30th, October 7th, and October 14th, 2010 to consider the Project. At its public hearing at 7 pm on October 14th, 2010, the Planning Commission voted unanimously to recommend to the City Council that it certify the Final EIR and approve the Project.

III. Certification of the Final EIR

The Final EIR comprises a program-level analysis that contains the environmental review evaluating the impacts of approval of the Project. The Final EIR has State Clearinghouse No. 20100022035 and is comprised of the Draft EIR plus all of the comments received during the public comment period, together with written responses to those comments that raised environmental issues, which were prepared in accordance with CEQA and the CEQA Guidelines. The Final EIR also includes refinements to mitigation measures and clarifications.

The City Council of the City of Patterson hereby certifies as follows:

1. That it has been presented with the Final EIR and that it has reviewed and considered the information contained in the Final EIR prior to making the following certifications and the findings in Section IV.;

2. That, pursuant to CEQA Guidelines Section 15090 (Title 14 of the California Code of Regulations, Section 15090), the Final EIR has been completed in compliance with the CEQA and the State CEQA Guidelines; and

3. That the Final EIR reflects independent judgment and analysis of the City.

IV. Findings

Having received, reviewed, and considered the Final EIR and other information in the record of proceedings, the City hereby adopts the following findings in compliance with CEQA and the CEQA Guidelines:

Section IV.A: Findings regarding the environmental review process and the contents of the Final EIR.

Section IV.B: Findings regarding the environmental impacts of the Project and the mitigation measures for those impacts identified in the Final EIR and adopted as conditions of approval. As described in Part IV.B, the City hereby adopts the impact findings as set forth in Exhibit A to these findings.

Section IV.C: Findings regarding alternatives and the reasons that such alternatives to the Project are not approved.

Section IV. D. "Statement of Overriding Considerations," sets forth the substantial benefits of the Project that outweigh and override the Project's significant unavoidable impacts, such that the impacts are considered acceptable.

Section IV. E. “Mitigation Monitoring and Reporting Program”, sets forth the monitoring program required by CEQA Guidelines Section 15097.

Section IV.F. “Summary”, provides a summary of the findings contained in this document.

The City finds and determines that the Final EIR provides adequate, good faith, and reasoned responses to all comments raising significant environmental issues. These findings are based upon substantial evidence in the entire record before the City.

IV. A. The Environmental Review Process and Contents of the Final EIR

1. Absence of Significant New Information

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR, but before certification of the Final EIR. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The CEQA Guidelines provide examples of significant new information under this standard.

The City recognizes that the Final EIR incorporates information obtained by the City since the Draft EIR was completed, and contains additions, clarifications, modifications, and other changes. With respect to this information, the City finds as follows:

1. References to the Patterson Health Care District are changed to the *Del Puerto Health Care District.*

The draft EIR mistakenly identifies the Del Puerto Health Care District as the Patterson Health Care District. The correct name is the Del Puerto health Care District.

2. Page 5.3-40 of section 5.3 Public Services refers to fire stations instead of health care facilities. The correct language is as follows:

   "The recommended policies and implementation measures identified above will help reduce construction-related impacts relating to the construction of ~~fire~~ ~~stations~~ *health care facilities*. In addition, the construction of future public facilities will be subject to project-specific environmental review."

3. The Government Code reference on page 5.1-14 of section 5.1 Land Use and Consistency With Adopted Plans and Policies identifies the incorrect section of the California Government Code. The correct code section is 56430.

4. The Government Code section referenced on page 5.11-27 is incorrect and should be changed to Government Code 51243.5.

5. The text on page 5.11-27 incorrectly states that the provisions regarding the cancellation of Land Conservation Act contracts (Williamson Act Contracts) do not apply to lands within the General Plan Study Area. The correct language should be as follows:

   "However, these stipulations do not apply to those lands within the ~~*General Plan Area*~~ *current City limits* because all lands under Williamson Act contract were contracted prior to city annexation *or were protested by the City prior to annexation.*"

   Each of the contracts identified were in fact protested before annexation to the City.

6. Map references to property owned by the Yosemite Community College District were incorrectly shown on the Compact Development Alternative. The correct designation is Public/Quasi-Public.

The City approves incorporation of each of the refinements into the Project and finds that the refinements do not cause the Project to result in new or substantially more severe adverse environmental effects, or otherwise require recirculation of the EIR.

In addition to the changes and corrections described above, the Final EIR provides additional information in response to comments and questions from agencies and the public.

The City finds that information added in the Final EIR does not constitute significant new information requiring recirculation, but rather that the additional information clarifies or amplifies an adequate EIR. Specifically, the City finds that the additional information, including the changes described above, does not show that:

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.

Based on the foregoing, and having reviewed the information contained in the Final EIR and in the record of City's proceedings, including the comments on the Draft EIR and the responses thereto, and the above-described information, the City finds that no significant new information has been added to the Final EIR since public notice was given of the availability of the Draft EIR that would require recirculation of the Final EIR.

2. Differences of Opinion Regarding the Impacts of the Project

In making its determination to certify the Final EIR and to approve the Project, the City recognizes that the Project involves several controversial environmental issues and that a range of technical and scientific opinion exists with respect to those issues. The City has acquired an understanding of the range of this technical and scientific opinion by its review of the Draft EIR, the comments received on the Draft EIR and the responses to those comments in the Final EIR, as well as testimony, letters, and reports regarding the Final EIR and its own experience and expertise in assessing those issues. The City has reviewed and considered, as a whole, the evidence and analysis presented in the Draft EIR, the evidence and analysis presented in the comments on the Draft EIR, the evidence and analysis presented in the Final EIR, the information submitted on the Final EIR, and the reports prepared by the experts who prepared the EIR, the City's consultants, and by staff, addressing those comments. The City has gained a comprehensive and well-rounded understanding of the environmental issues presented by the Project. In turn, this understanding has enabled the City to make its decisions after weighing and considering the various viewpoints on these important issues.

Accordingly, the City certifies that its findings are based on full appraisal of all of the evidence contained in the Final EIR, as well as the evidence and other information in the record addressing the Final EIR.

IV. B. Impacts and Mitigation Measures

These findings provide the written analysis and conclusions of the City regarding the environmental impacts of the Project and the mitigation measures identified in the Final EIR and adopted by the City as conditions of approval for the Project. In making these findings, the City has considered the opinions of other agencies and members of the public, including opinions that disagree with some of the analysis used in the Final EIR.

The City finds that the determination of significance thresholds is a judgment within the discretion of the City; the significance thresholds used in the Final EIR are supported by substantial evidence in the record, including the expert opinion of the Final EIR preparers and City consultants and staff; and the significance thresholds used in the Final EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project.

Exhibit A attached to these findings and incorporated herein by reference summarizes the environmental determinations of the Final EIR about the Project's environmental impacts before and after mitigation. This exhibit does not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, Exhibit A provides a summary description of each environmental impact, identifies the applicable mitigation measures described in the Final EIR, and states the City's findings on the significance of each environmental impact after imposition of the applicable mitigation measures. A full explanation

of these environmental findings and conclusions can be found in the Final EIR and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the Final EIR's determinations regarding the Project's environmental impacts and mitigation measures designed to address those impacts.

The City approves the findings set forth in Exhibit A as its findings regarding the Project's environmental impacts before and after mitigation. In making these findings, the City ratifies, adopts, and incorporates the analysis and explanation in the Final EIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

The City adopts, and incorporates as conditions of approval of the Project, the mitigation measures set forth in the MMRP attached to these findings as Exhibit B to reduce or avoid the potentially significant and significant impacts of the Project, as well as certain less-than-significant impacts.

In adopting these mitigation measures, the City intends to adopt each of the mitigation measures identified by the Final EIR and applicable to the Project. Accordingly, in the event a mitigation measure recommended in the Final EIR has inadvertently been omitted from Exhibit B, such mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in Exhibit B fails to accurately reflect the mitigation measures in the Final EIR due to a clerical error, the language of the mitigation measure as set forth in the Final EIR shall control, unless the language of the mitigation measure has been specifically and expressly modified by these findings.

In comments on the Draft EIR, various measures were suggested by commenters as proposed additional mitigation measures or modifications to the mitigation measures identified by the EIR. Some of the EIR's mitigation measures were modified in response to such comments. Other comments requested minor modifications in mitigation measures identified in the Draft EIR, requested modifications that were infeasible, requested mitigation measures for impacts that were less than significant, or requested additional mitigation measures for impacts as to which the Draft EIR identified mitigation measures that would reduce the identified impact to a less-than-significant level; these requests are declined as unnecessary.

With respect to the additional measures suggested by commenters that were added or incorporated into the Project, those measures will not have new significant environmental impacts that were not already analyzed in the Draft EIR. With respect to the additional measures suggested by commenters that were not added to the Final EIR, the City adopts and incorporates by reference, separately and independently, the reasons set forth in the responses to comments contained in the Final EIR as its grounds for rejecting adoption of these mitigation measures.

IV. C. Basis for the City's Decision to Approve the Project and Reject Other Alternatives

1. Summary of Alternatives Considered By The Final EIR

The purpose of the alternatives analysis is to describe a range of reasonable alternatives to the proposed 2010 City of Patterson General Plan Update. The analysis evaluates alternatives that

would obtain most of the basic objectives of the Project and the comparative merits of those alternatives (State CEQA Guidelines Section 15126.6[a-j]). In accordance with State CEQA Guidelines, an EIR does not need to consider every conceivable alternative to a project, nor is it required to consider alternatives that are clearly infeasible. State CEQA Guidelines Section 15126.6(b) states that an alternatives analysis shall focus on those alternatives that are capable of avoiding or substantially lessening any significant effects of the project, even if they impede to some degree the attainment of the project objectives or would be more costly.

CEQA requires an EIR to identify project alternatives and to indicate the manner in which a project's significant effects may be mitigated or avoided, but does not mandate that the EIR itself contain an analysis of the feasibility of the various project alternatives or mitigation measures if identifies (Pub. Resources Code, §§ 21002.1, subd. (a); 21100, subd. (b)(4); *Sierra Club v. City of Napa* (2004) 121 Cal.App.4,h 1490, 1503, citing *San Franciscans Upholding the Downtown Pian v. City and City of San Francisco* (2002) 102 Cal.App.4,h 656, 689-690). As the lead agency, the City of Patterson bears the responsibility for the decisions that must be made before a project can go forward, including determinations of feasibility and whether the benefits of a project outweigh the significant effects a project will have on the environment (Pub. Resources Code §§ 21002.1, subds. (b) & (c), 21081). In addition, CEQA specifically provides that in making these determinations, the City shall base its findings on substantial evidence in the record, a provision reflecting an understanding that the City Council will not limit its review to matters set forth in the EIR, but will base its decision on evidence found anywhere in the record (*Sierra Ciub v. City of Napa*, 121 Cal.App.4, at p. 1503; citing Publ. Resources Code, § 21081.5).

According to State CEQA Guidelines, an EIR need only examine in detail those alternatives that could feasibly meet most of the basic objectives of the project. When addressing feasibility, State CEQA Guidelines Section 15126.6 states that "among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, jurisdictional boundaries, and whether the applicant can reasonably acquire, control or otherwise have access to alternative sites." The State CEQA Guidelines also specify that the alternatives discussion should not be remote or speculative. However, discussion of alternatives need not be presented in the same level of detail as the assessment of the proposed project.

The State CEQA Guidelines indicate that several factors need to be considered in determining the range of alternatives to be analyzed in an EIR and the level of analytical detail that should be provided for each alternative. These factors include: (1) the nature of the significant impacts to the proposed project; (2) the ability of alternatives to avoid or lessen the significant impacts associated with the project; (3) the ability of the alternatives to meet the objectives of the project; and (4) the feasibility of the alternatives. These factors are unique for each project.

As discussed in Section 3.0 of the Draft EIR - Description of Equal-Weight Alternatives, the consultants assisting the City with the General Plan Update prepared the draft goals, policies, and implementation programs based on community input and the direction of the City's General Plan Advisory Committee. The draft Policy Document and three land use alternatives and a circulation diagram were presented to the City's Planning Commission in February, 2009 for their consideration and direction. The three alternatives considered by the Planning Commission were as follows:

> The General Plan Advisory Committee Recommendation. This alternative represents the land use recommendations of the City's General Plan Advisory Committee which was composed of representatives of the City Council and Planning Commission, as well as

members of the public and representatives of other public agencies such as the Patterson Unified School District.

The Jobs Emphasis Alternative. This alternative emphasizes land uses in the 20-year growth timeframe to accommodate job generation and additional retail development which were identified as priorities by the community and the General Plan Advisory Committee.

Compact Development Alternative. This alternative accomplishes most of the basic objectives identified for the General Plan update but incorporates a higher average residential density and therefore consumes less land. This alternative minimizes the conversion of productive agricultural land and sensitive biological habitats, reduces motor vehicle use and facilitates alternate forms of transportation.

After considering the three alternatives and the draft Policy Document, the Commission directed the consultants to include the following alternatives in the General Plan EIR:

- Compact Development
- Jobs Emphasis
- The GPAC recommendations with the following changes:

    - The Mixed Use area west of I-5 has been included in the 40-year planning growth boundary.
    - The retail commercial area at the I-5/Zacharias Road has been reduced in size to about 40 acres.

    To distinguish this alternative from the recommendations of the General Plan Advisory Committee, this alternative is referred to as the *Planning Commission Environmental Review Alternative*.

The Commission did not identify a preferred alternative from among those presented and directed that each alternative be treated equally in the analysis. Accordingly, each alternative was given equal weight in the analysis provided in the Draft EIR. The three alternatives are referred to collectively as the Equal-Weight Alternatives.

Each of the Equal-Weight Alternatives was chosen to provide a range of policy choices that emphasizes different General Plan objectives. The Planning Commission Environmental Review Alternative was chosen because it is the alternative that most closely represents the recommendations of the City's General Plan Advisory Committee. The Jobs Emphasis Alternative was chosen because it emphasizes job creation, improving the ratio of jobs to housing, the provision of shopping and economic development in the first 20 years consistent with General Plan objectives aimed at economic development. The Compact Development Alternative provides land for additional jobs and housing to meet General Plan objectives relating to affordable housing and balancing jobs and housing while minimizing the conversion of productive agricultural land and the loss of important biological resources.

Each alternative is described in greater detail below and in Section 3.0 of the Draft EIR-Description of Equal-Weight Project Alternatives. As discussed in the topical analyses provided in the Draft EIR, each of the Equal-Weight Alternatives results in different levels ofenvironmental impacts that avoid or lessen one or more significant environmental effects, while affording a reasonable range of options for decision-makers to consider with regard to the City's General

Plan. These alternatives constitute an adequate range of reasonable alternatives as required under State CEQA Guidelines Section 15126.6.

2. Findings Relating to Alternatives

In making these findings, the City certifies that it has independently reviewed and considered the information on alternatives provided in the Final EIR, including the information provided in comments on the Draft EIR and the responses to those comments in the Final EIR. The Final EIR's discussion and analysis of these alternatives is not repeated in total in these findings, but the discussion and analysis of the alternatives in the Final EIR are incorporated in these findings by reference to supplement the analysis here. The City also certifies that it has independently reviewed and considered all other information in the administrative record.

The City finds that the range of alternatives studied in the Final EIR reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the Project's environmental effects, while accomplishing most of the Project Objectives. The City finds that the alternatives analysis is sufficient to inform the City, agencies, and the public regarding the tradeoffs between the degree to which alternatives to the Project could reduce environmental impacts and the corresponding degree to which the alternatives would hinder the achievement of the Project Objectives and other economic, environmental, social, technological, and legal considerations.

The City finds the Project Objectives are met. As set forth in Section IV.B. above, the City has adopted mitigation measures that avoid or reduce, to the extent feasible, the significant environmental effects of the Project. As explained in Section IV.D. of these findings, while these mitigation measures will not mitigate all Project impacts to a less-than-significant level, they will mitigate those impacts to a level that the City finds is acceptable. **The City finds the remaining alternatives infeasible. Accordingly, the City has determined to approve the Project instead of approving one of the remaining alternatives, as follows:**

In making this determination, the City finds that when compared to the other alternatives described and evaluated in the Final EIR, the Project, as mitigated, provides a reasonable balance between satisfying the Project Objectives and reducing potential environmental impacts to an acceptable level. The City further finds and determines that the Project should be approved, rather than one of the other alternatives, for the reasons set forth below and in the Final EIR.

a. The No Project Alternative

In addition to the Equal-Weight Alternatives, the EIR considers the No Project Alternative as required by CEQA Guidelines section 15126.6 (e). State CEQA Guidelines section 15126.6(e)(3)(A), specifically states that when the project under evaluation is the revision of an existing land use or regulatory plan, the “no project” alternative will be the continuation of the existing plan. Thus, under the No Project Alternative, the 2010 City of Patterson General Plan Update would not be adopted and the currently adopted 1992 General Plan Policy Document, Land Use and Circulation Diagrams (with amendments through 2010) would remain in effect and continue to guide the future growth and development of the City.

As shown on Table 3, below, the No Project Alternative would accommodate about 33,000 residents at buildout which would occur sometime during the next 20 years. In addition, the No Project Alternative would accommodate a total of 4.8 million square feet of commercial floor space and about 9.4 million square feet of industrial buildings. The potential ratio of jobs to

housing at buildout would be about 1.41 if the number of jobs expected for commercial and industrial development were to be realized.

The No Project Alternative would result in the avoidance of the following significant and unavoidable impact identified for the proposed General Plan:

- Project and cumulative consistency impacts with relevant land use planning documents (Impacts 5.1-2 and 5.1-3). The No Project Alternative would retain the current land use designations and would not include the establishment of the same General Plan area as the Project, thus would avoid this impact.

- Project and cumulative impacts relating to consistency with the rules and procedures of the Local Agency Formation Commission (Impacts 5.1-4, 5.1-5). The No Project Alternative would retain the current General Plan and adopted sphere of influence which are currently consistent with LAFCo rules and procedures.

- Project impacts relating to an increase in population and employment beyond projections used for regional planning purposes (Impact 5.1-3). The population accommodated by the No Project Alternative is consistent with regional population projections used for regional planning purposes.

- Project and cumulative impacts relating to solid waste disposal (Impacts 5.3-6 and 5.3-7). The quantity of solid waste generated by the No Project alternative has been accounted for in the landfill capacity planning for the Fink Road Landfill.

- Cones of depression from groundwater extraction (Impact 5.4-3). Under the No Project Alternative the City would continue to draw down its groundwater resources from wells within the area. According to the water supply assessment prepared for draft EIR (Appendix 5.4 of the Draft EIR) the continued extraction of groundwater will be managed to minimize the effect on surrounding wells.

- Extension of wastewater collection infrastructure into previously un-served areas (Impact 5.5-2). The City has previously adopted a Wastewater Master Plan that sets forth a program for the provision of wastewater collection to serve the current General Plan area. The No Project Alternative would not require additional collection systems beyond that which was previously adopted and for which previous environmental review was completed.

- Project and cumulative traffic impacts (Impacts 5.6-2, 5.6-4, 5.6-6). The City has adopted a program for roadway improvements to serve buildout of the currently adopted General Plan and has set forth a program for funding the improvements. Several of the roadway improvements necessary to serve the Equal-Weight Alternatives would not be needed.

- Truck traffic (Impact5.6-7). Under the No Project Alternative, the generation of truck traffic would be consistent with the levels assumed in the traffic improvement program previously adopted by the City and subject to previous environmental review.

- Roadway construction (Impact 5.6-15). Under the No Project Alternative, the roadway construction would be consistent with the traffic improvement program previously adopted by the City and subject to previous environmental review.

- Project and cumulative impacts relating to consistency with the Extreme Ozone Attainment Demonstration Plan (Impact 5.7-4, 5.7-8). The population associated with the No Project Alternative was accounted for in the population projections used to prepare the 2007 Extreme Ozone Attainment Demonstration Plan and is therefore consistent with the Plan.

- Carbon monoxide hotspots (Impact 5.7-5). The traffic program previously adopted by the City ensures that intersection level of service operation will achieve and maintain LOS "D" or better which will prevent the creation of carbon monoxide hot spots.

- Project impacts relating to stationary noise sources (Impact 5.8-5). Under the No Project Alternative, the potential for stationary noise sources to adversely impact sensitive noise receptors is less than significant.

- Conflicts with land currently zoned for agricultural use and conflicts with existing Williamson Act contracts (Impact 5.11-5). Under the No Project Alternative, the outward expansion of the City would result in the least conflict with land zoned for agricultural use and under Williamson Act contract.

- Impacts associated with the construction of storm water conveyance and storage (Impact 5.11-5). The City's currently adopted Storm Water Master Plan identifies conveyance and storage infrastructure necessary to serve buildout of the current General Plan. No additional conveyance and storage infrastructure would be needed.

Other impacts would also be decreased in the No project Alternative, compared to the Project, although not enough to decrease any other levels of significance.

Finding: Pursuant to Public Resources Code Section 21081 (b)(3) and CEQA Guidelines Section 15091 (a), the City Council finds that the No Project Alternative is less desirable and infeasible because of specific economic, legal, social, technological, or other considerations and is rejected for the following reasons:

1. The No Project Alternative/1992 General Plan would continue the historic pattern of growth in the City and in the county. The historic growth pattern contributes to reliance on vehicular transportation and provides little opportunity for walkability and bikability because of the lower densities and greater distances between land uses. The Project accommodates growth in a more environmentally sustainable way and creates the opportunity for less reliance on vehicular transportation by creating more walkable and bikable land use patterns.

2. The 1992 General Plan would not meet the project objectives for providing a long-term vision for the growth and development of the City, for ensuring economic development, improved employment and shopping opportunities for Patterson residents.

3. The 1992 General Plan would become increasingly out of date, particularly with respect to the lack of policies to address greenhouse gas (GHG) emissions and global climate change, that put the City at risk of a legal challenge, which could potentially restrict the City's ability to approve new development projects unless and until the General Plan is updated to address these issues.

4. The No Project Alternative would maintain the existing 1992 General Plan and would not update its policies or the Land Use Map to account for changing land use patterns, environmental conditions, economic conditions, socioeconomic changes, or

technological advances.

5. The No Project Alternative either would not identify, or contains weaker policy guidance with respect to, reduction of greenhouse gas emissions, provision of bicycle and pedestrian connections, protection of cultural and paleontological resources, protection of biological resources, enhancement of safety at at-grade railroad crossings, placement of sensitive receptors in relation to air pollutant sources, protection from flooding, enhancement of water and wastewater supplies and services, and enhancement of electrical, natural gas, and telecommunications services.

6. The No project Alternative would not accomplish the Project objectives of addressing new issues and new requirements of State law such as GHG reduction and global climate change or emphasizing market-based approaches to implementation over mandates.

7. Although the 1992 General Plan includes policies to protect and preserve the natural environment, it contains fewer specific policies, action items, and programs that are designed to protect natural ecosystems. This alternative provides less focus of development in community areas which reduces opportunities for GHG reduction and would result in more pressure to convert agricultural lands in comparison to the Project.

8. The No Project Alternative would not provide the same level of support for, and opportunities for the provision of, health care facilities to serve Patterson residents.

9. The No Project Alternative does not offer significant benefits compared to the Project.

Reference: DEIR Section 8.0. Alternatives, provides an analysis of the environmental effects of this alternative as compared to the Project.

2. The Compact Development Alternative

Under the Compact Development Alternative the land use designations of the General Plan would be applied to an area surrounding the City that extends to Zacharias Road to the north, the California Aqueduct to the west, Sycamore Avenue to the east and Elfers Road to the south. The total area covered by this alternative would be about 7,664 acres. Roadway improvements and policy provisions would be revised and/or eliminated to match this alternative (e.g., policy LU-1.4 would be deleted). All other policy provisions of the Project would remain as they are currently proposed.

The Compact Development Alternative would accommodate about 57,000 residents at buildout, but would consume less land than either the Jobs Emphasis or Planning Commission Environmental review Alternatives. Key attributes of this alternative are:

- The average residential density assumed for new residential expansion areas is 6.0, versus 4.0 for the Jobs Emphasis and Planning Commission Environmental Review Alternatives.
- The population holding capacity is about 57,500.
- New residential neighborhoods are shown to the northeast of the Patterson Business Park but ending at Zacharias Road.
- Land between the canals is designated for industrial development;
- An area of about 40 acres is designated for General Commercial development at the westerly extension of Zacharias Road and I-5.

- No land for urban development is designated west of I-5 except for five acres of Highway Serving Commercial development west of the Sperry Avenue interchange and another 15 acres west of I-5 at Zacharias Road.
- The area between Interstate 5 and the California Aqueduct is shown as agriculture.
- The area west of Rogers Road and north of the westerly extension of the Business Park is shown as industrial, a continuation of the Patterson Business Park. The area on the east side of Rogers Road north of the Business Park is designated for industrial development following the property lines north to Zacharias Road.
- The area south of the City and north of Elfers Road is designated for residential development.
- The areas designated for future residential development do not extend beyond sycamore Avenue to the east.

Finding: The Compact Development Alternative would have all of the same significant and unavoidable impacts as the Project. In addition, numerous other impacts would decrease in this alternative compared to the Project. Specifically, the Compact Development Alternative would result in less acreage of prime agricultural land and habitat for special status species converted to urban development. In addition, the Compact Development Alternative does not designate land for development in the foothills west of Interstate 5. Accordingly, impacts relating to the extension of water, water, wastewater, storm drainage and transportation facilities would be reduced, as well as impacts relating to slope instability, geotechnical issues, wildland fire, and impacts to certain biological resources. These decreases would not be substantial enough to decrease levels of significance for any impacts compared to the Project.

Pursuant to Public Resources Code Section 21081(b)(3) and CEQA Guidelines Section 15091(a), the City Council finds that the Compact Development Alternative is less desirable and infeasible because of specific economic, legal, social, technological, or other considerations and is rejected for the following reasons:

1. The Compact Development Alternative does not accommodate a level of commercial development and corresponding economic development benefits as the Project. Specifically, the amount of land designated for commercial and industrial development will result in fewer total jobs than the Project and a lower ratio of jobs to housing.

2. The amount of land designated for residential development with the Compact Development Alternative is not sufficient to support the long-term population and economic development objectives of the City.

3. The Compact Development Alternative does not take advantage of the City's location along the Union Pacific Railroad and corresponding railroad spur located north of the City which will help facilitate industrial development and generate additional jobs.

4. The Compact Development Alternative does not take advantage of the City's location along Interstate 5 with respect to opportunities for regional-serving retail, housing, parks and other public amenities.

5. This alternative does not offer significant benefits compared to the Project.

Reference: DEIR Section 8.0, Alternatives, provides an analysis of the environmental effects of this alternative as compared to the proposed General Plan Update.

3. The Jobs Emphasis Alternative

Under the Jobs Emphasis Alternative the land use designations of the General Plan would be applied to an area surrounding the City that extends north of Zacharias Road to Del Puerto Creek, Del Puerto Canyon Road to the west, a point about mid-way between Sycamore Avenue and Elm Avenue on the east and a point about midway between Elfers Road and Marshall Road to the south. The total area covered by this alternative would be about 11,465 acres. Roadway improvements and policy provisions would be revised to match this alternative (e.g., policy LU-1.4 would be retained). All other policy provisions of the Project would remain as they are currently proposed.

The Jobs Emphasis Alternative accommodates a buildout population of 66,673. Under this alternative, job creation is emphasized with the designation of additional land for commercial and industrial development. Under this alternative, the ratio of jobs to could be as high as 1.3 jobs per dwelling unit at buildout, assuming all of the land designated for industrial and commercial development is built. Key attributes of this alternative are:

- New residential neighborhoods are shown to the north of the Patterson Business Park and on the land north of Zacharias Road surrounding the high school site west of Highway 33 and west of the current City limits and south of Zacharias Road.
- The land west of I-5 is shown with a 'Mixed Use' designation which would accommodate housing and commercial development.
- Land between the California Aqueduct and the Delta Mendota Canal is shown as industrial.
- The area west of Rogers Road and north of the westerly extension of the Business Park is shown as industrial.
- The area south of Elfers Road has been designated Estate Residential.
- Also under this Plan, the areas designated for residential development to the east of the City extend to a point about mid way between Sycamore Avenue and Elm Avenue.

Finding: Pursuant to Public Resources Code Section 21081(b)(3) and CEQA Guidelines Section 15091(a), the City Council finds that the Jobs Emphasis Alternative is less desirable and infeasible because of specific economic, legal, social, technological, or other considerations and is rejected for the following reasons:

1 The Jobs Emphasis Alternative does not accommodate a level of industrial development and corresponding economic development benefits as the Project. Specifically, the amount of land designated for industrial development will result in fewer total jobs than the Project and a lower ratio of jobs to housing.

2 The Jobs Emphasis Alternative does not take advantage of the City's location along the Union Pacific Railroad and corresponding railroad spur located north of the City which will help facilitate industrial development and generate additional jobs.

3 This alternative does not offer significant benefits compared to the Project.

Reference: DEIR Section 8.0, Alternatives, provides an analysis of the environmental effects of this alternative as compared to the proposed General Plan Update.

4. Planning Commission Environmental Review Alternative

Under the Planning Commission Environmental Review Alternative the land use designations of the General Plan would be applied to an area surrounding the City that extends north of Zacharias Road to Del Puerto Creek, Del Puerto Canyon Road to the west, Sycamore Avenue on the east and a point about midway between Elfers Road and Marshall Road to the south. The total area covered by this alternative would be about 12,446 acres. Roadway improvements and policy provisions would be revised to match this alternative (e.g., policy LU-1.4 would be retained). All other policy provisions of the Project would remain as they are currently proposed.

The Planning Commission Environmental Review alternative would accommodate about 76,000 residents at buildout and would cover the largest land area. Key attributes of the Plan are:

- The population holding capacity is about 75,863.
- New residential neighborhoods are shown to the north and west of the current City limits and south of Zacharias Road. Residential is also extended to the east to Elm Avenue.
- North of Zacharias and south of Del Puerto Creek is designated for additional industrial development, including the land surrounding the future site of Patterson High School.
- Land between the canals is designated for additional commercial development nearest the Sperry Avenue interchange along Rogers Road, and at the westerly extension of Zacharias Road where a new freeway interchange may be located.
- Between these two commercial nodes is land designated for industrial development.
- The area west of I-5 is shown with a 'Mixed Use' designation which would accommodate housing and commercial development.
- A portion of the area between Interstate 5 and the California Aqueduct is shown as industrial.
- The area west of Rogers Road and north of the westerly extension of the Business Park is shown as residential.
- The area south of Elfers Road has been designated Estate Residential with a cluster subdivision requirement.
- The resulting ratio of jobs to housing is about 1.13 at buildout.

Finding: Pursuant to Public Resources Code Section 21081(b)(3) and CEQA Guidelines Section 15091(a), the City Council finds that the Planning Commission Environmental Review Alternative is less desirable and infeasible because of specific economic, legal, social, technological, or other considerations and is rejected for the following reasons:

1 The Planning Commission Environmental Review Alternative does not accommodate a level of commercial development and corresponding economic development benefits as the Project. Specifically, the amount of land designated for commercial development will result in fewer total jobs, less sales tax and property tax revenue than the Project, and a lower ratio of jobs to housing.

2 The Planning Commission Environmental Review Alternative does not take advantage of the City's location along Interstate 5 with respect to opportunities for regional-serving retail, at the potential future interchange of Zacharias Road and Interstate 5.

3 This alternative does not offer significant benefits compared to the Project.

Reference: DEIR Section 8.0, Alternatives, provides an analysis of the environmental effects of this alternative as compared to the proposed General Plan Update.

5. Lower Carbon Future Alternative

In September, 2009, the California Attorney General published guidelines for the analysis of potential climate change impacts in CEQA documents prepared for general plan updates. The guidelines state that a city should, if feasible, evaluate at least one alternative that would ensure that the community contributes to a "lower carbon future". The guidelines provide examples of attributes that would contribute to a lower carbon future, which include:

- Higher density development that focuses growth within existing urban areas;
- Policies and programs to facilitate and increase biking, walking, and public transportation and reduce vehicle miles traveled;
- The creation of "complete neighborhoods" where local services, schools, and parks are within walking distance of residences;
- Incentives for mixed-use development;
- In rural communities, creation of regional service centers to reduce vehicle miles traveled;
- Energy efficiency and renewable energy financing;
- Policies for the preservation of agricultural and forested land serving as carbon sinks;
- Requirements and ordinances that mandate energy and water conservation and green building practices;

Under the Lower Carbon Future Alternative the land use designations of the General Plan would be applied to an area surrounding the City that extends to Zacharias Road to the north, the Delta Mendota canal to the west. The area designated for urban development to the east and south would be identical to the 1992 General Plan. The total area covered by this alternative would be about 6,500 acres, or about 1,500 acres more than the 1992 General Plan. Roadway improvements and policy provisions addressing the Study Area would be revised and/or eliminated to match this alternative (e.g., policy LU-1.4 would be deleted). All other policy provisions of the Project would remain as they are currently proposed.

The Lower Carbon Future Alternative would accommodate a buildout population of about 46,360, about 6 million square feet of commercial development and about 14.5 million square feet of industrial development.

Finding: The Lower Carbon Future Alternative would have all of the same significant and unavoidable impacts as the Project. In addition, numerous other impacts would decrease in this alternative compared to the Project. Specifically, the Lower Carbon Future Alternative does not designate land for development in the foothills west of Interstate 5. Accordingly, impacts relating to the extension of water, water, wastewater, storm drainage and transportation facilities would be reduced, as well as impacts relating to slope instability, geotechnical issues, wildland fire, and impacts to certain biological resources. These decreases would not be substantial enough to decrease levels of significance for any impacts compared to the Project.

Pursuant to Public Resources Code Section 21081(b)(3) and CEQA Guidelines Section 15091(a), the City Council finds that the Lower Carbon Future Alternative is less desirable and infeasible because of specific economic, legal, social, technological, or other considerations and is rejected for the following reasons:

1 The Lower Carbon Future Alternative does not accommodate a level of commercial development and corresponding economic development benefits as the Project.

Specifically, the amount of land designated for commercial and industrial development will result in fewer total jobs than the Project and a lower ratio of jobs to housing.

2. The amount of land designated for residential development with the Lower Carbon Future Alternative is not sufficient to support the long-term population and economic development objectives of the City.

3. The Lower Carbon Future Alternative does not take advantage of the City's location along the Union Pacific Railroad and corresponding railroad spur located north of the City which will help facilitate industrial development and generate additional jobs.

4. The Lower Carbon Future Alternative would not meet the Project Objectives for providing a long-term vision for the growth and development of the City, for ensuring economic development, improved employment and shopping opportunities for Patterson residents.

5. The Lower Carbon Future Alternative does not take advantage of the City's location along the Union Pacific Railroad and corresponding railroad spur located north of the City which will help facilitate industrial development and generate additional jobs.

6. The Lower Carbon Future Alternative does not take advantage of the City's location along Interstate 5 with respect to opportunities for regional-serving retail, housing, parks and other public amenities that may be established west of Interstate 5 and at the potential future interchange at Zacharias Road.

7. This alternative does not offer significant benefits compared to the Project.

Reference: DEIR Section 8.0, Alternatives, provides an analysis of the environmental effects of this alternative as compared to the proposed General Plan Update.

Table 3 compares the development holding capacities of each alternative considered by the Draft EIR.

Table 3: Summary Development Holding Capacity of Alternatives

Attributes	No Project-Buildout of 1992 Plan	Lower Carbon Future	Compact Development	Jobs Emphasis	PC Env. Review Plan
	Total At Buildout	Total at buildout	Total At Buildout	Total At Buildout	Total At Buildout
Dwelling Units	10,345	15,153	18,992	22,151	25,589
Population	33,196	46,360	57,510	66,673	75,863
Commercial Floor Area (sq.ft.)	4,854,224	6,081,011	7,586,263	12,639,691	8,566,036
Industrial Floor Area (sq.ft.)	9,442,083	14,585,212	16,562,837	15,046,949	18,715,572
Services Floor Area (sq.ft.)	3,721,984	5,205,420	5,749,920	5,749,920	5,749,920
Jobs	14,541	21,491	25,374	28,884	28,826
Ratio of Jobs to Housing	1.41	1.42	1.34	1.30	1.13

Source: CMCA, 2009

2. Findings Regarding Adequacy of Range of Alternatives

The City finds that the range of alternatives evaluated in the EIR reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the Project's environmental effects, while accomplishing most but not all of the Project Objectives. The City finds that the alternatives analysis is sufficient to inform the City and the public regarding the tradeoffs between the degree to which alternatives to the Project could reduce environmental impacts and the corresponding degree to which the alternatives would hinder the City's ability to achieve most or all of its Project Objectives.

IV. D. Statement of Overriding Considerations

In determining whether to approve the Project, CEQA requires the City to balance the benefits of the Project against its unavoidable environmental risks. (CEQA Guidelines, § 15093.) In accordance with Public Resources Code section 21081(b) and CEQA Guidelines section 15093, the City Council, in determining whether to approve the Project, has balanced the economic, social, technological, and other benefits of the Project against its unavoidable impacts, and has found that the benefits of the Project outweigh the significant adverse environmental effects that are not mitigated to less-than-significant levels, as set forth below.

1. Impacts That Remain Significant

As discussed in Exhibit A and the EIR, the City has found the following impacts would remain significant following adoption and implementation of the mitigation measures described in the Final EIR:

Section 5.1 Land Use

Impact 5.1-2: Consistency with the County General Plan
Impact 5.1-4: Consistency with LAFCo Policies
Impact 5.1-5: Consistency with Adopted Plans and Policies, Cumulative Population Growth
Section 5.2 Population/Housing/Employment
Impact 5.2-1: Increase In Population, Housing and Employment
Impact 5.2-3: Cumulative Impacts to Population, Housing and Employment

Section 5.3 Public Services

Impact 5.3-5: Cumulative Impacts Relating to Health Care Facilities
Impact 5.3-7: Cumulative Impacts to Solid Waste Disposal Capacity
Impact 5.3-11: Impacts Related to the Construction of Public Facilities

Section 5.4 Water Supply

Impact 5.4-1: Water Demand will exceed available supplies
Impact 5.4-2: Construction of Water Supply Infrastructure
Impact 5.4-3: Potential Impacts to Surrounding Wells from Increased Groundwater Pumping
Impact 5.4-4: Brine Disposal from Treated Water

5.4-5: Reduction of Water Available for Agricultural Operations

Impact 5.4-6: Reduction of water available for all uses in the area.

Section 5.5 Wastewater

Impact 5.5-2: Construction of Wastewater Collection and Disposal Infrastructure
Impact 5.5-3: Required Amendment to Wastewater Discharge Permit

Section 5.6 Transportation

Impacts 5.6-1, 5.6-3, 5.6-5, 5.6-16: Impacts to Roadway Segments in 20 Year Timeframe
Impacts 5.6-2, 5.6-4, 5.6-6, 5.6-16: Impacts to Roadway Segments in 40 year (buildout) Timeframe
Impact 5.6-7: Increased Truck Traffic
Impacts 5.6-8, 5.6-17: Impacts to Roadways of Other Jurisdictions
Impacts 5.6-9, 5.6-18: Cumulative Traffic Impacts on Freeway Operations
Impact 5.6-10: Impacts to Transit Facilities
Impact 5.6-11, 5.6-18: Impacts to Pedestrian Facilities
Impacts 5.6-12, 5.6-18: Impacts to Bicycle Facilities
Impact 5.6-14: Potential increase in Traffic Hazards
Impact 5.6-15: Impacts related to the Construction of Roadway and Intersection Improvements

Section 5.7 Air Quality

Impact 5.7-3: Emission of Ozone Precursors
Impact 5.7-4: Consistency with Extreme Ozone Attainment Demonstration Plan
Impact 5.7-5: Carbon Monoxide Hotspots
Impact 5.7-6: Climate Change
Impact 5.7-7: Risks Associated With Climate Change
Impact 5.7-8: Cumulative Emission of Air Pollutants

Section 5.8 Noise

Impact 5.8-2:Traffic Noise
Impact 5.8.5: Encroachment of Noise from Stationary Sources
Impact 5.8-7: Cumulative Noise Impacts

Section 5.10 Biological Resources

Impact 5.10-20: Cumulative Impacts to Sensitive Biological Resources

Section 5.11 Agricultural Resources

Impact 5.11-1: Permanent Loss of Prime Agricultural Land and Other Important Farmland
Impact 5.11-2: Permanent Loss of Prime Agricultural Land for Road Widenings
Impact 5.11-3: Permanent Loss of Prime Agricultural Land to Construct a Regional Park
Impact 5.11-4: Conflicts between Urban Land Uses and Ongoing Agricultural Operations
Impact 5.11-5: Conflicts between Urban Land Uses and Ongoing Agricultural Operations
Impact 5.11-6: Cumulative Loss of Important Farmland
Impact 5.11-7: Cumulative Conflicts between Urban Land Uses and Ongoing Agricultural Operations

Section 5.12: Hazards and Hazardous Materials

[none]

Section 5.13 Hydrology and Water Resources

Impact 5.13-5: Impacts relating to the Construction of Drainage Infrastructure
Impact 5.13-7: Development in Areas Subject To Flooding
Impact 5.13-8: Cumulative Degradation of Water Quality
Impact 5.13-9: Cumulative Increase in Runoff and Potential Flooding

Section 5.14 Visual and Aesthetic Resources

Impact 5.14-1: Scenic Qualities of the Study Area
Impact 5.14-3: Cumulative Impacts to Scenic Quality and Light and Glare

2. Overriding Considerations Justifying Project Approval

In approving the proposed 2010 City of Patterson General Plan Update, the City Council makes the following Statement of Overriding Considerations in support of its findings on the FEIR. The City Council has considered the information contained in the FEIR (the Draft EIR, Comments on the Draft EIR, Response to Comments on the Draft EIR, the Errata and all other publiccomments, responses to comments, and accompanying technical memoranda and staff reports included in the public record).

Based on the objectives identified in the proposed 2010 City of Patterson General Plan Update, DEIR, and FEIR, and through extensive public participation, the City Council has determined that the Project should be approved, and any remaining unmitigated environmental impacts attributable to the Project are outweighed by the following specific environmental, economic, fiscal, social, housing, and other overriding considerations, each one being a separate and independent basis upon which to approve the Project. Substantial evidence in the record demonstrates the City would derive the following benefits from adoption and implementation of the 2010 City of Patterson General Plan Update:

Guidance for Future Development

1. The prior general plan for the City was adopted in 1992, and relied on a projected buildout population of 33,000, as shown in Table 5.2-14 on page 5.2-18 of the Draft EIR. The Stanislaus Council of Governments projects a 2030 population for the City of 39,067, while employment is projected to increase from 3,914 to 14,000. (Table 5.2-17 on page 5.2-19 of the Draft EIR). The prior general plan would not accommodate the projected population and employment growth that will occur in the City, and a new land use and development plan is needed to ensure orderly growth. The Project accommodates the projected population and employment growth and provides specific policies and implementation measures for orderly development. (See policies Land Use Element policies LU-1.1, LU-1.2, LU-1.3, LU-1.4,LU-1.6, LU-1.7, LU-1.8, LU-1.8, policies CD-1.1, CD-1.2, CD-1.3, of the Community Design Element, and policies ED-1.2, ED-1.4, ED-3.1, ED-3.2 and ED-3.3 of the Economic Development Element). By planning for land uses and infrastructure on a comprehensive long term basis, in contrast to dealing with small incremental changes, the City believes it will achieve a better balanced community of land uses and infrastructure.

2. The City seeks to achieve and maintain a healthy balance of jobs and housing to reduce the need for commuting outside of the City, and to attract commercial and industrial uses to improve the economy. (see policies LU-1.1, LU-1.3, LU-1.4,LU-1.9, of the Land Use Element, policies ED-3.1, ED-3.2, ED-3.3 of the Economic Development Element). The Project accomplishes this goal by ensuring that new residential development occurs along side a range of support services essential to day-to-day living. (see policies LU-1.1, LU-1.2, LU-1.3, LU-1.4 of the Land Use Element). The Project also facilitates job growth within the City through implementation of policies and measures aimed at attracting and retaining businesses. (see policies ED-1.1 through ED-1.8, policies ED-4.1 through ED-4.2 of the Economic Development Element.)

Environmental

1. The Project incorporates all feasible project features and mitigation measures to reduce potential environmental impacts to the greatest extent feasible.

2. The General Plan recognizes the wide range of city natural systems, open spaces, and agricultural and recreational opportunities by protecting and enhancing resources (see policies NR-1.1, NR-1.5, NR-1.8, NR-2.1, NR-2.2, NR-2.3, NR-2.4, NR-3.2, NR-3.4, NR-3.4, NR-3.5, NR-3.6, NR-3.7, NR-3.8, NR-3.0 of the Natural Resources Element). Consistent with this approach, development opportunities are focused in community areas where such development can be supported by necessary infrastructure and public services, agriculture and open space are preserved, and energy is conserved, all of which reduce congestion and greenhouse gas emissions and improve air qualify. (see policies LU-1.1, LU-1.2, LU-1.3 and LU-1.4 of the Land Use Element.)

3. The General Plan includes new policies and programs for climate protection and sustainability (see policies AR-7.1 through AR-7.12 of the Air Resources and Climate Change Element) and commits the City to being proactive in monitoring and addressing climate change. Directing new growth into neighborhoods and increasing bike and

pedestrian systems will help lower transportation-related greenhouse gas emissions. Improving building energy efficiency standards, green building, and promoting the use of renewable sources [wind, sun, thermal) will lower emissions as well as consumption of fossil fuels. (see policies LU-1.1, LU-1.2, LU-1.3 and LU-1.4 of the Land Use Element.)

4. The Project provides updated General Plan policies that protect water resources and water qualify (see policies NR-1.1 through NR-1.12). The City will work with agencies in developing long-term wafer supplies to meet the growth needs planned in this General Plan (policy PS-1.1, PS-1.3, PS-1.5, PS-1.6 of the Public Services Element). General Plan policies recognize the importance of wafer conservation as part of a sustainable management plan. (PS-1.5 of the Public Services Element.)

Economic and Fiscal

1. The project focuses on the long term relative to creation of permanent jobs for local residents. Creation of new employment opportunities will be balanced with protection of the environment and natural resources. (see policies ED-1.1, ED-1.2, ED-1.5, ED-3.1, ED-3.2 of the Economic Development Element, and policies LU-1.1, LU-1.2, LU-1.3 and LU-1.4 of the Land Use Element.)

2. The project facilitates a variety of land uses and employment opportunities consistent with local community needs, and promotes diversified employment opportunities in the industrial sector (see policies ED-2.1, ED-2.2, ED-2.3 of the Economic Development Element and policies LU-7.1 through LU-7.4 of the Land Use Element). In all instances, the General Plan promotes and encourages land uses that incorporate environmentally sound practices.

3. The project creates opportunity for new commercial development by designating sufficient lands for commercial use, including an emphasis on a complementary range of uses in proximity to residential uses (see policies LU-3.1 through LU-3.3, policies LU-1.1, LU-1.3, and LU-1.4 of the Land Use Element). Additionally, policies call for business retention, expansion and diversification (see policies ED-1.2, ED-1.3, ED4.1, ED-4.2 and ED-4.3 of the Economic Development Element), with an emphasis on compatibility between land uses by requiring the use of buffers and setbacks, reducing the potential for environmental and other impacts, and protecting natural resources (see policies LU-1.1, LU-1.3, LU-1.4, LU-2.3, LU-2.4, of the Land Use Element and policies NR-2.2, NR-2.3 and NR-2.10, of the Natural Resources Element).

4. The project establishes expanded opportunities for, and greater support for the provision of, health care facilities to serve Patterson Residents. (see policies LU-6.1, LU-6.2 and LU-6.3 of the Land Use Element)

Social

1. One of the main attributes of the City is its small town atmosphere, specifically in the downtown. (see policy LU-1.6 of the Land Use Element .) Maintaining that small town atmosphere is important to the community, and one of the objectives of the Project is to preserve the small town atmosphere while accommodating necessary growth (see policies LU-1.1, LU-1.2, LU-1.3, LU-1.4, LU-1.6). The Project also enhances the small town atmosphere by making downtown more accessible and less congested through transportation and circulation policies. (see policies LU-4.1, of the Land Use Element and policies T-1.6, T-1.8, T-1.9, T-1.14 of the Circulation Element)

2. The project reflects the City's commitment to the health and well-being of all its residents, and the General Plan land use plans, policies, and programs are designed to promote health through promoting an active, inclusive city, where healthy habits are encouraged rather than discouraged by the built environment. The policies also emphasize development of walkable and bikeable communities. (see policies LU-1.3, LU -1.4 of the land Use Element, and policies T-7.1, T-7.2, T-7.3, T-7.5 of the Circulation Element and policy NR-3.3 of the Natural resources Element)

3. The project development pattern policies provide for new development in infill and in residential expansion areas (see policies LU-1.1, LU-1.2 LU-1.3,LU-1.7 of the Land Use Element), where infrastructure and public services are or will be available. In these areas, compact forms of development will be emphasized (policy NR-2.2 of the Natural resources Element), as will use of infill and redevelopment of underutilized sites. This approach will create better-defined urban boundaries, and preserving the character of the city.

4. The project protects historic, cultural, and archaeological resources through a variety of actions. (see policies PR-4.1, PR-4.2, PR-4.3, PR-4.4, PR-4.5, PR-5.1 through PR-5.4, PR6.1 through PR-6.5 of the Parks, Recreation and Cultural Resources Element .)

5. The project incorporates a wide range of policy approaches addressing transportation needs. Primary among these is an emphasis on multiple modes of transportation (see policies T-2.1 through T-2.3, T-3.1 through T-3.4, T-7.1 through T-7.11 of the Circulation Element) rather than focusing solely on vehicular transportation, while stressing community livability. Policies provide for expanded pedestrian and bicycle systems in support of improved community livability. Connecting or expanding the city's system of pedestrian and bicycle routes is emphasized, as is providing improved linkages between modes of transportation. New development will be required to construct or support pedestrian and bicycle systems.

6. The project establishes a wide range of parks and recreational opportunities for city residents. The policies place an emphasis on community livability (see policies PR-1.1, through PR-1.14 of the Parks, Recreation and Cultural Resources Element). Policies call for development of trails and bicycle lanes (policy PR-1.14), and incorporation of multiple uses of parks and school facilities and open spaces in the city (see policies PR-1.7, PR-1.10 of the Parks, Recreation and Cultural Resources Element).

7. This General Plan recognizes the need and importance of providing adequate law enforcement and fire protection services for the city (see policies PS-5.1 through PS-5.4 and policies PS-6.1 through PS-6.4 of the Public Services Element Parks, Recreation and Cultural Resources Element), calling for regulation of development patterns and designs as a means of ensuring public safety, working with law enforcement agencies as part of the development process, and maintaining adequate development codes enforcement capabilities.

Housing

1. The State of California has made the attainment of decent housing and a suitable living environment for every Californian a statewide priority. As set forth in Government Code Section 65580, the City of Patterson must facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of

the community. Similarly, CEQA recognizes the importance of balancing the prevention of environmental damage with the provision of a "decent home and satisfying living environment for every Californian" (see Public Resources Code Section 21000(g)). The proposed General Plan Update sets forth the City's long-range plan for meeting regional housing needs, during the present and future housing cycles, while balancing environmental, economic, and fiscal factors and community goals. (see policies in the Housing Element).

2. The City is obligated under state law to assume its fair share of regional growth, particularly housing for all income levels. The Project accommodates this obligation while at the same time minimizing impacts by concentrating growth in areas where urban services are available (see policies LU-1.1, LU-1.3, LU-1.4,LU-2.1 through LU-2.5 of the Land Use Element Parks, Recreation and Cultural Resources Element). The 2010 City of Patterson General Plan Update also outlines a variety of strategies for the City to use to address its long-term housing needs and to meet state and regional housing requirements.

3. The Project's intent is to provide a range of flexibility in how the General Plan is implemented, through updates to the Zoning Ordinance and other development codes (see policies AI-1.1 through AI-1.4 of the Administration Element Parks, Recreation and Cultural Resources Element). Similarly, flexibility in development standards helps implement the Housing Element.

Legal and Regulatory

1. The Project provides for cooperative planning between the City and the County, numerous other state and federal jurisdictions, and private and nonprofit sectors to provide needed services and facilities such as housing, transportation, economic development, parks and recreation, open space, and other needed services and infrastructure to city residents. (see policies LU-1.13, LU-1.14, LU-6.3, of the Land Use Element, policies ED-1.8, ED-2.3 of the Economic Development Element, policies t-7.9, T-7.10 and T-7.11,T-1.6, T-2.1, T-2.2, T-5.1, T-5.2 of the Circulation Element, policies AR-1.2, AR-1.11, AR-1.13, AR-4.2 of the Air Resources and Climate Change element, policies PS-1.4, PS-3.6, PS-4.5, PS-7.1, PS-7.8, PS-8.1, of the Public Services Element, policy PR-1.7, PR-4.7, PR-5.1 of the Parks, Recreation and Cultural Resources Element, policies HS-2.15, HS-4.6, HS-7.1, HS-7.7, policies NR-1.3, NR-2.4, NR-3.4, NR-3.1 of the Natural Resources Element Parks, Recreation and Cultural Resources Element .)

2. The Project balances the protection of ecologically-sensitive resources with the protection of property rights, and the need for affordable housing, transportation, and economic growth. The Project represents the best compromise in terms of satisfying the City's obligations to social, environmental, and housing considerations, all within the constraints of the City's limited budget.

3. The Project ensures that private property owners will continue to have economically viable use of their lands, promotes economic development, spreads the public burdens fairly, and protects the City from regulatory taking challenges.

4. The Project is consistent with the rule that, in mitigating or avoiding a significant effect on the environment, a public agency may exercise only those express or implied powers provided by law other than the California Environmental Quality Act (see Public Resources Code Section 21004).

Conclusion

The City has balanced the specific economic, legal, social, technological, or other benefits against the unavoidable environmental risks identified in the EIR and have concluded that the benefits of the proposed Project outweigh those unavoidable environmental risks. The City has determined that any remaining environmental effects attributable to the proposed Project that are found to be unavoidable in the Findings of Fact, are acceptable due to the overriding concerns set forth in this Statement of Overriding Considerations. As a result, the City finds that the remaining significant adverse impacts are acceptable to the City and that the proposed Project with mitigation should be approved.

The City further finds that each of the benefits or reasons described above in this Statement of Overriding Considerations is individually sufficient by itself to outweigh and override the environmental risks and support the approval of the proposed Project.

In conclusion, the City finds that any remaining significant adverse impacts attributable to the Project are acceptable to the City due to the overriding concerns set forth in this Statement of Overriding Considerations. The City has concluded that even with the unavoidable environmental risks, the proposed Project with feasible mitigation should be approved.

IV. E. Mitigation Monitoring and Reporting Program

According to CEQA Guidelines Section 15097(b), "Where the project at issue is the adoption of a general plan, specific plan, community plan or other plan-level document (zoning, ordinance, regulation, policy), the monitoring plan shall apply to policies and any other portion of the plan that is a mitigation measure or adopted alternative. The monitoring plan may consist of policies included in plan-level documents. The annual report on general plan status required pursuant to the Government Code is one example of a reporting program for adoption of a city or county general plan."

Pursuant to CEQA Guidelines Section 15097(b), the review and reporting on the adopted General Plan policies and action items will occur in conjunction with the preparation and submittal of the annual report on the status of the General Plan that is required by Government Code Section 65400.

In accordance with CEQA and the CEQA Guidelines, the City must adopt a mitigation monitoring and reporting program ("MMRP") to ensure that the mitigation measures adopted herein are implemented. The mitigation measures set forth in the MMRP will be enforced as outlined in MMRP, through imposition of mitigation milestones and definite mitigation obligations. At each milestone in the process (e.g., issuance of building permits, issuance of the final certificate of occupancy, etc.), City staff will verify that the Project applicant has satisfied all applicable mitigation obligations. The City hereby adopts the Mitigation Monitoring and Reporting Program for the Project attached to these findings as attached Exhibit B.

IV. F. Summary

Based on the foregoing findings and the information contained in the administrative record of proceedings, the City has made one or more of the following findings with respect to each of the significant environmental effects of the Project identified in the Final EIR:

1. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects on the environment and/or;

2. Specific economic, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the Final EIR that would otherwise avoid or substantially lessen the identified significant environmental effects of the Project.

Based on the foregoing findings and information contained in the record, it is hereby determined that:

1. All significant effects on the environment due to approval of the Project have been eliminated or substantially lessened where feasible; and

2. Any remaining significant effects on the environment found unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in Section IV.D., above.

EXHIBIT "A"

V. Findings Associated With Less Than Significant Impacts Without Need For Imposition Of Mitigation

The City Council has reviewed and considered the information in the Draft EIR and Final EIR, addressing environmental effects, mitigation measures, and alternatives. The City Council, relying on the facts and analysis in the DEIR and FEIR, which were presented to the City Council and reviewed and considered prior to any approvals for the 2010 Patterson General Plan Update, concurs with the conclusions of the DEIR and FEIR regarding the less than significant environmental effects.

Section 5.1 Land Use/Consistency With Adopted Plans and Policies

Impact 5.1-1 **Land use compatibility conflicts between existing and future land uses within the Study Area.**

Implementation of the Project could result in land use compatibility conflicts between existing and future land uses within the General Plan Area.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact. The Patterson Municipal Code provides a number of performance standards aimed at minimizing land use compatibility impacts. For example, Title 6 - Health and Safety, provides standards for (among other things):

Property Maintenance (6.16) Neglected Vacant Structures (6.18)
Storage of Fuels (6.24) Hazardous Materials (6.40)
Noise Control (6.44) Right to Farm (6.48)

In addition, the City's Zoning Ordinance (Title 18) sets forth development and use standards for each zone which are intended to help ensure compatibility among land uses. The Ordinance establishes conditionally allowable uses for each zone that require discretionary review of new development.

In addition, the City's Community Design Guidelines and Downtown Physical Design Plan set forth the City's expectations for the qualities to be incorporated in new development. The Guidelines illustrate design strategies to help ensure new development complements existing development and minimizes impacts to surrounding development.

Lastly, the Draft Policy Document includes policies aimed at minimizing conflicts between existing and new development which will reduce these impacts to a less than significant level.

Reference: Policies: LU-1.1, LU-1.2, LU-1.12, LU-1.13, LU-1.14, LU-3.2, LU-7.2, LU-7.4, LU-8.1, CD-1.1, CD-3.2, HS-5.1, HS-5.2, HS-5.5, HS-6.4, HS-6.6, HS-6.7, NR-2.1, NR-2.2, NR-2.3, NR-2.10, PS-9.1, PS-9.5, DEIR/FEIR pages 5.1-16 to 5.1-21.

Impact 5.1-3 **Inconsistencies with City of Patterson zoning regulations.**

Site-specific development is regulated by the Patterson Zoning Ordinance (Title 18 of the Patterson Municipal Code). In accordance with the California Government Code, the zoning districts applied within the City must be consistent with the land use designations provided by the General Plan.

The Project would result in changes to the land use designations within the current City limits which in turn would result in inconsistencies between the land use designations and the current zoning for particular areas. Thus, until the applicable zoning regulations are amended consistent with the adopted General Plan land use designations there will be inconsistencies between the two. This is considered a less than significant impact.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The potential inconsistencies between the recommended land use designations associated with the Project would be resolved by Implementation Measure LU-1 which requires an amendment of the City's Zoning Ordinance following adoption of the General Plan.

Reference: Implementation measure LU-1. DEIR/FEIR page 5.1-28.

Section 5.2 Population, Housing and Employment

Impact 5.2-2 **Displacement of existing dwellings as result of new urban development.**

Urban development accommodated by the Project could result in the displacement of as many as 669 dwelling units as the City expands outward.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

While implementation of any of the Project will not, in and of itself, result in the construction of any new development, it would change the existing land use designations to allow an intensification of development, including housing. Additionally, the Circulation Diagram identifies a circulation system that would require the construction of new roadways within the Study Area which in turn may require the removal of some housing units and/or businesses, thereby displacing persons. However, such displacement is expected to be minor, given that roadway sizing and alignments are designed to avoid impacts to existing development areas.

Adoption of the Project would not, in and of itself, displace substantial numbers of housing units or people, nor would they re-designate existing residential areas to land uses that would require the relocation of residents. If relocation is required, State and federal laws require due compensation for persons required to relocate as a result of redevelopment projects carried out by the City or any projects that use federal or state funding. Any private development that may occur would pay the fair market price for any land/housing acquired as a result of project development. Therefore, although some isolated displacement of persons or housing may result, due compensation will be provided in accordance with law to offset any cost-related effects.

In summary, although some existing units and their associated occupants will be displaced over the timeframe of the General Plan (40 or more years) the number in each case is small in comparison with the number of units and population accommodated by the Project.

Reference: DEIR/FEIR pages 5.2-25 to 5.2-26.

Section 5.3 Public Services and Facilities

Impact 5.3-1 **Increased City population, the number of structures, and the geographic area served by the Fire Department.**

Implementation of the Project will increase the population, number of structures and the geographic area served by the Fire Department. As the geographic area and population served by the Fire Department increases the desired response times may not be achieved without additional fire stations and fire fighting personnel. Based on a buildout population of 66,673, a total of 67 career fire fighting personnel (24 more than in 2010) will be needed to achieve and maintain the desired level of service of 1 career firefighter per 1,000 population. In addition, the geographic area of the City will increase to 11,796 acres.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The Draft Policy Document contains policies and implementation measures that ensure additional fire stations and fire fighting personnel are provided in order to achieve and maintain the desired response times. Implementation of these policies and programs will ensure impacts related to fire protection are less than significant.

Reference: Policies: PS-6.1, PS-6.2, PS-6.3, PS-6.4, Implementation Measures: PS-9, PS-11, PS-13, DEIR/FEIR pages 5.3-7 to 5.3-9.

Impact 5.3- 2 **Increased City population, number of businesses , and geographic area served by the Police Department.**

Implementation of the Project will increase the population, number of businesses and the geographic area served by the Police Department. As the geographic area and population

served increases the desired response times may not be achieved without additional police sub-stations and personnel. Based on a buildout population of 66,673, a total of 100 law enforcement personnel will be needed (79 more than in 2010) to maintain the desired ratio of 1.5 officers per 1,000 population.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The Draft Policy Document contains policies and implementation measures that ensure additional police stations and fighting personnel are provided in order to achieve and maintain the desired response times. Implementation of these policies and programs will ensure impacts related to police protection are less than significant.

Reference: Policies: PS-5.1, PS-5.2, PS-5.3, PS-5.4, Implementation Measures: PS-9, PS-11, PS-12, DEIR/FEIR pages 5.3-10 to 5.3-15.

Impact 5.3-3 **The Project will increase the City's population with a corresponding increase in the demand for parks and recreational facilities.**

A significant impact relating to parks could occur if developed parkland is not provided concurrently or in advance of population growth to achieve and maintain the desired ratio of 5 acres of parkland per 1,000 population. Based on the desired ratio of 5 acres of developed parkland per 1,000 residents, the Project will require a total of 333 acres of developed parkland at buildout, or 256 acres more than in 2010.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The Draft Policy Document contains policies and implementation measures that ensure additional developed parkland is provided in order to achieve and maintain the desired ratio of parkland to population. Implementation of these policies and programs will ensure impacts related to the demand for park land are less than significant.

Reference: Policies: LU-1.3, LU-1.4, PR-1.1, PR-1.2, PR-1.3, PR-1.4, PR-1.5, PR-1.6, PR-1.7, PR-1.10, PR-1.12, PR-2.1, PR-2.2, PR-2.3, PR-2.4, PR-6, PR-7, PR-8, implementation measures PR-1, PR-2, PR-3, PR-4, PR-5, PR-6, PR-7, PR-11. DEIR/FEIR pages 5.3-21 to 5.3-26.

Impact 5.3-4 **The increased population accommodated by the Project would generate additional students with a corresponding increase in the demand for school facilities provided by the PJUSD.**

Based on a buildout population of 66,673, the project will generate as many as 18,441 additional school-aged children (7,864 K through 5th, 3,248 6th through 8th , and 7,328 9 through 12th).

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

As discussed on page 5.3-32 of section 5.3 - Public Services, SB 50 preempts a city or school district from levying or imposing additional fees (or other mitigation) in connection with, or made a condition of, any new land use approval as additional mitigation for the impacts of land use approvals on school facilities. In addition, a local agency may not deny or refuse land use entitlements on the basis that school facilities are inadequate, notwithstanding other provisions of the law, including CEQA. The provisions of SB 50 are the exclusive means of both "considering" and "mitigating" a project's impacts on school facilities.

The School District owns a 12-acre site along Ward Avenue in the Patterson Gardens project area that it plans to use for an elementary school, and a 56-acre site located north of Zacharias Road at Baldwin Road that it plans to use for a high school. The timing of the construction of these facilities will be based on the availability of funds and the demand for these facilities.

The Villages of Patterson Development Plan EIR (2006) also notes that two additional school sites could be accommodated within that project's boundaries, both of which would be K-5 facilities.

Lastly, the draft Policy Document includes policies and implementation measures to ensure the mitigation of potential impacts to school facilities are mitigated in accordance with the provisions of State law.

Reference: Policies: LU-1.3, LU-1.4, PS 7-1, PS-7.2, PS-7.3, PS-7.4, PS-7.5, PS-7.6, PS-7.7, PS-7.8, PS-7.9, DEIR/FEIR pages 5.3-30 to 5.3-35.

Impact 5.3-6 **Additional solid waste which in turn will reduce capacity of the landfill serving the City.**

Future development accommodated by the Project will generate as much as 53,119 tons per year of additional solid waste which in turn will reduce capacity of the landfill serving the City.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Development accommodated by the Project would generate as much as 53,119 tons of waste per year at buildout. In addition to solid waste, sludge produced at the wastewater treatment plant will require disposal at a landfill. Assuming the sludge is de-watered to about 20 percent solids, sludge produced at buildout of the Project will be about 10,000 tons per year. However, the sludge is expected to be dried which will reduce the sludge production to about 7,000 tons per year. Assuming total sludge produced by development within the 20-year growth boundary is about 2/3 of the buildout total, about 4,620 tons per year will require disposal by 2030 and 7,000 tons by 2050.

Brine generated through the treatment of groundwater and surface water will also necessitate disposal at a landfill. Brine production could result in about 31 tons per year of concentrated salts at buildout that would be hauled to landfill periodically.

The Fink Road Landfill has a remaining capacity of 10 million cubic yards. The facility is permitted to receive 2,400 tons per day, and is projected to close in 2023 if it accepts waste at that maximum daily rate. However, it is currently receiving about 369 tons per day. If this rate were to continue into the future, the remaining life of the landfill could be 35 to 50 years from 2010. This would depend on several factors, including:

- Whether the waste stream received at the landfill remains around 369 tons per day;
- The density of the waste; and
- The rate at which solid waste is recycled.

The Fink Road Landfill has sufficient capacity for an additional 10 million cubic yards of solid waste over current levels (estimated to be 6 million tons, assuming 0.6 tons per cubic yard). If there were no other source of solid waste entering the landfill, the Project's contribution would take 130 years to bring the facility to capacity. Thus, there is ample capacity to accommodate the Project's contribution to the landfill.

Lastly, the Draft Policy Document contains policies and implementation measures to ensure impacts to landfill capacity are minimized.

Reference: Policies: PS-4.1, PS-4.2, PS-4.3, PS-4.4, PS-4.5, PS-4.6, PS-4.7, PS-4.8, PS-4.9, DEIR/FEIR pages 5.3-44 to 5.3-47.

Impact 5.3-8 **Increased demand for library services.**

The Project will accommodate additional residents and employees in Patterson which in turn will increase the demand for library services.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The Patterson library is part of a 13-branch network that serves the people of Stanislaus County. The branch libraries are augmented by an extensive online library system. Future development associated with the Project will increase demand for public information, including information available within the library system. However, with the growth in the use and availability of the internet since the mid-1990s, access to information of all kinds has increased dramatically. Internet access is generally available for a nominal cost. For citizens without internet access, the library will continue to provide such access and to check out books and other documents, and to augment information available to residents on line. The City will continue to coordinate with the library system to ensure that adequate public meeting space is available. The City's recently-completed community center/senior center provides one such venue. At the same time, with increased population, there will be increased opportunities for volunteerism to assist the library system.

Lastly, the Draft Policy Document contains policy PS-7.8 which is aimed at minimizing the impact of the Project on library services.

Reference: Policy PS-7.8, DEIR/FEIR pages 5.3-50 to 5.3-51.

Impact 5.3-10 **Cumulative impacts to utility services.**

Implementation of the Project, as well as potential development in the region, would result in cumulative utility service impacts.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Neither the Turlock Irrigation District nor PG&E foresee any capacity shortages or problems in meeting the buildout demands associated with the Project. While TID does not have plans at the present time to build new transmission lines to the City, it is likely that the increase in load would necessitate upgrading the existing lines in the area serving the City. All electrical distribution lines, substations, transmission, delivery facilities, and easements required to serve the Study Area are subject to CEQA review.

Lastly The draft policy document provides a number of policies and implementation measures aimed at improving the City's efficient use of energy and reducing overall energy demand.

Reference: Policies: NR-5.1, NR-5.2, NR-5.3, NR-5.4, NR-5.5, AR-6.1, AR-6.2, AR-7.3, AR-7.5, AR-7.6, AR-7.7, AR-7.8, CD-1.8, Implementation Measures: NR-7, NR-8, NR-10, DEIR/FEIR pages 5.3-52 to 5.3-59.

Section 5.4 Water Supply

Impact 5.4-4 **The treatment of groundwater or surface water will require the disposal of concentrated brine created as a byproduct of such treatment and disposal of an additional waste product that may require special disposal methods.**

The treatment of groundwater or surface water could produce up to 31 tons per year of brine which will contribute to the reduction of landfill capacity serving the City. The brine would be stored at the treatment plant and hauled to the landfill about once every 10 – 20 years.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

As discussed on page 5.3-56 of Section 5.3 – Public Services, the Fink Road landfill has about 10 million cubic yards of capacity left which is sufficient to accommodate the additional brine.

In addition, the draft Policy Document contains policies and implementation measures aimed at minimizing the City's impact on landfill capacity.

Reference: Policies PS-4.5, PS-9.4 Implementation Measures: PS-10, DEIR/FEIR pages 5.4-56 to 5.4-59, Appendix 5.4 of the Draft EIR.

Section 5.5 Wastewater

Impact 5.5-4 **Additional urban development would contribute to the cumulative demand for wastewater service.**

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Buildout of the Project will result in the demand for wastewater collection, treatment and disposal capacity. The Project will result in an estimated total flow of about 7.0 million gallons per day at buildout which represents the cumulative flows associated with the Project. Implementation of the Wastewater Master Plan recommended by the Draft EIR will reduce potential cumulative impacts to less then cumulatively considerable. Impacts associated with this program are discussed under impacts 5.5-1, 5.5-2 and 5.5-3.

In addition, the draft Policy Document contains policies and implementation measures aimed at ensuring adequate collection, treatment plant, and disposal capacity is available to serve new development.

Reference: Policies: PS-2.1, PS-2.2, PS-2.3, PS-2.4, PS-2.5, PS-2.7, Implementation Measures: PS-4, PS-9, PS-11., PS-14, DEIR/FEIR pages 5.1-16 to 5.1-21., DEIR/FEIR page 5.5 -32. Appendix 5.5 of the Draft EIR

Section 5.6 Transportation

Impact 5.6-13 **Increased demand for parking facilities.**

Development accommodated by the Project could adversely affect parking facilities.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The Project will accommodate a significant increase in population, employment and retail development over current levels. As discussed in Section 5.6 of the Draft EIR The City studied on-street parking in the Downtown in 1989 and identified a number of relatively minor issues associated with parking supply and demand. The increase in population, employment and shopping is expected to result in a corresponding increase in the demand for on-street and off-street parking in the City.

Chapter 18.72 of the Patterson Municipal Code (zoning) sets forth the City's parking standards for new development. All new development is required to comply with the off-street parking and loading requirements with respect to the number, location and size of required spaces, including spaces for the handicapped. Continued compliance with these regulations will reduce potential impacts to parking to less than significant.

Lastly, the Draft Policy Document contains policies and implementation measures aimed at ensuring adequate parking is provided to serve new development.

Reference: Policies T-6.1, T-6.2, T-6.3, T-6.4, T-6.5, T-6.6, T-7.1, T-7.2, T-7.3, T-7.4, T-7.5, T-7.6, T-7.7, T-7.8, T-7.9, T-7.10, Implementation Measures: T-3, T-15, DEIR/FEIR pages 5.6-96 to 5.6-98. Appendix 5.6 of the Draft EIR

Section 5.7 Air Quality and Climate Change

[none]

Section 5.8 Noise

Impact 5.8-3 **Development accommodated by the Project would expose future land uses and residents to increased train and rail related noise.**

Rail activity within the City of Patterson is likely to increase in the future. Development of the West Park Specific Plan at the former CLAF facility is expected to generate approximately six train operations per day that would pass through the Study Area. This would represent more than a doubling of existing rail traffic through the City.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Assuming six trains per day, the generalized 60 dB DNL contours would be located at approximately 900 feet from the center of the tracks near grade crossings and 450 feet from the tracks at distances greater than 1,000 feet from a grade crossing. Calculated distances do not take into consideration site-specific conditions such as acoustic shielding or reflections caused by nearby buildings.

The Draft Policy Document provides policies and implementation measures aimed at ensuring noise levels associated with rail activities do not adversely impact noise-sensitive land uses. Policy HS-5.5 states that development of noise-sensitive land uses shall not be permitted in areas exposed to existing or projected levels of noise from transportation noise sources which exceed the levels specified in Table HS-3 of the Noise Element, unless the project design includes effective mitigation measures to reduce noise in outdoor activity areas and interior spaces to the levels specified in Table HS-1. Policy HS-5.7 required an acoustical analysis to be performed to ensure compliance with the noise standards provided in the Noise Element. Lastly, Implementation measure HS-7 requires continued compliance with noise insulation standards provided in Chapter 35 of the Uniform Building Code.

Reference: Policies: HS-5.3, HS-5.4, HS-5.5, HS-5.6, HS-5.7, HS-5.8, Implementation Measures: HS-5, HS-6, HS-7, HS-8, DEIR/FEIR pages 5.8-32 to 5.8-40. Appendix 5.8 of the Draft EIR.

Impact 5.8-4 **Exposure to aircraft related noise.**

Development accommodated by the Project could be exposed to aircraft related noise associated with the Patterson Airport and the Crows Land Airfield.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

It is expected that the Patterson Airport will be converted to a non-airport use in the near future as a result of a General Plan amendment currently under consideration by the City. In the mean time, proposed land uses accommodated by each of the Equal-Weight Alternatives are consistent with the adopted Airport Land Use Plan for the Patterson Airport and the Crows Landing Airfield as discussed in Section 5.12 of the Draft EIR - Hazards and Hazardous Materials.

Stanislaus County has proposed that the Crow's Landing Airfield Facility be reopened as a general aviation airport as part of the Stanislaus County public airport system. According to the January 2009 draft of the Crows Landing Airport Land Use Compatibility Plan (ALUCP), the airport would reopen with a single 5,300 foot-long runway with approximately 4,000 annual aircraft operations. In the "ultimate" configuration (20 years+), the airfield would have two parallel runways 6,300 feet long and 200,000 annual operations. Operations would be mostly single- and twin-engine propeller or turboprop aircraft and helicopters, with approximately 10% business jet operations. The airport design aircraft for the ultimate development of the airport is the Gulfstream III business jet.

The Project designates land south of Elfers Road and north of Marshall Road for Estate Residential development. As shown on Figure 5.8-11 on pages 5.8-45 the portion of the area designated Estate Residential that lies within the 55 - 60 CNEL dB contour is about 30 acres.

The draft ALUCP contains noise compatibility criteria for a wide variety of residential and non-residential land uses based upon guidelines established by the Federal Aviation Administration (FAA) and State of California Department of Transportation. According to Table 1 on page 2-18 of the Draft Crows Landing Airport Land Use Compatibility Plan, single family dwellings of the type that would be accommodated by the Estate Residential land use category are considered "normally compatible" in this area. Thus, impacts relating to aircraft noise are considered less than significant.

Reference: Policies: LU-8.1, LU-8.2, DEIR/FEIR pages 5.8-40 to 5.8-47. Appendix 5.8 of the Draft EIR

Impact 5.8-6 **Exposure to groundborne vibration impacts.**

Development accommodated by the Project could be exposed to groundborne vibration impacts associated with railroad operations and construction activities.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Groundborne vibration levels associated with railroad operations are dependent on various factors, including track type and condition, train speeds, site conditions, and train characteristics, such as the number of engines, number of cars, weight, and wheel type and condition. Site and geologic conditions can also influence how vibration propagates at increasing distance from the track. Based on Caltrans vibration measurement data, the highest train vibration level measured was 0.36 in/sec at 10 feet. Based on this level, Caltrans prepared a "drop-off curve" used to estimate maximum train vibration levels at distance from the track centerline. The curve represents maximum expected vibration levels from trains and, thus, is considered by Caltrans to be "very conservative" .

Based on the Caltrans drop-off curve for train vibration levels, predicted maximum groundborne vibrations levels along the Cal Northern railroad corridors would not exceed 0.20 in/sec ppv beyond approximately 7.5 feet from the track centerline, the level above which may cause architectural damage for typical building construction or increased levels of annoyance for individuals in buildings . The Project does not designate land for the development of new land uses within 7.5 feet of railroad corridors. As a result, this impact would be considered less than significant.

Construction-generated noise levels, pile driving can result in a high potential for human annoyance, and pile-driving activities are typically considered as potentially significant if these activities are performed within 200 feet of permanent structures. This would be mitigated through continued compliance with Chapter 6.44 of the City's Municipal Code that restricts construction activities to between the hours of 6:00 a.m. and 8:00 p.m.

Reference: DEIR/FEIR pages 5.8-51 to 5.8-52.

Section 5.9 Geology and Soils

Impact 5.9-1 **Implementation of the Project and the resulting increase in population, employment, and development activity within the Study Area, would expose people, structures, and development to ground shaking and seismic hazards as a consequence of earthquakes that could result in the risk of loss, injury, or death.**

The hazards related to ground shaking include the risk of loss, injury, or death. Buildings that were constructed within the Study Area prior to 1930, including unreinforced masonry (URM)

buildings that have not been seismically retrofitted, are most likely to have structural failure or collapse occur. Buildings that have been seismically retrofitted would have a decreased chance of failure. However, even structurally enhanced buildings and newer buildings could still experience significant damage and present a hazard to occupants.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The combination of Study Area characteristics described on pages 5.9-11 through 5.9-13 of section 5.9 of the Draft EIR, Geology and Soils, and compliance with the UBC and CBC would be sufficient to prevent significant damage from ground shaking during seismic events resulting from movement on any of the faults or fault systems described within this EIR. In addition, the Draft Policy Document sets forth additional policies and implementation measures to address potential impacts from seismic events.

Reference: Policies: LU-1.13, HS-1.1, HS-1.2, Implementation Measure: HS-A, DEIR/FEIR pages 5.9-16 to 5.9-18.

Impact 5.9-2 **Adoption and implementation of the Project will result in urban development in the foothills of the Diablo Range which is known to contain areas of geologic instability.**

The Project designates the area west of Interstate 5 between Sperry Avenue and Zacharias Road as Mixed-Use Hillside Development. According to the Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan (Volume One, page 29), virtually the entire area located west of Interstate 5 is composed of geologic formations that, due to structure, slope, runoff, lack of vegetation, earthquake and human activity, are considered extremely susceptible to failure and sliding. In the winter of 1982-83, saturation of the soil in this area resulted in a considerable amount of damage to Del Puerto Canyon Road. There is a history of a number of slides throughout the Diablo Range in Stanislaus County. It is evident that the steep slopes and undesirable geology or the area on the west side of the County, even without considering the very real possibility of an earthquake, present substantial risks in certain conditions.

On a California Geological Survey scale used to rate landslide potential, this area is rated at five, the next to highest rating on a scale of six. The remainder of the area is rated at six. The prime reason is the generally unstable formation comprising the underlying geologic structure of the Diablo Range.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The Draft Policy Document recommends policies and implementation measures that will reduce the potential risk associated these geologic hazards to a less than significant level. Policy LU-1.4 requires a geotechnical investigation to be performed for each development proposed in the area designated Mixed-Use Hillside Development. In addition, policy HS-1.2 requires underground utilities to be constructed to be resistant to seismic events.

Reference: Policies: LU-1.13, HS-1.1, HS-1.2, Implementation Measures: HS-A, DEIR/FEIR pages 5.9-18 to 5.9-20.

Impact 5.9-3 **The Project will accommodate subsequent development activities that may include construction and site preparation activities such a grading and excavation. These activities can increase the potential for soil, wind, and water erosion, due to minor or major grading over large areas of land.**

The continued development of the City in accordance with any of the Equal-Weight General Plan alternatives would include new roadways, improvements to existing roadways, new bridges, substantial infrastructure (water, storm drainage, and sanitary sewer facilities), and additional commercial, residential, and industrial development. Grading and site preparation activities associated with development would remove topsoil, disturbing and potentially exposing the underlying soils to erosion from a variety of sources, including wind and water. In addition, construction activities generally involve the use of water, which may further erode the topsoil as the water moves across the ground.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Construction activities involving clearing, grading, or excavation that causes soil disturbance on one or more acres (or any project involving less than one acre that is part of a larger development plan and includes clearing, grading, or excavation) would be subject to coverage under the State's National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit. Project applicants are required to prepare and comply with a Storm Water Pollution Prevention Plan (SWPPP) that specifies Best Management Practices (BMPs) to avoid soil erosion and associated pollution of waterways and are also required to report any water pollution and remediate the pollution occurrence.

The Storm Water Phase II Final Rule applies to operators of regulated small municipal separate storm sewer systems (MS4s). Under the NPDES storm water program, operators of large, medium, and regulated small MS4s require authorization to discharge pollutants under an NPDES permit. Medium and large operators are required to submit comprehensive permit applications and are issued individual permits. Patterson is a regulated small MS4 operator and submitted an application to be covered under the General Permit in January 2004. A Storm Water Management Program (SWMP) to comply with the Small MS4 General Permit was prepared and submitted to the State Water Resources Control Board by the co-permittees (the participating city agencies). The SWMP describes the program to be implemented by the City agencies. The City of Patterson is legally obligated to implement the requirements of the SWMP and to comply with the requirements of the small MS4 General Permit.

In addition, the Draft General Plan contains policies and programs aimed at reducing the effects of soil erosion associated with new development.

Reference: Policies: NR-1.2, NR-1.3, NR-1.4, NR-1.5, NR-2.11, DEIR/FEIR pages 5.9-20 to 5.9 -21.

Impact 5.9-4 **Urban development accommodated by the Project could place development in areas with unstable soils or expose buildings, pavements, and utilities to significant damage as a result of underlying expansive or unstable soils.**

The continued development of the City in accordance with any of the Equal-Weight alternatives would result in construction activities overlying expansive or unstable soils. Newly constructed buildings, pavements, and utilities could be damaged by differential settlement due to soil expansion and contraction. When structures are located on expansive soils, foundations have the tendency to rise during the wet season and shrink during the dry season. Movements can vary under the structures, which in turn create new stresses on various sections of the foundation and connected utilities. These variations in ground settlement can lead to structural failure and damage to infrastructure.

Development on soils west of Interstate 5 could pose additional constraints relating to shallow bedrock, steep and unstable slopes, expansive soils and the potential for landslides.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The City of Patterson adopted the California Code of Regulations (CCR), Title 24, also known as the California Building Standards Code or California Building Code (CBC). The CBC includes common engineering practices requiring special design and construction methods that reduce or eliminate potential expansive soil related impacts. Compliance with CBC regulations ensures the adequate design and construction of building foundations to resist soil movement. In addition, the CBC also contains drainage related requirements in order to control surface drainage and reduce seasonal fluctuations in soil moisture content.

In addition, the Draft Policy Document includes policies and implementation measures aimed at minimizing the impact of expansive or unstable soils on new development.

Reference: Policies: LU-1.13, HS-1.1, HS-1.2, Implementation Measures: HS-A, DEIR/FEIR pages 5.9-21 to 5.9-24.

Impact 5.9-5 **New roadway and/or pedestrian bridges may be required over Diablo Creek, Salado Creek, the Delta Mendota Canal, California Aqueduct, and/or the San Joaquin River. The construction of new bridges may result in significant grading, excavation, fill, and boring activities which in turn could result in unstable cut and fill slopes, the placement of structures on expansive soils, and the potential for increased erosion.**

Implementation of the Project will involve the construction of new roadway bridges to complete the circulation system shown on the Circulation Diagram. Bridge construction involves activities such as bridge demolition; structural excavation and backfill; erecting falsework; forming and pouring concrete for footings columns and superstructures; the placement of sheet piles; boring, drilling, grinding, mortar mixing, blasting, and bridge cleaning. Grading and site preparation

activities associated with development activities would remove topsoil, disturbing and potentially exposing the underlying soils to erosion from a variety of sources, including wind and water. In addition, construction activities generally involve the use of water, which may further erode the topsoil as the water moves across the ground.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The Draft Policy Document contains policies and implementation measures aimed at ensuring that geologic impacts associated with the construction of bridges will be less than significant. In addition to continued compliance with the California Building Code, Policy HS-1.1 requires a geotechnical report to be prepared to ensure new structures are designed to withstand the effects of seismic activity. In addition, the policies and implementation measures discussed under impacts 5.9-1, 5.9-2, 5.9-3, and 5.9-4, above, will applied as necessary.

Reference: Policies LU-1.13, HS-1.1, HS-1.2HS-1.1, NR-1.2, NR-1.3, NR-1.4, NR-1.5, NR-2.11, Implementation Measures: HS-A, DEIR/FEIR pages 5.9-24 to 5.9-25.

Impact 5.9-6 **Cumulative seismic hazards, expansive soils, and soil erosion impacts.**

Implementation of any of the Project, in combination with existing, planned, proposed, and reasonably foreseeable development, would result in cumulative impacts relating to seismic hazards, expansive soils, and soil erosion.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Development accommodated by the Project together with continued development within Stanislaus County, would result in cumulative soil erosion and other geologic impacts. Continued compliance with the City's NPDES permit would reduce the City's contribution to cumulative soil erosion impacts. Development projects are analyzed on an individual basis and must comply with established requirements of the City, the California Environmental Quality Act CEQA) and the UBC as they pertain to protection against known geologic hazards and potential geologic and expansive soil related impacts. There are no known active faults in the Project area, there is a low incidence of historical geologic activity in the vicinity, and there is no contribution with other regional geologic impacts. Therefore, the Project's contribution to cumulative geology-related impacts is considered less than cumulatively considerable.

References: Policies LU-1.13, HS-1.1, HS-1.2HS-1.1, NR-1.2, NR-1.3, NR-1.4, NR-1.5, NR-2.11, Implementation Measures: HS-A, DEIR/FEIR page 5.9-27.

Section 5.10 Biological Resources

Impact 5.10-1 **Potential loss of aquatic habitat within concrete- and soil-lined laterals and irrigation ponds.**

Development accommodated by the Project will result in the loss of aquatic habitat within concrete- and soil-lined laterals and irrigation ponds.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Development within Study Area would result in the permanent loss of approximately 15.23 acres of exposed aquatic habitat in the laterals and irrigation ponds. As previously described, these are artificially created for the conveyance and storage of irrigation water. Vegetation was not apparent at the time of the survey. They do not appear to be jurisdictional Waters of the United States, subject to USACE, nor do they come under the Section 1600 provisions of the California Fish and Game Code administered by the CDFG. Impacts associated with converting the exposed canals to closed conveyance features or removing the ponds are therefore considered to be less than significant.

Reference: DEIR/FEIR page 5.10-33. Appendix 5.10 of the Draft EIR.

Impact 5.10-2 **Permanent loss of orchard, vineyard, irrigated agriculture/other, ruderal, redwood plantation, and developed habitats.**

Urban development accommodated by the Project will result in the loss of orchard, vineyard, irrigated agriculture/other, ruderal, redwood plantation, and developed habitats.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Orchards, vineyard, irrigated agriculture/other, ruderal, and developed habitats predominately support common plant and wildlife species. These habitats are locally common (in 1998, 166,560 acres in Stanislaus County were classified as prime farmland), the plant species present within these areas are regionally common.

The United States Department of Agriculture, Natural Resources Conservation Service, has classified nearly all of the land between Interstate 5 and the San Joaquin River in Stanislaus County as prime agricultural land (USDA, 2001). Prime agricultural land is defined as “land that has the best combination of physical and chemical characteristics for producing ...agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, and without intolerable soil erosion...” (7 U.S.C. Sec. 4201 (c)(1)(A)). Prime farmland does not include land already in, or committed to, urban development.

The biotic resources associated with these habitats will continue to be abundant following development of the Project. Biological impacts associated with converting these habitats are therefore considered to be less than significant. This impact is considered less than significant.

The Draft Policy Document contains policies and implementation measures which will help reduce potential impacts associated with the loss of orchards and other agricultural habitat to a less than significant level.

Reference: Policies NR-3.1, NR-3.2, NR-3.3, NR-3.4, NF-3.5, NR-3.5, NR-3.6, NR-3.7, NR-3.10, NR-3.11, Appendix 5.10 of the Draft EIR

In addition, the policy document recommends implementation measures and specific requirements for the mitigation of potential impacts to sensitive biological resources listed under Appendix NR of the Natural Resources Element to be applied as conditions for future development to address impacts to specific biological resources.

Impact 5.10-3 Permanent loss of California annual grassland habitat.

Urban development west of Interstate 5 accommodated by the Jobs Emphasis or PC Environmental Review Plan Alternatives within the 40 year buildout growth boundaries will result in the loss of California annual grassland habitat.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The California annual grassland habitat located west of I-5 is moderately disturbed by grazing, and predominantly supports common plant species. Because of their abundance throughout this region and the state (a contiguous band stretching over 100 miles to the north and south west of Interstate 5), impacts associated with converting these habitats are considered to be less than significant.

The Draft Policy Document contains policies and implementation measures which will help reduce potential impacts associated with the loss of annual grassland habitat to a less than significant level.

Reference: Policies NR-3.1, NR-3.2, NR-3.3, NR-3.4, NF-3.5, NR-3.5, NR-3.6, NR-3.7, NR-3.10, NR-3.11, Appendix 5.10 of the Draft EIR

In addition, the policy document recommends implementation measures and specific requirements for the mitigation of potential impacts to sensitive biological resources listed under Appendix NR of the Natural Resources Element to be applied as conditions for future development to address impacts to specific biological resources.

Impact 5.10-4 Permanent loss of foraging habitat for greater sandhill crane and American peregrine falcon.

Development accommodated by the Project will result in the loss of foraging habitat for greater sandhill crane and American peregrine falcon.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Greater sandhill crane and American peregrine falcon may only occur as occasional visitors, migrants, transients, or foragers within the Study Area. Development of the Study Area as contemplated by the Compact Development, Jobs Emphasis or PC Environmental Review Alternatives would have no effect on the breeding success of either of these species, although it could potentially result in a small reduction of foraging or wintering habitat available to them regionally.

According to the International Crane Foundation, "Loss and degradation of riverine and wetland ecosystems are the most important threats to Sandhill Crane populations. For the migratory populations, this is of greatest concern in staging and wintering areas. Spring staging areas along the Platte River in Nebraska are of special concern because of their importance to the migratory subspecies and the development pressures facing this region. Approximately 80% of all Sandhill Cranes utilize a 75-mile stretch of the Platte River in spring migration. Elsewhere, small breeding populations can face disproportionate mortality on fall staging areas due to over-hunting. Residential and commercial development pressures facing lands occupied by birds belonging to non-migratory subspecies in Mississippi, Florida, and Cuba also pose significant threats."

Critical Habitat area for the American Peregrine Falcon has been designated in northern California, near the city of Santa Rosa (Federal Register, Vol. 42, No. 155 p. 40685). There are no areas of appropriate breeding habitat (especially steep cliffs) in the planning area. The species is known to exist throughout North America. The falcon was "de-listed" from the federal act due to recovery. It is listed as endangered under the California act.

Due to the abundance of similar habitats regionally the development accommodated by the Project is expected to have a less than significant impact on these species.

The Draft Policy Document contains policies and implementation measures which will help reduce potential impacts associated with the loss of foraging habitat for greater sandhill crane and American peregrine falcon to a less than significant level.

Reference: Policies NR-3.1, NR-3.2, NR-3.3, NR-3.4, NF-3.5, NR-3.5, NR-3.6, NR-3.7, NR-3.10, NR-3.11, Appendix 5.10 of the Draft EIR

In addition, the policy document recommends implementation measures and specific requirements for the mitigation of potential impacts to sensitive biological resources listed under Appendix NR of the Natural Resources Element to be applied as conditions for future development to address impacts to specific biological resources.

Impact 5.10-5 **Permanent loss of habitat for certain special-status wildlife species.**

Development accommodated by the Project will result in the loss of habitat for certain special-status wildlife species.

The Project area is outside the known distribution of, or there is a lack of suitable habitat for, the giant garter snake and the western mastiff bat. No impacts would occur to these species, which are absent from the Project area.

Some special-status wildlife species may occasionally visit the Project area during migration or during transient movements. Similarly, some may occasionally forage in small numbers on the site. These species include the American peregrine falcon, greater sandhill crane, foothill yellow -legged frog, mountain plover, tricolored blackbird, short-eared owl, yellow warbler, and pallid bat. Development of the Study Area as contemplated by the Project will have no effect on the breeding success of any of these species, although it may result in a small reduction of foraging habitat and a small reduction in the value of roosting habitat available to some of these species on a regional level. Habitat loss associated with the future projects covered by the Project would constitute a less-than-significant effect to these species due to the abundance of similar habitats regionally and the infrequency with which these species might occur on t he Project area.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Some special-status wildlife species may be present on the Project area in small numbers though the quality of habitat is already diminished by existing human disturbance. These species include the San Joaquin whipsnake, northern harrier, loggerhead shrike, American badger, western red bat, and hoary bat. Development accommodated by Project will have no effect on the breeding success of any of these species, although it may result in a small reduction of foraging habitat and a small reduction in the value of roosting habitat available to some of these species on a regional level. Habitat loss associated with the future projects covered by the Project would constitute a less than significant effect to these species due to the abundance of similar habitats regionally.

The Draft Policy Document contains policies and implementation measures which will help reduce potential impacts associated with the loss of foraging habitat for greater sandhill crane and American peregrine falcon to a less than significant level.

Reference: Policies NR-3.1, NR-3.2, NR-3.3, NR-3.4, NF-3.5, NR-3.5, NR-3.6, NR-3.7, NR-3.10, NR-3.11, Appendix 5.10 of the Draft EIR

In addition, the policy document recommends implementation measures and specific requirements for the mitigation of potential impacts to sensitive biological resources listed under Appendix NR of the Natural Resources Element to be applied as conditions for future development to address impacts to specific biological resources.

Impact 5.10-6 **Development west of Interstate 5 accommodated by the Project may result in the loss of vernal pool habitat.**

Although the single vernal pool on the Project area is heavily disturbed with little ability to support sensitive plant or animal species, CDFG asserts jurisdiction over stream courses and waterways as stated in sections 1600-1607 of the California Fish and Game Code. The Army Corps of Engineers also has jurisdiction and maintains a “no net loss” policy related to wetlands. Where avoidance of these habitats is not feasible, full mitigation at ratios required by the Corps

will be required, in addition to a 404 permit and 401 certification, as described in the Regulatory Setting above. A §1602 agreement would also be required from the Department of Fish and Game.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The Draft Policy Document contains policies and implementation measures which will help reduce potential impacts associated with the loss of vernal pool habitat to a less than significant level.

Reference: Policies NR-3.1, NR-3.2, NR-3.3, NR-3.4, NF-3.5, NR-3.5, NR-3.6, NR-3.7, NR-3.10, NR-3.11, Implementation measure NR-12. DEIR/FEIR page 5.10-37 to 5.10-38. Appendix 5.10 of the Draft EIR

In addition, the policy document recommends implementation measures and specific requirements for the mitigation of potential impacts to sensitive biological resources listed under Appendix NR of the Natural Resources Element to be applied as conditions for future development to address impacts to specific biological resources.

Impact 5.10-7 **Urban development accommodated by the Project could result in the loss of riparian habitat.**

There are approximately 16 acres of riparian habitat in the study area. Of these, approximately five acres may be adversely impacted by development accommodated by the Project. Construction activities associated with the Project may result in the loss of riparian habitat occurring along Del Puerto Creek and Salado Creek, on Elfers Road adjacent to an irrigation pond, along the San Joaquin River where bridges will be constructed or widened, and along an unnamed drainage west of I-5, resulting in significant impacts to sensitive habitats.
Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Both Salado Creek and Del Puerto Creek meet the regulatory definition of “Waters of the United States,” and therefore project activities within the tributary must comply with section 404 of the Clean Water Act. The boundary of the areas falling under USACE jurisdiction is defined by the OHWM of the “Waters of the United States” in areas without adjacent wetlands. When adjacent wetlands are present, the jurisdiction of the USACE extends to the boundary of the wetlands, which is defined by the limits of wetland soils, hydrology, and vegetation. The San Joaquin River, Salado Creek, Del Puerto Creek, and the unnamed ephemeral drainage (previously described) within the Study Area are also subject to the regulatory jurisdiction of the CDFG under Section 1602 of the Fish and Game Code.

The Draft Policy Document contains policies and implementation measures which will help reduce potential impacts associated with the loss of riparian habitat to a less than significant level. Policy NR-3.7 requires the City to preserve the integrity of riparian resources. Policy NR-3.8 states that the City shall preserve and protect wetlands to the extent feasible.

The requirements of Appendix NR of the draft Natural Resources Element requires pre-construction surveys for activities that may adversely impact Del Puerto Creek, Salado Creek and Elfers Creek.

Reference: Policies NR-3.1, NR-3.2, NR-3.3, NR-3.4, NF-3.5, NR-3.5, NR-3.6, NR-3.7, NR-3.10, NR-3.11, Implementation measure NR-12. DEIR/FEIR pages 5.10-38 to 5.10-39. Appendix 5.10 of the Draft EIR

In addition, the policy document recommends implementation measures and specific requirements for the mitigation of potential impacts to sensitive biological resources listed under Appendix NR of the Natural Resources Element to be applied as conditions for future development to address impacts to specific biological resources.

Impact 5.10-8 **Permanent loss of irrigated agriculture/alfalfa habitat.**

Urban development accommodated by the Project could result in the loss of irrigated agriculture/alfalfa habitat.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Irrigated alfalfa is a common habitat type in the region, and the loss of this habitat alone is not significant.

Reference: DEIR/FEIR pages 5.10-39 to 5.10-40. Appendix 5.10 of the Draft EIR

Impact 5.10-9 **The Project could accommodate individual projects near Del Puerto Creek that could disturb Valley elderberry longhorn beetle (VELB) and result in the loss of suitable habitat.**

The federally threatened VELB may occur on the Study Area. An elderberry shrub was observed near Del Puerto Creek in the area west of I-5 and may also be present downstream along the boundary of this area. To assure that Valley elderberry longhorn beetles are not disturbed by construction activities, a qualified biologist shall conduct pre-construction surveys in accordance with the USFWS's Conservation Guidelines for Valley Elderberry Longhorn Beetle (USFWS 1999) for projects occurring within or adjacent to suitable habitat.

Physically damaging the elderberry shrubs, causing dust or other debris to cover foliage, or otherwise harming the shrubs in any manner during project activities would constitute a potentially significant impact.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Reference: Policies NR-3.1, NR-3.2, NR-3.3, NR-3.4, NF-3.5, NR-3.5, NR-3.6, NR-3.7, NR-3.10, NR-3.11, Implementation measure NR-12. Reference: DEIR/FEIR pages 5.10-40 to 5.10-42. Appendix 5.10 of the Draft EIR

In addition, the policy document recommends implementation measures and specific requirements for the mitigation of potential impacts to sensitive biological resources listed under Appendix NR of the Natural Resources Element to be applied as conditions for future development to address impacts to specific biological resources. Specifically, BIO-3 requires surveys to determine the presence of valley elderberry longhorn beetle and its elderberry host species plant by a qualified biologist. BIO-4 requires avoidance of elderberry shrubs wherever possible. BIO-5 requires elderberry shrubs to be transplanted if avoidance is not possible.

Impact 5.10-10 **Individual projects in the area west of Interstate 5 could disturb California tiger salamander and result in the loss of suitable habitat.**

Although California tiger salamander (CTS) breeding habitat is absent from the most of the Study Area, potential breeding habitat in the form of a vernal pool is present on the western edge of the area west of I-5. Though this pool was dry at the time of the survey, it was not possible to definitively determine if this pool is capable of ponding water for the minimum 10 consecutive weeks required to provide CTS breeding habitat because the survey occurred in the 3rd straight year of below normal rainfall. There is suitable aestivation habitat surrounding this pool within the area west of I-5 and off site to the west. The pool was surrounded within the Study Area by a newly planted orchard. Some aestivation habitat remained present within this orchard, as the areas between rows had not been disked, and there were still small mammal burrows present. Portions of the annual grassland habitat present within the area west of I-5 both north and south of the orchard are within the 1.24 mi distance that CTS are capable of traveling from breeding pools to aestivation sites (Trenham and Shaffer 2005, Orloff 2007), and therefore are potential CTS aestivation habitat should this pool be capable of supporting CTS breeding.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Because CTS may travel considerable distances from breeding pools to aestivation sites (Trenham and Shaffer 2005, Orloff 2007), and uncertainty exists regarding the use of some potential breeding pools in the Study Area due to a lack of comprehensive and recent surveys, it is prudent, pending the results of a detailed analysis of potential breeding pools, to conclude that CTS may aestivate within all suitable annual grassland and wetland habitat within the Area west of I-5 portion of the Study Area.

Reference: Policies NR-3.1, NR-3.2, NR-3.3, NR-3.4, NF-3.5, NR-3.5, NR-3.6, NR-3.7, NR-3.10, NR-3.11, Implementation measure NR-12. Reference: DEIR/FEIR pages 5.10-42 to 5.10-44. Appendix 5.10 of the Draft EIR

In addition, the policy document recommends implementation measures and specific requirements for the mitigation of potential impacts to sensitive biological resources listed under Appendix NR of the Natural Resources Element to be applied as conditions for future development to address impacts to specific biological resources. Specifically, BIO-6 requires pre-construction surveys to determine the presence of tiger salamanders, BIO-7 requires compensatory mitigation for habitat loss, and BIO-8 requires avoidance where possible.

Impact 5.10-11 **Individual projects accommodated by the Project could disturb California red-legged frog and result in the loss of suitable habitat. This impact is considered potentially significant.**

There is potential habitat for California red-legged frog (CRLF) in Del Puerto Creek west of I-5. The quality of this habitat is low due the ephemeral flow of the creek and lack of vegetative cover present along the creek, and is further reduced by the presence of bullfrogs in Del Puerto Creek. However, due to the presence of suitable habitat and connectivity to occupied red-legged frog habitats via Del Puerto creek, the presence of red-legged frogs in the vicinity of Del Puerto Creek west of I-5 cannot be ruled out without surveys.

In addition, the San Joaquin River in the vicinity of potential bridge widening and/or construction provides suitable habitat for red legged frog and its presence cannot be ruled out without surveys.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Reference: Policies NR-3.1, NR-3.2, NR-3.3, NR-3.4, NF-3.5, NR-3.5, NR-3.6, NR-3.7, NR-3.10, NR-3.11, Implementation measure NR-12. Reference: DEIR/FEIR pages 5.10-44 to 5.10-45. Appendix 5.10 of the Draft EIR

In addition, the policy document recommends implementation measures and specific requirements for the mitigation of potential impacts to sensitive biological resources listed under Appendix NR of the Natural Resources Element to be applied as conditions for future development to address impacts to specific biological resources. Specifically, BIO-9 requires pre-construction surveys for red-legged frogs by a qualified biologist, BIO-10 requires compensatory mitigation for habitat loss, and BIO-11 requires avoidance where possible.

Impact 5.10-12 **Individual projects accommodated by the Project could disturb nesting Swainson's Hawk and result in the loss of foraging habitat.**

Swainson's hawk nests in areas such as riparian woodlands, roadside trees, trees along field borders, and the edges of remnant oak woodlands. Swainson's hawks are known to nest within the Study Area . Suitable nesting and foraging habitat for Swainson's hawk exists in the Study Area, especially in areas adjacent to alfalfa fields in the eastern and southern portions of the Study Area. Nesting Swainson's hawks, therefore, are considered likely within the Patterson Study Area. Impacts resulting from future construction projects (noise, human activity) could result in disrupted foraging activities, incidental loss of fertile eggs or nestlings, or nest abandonment. CDFG recommends that the buffer zone be increased to 0.5 mi in nesting areas

away from urban development . These buffer zones may be adjusted as appropriate in consultation with a qualified ornithologist and CDFG.

The Study Area includes 4,533.4 acres of irrigated row crops, 1,89.8 acres of which are alfalfa, which may serve as foraging habitat for Swainson's hawks. Swainson's hawks may also forage in non-native annual grassland within this area. Loss of these habitats could represent a significant impact if active Swainson's hawk nests are present within 10 miles (the average maximum distance from nests that pairs are known to forage of the Study Area.

An active Swainson's hawk nest was observed in 2006 southeast of the intersection of Olive Avenue and North 1st Street . This nest is within 5 miles of the entire Study Area. Additional nests have been documented east of the Study Area along the San Joaquin River riparian corridor as well as agricultural lands north and southeast of the Study Area . These nests may continue to be active in the future.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Reference: Policies NR-3.1, NR-3.2, NR-3.3, NR-3.4, NF-3.5, NR-3.5, NR-3.6, NR-3.7, NR-3.10, NR-3.11, Implementation measure NR-12. Reference: DEIR/FEIR pages 5.10-46 to 5.10-47. Appendix 5.10 of the Draft EIR

In addition, the policy document recommends implementation measures and specific requirements for the mitigation of potential impacts to sensitive biological resources listed under Appendix NR of the Natural Resources Element to be applied as conditions for future development to address impacts to specific biological resources. Specifically, BIO-12 requires pre-construction surveys to assure nesting Swainson's hawks will not be disturbed, BIO-13 prohibit nesting trees from being removed unless avoidance measures are determined to be infeasible, and BIO-14 requires compensatory habitat for the loss of Swainson's hawk habitat.

Impact 5.10-13 **Individual projects accommodated by the Project could result in the loss of habitat for, and potential take of, San Joaquin kit fox.**

Some potential impacts to kit foxes may occur within the Study Area near the Delta-Mendota Canal, particularly between the Delta-Mendota Canal and California Aqueduct. Kit foxes in other portions of their range use canals of this type on occasion. These linear features are potential travel corridors for kit foxes during dispersal or exploratory forays. Potential impacts to kit foxes are considered to be less than significant within areas east of the Delta-Mendota Canal.

Impacts as a result of future projects covered by the General Plan, including construction activities associated with future development projects, may contribute to the injury and mortality of or loss of habitat for SJKF.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Reference: Policies NR-3.1, NR-3.2, NR-3.3, NR-3.4, NF-3.5, NR-3.5, NR-3.6, NR-3.7, NR-3.10, NR-3.11, Implementation measure NR-12. Reference: DEIR/FEIR pages 5.10-47 to 5.10-50. Appendix 5.10 of the Draft EIR

In addition, the policy document recommends implementation measures and specific requirements for the mitigation of potential impacts to sensitive biological resources listed under Appendix NR of the Natural Resources Element to be applied as conditions for future development to address impacts to specific biological resources. Specifically, BIO-15 requires protocol-level surveys of land where projects are proposed west of Interstate 5 to determine the presence of kit foxes. BIO-16 requires the preservation of off-site habitat in the event of take of kit fox habitat, and BIO-17 requires avoidance of kit fox during construction activities.

Impact 5.10-14 **Individual projects accommodated by the Project could result in the mortality or injury of, and loss of habitat for, southwestern pond turtles.**

Impacts as a result of approval of the proposed project, including construction activities associated with future development projects, may contribute to the injury and mortality of or loss of habitat for southwestern pond turtle. Future construction projects may contribute to the loss of this species through mechanical crushing; loss of nesting, breeding, or basking sites; and human trampling. Induced indirect impacts of future specific projects could contribute to a decline in water quality, temporary loss of upland nesting sites and foraging habitat, disruption of breeding activity, or disturbance of basking sites.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Reference: Policies NR-3.1, NR-3.2, NR-3.3, NR-3.4, NF-3.5, NR-3.5, NR-3.6, NR-3.7, NR-3.10, NR-3.11, Implementation measure NR-12. Reference: DEIR/FEIR pages 5.10-50 to 5.10-52. Appendix 5.10 of the Draft EIR

In addition, the policy document recommends implementation measures and specific requirements for the mitigation of potential impacts to sensitive biological resources listed under Appendix NR of the Natural Resources Element to be applied as conditions for future development to address impacts to specific biological resources. Specifically, BIO-18 requires focused surveys of potential pond turtle habitat in Del Puerto Creek, BIO-19 requires focused surveys of potential nesting areas, BIO-20 requires monitoring and avoidance of pond turtles habitat prior to ground disturbance, and BIO-21 requires the relocation of nests from construction sites.

Impact 5.10-15 **Individual projects accommodated by the Project could disturb nesting burrowing owls and result in the loss of occupied burrowing owl habitat.**

Burrowing owl, a CDFG Species of Special Concern, has been observed within the Study Area, and there are 2 CNDDB records within the Patterson Study Area. Suitable habitat for burrowing owl, including annual grassland, is widespread throughout the western edge of the area west of I -5 and in the in the margins of irrigated crops in the remainder of the Study Area.

Impacts as a result of approval of the future projects accommodated by the Project, including associated construction activities, may contribute to the injury and mortality of or loss of habitat for burrowing owl. Disturbance of habitat during the breeding season could also result in the displacement of breeding birds and the abandonment of active nests. Ground disturbance from future construction projects could contribute to the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Reference: Policies NR-3.1, NR-3.2, NR-3.3, NR-3.4, NF-3.5, NR-3.5, NR-3.6, NR-3.7, NR-3.10, NR-3.11, Implementation measure NR-12. Reference: DEIR/FEIR pages 5.10-52 to 5.10-53. Appendix 5.10 of the Draft EIR

In addition, the policy document recommends implementation measures and specific requirements for the mitigation of potential impacts to sensitive biological resources listed under Appendix NR of the Natural Resources Element to be applied as conditions for future development to address impacts to specific biological resources. Specifically, BIO-22 requires protocol-level surveys to be conducted to determine presence, BIO-23 requires compensatory habitat to be preserved in the event of take of burrowing owl habitat.

Impact 5.10-16 **Individual projects accommodated by the Project could disturb nesting avian "species of special concern".**

The loggerhead shrike has been identified as nesting within the Patterson Study Area, and there is marginal nesting habitat for tricolored blackbirds as well. the California Natural Diversity Database (CNDDB) be consulted for up to date information regarding species that may occur within the portion of the City's General Plan Study Area west of Interstate 5. As discussed above, the biologists who prepared the biological resources assessment for the General Plan EIR relied on the CNDDB and other sources to document the species with the potential to occur within the Study Area. The CNDDB, (accessed in September, 2010) does not list the Grasshopper Sparrow as occurring within the Patterson USGS 24 minute quadrangle, nor within Stanislaus County in its entirety. The list of species for the Patterson quadrangle, which includes the portion of Del Puerto Canyon within the Study Area, is provided below.

Table 4: California Natural Diversity Database Findings for the Patterson Quadrangle					
SCINAME	COMNAME	FED STATUS	CAL STATUS	DFG STATUS	CNPSLIST
Spea hammondii	western spadefoot	None	None	SSC	
Falco mexicanus	prairie falcon	None	None	WL	
Athene cunicularia	burrowing owl	None	None	SSC	
Eremophila alpestris actia	California horned lark	None	None	WL	
Lanius ludovicianus	loggerhead shrike	None	None	SSC	
Agelaius tricolor	tricolored blackbird	None	None	SSC	
Lasiurus cinereus	hoary bat	None	None		
Vulpes macrotis mutica	San Joaquin kit fox	Endangered	Threatened		
Taxidea taxus	American badger	None	None	SSC	
Masticophis flagellum ruddocki	San Joaquin whipsnake	None	None	SSC	
Ceratochrysis menkei	Menke's cuckoo wasp	None	None		
Blepharizonia plumosa	big tarplant	None	None		1B.1
Caulanthus lemmonii	Lemmon's jewel-flower	None	None		1B.2
California macrophylla	round-leaved filaree	None	None		1B.1
Eschscholzia rhombipetala	diamond-petaled California poppy	None	None		1B.1

With regard to the Grasshopper Sparrow and its ecology, the following are excerpts from a 2008 publication entitled ***California Bird Species of Special Concern*** (Shuford, W. D., and Gardali, T., editors, Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento).

> *The grasshopper sparrow is a species of special concern as it relates to their breeding populations which have declined in California and especially in the Central Valley. Although further work has expanded areas of known occurrence, the overall outline of the breeding range today is probably similar to that in 1944. Still, numbers have declined and the species has been extirpated locally and regionally, particularly on the floor of the Central Valley and in parts of the southern coast. Agricultural and urban development has left the Grasshopper Sparrow's naturally patchy California range even more fragmented. Breeding Bird Survey data suggest populations of this sparrow in California were stable from 1968 to 2004, but there appears to have been a marginally significant decline from 1980 to 2004 (Sauer et al. 2005).*
>
> *Agriculture and urbanization have greatly reduced numbers of Grasshopper Sparrows in the Central Valley, but anecdotal evidence indicates they still breed very locally, primarily at the edges and in low foothills but also very sparingly on the valley floor.*
>
> *Some representative locales of records on the margins of the Central Valley or in the adjacent foothills, not all of which are occupied annually, include Del Puerto Canyon in*

Stanislaus County (fide J. Davis). Though Grasshopper Sparrows generally are still rare in the Central Valley, many more areas of occurrence likely would be documented with concerted effort.

Grasshopper Sparrows in California prefer short to middle-height, moderately open grasslands with scattered shrubs. Studies of factors limiting the Grasshopper Sparrow population are lacking. These factors, however, may include amount and quality of existing habitat. Urbanization is the primary current threat to the Grasshopper Sparrow. Much of its California habitat lies in the path of expanding cities, especially in southern California and the foothills surrounding the Central Valley.

Thus, the Grasshopper Sparrow is considered a Species of Special Concern and has been documented in Del Puerto Canyon; no evidence of nests has been documented.

The area west of Interstate 5 within the General Plan Study Area contains about 415 acres of California annual grasslands (see Table 5.10-2) which could serve as habitat for the Grasshopper Sparrow. And while the Grasshopper Sparrow was not listed by the NDDB, nor listed as a species with the likelihood to occur within the Study Area, impacts to the loss of California annual grassland could have a cumulative impact on this species. Potential impacts associated with the permanent loss of California annual grasslands is discussed in the draft EIR under impact 5.10-3 and found to be less than significant. This is because the loss of grasslands associated with development of the Study Area is a small fraction of the total within the County and within California, including the estimated breeding range of the Grasshopper Sparrow. California annual grasslands cover about a 100-mile stretch of land west of Interstate 5 within the foothills.

While individual project implementation would not substantially reduce habitat available for these species, restrict their range, or cause their regional populations to drop below self-sustaining levels, the direct or indirect loss of nests through physical removal, nest abandonment, or reproductive suppression of these regionally rare species would constitute a significant impact without mitigation if large numbers of nests or unique isolated breeding populations are affected.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The Draft Policy Document includes policies and implementation measures that reduce potential impacts to nesting avian species to a less than significant level.

Reference: Policies NR-3.1, NR-3.2, NR-3.3, NR-3.4, NF-3.5, NR-3.5, NR-3.6, NR-3.7, NR-3.10, NR-3.11, Implementation measure NR-12. Reference: DEIR/FEIR page 5.10-54. Appendix 5.10 of the Draft EIR

In addition, the policy document recommends implementation measures and specific requirements for the mitigation of potential impacts to sensitive biological resources listed under Appendix NR of the Natural Resources Element to be applied as conditions for future development to address impacts to specific biological resources. Specifically, BIO-24 requires the avoidance of the nesting season for these species, and BIO-25 requires pre-construction surveys to determine presence and the avoidance of nests.

Impact 5.10-17 **Individual projects accommodated by the Project could disturb raptors.**

Northern harrier, a species of “special concern,” and white-tailed kite, a state “fully protected” species, are known or have the potential to nest in the vicinity of the Study Area. While individual project implementation would not substantially reduce habitat available for these species, restrict their range, or cause their regional populations to drop below self-sustaining levels, the direct or indirect loss of nests through physical removal, nest abandonment, or reproductive suppression of these regionally rare species would constitute a significant impact if large numbers of nests or unique isolated breeding populations are affected without mitigation. As a state ‘fully protected” species, the white-tailed kite is protected from take of any kind. Additionally, all raptors (i.e., eagles, hawks, and owls) and their nests are protected under both federal and state law. Impacts as a result of approval of the proposed project, including construction activities associated with future development projects, may contribute to the injury and mortality of or loss of habitat for nesting raptors. Disturbance of habitat during the breeding season could also result in the displacement of breeding raptors and the abandonment of active nests.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The Draft Policy Document includes policies and implementation measures that reduce potential impacts to nesting raptors to a less than significant level.

Reference: Policies NR-3.1, NR-3.2, NR-3.3, NR-3.4, NF-3.5, NR-3.5, NR-3.6, NR-3.7, NR-3.10, NR-3.11, Implementation measure NR-12. Reference: DEIR/FEIR pages 5.10-55 to 5.10-56. Appendix 5.10 of the Draft EIR

In addition, the policy document recommends implementation measures and specific requirements for the mitigation of potential impacts to sensitive biological resources listed under Appendix NR of the Natural Resources Element to be applied as conditions for future development to address impacts to specific biological resources. Specifically, BIO-26 requires avoidance of the nesting season for raptor species, BIO-27 requires construction to be scheduled between August and January.

Impact 5.10-18 **Individual projects accommodated by the Project could result in impacts to special-status plants.**

Showy madia is a state rare species that may occur within the California annual grassland in west of Interstate 5. The nearest records of the species are from approximately 8 miles northwest of the Study Area . Delta button-celery is a state endangered species, although reportedly extirpated from San Joaquin County, may still occur in vernally mesic clay depressions within the Study Area. The nearest records of the species are from approximately 1

mile southeast and 1 mile north of the Study Area . Several CNPS listed species also have potential to occur within the Study Area. List 1B species are rare throughout their range and include big tarplant, round-leaved filaree, Lemmon's jewelflower, diamond-petaled California poppy, and red-flowered lotus. List 4 species include California androsace, Oakland star-tulip, small-flowered morning glory, gypsum-loving larkspur, stinkbells, hogwallow starfish, serpentine leptosiphon, and delta woolly-marbles. List 4 species are of limited distribution in California, and may be significant locally.

Construction activities associated with future development projects may reduce the number or restrict the range of a rare or endangered plant. Reconnaissance surveys conducted in 2009 generally occurred outside of the optimal flowering period. In addition, access to suitable habitat on private property was not provided.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The Draft Policy Document includes policies and implementation measures that reduce potential impacts to special-status plant species to a less than significant level.

Reference: Policies NR-3.1, NR-3.2, NR-3.3, NR-3.4, NF-3.5, NR-3.5, NR-3.6, NR-3.7, NR-3.10, NR-3.11, Implementation measure NR-12. Reference: DEIR/FEIR pages 5.10-56 to 5.10-58. Appendix 5.10 of the Draft EIR

In addition, the policy document recommends implementation measures and specific requirements for the mitigation of potential impacts to sensitive biological resources listed under Appendix NR of the Natural Resources Element to be applied as conditions for future development to address impacts to specific biological resources. Specifically, BIO-28 requires protocol-level surveys for special-status plant species to determine presence, BIO-29 requires focused protocol-level surveys when suitable habitat is present, BIO-30 requires avoidance of special-status plant species, BIO-31 requires the establishment of buffer areas around construction sites, BIO-32 requires disturbed habitat to be restored on-site, and BIO-33 requires the preservation of off-site habitat in the event avoidance and on-site restoration are not feasible.

Impact 5.10-19 **Future projects accommodated by the Project have the potential to degrade water quality within the irrigation laterals, within Del Puerto Creek in the area west of Interstate 5, in the San Joaquin River, and at the terminus of the laterals and within Salado Creek as a result of pollution, sedimentation, and litter stemming from site construction. These factors could result in significant indirect effects to downstream biological resources.**

Future projects, would have to comply with State and federal water quality regulations, including California's General Construction Stormwater Permit, which requires preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP), which are designed to manage stormwater quality degradation through best management practices during and after construction. These practices may include temporary drainage ditches, culverts, berms, and/or straw bales that confine stormwater and prevent it from carrying sedimentation off of the Study

Area. Compliance with the SWPPP and the measures above will reduce the potential for indirect impacts to biological resources to less than significant levels.

Reference: Reference: DEIR/FEIR pages 5.10-58 to 5.10-59. Appendix 5.10 of the Draft EIR

Section 5.11 Agricultural Resources

[none]

Section 5.12 Hazards and Hazardous Materials

Impact 5.12-1 **Transport of hazardous materials on Study Area roadways could result in exposure of such materials to the public either through routine use or due to accidental release.**

Development accommodated by the Project could include the transport of hazardous materials on Study Area roadways, which could result in exposure of such materials to the public either through routine use or due to accidental release.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The use, storage, and transport of hazardous materials by developers, contractors, business owners, and others are required to be in compliance with local, state, and federal regulations during project construction and operation. Facilities that use hazardous materials are required to obtain permits and comply with appropriate regulatory agency standards and regulations designed to avoid hazardous material releases. All existing and future development would be required to comply with federal, state, and local regulations regarding the handling and transportation of hazardous materials. Therefore this impact would be less than significant.

The Draft Policy Document contains policies aimed at ensuring hazards associated with the transport of hazardous materials through the Project will be less than significant.

Reference: Policies: HS-4.1, HS-4.2, HS-4.3, HS-4.4, HS-4.5, HS-4.6, DEIR/FEIR pages 5.12-21 to 5.12-22.

Impact 5.12-2 **Release of hazardous materials into the environment under reasonably foreseeable upset or accident conditions.**

Development accommodated by the Project could result in the release of hazardous materials into the environment under reasonably foreseeable upset or accident conditions.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The transportation of hazardous materials on area roadways is regulated by the CHP, U.S. Department of Transportation (Hazardous Materials Transportation Act), and Caltrans, and use of these materials is regulated by the DTSC (22 Cal. Code of Regulations Section 66001, et seq.). The use, storage, and transport of hazardous materials by developers, contractors, business owners, and others are required to be in compliance with local, state, and federal regulations during project construction and operation. Facilities that use hazardous materials are required to obtain permits and comply with appropriate regulatory agency standards designed to avoid hazardous waste releases. All existing and future projects in the Project area would be required to comply with federal, state, and local regulations regarding the handling, transportation, disposal, and cleanup of hazardous materials.

The Draft Policy Document contains policies aimed at ensuring hazards associated with the transport of hazardous materials through the Project will be less than significant.

Reference: HS-3.6, HS-3.8, HS-4.1, HS-4.2, HS-4.4, HS-6.3, HS-6.4, HS-6.5, HS-6.6, HS-6.7, HS-6.8, HS-7.1, DEIR/FEIR pages 5.12-23 to 5.12-25.

Impact 5.12-4 **The Project designates areas for urban development in the vicinity of the Patterson Airport and the Crows Landing Air Facility which may expose people or property to hazards associated with aircraft operations.**

The Study Area is subject to two airport land use plans: the Patterson Airport and the Crows Landing Naval Airfield. Appropriate land uses and densities were chosen for the Project to be consistent with the restrictions of each airport land use plan. Future development within each airport plan area must be consistent with, and comply with the restrictions associated with, the applicable airport plan.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The Project designates land for additional residential development to the south of the City and north of the Delta Mendota Canal. As shown on Figure 5.12-5 on page 5.12-31 of section 5.12 of the Draft EIR - Hazards and Hazardous Materials, a portion of the land designated by the Project for Estate Residential development lies in safety zones 3 and 4. According to Table 5.12-3 on page 5.12-13 of section 5.12 of the Draft EIR - Hazards and Hazardous Materials, rural residential development of 10 acres or more is considered a conditionally approvable use in Zone 3, and residential development up to multi-family densities is considered a compatible use in Zone 4.

The Project also designates additional land for industrial and residential development north of the Patterson Airport. Table 5.12-3 indicates that these uses are consistent with the adopted airport land use plan for the Patterson Airport.

Reference: DEIR/FEIR pages 5.12-27 to 5.12-29.

Impact 5.12-5 **The Equal-Weight Alternatives may be inconsistent with the draft Airport Land Use Plan for the Crows Landing Airfield.**

A draft update of the Airport Land Use Plan for Crows landing has been prepared and is currently under review by the Airport Land Use Commission. The draft Plan sets forth revised safety compatibility requirements as shown on Figure 5.12-2 on page 5.12-15 of section 5.12 of the Draft EIR – Hazards and Hazardous Materials and revised land use compatibility standards as summarized on Table 5.12-4 on page 5.12-16 of section 5.12 of the Draft EIR – Hazards and Hazardous Materials.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Figure 5.12-8 shows the recommended land uses for the Project in relation to the safety zones provided in the Draft ALUP for Crows Landing. As Figure 5.12-8 shows, the areas designated for urban development lie outside the recommended safety zones.

The Project is consistent with safety standards recommended by the draft Airport land Use Plan for Crows Landing. For these reasons, the impact is less than significant.

Reference: DEIR/FEIR page 5.12-29.

Impact 5.12-6 **Proposed land uses and/or changes in land use patterns would not interfere with adopted emergency response or evacuation plans.**

Proposed land uses and/or changes in land use patterns that would occur as a result of the Project would not interfere with adopted emergency response or evacuation plans.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The Project would not alter the City's overall land use pattern or land use designations to such an extent that it would conflict with the City's emergency response and/or evacuation plans. The roadway improvements recommended by the Circulation Plan incorporate the recommendations of the City Fire Department and Police Department with regard to emergency access to all parts of the Project area. Where necessary, additional fire and police sub-stations will be provided to serve the growing populations accommodated by the Project.

Implementation of the proposed roadway system would improve city roadway connectivity, allowing for better emergency vehicle access to residences as well as evacuation routes for area residents.

In addition, the Draft Policy Document contains policies and implementation measures to ensure consistency with adopted emergency response plans.

Reference: HS-4.1, HS-4.2, HS-4.4, Implementation Measures: HS-3, HS-4, DEIR/FEIR pages 5.12-36 to 5.12-37.

Impact 5.12-7 **Increased rail operations over time, combined with an increase in population, employment, motor vehicle, pedestrian and bicycle traffic associated with the Project will increase the risk associated with at-grade railroad crossings.**

Future train traffic through the Study Area could increase from 1-2 trains per day to as many as six per day as the Westpark project builds out over the next twenty or more years. In addition, total motor vehicle trips generated by each of the Equal-Weight Alternatives will result in an increase in the number of vehicles on City roadways and the potential hazard associated with at -grade railroad crossings.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Table 5.12-8 on page 5.12-42 of section 5.12 of the Draft EIR - Hazards and Hazardous Materials, suggests that the rate of accidents per 100,000 in population per year involving at-grade rail crossings has remained fairly constant since 1998, with a high of 1.39 accidents per 100,000 in 1999 and low of zero in 2001. During the same period, the County population grew by about 97,000 residents.

When considering the safety of at-grade crossings it is important to distinguish between the hazard associated with the crossings and the actual risk. When applying the definitions discussed in the Setting section, the hazard associated with the crossings is an accident involving a train and a motor vehicle, pedestrian or bicycle. The risk, however, is the likelihood that an accident will occur. Although the hazard associated with at-grade railroad crossings is likely to increase over time as population and employment within the City grows, the rate of accidents per 100,000 in population (the risk) will likely exhibit similar characteristics as over the 1998 to 2009 timeframe and remain low.

As seen in Table 5.12-8 the historical risk associated with at-grade railroad crossings has been relatively low within the Project area. While the potential increase in train trips in the future is large when compared with current conditions, the risk associated with trains passing through the City will remain low.

In addition, the Draft Policy document includes policies to ensure the continued safety of at-grade railroad crossings.

Reference: Policies HS-8.1, HS-8.2, DEIR/FEIR pages 5.12-37 to 5.12-38.

Impact 5.12-8 **Future residents and property could be isolated from emergency services as a result of a train blocking one or more of the at-grade railroad crossings.**

Future residents and property accommodated by the Project could be isolated from emergency services as a result of a train blocking one or more of the at-grade railroad crossings.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The Project designates land for additional development on both the east and west sides of the existing railroad right-of-way. A train parked or stalled on the tracks by an accident could result in areas on the east side of the tracks being isolated from emergency services originating at the existing police station located at 33 S. Del Puerto Avenue and the Fire Station located at 344 W. Las Palmas Avenue.

Discussions with the police and fire departments suggest that additional sub-stations for emergency personnel and equipment will be needed to serve the Project over time. However, to address the potential isolation of the east side of the City from emergency services, land has been designated for a fire station within The Villages of Patterson project approved in 2006. The City's Capital Improvement Program and development impact fees will fund construction of the fire station when needed.

In addition, the Draft Policy document includes policies to ensure the continued safety to residents and property isolated by a train blocking at-grade railroad crossings.

Reference: Policies: HS-4.2, HS-4.4, Implementation Measures: HS-2, HS-3, HS-4, DEIR/FEIR pages 5.12-44 to 5.12-45.

Impact 5.12-9 **Development west of Interstate 5 in the foothills of the Diablo Range could place residents and property at risk from wildland fires.**

The Project designates land west of Interstate 5 for Mixed-Use Hillside Development. According to the California Department of Forestry and Fire Protection, the area west of Interstate 5 within the Study Area is considered to be at "High" and "Moderate" risk to wildland fires

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

As discussed in Section 5.3 of the Draft EIR under impact 5.3-1, the City of Patterson and the West Stanislaus Fire Protection District have a mutual aid agreement and share administrative duties. In addition, the California Division of Forestry operates a fire station on Sperry Avenue just west of Baldwin Road. Policies and implementation measures recommended by the General Plan, as discussed in Section 5.3, are aimed at maintaining an acceptable response time to all areas of the City, as contemplated by the Equal-Weight Alternatives. For the area west of Interstate 5, the fire chief has recommended an additional fire protection substation as well as a secondary vehicular access route in addition to Del Puerto Canyon Road. Together, with the recommendations from the fire chief along with enforcement of applicable fire protection building codes, the risk associated with wildland fires is considered less than significant.

Reference: Policies: PS-6.1, PS-6.2, PS-6.3, PS-6.4, Implementation Measures: PS-8, PS-9, PS-11, PS-13, DEIR/FEIR pages 5.12-45 to 5.12-47.

Impact 5.12-10 **Implementation of the Project together with regional development through buildout will contribute to the cumulative increase in the use, storage, and transport of hazardous materials and the risk associated with these materials.**

Development accommodated by the Project could result in increased hazard-related impacts; however, these impacts would be specific to individual sites in the Study Area and are not tied to any regional (beyond the Study Area) hazard or contamination issues.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Policies of the Draft Policy Document would assist in reducing the impacts. Federal, state, and local regulations would determine appropriate land uses within the vicinity of airports affecting the Study Area. Anticipated development projects (e.g., residential, commercial, park, and recreational land uses) that would occur under the Project would also include, but not be limited to, public and utility extension projects, roadway widenings and extensions, intersection improvements, water system distribution improvements, and trail extensions. These proposed land use activities would not significantly increase human health or safety risks.

Reference: Policies: HS-3.6, HS-3.8, HS-4.1, HS-4.2, HS-4.3, HS-4.4, HS-4.5, HS-4.6, HS-6.3, HS-6.4, HS-6.5, HS-6.6, HS-6.7, HS-6.8, HS-7.1., DEIR/FEIR page 5.12-48.

Impact 5.12-11 **Exposure of additional people and property to the hazards associated with aircraft operations at the Patterson Airport and the Crows Landing Airfield.**

Implementation of the Project together with regional development through 2050 may expose additional people and property to the hazards associated with aircraft operations at the Patterson Airport and the Crows Landing Airfield.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Development accommodated by the Project will increase the number of dwellings, businesses, schools, and other uses in the City which, together with other development in the region, will be exposed to an increased hazard of aircraft operations.

As discussed under impact 5.12-5 on page 5.12-29 of the Draft EIR, the land use designations of the Project are consistent with the adopted Airport Land Use Plans for Patterson Airport and Crows Landing Airfield. In addition, as discussed under impact 5.12-6 on page 5.12-36, the Project is consistent with the December, 2009 draft Airport Land Use Plan for Crows Landing currently being considered by the County Airport Land Use Commission.

Reference: DEIR/FEIR pages 5.12-48 to 5.12-49.

Impact 5.12-12 **Cumulative development may interfere with adopted emergency response or evacuation plans.**

Proposed land uses and/or changes in land use patterns that would occur as a result of the Project together with regional growth may interfere with adopted emergency response or evacuation plans.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The Project will not conflict with the City's adopted Emergency Operations Plan, which is recommended to be periodically reviewed and updated over time. Since the type and nature of hazards affecting the City and region are not likely to change over time, the procedures provided in the EOP would continue to apply. Should a previously unforeseen potential for emergency arise during the timeframe of the General Plan, the policies and implementation measures which require the periodic update of the EOP would ensure continued consistency.

Reference: Policies: HS-4.1, HS-4.2, HS-4.4, Implementation Measures: HS-3, HS-4., DEIR/FEIR page 5.12-49.

Impact 5.12-13 **Increased rail operations, combined with an increase in population, employment, motor vehicle, bicycle and pedestrian traffic in the region will increase the risk associated with at-grade railroad crossing.**

Increased rail operations, combined with an increase in population, employment, motor vehicle, bicycle and pedestrian traffic in the region will increase the risk associated with at-grade railroad crossing.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Rail traffic may increase in the future along with the population and employment accommodated with the Project plus regional development. Together this will contribute to an increase in the potential exposure of motor vehicles, pedestrians and bicyclists to the hazard associated with at-grade rail crossings. However, as discussed under impact 5.12-7 on page 5.12-37, although the hazard will increase, the overall risk associated with at-grade crossings is till expected to remain low through the timeframe of the General Plan.

Reference: Policies HS-8.1, HS-8.2, DEIR/FEIR pages 5.12-49 to 5.12-50.

Section 5.13 Hydrology and Water Quality

Impact 5.13-3 **The expansion of the City's use of recycled water for landscape irrigation and/or groundwater recharge as contemplated under each of the Project could pose a health risk to future residents and visitors.**

The delivery of recycled water will occur in plumbing systems completely separate from the potable supply. Human health risks from recycled water arise mainly from the presence of microbial pathogens in sewage or greywater. Both of these water sources contain a broad range of pathogenic microorganisms, and Title 22 requires that the levels of these must be reduced by treatment so that exposure to recycled water does not pose an unacceptable health risk. A diverse range of chemicals may also be present in sewage and greywater.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The reliability or relative safety of water reuse can be assessed in comparison to domestic water supplies that meet the SWTR. When the disinfected, filtered secondary effluent (tertiary treatment) is chlorinated at about 10 milligrams per liter (mg/L), there is virtually no difference in the probability of enteric virus infection whether reclaimed water or domestic water is used for golf course irrigation, crop irrigation, or groundwater recharge. However, depending on the water quality of the secondary effluent, health risks associated with exposure to recreational impoundments used for body contact sports and swimming may be higher. Similar observations can be made for the use of chlorinated secondary effluent and the reclaimed water from contact filtration with chlorine doses of below 5 mg/L.

Thus, so long as the recycled water meets the SWTR and the water remains out of human contact, the microbial risk associated with crop or landscaping irrigation is no greater than the risk associated with domestic potable water supplies that meet the SWTR. The human health risk associated with expanded use of recycled water is therefore less than significant.

Reference: DEIR/FEIR pages 5.12-47 to 5.12-48. Appendix 5.13 of the Draft EIR

Impact 5.13-4 **Degradation of groundwater quality resulting from construction and operation of future land uses.**

Development accommodated by the Project could result in the degradation of groundwater quality resulting from construction and operation of future land uses.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Development accommodated by the Project could generate runoff containing oils, grease, fuel, antifreeze, byproducts of combustion (such as lead, cadmium, nickel, and other metals), household pollutants, nutrients (e.g., fertilizers and pet waste), and other chemicals from landscaped areas. In addition, the City has an extensive system of retention basins to manage runoff and will continue to employ retention and detention basins to manage runoff associated with buildout of the Project. Storm water collected in these basins would likely contain some of the pollutants described above originating on area streets and developed sites.

These pollutants could potentially contaminate groundwater conditions (if not properly treated with water quality controls) as runoff percolates into the soil. However, as noted above, the statewide NPDES permits for construction runoff, dewatering and other low threat releases to surface water, and discharges from municipal storm drain systems (MS4s) require the provision of water quality control measures that would protect groundwater quality from future development activities.

The California Storm Water Best Management Practices Handbook prepared by the California Stormwater Quality Association concludes that water quality control features such as infiltration basins have been successful in controlling water quality and avoiding groundwater quality impacts. As runoff infiltrates into the ground, particulates and attached contaminants such as metals and nutrients are removed as they become attached to soil particles. Dissolved constituents are also absorbed by soil particles (EPA, 1999). Depth to groundwater within the Project area varies but is generally greater than 50 feet below ground surface, providing more than sufficient depth for infiltration (DWR, 2006). Therefore, any remaining pollutants in runoff will not significantly contaminate groundwater supplies.

In addition, the Draft Policy Document contains policies and implementation measures aimed at ensuring the protection of groundwater quality.

Reference: Policies: NR-1.2, NR-1.3, NR-1.4, NR-1.5, NR-1.7, NR-1.8, NR-2.11, NR-5.1, HS-2.9, HS-2.14, HS-6.5, PS-2.5, PS-3.13, Implementation Measures: HS-1, PS-5, NR-1, PS-6, PS-7, DEIR/FEIR pages 5.12-48 to 5.12-51. Appendix 5.13 of the Draft EIR

Section 5.14 Visual and Aesthetic Resources

[none]

Section 5.15 Cultural and Historic Resources

Impact 5.15-1 **Development activities accommodated by the Project could result in the potential disturbance of cultural resources (i.e., prehistoric sites, historic sites, and isolated artifacts and features) and human remains.**

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The draft General Plan includes several policies that directly address the management of development to minimize the impact of future development on cultural resources.

Reference: Policies: PR-5.1, PR-5.2, PR-5.3, PR-5.4, PR-6.1, PR-6.2, PR-6.3, PR-6.4, PR-6.5, Implementation Measures: PR-8, DEIR/FEIR pages 5.15-9 to 5.15-13. Appendix 5.15 of the Draft EIR

Impact 5.15-2 **Development activities accommodated by buildout of the Project could result in the potential disturbance of existing historic sites and structures.**

A records search at the Central California Information Center at CSU Stanislaus revealed that three National Register and California Register eligible historic resources have been identified within the Study Area; two are listed in the National Register and California Register and one has been determined eligible for listing in the National Register and is listed in the California Register. In addition, the records search identified one historic-era resource in the Study Area that has been identified in a reconnaissance level survey and as such requires evaluation.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The draft General Plan includes several policies that directly address the management of development to minimize the impact of future development on existing historic sites and resources.

Reference: Policies: PR-4.1, PR-4.2, PR-4.3, PR-4.4, PR-4.5, PR-4.6, PR-4.7, DEIR/FEIR pages 5.15-14 to 5.12-17. Appendix 5.15 of the Draft EIR

IV. Significant Impacts Identified In The Final EIR That Are Reduced To A Level Of "Less Than Significant" By The Mitigation Measures Incorporated Into The Project

According to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

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

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

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

The additional policies, and implementation measures indicated below have been incorporated into the Project to mitigate the following impacts and reduce them to less than significant. When the wording of the policies, and implementation measures indicated is different from the mitigation measure it implements, the City Council has determined that the differences do not substantively change the effectiveness of the measure or constitute significant new information pursuant to CEQA Guidelines Section 15088.5 or new information of substantial importance pursuant to CEQA Guidelines Section 15162.

The Final EIR identifies the following significant impacts associated with the Project that are reduced to a level of "less than significant" by mitigation measures identified in the Final EIR. It is hereby determined that the significant environmental impacts which these mitigation measures address will be mitigated to a less-than-significant level or avoided by incorporation of the mitigation measures into the project. To the extent these mitigation measures will not mitigate or avoid all significant impacts on the environment, or are found infeasible, it is hereby determined that any remaining significant unavoidable adverse impacts are acceptable for the reasons specified in the Statement of Overriding Considerations (Section IV.D. above).

The impacts identified below are presented in summary form. For a detailed description of impacts, see the appropriate text in the Draft EIR and Final EIR.

Section 5.3 Public Services

Impact 5.3-9 **Increased demand for electricity and natural gas.**

Recommended Mitigation Measure

Policy

LU-1.16 Provision of public services. The City shall ensure that adequate public services are available concurrently or in advance of new development consistent with the policies and implementation measures of the General Plan. Such services include, but are not limited to, water supply; wastewater collection, treatment and disposal capacity; storm drainage and flood control; roadway and intersection capacity; electricity and natural gas; schools; health care; police and fire protection and solid waste disposal capacity.

Development accommodated by the Compact Development, Jobs Emphasis or PC Environmental Review Plan Alternatives will increase the demand for electricity and natural gas.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Buildout of the Project could result in an estimated demand for electricity of about 596,066 megawatts, or an increase of about 292,264 megawatts over 2010. Nonetheless, the Turlock Irrigation District (TID), which supplies electrical energy to Patterson, does not anticipate any generation or capacity shortages in meeting the buildout demand of the Project. According to TID, as growth occurs in areas that currently have little to no electrical facilities, TID will either upgrade existing lines or build new overhead or underground primary facilities as well as install service transformers and services. Adding capacity to existing substations will also be required in the form of new transformer banks or replacement of the existing banks with larger units. While TID does not have plans at the present time to build new transmission lines, it is likely that the increase in load would necessitate upgrading the existing lines serving the City and will not be limited to facilities in the Study Area. All electrical distribution lines, substations, transmission lines, delivery facilities, and easements required to serve the Study Area are subject to CEQA review. The future demand for electricity that exceeds the District's generating capacity will be satisfied by purchasing additional power on the open market.

Natural gas is provided to the City by Pacific Gas and Electric Company (PG&E). Assuming 422 therms per capita per year, the City's current (2010) natural gas consumption is about: 21,000 x 422 = 8,862,000. Future natural gas consumption associated with the Project is about 32,014,186 therms. However, improvements to energy efficiency and regulations aimed at mitigating the effects of human-induced climate change will likely significantly reduce the per capita demand for natural gas. Nonetheless, PG&E does not anticipate any capacity shortages in meeting the buildout demand associated with the Project. Similar to the approach TID takes for providing electricity, as growth occurs in areas that currently have little to no natural gas distribution lines, PG&E will either upgrade existing lines or install new lines. All natural gas distribution lines, delivery facilities, and easements required to serve the Study Area are subject to CEQA review. The future demand for natural gas that exceeds PG&E's supplies will likely be satisfied by purchasing additional natural gas on the open market.

The draft policy document provides a number of policies and implementation measures aimed at improving the City's efficient use of energy and reducing overall energy demand.

Reference: Policies: NR-5.1, NR-5.2, NR-5.3, NR-5.4, NR-5.5, AR-6.1, AR-6.2, AR-7.3, AR-7.5, AR-7.6, AR-7.7, AR-7.8, CD-1.8, Implementation Measures: NR-7, NR-8, NR-10, DEIR/FEIR pages 5.3-54 to 5.3-59.

Section 5.5 Wastewater

Impact 5.5-1 **The Project will substantially increase wastewater flows from development which in turn will require additional treatment plant design capacity to accommodate anticipated demands.**

Recommended Mitigation Measure

Implementation Measure

PS-14 The City shall implement the improvements recommended by the 2010 Wastewater Master Plan as determined by the City Council.

Buildout of the Project will result in average annual wastewater flows of between 6.4 million gallons per day (mgd) and 7.0 mgd, and peak flows of between 16.6 mgd and 17.9 mgd.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

As discussed on page 5.5-12 of Section 5.5 – Wastewater, the wastewater treatment plant has a current (2010) rated capacity of 2.25 mgd and a permitted capacity of 3.5 mgd. Improvements currently under design will increase the rated capacity to about 3.5 mgd. The Project will generate wastewater flows that exceed the rated capacity of the wastewater treatment plant. The shortfall in capacity for at buildout ranges from 4.1 mgd to 4.75 mgd. The 2010 Wastewater Master Plan included as Appendix 5.5 of the Draft EIR recommends improvements to the wastewater treatment plant to accommodate projected flows. The improvements recommended by Wastewater Master Plan include (among others):

- Expansion of capacity of the influent pump station;
- The construction of emergency/equalization basins;
- Improvements to the south activated sludge treatment systems;
- Construction of primary sedimentation tanks;
- Construction of vortex grit removal tanks;
- The addition of a mixed liquor channel;
- The construction of secondary clarifiers;
- The addition of filters and ultraviolet disinfection systems to meet Title 22 water reclamation requirements;
- Construction of a sludge storage area;
- The addition of anaerobic digestors; and
- The construction of an administration building;

In addition, the draft Policy Document contains policies and implementation measures aimed at ensuring adequate treatment plant capacity is available to serve new development.

Reference: Policies: PS-2.1, PS-2.2, PS-2.3, PS-2.4, PS-2.5, PS-2.7, Implementation Measures: PS-4, PS-9, PS-11, PS-14, DEIR/FEIR pages 5.12-47 to 5.12-48. DEIR/FEIR pages 5.5-11 to 5.5-20. Appendix 5.5 of the Draft EIR.

Section 5.7 Air Quality and Climate Change

Impact 5.7-1 **Urban development accommodated by the Project may expose sensitive receptors to short-term particulate matter emissions resulting from construction activities.**

Recommended Mitigation Measure

Implementation Measure

AR-6 The City shall require all of the following as a condition of project approval of future development projects:

- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
- All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
- When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)
- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
- Within urban areas, track-out (earth material deposited on City streets by construction equipment) shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
- Any site with 150 or more vehicle trips per day shall prevent carryout and track-out.
- Limit traffic speeds on unpaved roads to 15 mph;
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
- Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site;
- Install wind breaks at windward side(s) of construction areas;
- Suspend excavation and grading activity when winds exceed 20 mph; and
- Limit area subject to excavation, grading, and other construction activity at any one time. Regardless of wind speed, an owner/operator must comply with Regulation VIII's 20 percent opacity limitation.

Construction of proposed land uses accommodated by the Project would generate exhaust emissions from construction equipment and vehicles, evaporative emissions from coatings and particulate matter (fugitive dust). These emissions may contribute to exceedances of particulate matter ambient air quality standards. Although the SJUAPCD has not adopted standards of significance for construction-related emissions, the potential exists for construction-related

emissions to adversely impact air quality on a temporary and short-term basis.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The Draft Policy Document includes policies aimed at compliance with criteria established by the San Joaquin Valley Unified Air Pollution Control District (SJUAPCD) in order to minimize future increases in vehicle travel and to assist in implementing appropriate indirect source regulations adopted by the Air Pollution Control District. In addition, policy AR-5.1 requires the City to work with the SJUAPCD to reduce particulate emissions from construction.

Reference: Policies: NR-3.7, AR-5.1, Implementation Measures: AR-1, AR-2, AR-8, AR-9, DEIR/FEIR pages 5.7-39 to 5.7-40. Appendix 5.7B of the Draft EIR.

Impact 5.7-2 **Buildout of the land uses accommodated by the Project may create objectionable odors or expose sensitive receptors to toxic air contaminants.**

Recommended Mitigation Measures

Implementation Measures

AIR-8 The following measures shall be required as a condition of approval for development projects with the potential to have adverse air quality impacts to sensitive land uses:

Maintain a minimum 500 foot separation between sensitive land uses and the Interstate 5 freeway;
Maintain a minimum 1,000 foot separation between sensitive land uses and major rail yards;
Maintain a minimum 1,000 foot separation between sensitive land uses and major distribution centers (more than 100 trucks per day);
Maintain a minimum 300 foot separation between sensitive land uses and dry cleaning operations (500 feet for operations with two or more machines); and
Maintain a minimum 50 foot separation between sensitive land uses and gasoline dispensing facilities (300 feet if throughput exceeds 3.6 million gallons per year).

AIR-10 When a project could expose sensitive receptors to toxic air contaminants the City shall require an applicant to perform a prioritization on all sources of emissions in accordance with guidelines adopted by the San Joaquin Unified Air Pollution Control District to determine if it is necessary to conduct a Health Risk Assessment. If a project has a prioritization score of 10 or more, the project has the potential to exceed the District's significance threshold for health impacts of 10 in a million and a Health Risk Assessment shall be performed.

As the City's population grows in accordance with the land uses designated by each of the Equal-Weight Alternatives, the number and distribution of sensitive receptors such as schools, day care facilities, nursing homes and health care facilities is likely to grow proportionately. The

increased number of residences and other sensitive land uses associated with each of the Equal -Weight Alternatives may result in the siting of new sensitive land uses near existing sources of odors and TACs. TAC emissions from mobile and stationary sources may result in elevated ambient concentrations of TACs at these land uses, which may significantly increase human health risk. In addition, proposed new commercial and industrial land uses may have TAC emissions and may be located near existing sensitive land uses, which may significantly increase human health risk.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The Draft Policy Document contains policies and implementation measures aimed at minimizing the potential impact of toxic air contaminants on sensitive receptors. Policy AR-4.1 states that the City shall, to the extent practicable, separate sensitive land uses from significant sources of air pollutants or odor emissions. Implementation measure AR-1 requires the City to submit development applications to the SJUAPCD for review as part of the CEQA compliance process.

Reference: Policies: AR-1.0, AR-1.2, AR-1.3, AQ-1.4, AQ-1.10, AR-4.1, AR-4.2, Implementation Measures: AR-1, AR-2. DEIR/FEIR pages 5.7-41 to 5.7-42.

Section 5.8 Noise

Impact 5.8-1 **Construction activities could result in elevated noise levels at noise-sensitive land uses. Increases in ambient noise levels, particularly during the nighttime hours, could result in increased levels of annoyance and potential sleep disruption.**

Recommended Mitigation Measures

Implementation Measure

HS-10 The City shall require the following as a condition of project approval to mitigate the adverse noise effects of construction-related activities:

> Construction activities shall be restricted to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 9:00 a.m. and 7:00 p.m. on Saturday, with no construction on Sundays or federal and state holidays; minor construction equipment servicing and maintenance will be exempted from this restriction.
> During construction, mufflers shall be provided for all heavy construction equipment and all stationary noise sources in accordance with the manufacturers' recommendations.
> Stationary noise sources and staging areas shall be located as far as is feasible from existing residences, or contractors shall be required to provide additional noise-reducing engine enclosures (with the goal of achieving approximately 10 dBA of reduction compared to uncontrolled engines).
> Air compressors and pneumatic equipment shall be equipped with mufflers, and impact tools shall be equipped with shrouds or shields.
> If for construction purposes, locating stationary construction equipment near existing residential uses is required, an eight-foot-tall sound rated fence shall be erected between the equipment and the sensitive receptor. The fence shall be located as close to the equipment as is feasible.
> Construction vehicle access routes shall be designed to minimize the impact on existing residences and occupied hospital facilities.
> A "construction liaison" shall be designated to ensure coordination between construction staff and neighbors to minimize disruptions due to construction noise. Occupants and property owners of residences within 400 feet of construction activity shall be notified in writing of the construction schedule and the contact information for the construction liaison.
> A qualified acoustical engineer shall be retained during the construction phase of the project to determine if the noise levels generated from construction equipment at the project site to adjacent property lines are within the standards.

Construction activities could include the use of heavy equipment for grading and other activities, through completion of streets, buildings, bridges, public facilities, utilities, and landscaping. Heavy trucks would travel to and from, and within, the development areas to perform earthwork, and to move equipment and building materials. Smaller equipment, such as jack hammers, pneumatic tools, and saws could also be used throughout the construction phases. The noise associated with these activities would be generated within the entire development project area and at off-site locations near any infrastructure improvements.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Existing residences and other sensitive receptors located adjacent to a particular project site with direct
line-of-sight to construction activities and construction traffic would be affected along with new residences as they are developed within the project. Utility improvements (e.g., water, gas, electrical, etc.) and widening of roadways bordering the project site would also affect these residences. Residences at increased setback distances from the roadways bordering the project site would be buffered and shielded from construction activities by buildings closer to the roadways, and thus would not be significantly impacted by these construction activities.

For any one receptor location or residence, construction noise would be an intermittent impact extending only for the short term, corresponding with the development schedule for nearby project components.

Because most construction equipment causes intermittent noise levels up to 89 dBA at a distance of 50 feet, any noise-sensitive locations that would be in close proximity to project-related construction noise could experience a recognizable noise increase.

in accordance with Chapter 6.44 of the Patterson Municipal Code, construction-related noise-generating activities that would result in a disturbance at nearby noise-sensitive land uses are discouraged between the hours of 8:00 p.m. and 10:00 p.m. and typically prohibited between the hours of 10:00 p.m. and 6:00 a.m. The Community Development Director, or designated representative, may exempt certain construction work when unforeseen or unavoidable conditions occur during a construction project and the nature of the project necessitates that work in process be continued until a specific phase is completed or until such time that work stoppage would not jeopardize the inspection or acceptance of a project or create undue hardships for the contractor or property owners (Patterson Municipal Code, 2009).

Lastly, the Draft Policy Document contains policies and implementation measures aimed at ensuring noise associated with construction activities does not adversely impact surrounding sensitive land uses.

Reference: Policies: HS-5.3, Implementation Measures: HS-5, HS-6, HS-7, DEIR/FEIR pages 5.8-17 to 5.8-21. Appendix 5.8 of the Draft EIR.

Impact 5.12-3 **The Project would accommodate urban land uses that would potentially expose construction workers and future residents to potentially hazardous concentrations of environmentally-persistent pesticides (e.g., DDT, toxaphene).**

Recommended Mitigation Measure

Implementation Measure

HS-11 Project applicants shall develop and implement a Soil Sampling and Analysis Plan to determine the presence and extent of any residual herbicides, pesticides, and fumigants on currently or historically-farmed land in agricultural areas that would be disturbed during construction of the Proposed Project. The Plan shall be prepared in consultation with the Stanislaus County Department of Environmental Health Services and the work shall be conducted by an appropriate California-licensed professional and samples sent to a California Certified laboratory. At a minimum, the Plan shall document the areas proposed for sampling, the procedures for sample collection, the laboratory analytical methods to be used, and the pertinent regulatory threshold levels for determining proper excavation, handling, and, if necessary, treatment or disposal of any contaminated soils. The Plan shall be submitted to the City of Patterson and Stanislaus County Department of Environmental Health Services for review and approval at least 60 days before construction. Results of the laboratory testing and recommended resolutions for excavation, handling, dust control, and treatment/disposal of material found to exceed regulatory requirements shall be submitted to the City prior to construction.

The surface and shallow-surface soils in the Study Area that historically have been utilized for intensive agricultural production may contain residual concentrations of environmentally-persistent pesticides or heavy metals (lead or arsenic) above adopted human health thresholds. Chlorinated pesticides, such as DDT and toxaphene, were extensively used throughout California farmlands prior to their prohibition in the mid-1970s. The U.S. Environmental Protection Agency, Region IX, has developed Risk-Based Screening Levels (RBSLs) for toxic compounds in soil for residential and commercial properties. The RBSLs are health risk standards that have been developed for a wide range of toxic compounds, including volatile organic compounds, metals, semi-volatile organic compounds, and pesticides. Stanislaus County Department of Environmental Health Services applies RBSLs to clean-up sites when reviewing site remediation and development proposals.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The Draft Policy Document contains policies aimed at ensuring hazards associated with exposure to hazardous materials in the soil will be less than significant.

Reference: HS-6.5, HS-6.7, HS-6.8, HS-6.9, DEIR/FEIR pages 5.12-26 to 5.12-27.

Section 5.13 Hydrology and Water Quality

Impact 5.13-1 **Development activities accommodated by the Project could result in the discharge of polluted runoff from the construction of future urban development, potentially causing harm to the biological integrity of waterways, violating water quality standards, or otherwise substantially degrading surface water quality.**

Recommended Mitigation Measure

Policy

NR-1.4 New development. The City shall require new development to protect the quality of water bodies and drainage systems through adaptive site design, stormwater management, and the implementation of best management practices (BMPs). The City shall apply the following principles of Low Impact Development in the review of development projects for purposes of minimizing runoff and potential water quality impacts:

a. Make Sensitive Choices in Site Layout. Identify the most sensitive natural areas and, where possible, leave them undeveloped. To the extent possible, set back development from creeks, wetlands, and riparian habitats. Preserve significant trees. Conform the site along natural land forms, avoid excessive grading and disturbance of vegetation and soils, and mimic the site's natural drainage patterns. Where possible, concentrate development on portions of the site with less permeable soils, and preserve areas that can promote infiltration. To the extent possible, limit overall coverage of paving and roofs by designing compact structures, narrower and shorter streets and sidewalks, smaller parking lots, and indoor or underground parking. Where possible, detain and retain runoff throughout the site. Use drainage design elements such as depressed landscape areas, vegetated buffers, and bioretention facilities (consisting of a shallow surface reservoir, a layer of imported planting medium, and a gravel underlayer with perforated pipe underdrains) as amenities and focal points within the site and landscape design.
b. Use Pervious Surfaces. In new buildings and major retrofits, evaluate the technical and economic feasibility of green roofs. Identify where permeable pavements, such as crushed aggregate, turf block, unit pavers, pervious concrete, or pervious asphalt could be substituted for impervious concrete or asphalt paving.
c. Disperse Runoff to Adjacent Pervious Areas. Where possible, direct roof downspouts across pervious areas. A maximum 2:1 ratio between impervious and pervious surfaces is recommended. Receiving pervious areas should be relatively flat, and soils should be amended as needed to promote infiltration. Similarly, parking areas should be designed so that runoff can sheet flow to landscaped areas. Where feasible, use curb cuts or no curbs to allow runoff to flow to vegetated areas.

d. Direct runoff to bioretention facilities, flow-through planters, dry wells, or cisterns. On densely developed sites, and where runoff from impervious roofs and paved areas cannot be dispersed to landscaping, consider directing runoff to facilities designed to detain and treat runoff before letting it seep away slowly. Dry wells or infiltration basins may be used if soils are sufficiently permeable and geotechnical considerations allow. Bioretention facilities can be a suitable option for many sites.

Construction and grading activities associated with development accommodated by the Project could result in the exposure of soil to runoff, potentially causing erosion and entrainment of sediment in the runoff. Soil stockpiles and excavated areas would be exposed to runoff and, if not managed properly, the runoff could cause erosion and increased sedimentation in off-site receiving waters and eventually the San Joaquin River.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Continued compliance with the relevant provisions of the Clean Water Act relative to the protection of surface and groundwater quality will ensure impacts to water quality associated with development accommodated by any of the Equal-Weight alternatives will be less than significant. Specifically:

Compliance with the City's Small MS4 General Permit Best Management Practices before, during and after construction; Such BMPs include:

- Good housekeeping activities such as storing of materials covered and elevated off the ground, in a central location.
- Securely locating portable toilets away from the storm drainage system and performing routine maintenance.
- Providing a central location for concrete washout and performing routine maintenance.
- Providing several dumpsters and trash cans throughout the construction site for litter/floatable management.
- Covering and/or containing stockpiled materials and overall good housekeeping on the site.

For projects disturbing more than one acre of land during construction continuing to file a Notice of Intent (NOI) with the RWQCB to be covered under the State NPDES General Construction Permit for discharges of storm water associated with construction activity. Under the provisions of the City's General Permit, a developer must propose control measures that are consistent with the State General Permit. A Storm Water Pollution Prevention Plan (SWPPP) must be developed and implemented for each site, as noted above under General Construction Permit.

In addition, the Draft Policy Document contains policies and implementation measures to ensure the protection of water quality.

Reference: Policies: NR-1.2, NR-1.3, NR-1.4, NR-1.7, NR-2.11, NR-5.1, HS-2.9, HS-2.14, HS-6.5, PS-2.5, HS-3.13, PS-3.14, Implementation Measures: HS-1, HS-13, PS-5, NR-1, PS-6, PS-7. DEIR/FEIR pages 5.13-37 to 5.13-41. Appendix 5.13 of the Draft EIR.

Impact 5.13-2 **Development accommodated by the Project could result in the discharge of polluted runoff, potentially causing harm to the biological integrity of waterways, violating water quality standards, or otherwise substantially degrading surface water quality.**

Recommended Mitigation Measure

Policy

NR-1.4 New development. The City shall require new development to protect the quality of water bodies and drainage systems through adaptive site design, stormwater management, and the implementation of best management practices (BMPs). The City shall apply the following principles of Low Impact Development in the review of development projects for purposes of minimizing runoff and potential water quality impacts:

a. Make Sensitive Choices in Site Layout. Identify the most sensitive natural areas and, where possible, leave them undeveloped. To the extent possible, set back development from creeks, wetlands, and riparian habitats. Preserve significant trees. Conform the site along natural land forms, avoid excessive grading and disturbance of vegetation and soils, and mimic the site's natural drainage patterns. Where possible, concentrate development on portions of the site with less permeable soils, and preserve areas that can promote infiltration. To the extent possible, limit overall coverage of paving and roofs by designing compact structures, narrower and shorter streets and sidewalks, smaller parking lots, and indoor or underground parking. Where possible, detain and retain runoff throughout the site. Use drainage design elements such as depressed landscape areas, vegetated buffers, and bioretention facilities (consisting of a shallow surface reservoir, a layer of imported planting medium, and a gravel underlayer with perforated pipe underdrains) as amenities and focal points within the site and landscape design.
b. Use Pervious Surfaces. In new buildings and major retrofits, evaluate the technical and economic feasibility of green roofs. Identify where permeable pavements, such as crushed aggregate, turf block, unit pavers, pervious concrete, or pervious asphalt could be substituted for impervious concrete or asphalt paving.
c. Disperse Runoff to Adjacent Pervious Areas. Where possible, direct roof downspouts across pervious areas. A maximum 2:1 ratio between impervious and pervious surfaces is recommended. Receiving pervious areas should be

relatively flat, and soils should be amended as needed to promote infiltration. Similarly, parking areas should be designed so that runoff can sheet flow to landscaped areas. Where feasible, use curb cuts or no curbs to allow runoff to flow to vegetated areas.

d. Direct runoff to bioretention facilities, flow-through planters, dry wells, or cisterns. On densely developed sites, and where runoff from impervious roofs and paved areas cannot be dispersed to landscaping, consider directing runoff to facilities designed to detain and treat runoff before letting it seep away slowly. Dry wells or infiltration basins may be used if soils are sufficiently permeable and geotechnical considerations allow. Bioretention facilities can be a suitable option for many sites.

Intensified land uses accommodated by the Project would result in increased vehicle use and potential discharge of associated pollutants. Leaks of fuel or lubricants, tire wear, and fallout from exhaust contribute petroleum hydrocarbons, heavy metals, and sediment to the pollutant load in runoff being transported to receiving waters. Runoff from landscaped areas andindividual home sites may contain residual pesticides and nutrients. Long-term degradation of the quality of runoff from the site could impact the quality of receiving waters.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The City of Patterson operates under a SWRCB General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems also known as MS4s. As required for coverage under this permit, the City has prepared a Storm Water Quality Management Program to implement and enforce Best Management Practices designed to reduce the discharge of pollutants from the City's municipal separate storm drain systems to protect water quality. As described above, these BMPs include public participation and involvement, public education and outreach, construction site runoff control, illicit discharge detection and elimination, pollution prevention and good housekeeping, and post-construction runoff control.

In addition, the Draft Policy Document contains policies and implementation measures to ensure the protection of water quality.

Reference: Policies: NR-1.2, NR-1.3, NR-1.4, NR-1.7, NR-2.11, NR-5.1, HS-2.9, HS-2.14, HS-6.5, PS-2.5, HS-3.13, PS-3.14, Implementation Measures: HS-1, HS-13, PS-5, NR-1, PS-6, PS-7, DEIR/FEIR pages 5.13-42 to 5.13-46. Appendix 5.13 of the Draft EIR

Impact 5.13-6 **Development accommodated by the Project would increase impervious surfaces and alter drainage conditions and rates within the Project area, which in turn could result in increased runoff and potential flooding impacts.**

Recommended Mitigation Measures

Implementation Measures

PS-5 The City shall prepare, adopt, review, and periodically update Drainage Master Plans for all new development and annexation areas.

PS-9 The City shall periodically update its long-term Capital Improvements Programs (CIPs), including sewer, water, drainage, police and fire protection, and other facility improvements.

PS-11 The City establish and collect development impact fees as needed for public services in accordance with Government Code '66000, et seq.

HS-13 New development shall be required to implement (through installation or the payment of in-lieu fees) relevant portions of the March 2010 City of Patterson General Plan Storm Drainage Study.

Development accommodated by the Project could result in a significant increase in the amount of impervious surfaces within the Study Area, as summarized on Table 5.13-2 on page 5.13-37 of section 5.13 of the Draft EIR – Hydrology and Water Resources, with a corresponding increase in the volume and velocity of storm water runoff. Portions of the Project area are currently subject to flooding during severe storm events.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

The City has undertaken an ongoing program of storm drainage improvements aimed at minimizing the threat of flooding to urban development. To address potential drainage impacts associated with the Equal-Weight Alternatives, the City of Patterson General Plan Storm Drainage Study was prepared by Boyle Engineering/AECOM, June, 2010 (Appendix 5.13 of the Draft EIR) which provides for the collection, detention and disposal of runoff associated with the Jobs Emphasis and PC Environmental Review Plan alternatives which include the land uses designated by the Project.

The Storm Drain Master Plan sets forth a program for the construction of storm drainage collection, detention and disposal facilities to convey urban runoff associated with each of the Equal-Weight Alternatives to the San Joaquin River. No runoff will be conveyed to Salado Creek or Del Puerto Creek since the runoff capacity of these creeks is periodically exceeded at present. As development proceeds in accordance with the adopted General Plan, new development will be required to install the applicable portions of the Master Plan needed to serve such development, and/or to pay development impact fees to fund improvements that will serve the community as a whole. Implementation of the improvements described in the Storm Drainage Master Plan, as well as continued implementation of the City's Flood Hazard regulations (described in the Regulatory Setting, above) will help minimize impacts relating to flooding.

In addition, the Draft Policy Document provides policies and implementation programs aimed at minimizing the potential impacts of flooding.

Reference: Policies: HS-2.1, HS-2.2, HS-2.3, HS-2.4, HS-2.5, HS-2.6, HS-2.7, HS-2.8, HS-2.9, HS-2.10, HS-2.11, HS-2.12, HS-2.13, HS-2.14, HS-2.15, HS-4.4, DEIR/FEIR pages 5.13-57 to 5.13-64. Appendix 5.13 of the Draft EIR.

Section 5.14 Visual and Aesthetic resources

Impact 5.14-2 **Introduction of additional light and glare from expanded urban development.**

Recommended Mitigation Measure

Policy

CD-3.5 Light and Glare. To reduce the adverse impact of light and glare associated with new development (including street lighting, recreational facilities and parking), the City shall require new development to be designed to prevent artificial lighting from illuminating adjacent residential neighborhoods or natural areas at a level greater than one foot-candle above ambient conditions.

The Project will result in the introduction of additional light and glare from expanded urban development into areas currently dominated by agricultural operations.

Finding: Based on the analysis contained in the DEIR, FEIR, and administrative record, the City Council finds that implementation of the 2010 Patterson General Plan Update would result in a less than significant impact.

Day time glare results from the reflection of sunlight from walls, windows and other reflective surfaces. Expanded urban development accommodated by the Project would include new buildings consisting of windows and other reflective materials associated with walls and roofing which in turn will increase the amount of daytime glare. Infill development within the existing urban area would result in a less pronounced change from additional glare than the development of areas currently occupied by agricultural operations.

In addition, expanded urban development will introduce new sources of light in areas that currently have few if any light sources. Nighttime light levels would increase significantly in these areas over current conditions. These new light sources could result in impacts to adjacent land uses from the “spill over” of light associated with signage, parking lot lighting and security lights. Lastly, traffic generated by new development will result in an increase in nighttime lighting from on-road motor vehicles.

Development accommodated by the Project will be subject to discretionary review in accordance with the City’s Zoning Ordinance (Title 18 of the Patterson Municipal Code). New development is subject to site plan and architectural review. Impacts associated with light and glare are addressed as part of discretionary review, which is also subject to the provisions of the California Environmental Quality Act.

In addition, the City’s adopted Design Guidelines set forth the City’s expectations for the visual and aesthetic qualities desired in new development and are intended to ensure new development complements the visual character of the City. Continued compliance with the

Design Guidelines will ensure impacts associated with light and glare remain less than significant.

Lastly, the Draft Policy Document contains policies and implementation measures aimed at reducing the potential impacts associated with new light and glare sources.

Reference: LU-1.1, NR-2.3, Implementation Measures: CD-1, DEIR/FEIR pages 5.14-1 to 5.14-13.

III. Findings Associated With Significant Unavoidable Project-Level, Growth Inducing and/or Cumulatively Considerable Impacts Which Cannot Feasibly Be Mitigated To A Less Than Significant Level

The Final EIR identifies the following significant and unavoidable adverse impacts associated with the approval of the 2010 Patterson General Plan Update and identifies related mitigation measures. It is hereby determined that each of the following significant and unavoidable adverse impacts is deemed acceptable for the reasons specified in the Statement of Overriding Considerations provided in Section VII below.

The impacts and related mitigation measures identified below are presented in summary form. For a detailed description of impacts mitigation measures, see the appropriate text in the Draft EIR and the Final EIR.

Section 5.1 Land Use

Impact 5.1-2: Consistency with the County General Plan

Finding: A comparison of the County's land use designations with those of the Project reveals inconsistencies in that it designates land surrounding the City with urban land use designations that would allow the conversion of agricultural land to urban uses. The Policy Document

provides policies that require inclusion within the City's sphere of influence and annexation prior to urban development. Amendment of the City's sphere of influence and annexation require the approval of the Local Agency Formation Commission and cannot be guaranteed. Prior to annexation, the land use designations of the Project will remain inconsistent with those of the County.

Inconsistencies between the Stanislaus County General Plan and the Project would remain unless and until the areas in question are included within the City's sphere of influence and annexed to the City by the Local Agency Formation Commission. Moreover, impacts associated with development of these areas with urban uses would be greater than those associated with uses allowed by the County General Plan. These impacts are considered **significant and unavoidable** .

Reference : Policies: LU-1.1, LU-1.2, LU-1.8, LU-1.12, LU-1.13, LU-1.14, LU-8.1, CD-1.7, CD-1.3, NR-2.1, NR-2.2, NR-2.3, NR-2.4, NR-2.5, NR-3.11, AI-1.1, AI-1.2, AI-1.3, Implementation Measures: LU-5, CD-1, NR-4, AI-1, Draft EIR/Final EIR pages 5.1-22 to 5.1-27.

Impact 5.1-4: Consistency with LAFCo Policies

The Project designates land for additional urban development outside the City's current General Plan area and adopted sphere of influence to meet the objectives articulated in section 3.0- of the Draft EIR, Description of Equal-Weight Project Alternatives. To meet the City's objectives for affordable housing, balancing jobs with housing, the expansion of local retail opportunities, and the provision of public facilities such as health care and schools, additional land for urban development will be needed over time.

The draft Policy Document sets forth a long-term development strategy and a set of policies and implementation measures to meet these objectives. The recommended policies and implementation measures encourage the application of "Smart Growth" principles which encourage the orderly outward expansion of the City through the development of 'complete neighborhoods' which facilities the efficient provision of public services.

The City is surrounded by prime agricultural land which comprises most of the acreage within the General Plan Study Area (see Table 5.11-5 on page 5.11-17 of section 5.11-Agricultural Resources). To meet the General Plan objectives described in section 3.0, a portion of this acreage will be converted to urban use. The Project will result in a trade-off of urban development and prime agricultural land.

The 2010 General Plan does not propose the annexation of land or an amendment of the City's sphere of influence. However, the draft policies and programs recommended in the draft Policy Document anticipate the expansion of City services to serve each the Project. Section 5.3 of the Draft EIR - Public Services, describes the various policies and programs to be implemented to ensure the provision of services concurrently or in advance of annexation. The infrastructure programs described in sections 5.4-Water Supply, 5.5-Wastewater, 5.6-Transportation, 5.13-Hyrdology and Water Quality, set forth the City's programs for providing these services. Thus, the draft Policy Document is consistent with Policy 4.

The boundaries chosen for the extent of urban development accommodated be each of the Equal-Weight Alternatives were chosen to result in logical boundaries. In each case the boundaries follow property lines, canals, roadways or a creek.

When weighing the various competing interests reflected by the project, together with the recommended policies provided in the policy document, certain aspects could be found to be inconsistent with applicable LAFCo policies. For this reason, this impact is considered **significant and unavoidable** .

Reference: Policies: LU-1.1, LU-1.2, LU-1.8, LU-1.12, LU-1.13, LU-1.14, LU-8.1, CD-1.1, CD-1.7, CD-3.2, NR-2.1, NR-2.2, NR-2.3, NR-2.4, NR-2.5, NR-3.11, AI-1.1, AI-1.2, AI-1.2, AI-1.3, Implementation Measures: LU-1, LU-5, CD-1, NR-4, AI-1. Draft EIR/Final EIR pages 5.1-28 to 5.1-35.

Impact 5.1-5: Consistency with Adopted Plans and Policies, Cumulative Population Growth

Finding: The Project designates land for additional urban development surrounding the City that would remain inconsistent with the County General Plan. The conversion of these areas from a largely agricultural to an urban setting could conflict with policies of the Local Agency Formation Commission relating to the protection of prime agricultural land. Unless and until these areas are annexed into the City, the inconsistency would remain. Although implementation measures and policies recommended by the Policy Document will help reduce the cumulative, long term impacts of such development, impacts relating to consistency with adopted plans would remain **cumulatively considerable and significant and unavoidable** .

Reference: Policies: LU-1.1, LU-1.2, LU-1.8, LU-1.12, LU-1.13, LU-1.14, LU-8.1, CD-1.7, CD-1.3, NR-2.1, NR-2.2, NR-2.3, NR-2.4, NR-2.5, NR-3.11, AI-1.1, AI-1.2, AI-1.3, Implementation Measures: LU-5, CD-1, NR-4, AI-1, Draft EIR/Final EIR pages 5.1-22 to 5.1-27.

Section 5.2 Population/Housing/Employment

Impact 5.2-1: Increase In Population, Housing and Employment will result in direct and indirect physical impacts to the environment.

Finding: The projected increase in urban development and the resulting increase in population, housing and employment associated with the Project will result in direct and indirect physical impacts to the environment. Direct impacts include noise, traffic air pollution and potential erosion and water quality impacts associated with construction activities, as well as the conversion of productive agricultural soils. Indirect impacts include an increased demand for water, wastewater collection and treatment, schools, police and fire protection, as well as increased traffic, air pollution and noise. Direct and indirect impacts associated with the continued development of the City in accordance with the Project are assessed in sections 5.1 through 5.15 of the Draft EIR.

The policies included in the Draft Policy Document will help minimize impacts relating to traffic, air, and noise impacts by (among other things) promoting a balance among jobs, housing and shopping, and by facilitating alternate modes of transportation. Nevertheless, implementation of

the Project will allow for a substantial increase in population, housing units, and employment in the City of Patterson and the General Plan Study Area. This increase would have a significant adverse impact on the physical environment (as documented in the topical sections of the Draft EIR, sections 5.1 through 5.15) regardless of the policies recommended by the Policy Document. Therefore, this impact is considered **significant and unavoidable** .

Reference: Policies: LU-1.1, LU-1.7, LU-1.8, LU-1.9, LU-1.12, LU-1.13, ED-3.1, ED-3.2, ED-3.3, Housing Element Policies and Programs. Policies: 1-3-1, 1-3-2, 1-3-3, 1-3-4, 1-3-5, 1-3-6, 1-3-7, 1-3-8. Draft EIR/Final EIR pages 5.2-15 to 5.1-24.

Impact 5.2-3: Cumulative Impacts to Population, Housing and Employment

Finding: Population growth projections for the region are provided in Table 5.2-20 on page 5.2-28 of section 5.2 of the Draft EIR, Population, Housing and Employment.. As shown in Table 5.2 -20 the regional population is expected to be about 3.6 million in 40 years, which is the furthest into the future the projections extend, and accommodates buildout.

The Project will accommodate a growth in population by 2030 of about 47,831 which will exceed the most recent projection for Patterson for the year 2030 adopted by StanCOG for use in the Regional Transportation Plan. When the additional population accommodated by the Project is added to the projected 2030 population for the County, it would raise the projected County population from 1% - 3% above the most recent 2030 projection.

The Draft Policy Document contains policies that will help minimize impacts relating to traffic, air, and noise impacts by (among other things) promoting a balance among jobs, housing and shopping, and by facilitating alternate modes of transportation. Nevertheless, implementation of the Project will allow for a substantial increase in population, housing units, and employment in the City of Patterson and the General Plan Study Area. This increase would have a significant adverse impact on the physical environment (as documented in the topical sections of the Draft EIR, sections 5.1 through 5.15) regardless of the policies listed above. Therefore, this impact is considered **significant and unavoidable** .

Reference: Policies: LU-1.1, LU-1.7, LU-1.8, LU-1.9, LU-1.12, LU-1.13, ED-3.1, ED-3.2, ED-3.3, Housing Element Policies and Programs. Policies: 1-3-1, 1-3-2, 1-3-3, 1-3-4, 1-3-5, 1-3-6, 1-3-7, 1-3-8, Draft EIR/Final EIR pages 5.2-26 to 5.2-30.

Section 5.3 Public Services

Impact 5.3-5: Cumulative Impacts Relating to Health Care Facilities

Finding: The City will implement a variety of policies and implementation measures to address the range of potential environmental impacts that may be associated with the construction and operation of new health care facilities. Nonetheless, the ability to mitigate certain potential impacts is contingent upon a number of factors including the severity of the impact, existing land use conditions, and the technical feasibility of implementation of the proposed mitigation measures. Because of these contingencies, the potential impacts of construction of new health

care facilities that may be needed to serve the expanded service population remain significant. Since no additional measures are available to reduce impacts to a less than significant level, this impact is considered **significant and unavoidable** .

Reference: Policies: LU-1.3, LU-1.4, PS 7-1, PS-7.2, PS-7.3, PS-7.4, PS-7.5, PS-7.6, PS-7.7, PS-7.8, PS-7.9, DEIR/FEIR pages 5.3-38 to 5.3-41. Implementation measures PS-16, PS-17.

Impact 5.3-7: Cumulative Impacts to Solid Waste Disposal Capacity

Finding: The landfill serving the City received 134,574 tons of waste in 2007 or about 0.2585 tons per year per capita (based on a 2007 County population of 520,506). The Stanislaus Council of Governments has projected total County population in 2030 to be about 791,332. This projection assumes a 2030 population for Patterson of about 39,067 which is less than that accommodated by the Project for the year 2030 which is about 47,000, and does not include waste generation associated with the West Park project. Assuming the same per capita rate of solid waste generation experienced in 2007 continues into the future, the total additional solid waste disposed of in the landfill between 2007 and 2030 would be about 4 million tons, which is less than the remaining estimated capacity of 6 million tons. However, by applying these same assumptions, the capacity of the landfill would be reached around 2039. Therefore, cumulative impacts to landfill capacity associated with solid waste generated by the Project are considered **cumulatively considerable** , and **significant and unavoidable** .

Reference: Policies: PS-4.1, PS-4.2, PS-4.3, PS-4.4, PS-4.5, PS-4.6, PS-4.7, PS-4.8, PS-4.9, DEIR/FEIR page 5.3-48.

Impact 5.3-11: Impacts Related to the Construction of Public Facilities

Recommended Mitigation

Implementation Measures

AR-6 The City will require all of the following as a condition of project approval:

> All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
> All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)
Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
Within urban areas, track-out (earth material deposited on City streets by construction equipment) shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
Any site with 150 or more vehicle trips per day shall prevent carryout and track-out.
Limit traffic speeds on unpaved roads to 15 mph;
Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site;
Install wind breaks at windward side(s) of construction areas;
Suspend excavation and grading activity when winds exceed 20 mph; and
Limit area subject to excavation, grading, and other construction activity at any one time. Regardless of wind speed, an owner/operator must comply with Regulation VIII's 20 percent opacity limitation.

HS-10 The City will require the following as a condition of project approval to mitigate the adverse noise effects of construction-related activities:

a. Construction activities shall be restricted to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 9:00 a.m. and 7:00 p.m. on Saturday, with no construction on Sundays or federal and state holidays; minor construction equipment servicing and maintenance will be exempted from this restriction.
b. During construction, mufflers shall be provided for all heavy construction equipment and all stationary noise sources in accordance with the manufacturers' recommendations.
c. Stationary noise sources and staging areas shall be located as far as is feasible from existing residences, or contractors shall be required to provide additional noise-reducing engine enclosures (with the goal of achieving approximately 10 dBA of reduction compared to uncontrolled engines).

d. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.
e. If for construction purposes, locating stationary construction equipment near existing residential uses is required, an eight-foot-tall sound rated fence should be erected between the equipment and the sensitive receptor. The fence should be located as close to the equipment as is feasible.
f. Construction vehicle access routes shall be designed to minimize the impact on existing residences and occupied hospital facilities.
g. A "construction liaison" shall be designated to ensure coordination between construction staff and neighbors to minimize disruptions due to construction noise. Occupants and property owners of residences within 400 feet of construction activity shall be notified in writing of the construction schedule and the contact information for the construction liaison.
h. A qualified acoustical engineer should be retained during the construction phase of the project to determine if the noise levels generated from construction equipment at the project site to adjacent property lines are within the standards.

Finding: The City will implement a variety of policies and implementation measures to address the range of potential environmental impacts that may be associated with the construction and operation of new or expanded facilities. Nonetheless, the ability to mitigate certain potential impacts is contingent upon a number of factors including the severity of the impact, existing land use conditions, and the technical feasibility of implementation of the proposed mitigation measures. Because of these contingencies, the potential impacts of construction of new public facilities and utilities that may be needed to serve the expanded service population remain significant. Since no additional measures are available to reduce impacts to a less than significant level, this impact is considered **significant and unavoidable** .

Reference: Policies: AR-1.3, AQ-1.4, AR-5.1, NR-1.3, HS-2.9, Implementation Measures: AR-1, AR-2, PS-6, PS-7, DEIR/FEIR page 5.3-61 to 5.3-66.

Section 5.4 Water Supply

Impact 5.4-1: Water Demand will exceed available supplies

Policy

PS-1.3 Supply for new development. The City shall not approve any new development without the demonstrated assurance of an adequate water supply to

support such development and a City-approved funding mechanism to pay for necessary improvements. Such assurance shall be provided in a form and manner determined by the City, and may include, but is not limited to, the following:

a. A contract between the property owner(s) and a water purveyor guaranteeing the long-term delivery of a suitable quantity of water to serve the intended use of the property consistent with the General Plan;
b. A contract between a water purveyor and the City guaranteeing the long-term delivery of a suitable quantity of water to serve the intended use of the property consistent with the General Plan;
c. Such other mechanism suitable to the City.

Implementation Measures

PS-15 The City will prepare, adopt and implement a program for development of a secure, reliable, affordable long-term secondary water supply. Such a program shall include, but shall not be limited to, the following:

a. The development of multiple sources of water, including, but not limited to:
    a. Recycled water;
    b. Surface water;
    c. Conservation;
b. Water conservation measures, including but not limited, the following:
    a. Best Management Practices as recommended by the Department of Water Resources;
    b. Conservation strategies necessary to ensure compliance with the per capita water demand reduction requirements of State law;
    c. The installation of non-potable water supply infrastructure in all new expansion areas;
c. Groundwater management, including:
    a. Participation in regional groundwater management efforts;
    b. The enhancement of groundwater recharge to increase groundwater supplies, ensure the protection of water quality and reliability, and to minimize impacts to other groundwater users;
    c. The conjunctive management of water resources;

NR-2 The Within 24 months of adoption of the General Plan, the City shall prepare and adopt a comprehensive water conservation plan, which includes but is not limited to, the following:

a. Landscape watering timing restrictions;
b. Requirements for water-efficient irrigation equipment for all new private and public development;
c. Enforcement strategies for water waste;
d. Recommendations for water-efficient landscape ordinances;

e. Evaluation of and recommendations for water conservation pricing (such as a tiered rates for water users) to encourage efficient use;
f. Strategies for providing individualized water audits for large accounts to identify conservation opportunities;
g. Requirements for water efficiency training and certification for irrigation designers, installers, and property managers operating within the City.
h. Measures to ensure a reduction in per capita water demand City-wide of 20 percent by the year 2030. Such measures may include, but are not limited to, the following:

- Water Survey Programs for Single-Family Residential and Multi-family Residential Customers;
- Residential Plumbing Retrofit;
- System Water Audits, Leak Detection and Repair;
- Metering with Commodity Rates for all New Connections and Retrofit of Existing Connections;
- Large Landscape Water Audits and Incentives;
- High-efficiency Washing Machine Rebate Programs;
- Public Information Programs;
- School Education Programs;
- Commercial and Industrial Water Conservation;
- Wholesale Agency Assistance;
- Conservation Pricing;
- Conservation Coordinator;
- Water Waste Prohibition;
- Residential Ultra Low Flow Toilet Replacement Programs

Finding: Water demand associated with the Project is estimated to be between 24,705 acre-feet per year and 27,311 acre-feet per year which exceeds the available supplies to the City which are assumed for planning purposes to be about 7,700 acre feet. Section 5.4 of the Draft EIR and Appendix 5.4 set forth a water supply program to serve the Project. With regard to water supply, the Draft EIR recommends a program comprised of the following elements, as articulated in implementation measure PS-15. In addition, the Draft Policy Document recommends policies and implementation measures that speak to (among other things):

- Water conservation (Policy NR-1.10, and PS-1.5)
- The requirements for a demonstrated assurance of water supply for new development (Policy PS-1.3), and
- The use of reclaimed water (PS-1.6)

The water supply program and the analysis provided in Section 5.4 of the Draft EIR acknowledge that there are considerable uncertainties associated with the recommended water supply strategy. The primary uncertainty relates to the willingness of the water purveyors currently providing water to properties within the Study Area to continue to provide water either to the property owners or to the City to serve these properties. Under this program, the responsibility for acquiring the water rights rests with the property owner/proponent of development. Should the water purveyors choose not to sell the water to the property owner or to the City, the development could not go forward unless and until a suitable water supply alternative is provided.

The recommended policies and implementation measures would ensure that new development under the Project would not proceed without verification and determination that an adequate water supply exists. However, it is speculative to state that a reliable water supply source would be available to serve buildout of the entire Project area due to the significant obstacles and costs associated with obtaining surface water supplies from the local water purveyors. In addition, the water supply strategy outlined for the Project would contribute to significant environmental impacts (see Table 5.4-19 on page 5.4-44 of the Draft EIR) associated with planned water supply projects as well as other potential future water supply sources. Given these conditions, this impact is considered **significant and unavoidable** .

Reference: Policies NR-1.10, PR-1.11, PS-1.1, PS-1.2, PS-1.3, PS-1.4, PS-1.5, PS-1.6, PS-1.7, PS-1.8, PS-1.9, PS-1.10, PS-1.11, Implementation Measures: NR-2, PS-1, PS-2, Draft EIR/Final EIR pages 5.4-23 to 5.4-45. Appendix 5.4 of the Draft EIR.

Impact 5.4-2: Construction of Water Supply Infrastructure

Implementation Measures

AR-6 The City shall require all of the following as a condition of project approval:

a. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
b. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
c. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
d. With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
e. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
f. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)
g. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
h. Within urban areas, track-out (earth material deposited on City streets by construction equipment) shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
i. Any site with 150 or more vehicle trips per day shall prevent carryout and track-out.
j. Limit traffic speeds on unpaved roads to 15 mph;
k. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.

l. Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site;
m. Install wind breaks at windward side(s) of construction areas;
n. Suspend excavation and grading activity when winds exceed 20 mph; and
o. Limit area subject to excavation, grading, and other construction activity at any one time. Regardless of wind speed, an owner/operator must comply with Regulation VIII's 20 percent opacity limitation.

HS-10 The City shall require the following as a condition of project approval to mitigate the adverse noise effects of construction-related activities:

a. Construction activities shall be restricted to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 9:00 a.m. and 7:00 p.m. on Saturday, with no construction on Sundays or federal and state holidays; minor construction equipment servicing and maintenance shall be exempted from this restriction.
b. During construction, mufflers shall be provided for all heavy construction equipment and all stationary noise sources in accordance with the manufacturers' recommendations.
c. Stationary noise sources and staging areas shall be located as far as is feasible from existing residences, or contractors shall be required to provide additional noise-reducing engine enclosures (with the goal of achieving approximately 10 dBA of reduction compared to uncontrolled engines).
d. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.
e. If for construction purposes, locating stationary construction equipment near existing residential uses is required, an eight-foot-tall sound rated fence should be erected between the equipment and the sensitive receptor. The fence should be located as close to the equipment as is feasible.
f. Construction vehicle access routes shall be designed to minimize the impact on existing residences and occupied hospital facilities.
g. A "construction liaison" shall be designated to ensure coordination between construction staff and neighbors to minimize disruptions due to construction noise. Occupants and property owners of residences within 400 feet of construction activity shall be notified in writing of the construction schedule and the contact information for the construction liaison.
h. A qualified acoustical engineer should be retained during the construction phase of the project to determine if the noise levels generated from construction equipment at the project site to adjacent property lines are within the standards.

Finding: The City does not currently supply water to areas outside the City limits; land within the Study Area is largely in agricultural use and is supplied by the Patterson Irrigation District, the West Stanislaus Irrigation District, and the Del Puerto Water District, or from on-site wells. Supplying water to expansion areas will require the construction of water supply infrastructure that includes water lines, wells, storage tanks, booster pumps, pressure reducing valves, one or more water treatment plants, and a groundwater recharge basin. Construction of water supply infrastructure would be subject to project-
specific environmental review.

The City will implement a variety of policies and implementation measures provided in the Draft Policy Document to address the range of potential environmental impacts that may be associated with the construction and operation of water supply facilities. Nonetheless, the ability to mitigate certain potential impacts, such as the permanent loss of agricultural land and habitat

for sensitive species, is contingent upon a number of factors including the severity of the impact, existing land use conditions, and the technical feasibility of implementation of the proposed mitigation measures. Because of these contingencies, the potential impacts of construction of new water supply infrastructure will remain significant. Since no additional measures are available to reduce impacts to a less than significant level, this impact is considered **significant and unavoidable** .

Reference: Draft General Plan Policy Response: Policies: AR-1.3, AQ-1.14, AR-5.1, NR-1.3, HS-2.9, Implementation Measures: AR-1, AR-2, HS-6, PS-6, PS-7, DEIR/FEIR page 5.4-45 to 5.4-53.

Impact 5.4-3: Potential Impacts to Surrounding Wells from Increased Groundwater Pumping

Recommended Mitigation

Recommended Additional Policy

PS-1.12 Affect of City Wells On Surrounding Wells. If, in the unlikely event that an existing user of the confined aquifer finds its well affected by the City's pumping, the City shall compensate that user for the cost of deepening the pump setting and the increased cost of operating the well to draw water from greater depths. New development in the City's sphere of influence shall be required to pay its fair share of such costs.

Recommend Implementation Measures

PS-18 The City shall sample groundwater quality semiannually to assess water quality and shall conduct additional studies to better understand the direction and rate of groundwater flow in the confined aquifer. These investigations will allow the City to optimize the arrangement of new water supply wells to maximize water quality and minimize the severity of the resulting cone of depression and associated impacts. To the extent feasible, new wells shall be located at greater spacings to reduce the cone of depression and maximize their distance from nearby users. This would reduce the risk and/or severity of the potential impacts from subsidence discussed above.

PS-19 The City shall implement a subsidence monitoring program. Subsidence shall be monitored annually at each well and new wells shall be designed to prevent damage to the wells from subsidence as described in the groundwater study.

Finding: Use of the upper aquifer could interfere with the existing wells used by individual groundwater users in areas near the City. The likelihood of interfering with other groundwater uses is reduced substantially by several factors. Local agricultural and domestic groundwater users rely on the shallow, unconfined aquifer, which reduces their well installation and operation costs. The City of Patterson prohibits the use of private wells for domestic or irrigation use. Thus, privately owned well locations are outside of the City limits. When sites are annexed into the City, they are required to connect to the City water system, and the private wells must be

abandoned. Therefore, if the City uses water from the upper aquifer, it is not anticipated to have a measurable impact on private use of that aquifer . It is not known, however, that no existing wells would be affected by new City wells pumping from both the unconfined (upper) and the confined (lower) aquifer.

Although the policies and implementation measures recommended by the Draft Policy Document will help minimize the potential impact to existing wells within the Study Area, the potential impact to surrounding wells cannot be determined. With application of the above measures, potential impacts associated with cones of depression are considered **significant and unavoidable** .

Reference: Policies: NR-1.8, Implementation Measures: PS-1, DEIR/FEIR page 5.4-54 to 5.4-55.

Impact 5.4-5: Reduction of Water Available for Agricultural Operations

Recommended Mitigation

Policy

PS-1.3 Supply for new development. The City shall not approve any new development without the demonstrated assurance of an adequate water supply to support such development and a City-approved funding mechanism to pay for necessary improvements. Such assurance shall be provided in a form and manner determined by the City, and may include, but is not limited to, the following:

d. A contract between the property owner(s) and a water purveyor guaranteeing the long-term delivery of a suitable quantity of water to serve the intended use of the property consistent with the General Plan;
e. A contract between a water purveyor and the City guaranteeing the long-term delivery of a suitable quantity of water to serve the intended use of the property consistent with the General Plan;
f. Such other mechanism suitable to the City.

Implementation Measures

PS-15 The City will prepare, adopt and implement a program for development of a secure, reliable, affordable long-term secondary water supply. Such a program shall include, but shall not be limited to, the following:

d. The development of multiple sources of water, including, but not limited to:
    a. Recycled water;
    b. Surface water;
    c. Conservation;
e. Water conservation measures, including but not limited, the following:
    a. Best Management Practices as recommended by the Department of Water Resources;

b. Conservation strategies necessary to ensure compliance with the per capita water demand reduction requirements of State law;
c. The installation of non-potable water supply infrastructure in all new expansion areas;

f. Groundwater management, including:
   a. Participation in regional groundwater management efforts;
   b. The enhancement of groundwater recharge to increase groundwater supplies, ensure the protection of water quality and reliability, and to minimize impacts to other groundwater users;
   c. The conjunctive management of water resources;

NR-2 The Within 24 months of adoption of the General Plan, the City shall prepare and adopt a comprehensive water conservation plan, which includes but is not limited to, the following:

a. Landscape watering timing restrictions;
b. Requirements for water-efficient irrigation equipment for all new private and public development;
c. Enforcement strategies for water waste;
d. Recommendations for water-efficient landscape ordinances;
e. Evaluation of and recommendations for water conservation pricing (such as a tiered rates for water users) to encourage efficient use;
f. Strategies for providing individualized water audits for large accounts to identify conservation opportunities;
g. Requirements for water efficiency training and certification for irrigation designers, installers, and property managers operating within the City.
h. Measures to ensure a reduction in per capita water demand City-wide of 20 percent by the year 2030. Such measures may include, but are not limited to, the following:

- Water Survey Programs for Single-Family Residential and Multi-family Residential Customers;
- Residential Plumbing Retrofit;
- System Water Audits, Leak Detection and Repair;
- Metering with Commodity Rates for all New Connections and Retrofit of Existing Connections;
- Large Landscape Water Audits and Incentives;
- High-efficiency Washing Machine Rebate Programs;
- Public Information Programs;
- School Education Programs;
- Commercial and Industrial Water Conservation;
- Wholesale Agency Assistance;
- Conservation Pricing;
- Conservation Coordinator;
- Water Waste Prohibition;
- Residential Ultra Low Flow Toilet Replacement Programs

Implementation of the water supply program recommended under impact 5.4-1 would result in the use of irrigation water for urban uses that include landscape irrigation and/or groundwater recharge. Although the amount of irrigation water diverted from agricultural use to urban uses will be less than the quantity currently delivered to properties within the Study Area, as shown on table 5.4-1, the result of implementation of the Project will be a net decrease in the amount of irrigation water available for agricultural uses delivered by the Central Valley Project via the Patterson Irrigation District, the West Stanislaus Irrigation District and the Del Puerto Water District. The potential maximum amount diverted to urban use reflects the amount of water no longer available for agricultural use.

The policies and implementation measures recommended by the draft Policy Document discussed under Impact 5.4-1 would help reduce cumulative impacts relating to water supply. In addition, the additional policies and implementation measures recommended under Impact 5.4-1 which call for implementation of the Water Supply Program recommended under implementation measure PS-15 and as described in Appendix 5.4 will help minimize cumulative impacts to water supply by:

- Developing multiple sources of water;
- Water conservation
- Encouraging the conjunctive use of groundwater, surface water and non-potable water supplies in a manner that enhances groundwater recharge;

Although the Water Supply Program recommended for the Patterson General Plan will result in a reduction of water use by properties currently served by irrigation water, the net result will be a permanent loss of irrigation water available for agricultural use. This impact will remain **cumulatively considerable and significant and unavoidable** .

Reference: Policies NR-1.10, PR-1.11, PS-1.1, PS-1.2, PS-1.3, PS-1.4, PS-1.5, PS-1.6, PS-1.7, PS-1.8, PS-1.9, PS-1.10, PS-1.11, Implementation Measures: NR-2, PS-1, PS-2, Draft EIR/Final EIR pages 5.4-23 to 5.4-45. Appendix 5.4 of the Draft EIR

Impact 5.4-6: Reduction of water available for all uses in the area.

Finding: The cumulative condition for water supply is analyzed under Impact 5.4-1 with the Project demand. The City of Patterson has historically satisfied all of its demand for water from the underlying groundwater basin. The City operates nine (9) wells with a total capacity of 9,600 gallons per minute, with a projected production of about 7,500 AFY. The wells currently (2010) produce a combined 5,000 AFY . However, the local groundwater basin has production limitations, and for purposes of water supply planning it is estimated that an average of 8,300 acre feet/year of groundwater is available for City use which (according to the City's 2006 Urban Water Management Plan) is sufficient to serve a population of about 35,000 residents. Accordingly, water demand associated with a population greater than 35,000 will require a secondary source of water.

Policies and implementation measures recommended under impact 5.4-1 set forth a program for ensuring a reliable secondary source of water is available to serve development beyond 35,000 residents. However, there are several uncertainties and associated adverse environmental impacts associated with this program and for these reasons, project and cumulative impacts associated with the Project are considered **cumulatively considerable** and **significant and**

unavoidable .

Reference: Policies NR-1.10, PR-1.11, PS-1.1, PS-1.2, PS-1.3, PS-1.4, PS-1.5, PS-1.6, PS-1.7, PS-1.8, PS-1.9, PS-1.10, PS-1.11, Implementation Measures: NR-2, PS-1, PS-2, Draft EIR/Final EIR pages 5.4-23 to 5.4-45. Appendix 5.4 of the Draft EIR

Section 5.5 Wastewater

Impact 5.5-2: Construction of Wastewater Collection and Disposal Infrastructure .

Recommended Mitigation

Implementation Measures

PS-14 The City shall implement the improvements recommended by the 2010 Wastewater Master Plan as determined by the City Council.

AR-6 The City shall require all of the following as a condition of project approval:

- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
- All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
- When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)
- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

- Within urban areas, track-out (earth material deposited on City streets by construction equipment) shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
- Any site with 150 or more vehicle trips per day shall prevent carryout and track-out.
- Limit traffic speeds on unpaved roads to 15 mph;
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
- Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site;
- Install wind breaks at windward side(s) of construction areas;
- Suspend excavation and grading activity when winds exceed 20 mph; and
- Limit area subject to excavation, grading, and other construction activity at any one time. Regardless of wind speed, an owner/operator must comply with Regulation VIII's 20 percent opacity limitation.

HS-10 The City shall require the following as a condition of project approval to mitigate the adverse noise effects of construction-related activities:

- Construction activities shall be restricted to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 9:00 a.m. and 7:00 p.m. on Saturday, with no construction on Sundays or federal and state holidays; minor construction equipment servicing and maintenance will be exempted from this restriction.
- During construction, mufflers shall be provided for all heavy construction equipment and all stationary noise sources in accordance with the manufacturers' recommendations.
- Stationary noise sources and staging areas shall be located as far as is feasible from existing residences, or contractors shall be required to provide additional noise-reducing engine enclosures (with the goal of achieving approximately 10 dBA of reduction compared to uncontrolled engines).
- Air compressors and pneumatic equipment shall be equipped with mufflers, and impact tools shall be equipped with shrouds or shields.
- If for construction purposes, locating stationary construction equipment near existing residential uses is required, an eight-foot-tall sound rated fence shall be erected between the equipment and the sensitive receptor. The fence shall be located as close to the equipment as is feasible.
- Construction vehicle access routes shall be designed to minimize the impact on existing residences and occupied hospital facilities.
- A "construction liaison" shall be designated to ensure coordination between construction staff and neighbors to minimize disruptions due to construction noise. Occupants and property owners of residences within 400 feet of construction activity shall be notified in writing of the construction schedule and the contact information for the construction liaison.
- A qualified acoustical engineer shall be retained during the construction phase of the project to determine if the noise levels generated from construction equipment at the project site to adjacent property lines are within the standards.

Finding: The Project designates additional land for urban development in areas that are currently not served by wastewater collection systems. Moreover, the existing trunk sewer system does not have remaining capacity sufficient to accommodate the additional flows

associated with the buildout of the Project. To assess the potential impacts to the wastewater collection, treatment and disposal systems, a Wastewater Master Plan (Lee and Ro, May 2010) was prepared as part of this EIR which is incorporated herein by reference and provided in its entirety as Appendix 5.5 of the Draft EIR. Construction of the relevant trunk systems corresponding to the Jobs Emphasis Alternative will provide sufficient capacity to convey the anticipated wastewater flows from the Project.

The City will implement a variety of policies and implementation measures to address the range of potential environmental impacts that may be associated with the construction and operation of wastewater facilities. Nonetheless, the ability to mitigate certain potential impacts, such as the permanent loss of agricultural land and habitat for sensitive species, is contingent upon a number of factors including the severity of the impact, existing land use conditions, and the technical feasibility of implementation of the proposed mitigation measures. Because of these contingencies, the potential impacts of construction of new wastewater infrastructure will remain significant. Since no additional measures are available to reduce impacts to a less than significant level, this impact is considered **significant and unavoidable .**

Reference: Policies: AR-1.3, AQ-1.4, AR-5.1, NR-1.3, HS-2.9, Implementation Measures: AR-1, AR-2, PS-6, PS-7, Draft EIR/Final EIR pages 5.5-20 to 5.4-30. Appendix 5.5 of the Draft EIR

Impact 5.5-3: Required Amendment to Wastewater Discharge Permit

Recommended Mitigation

Implementation Measure

PS-20 The City will apply to the Regional Water Quality Control Board to modify or re-issue the City's National Pollution Discharge Elimination Permit for the wastewater treatment plant as necessary to accommodate the increase in disposal capacity necessary to serve buildout of the General Plan.

Finding: The Project will generate wastewater flows that will exceed the rated treatment capacity of the wastewater treatment plant. In addition, wastewater flows associated with the Project will exceed the permitted capacity of the treatment plant under the discharge permit issued for the plant by the Regional Water Quality Control Board. Accordingly, the Project will require an amendment of the City's current National Pollution Discharge Elimination System (NPDES) permit. Under the NPDES program, local governments and development projects are required to adopt and implement Best Management Practices (BMPs) to reduce water pollution. The Central Valley Regional Water Quality Control Board issues NPDES permits for the City's wastewater treatment plant, establishing allowable effluent discharge levels.

Revisions to, or re-issuance of, the NPDES permit falls within the exclusive jurisdiction of the Regional Water Quality Control Board. There are two classifications of permit modifications: major and minor. From a procedural standpoint, they differ primarily with respect to the public notice requirement. Major modifications require public notice; minor modifications do not. Virtually all modifications that result in less stringent conditions must be treated as major modifications. Conditions that would necessitate a major modification of a permit are described in 40 CFR §122.62.

Because issuance of a revised NPDES permit is necessary to increase the permitted treatment capacity of the treatment plant, and because issuance of the amended permit falls under the jurisdiction of another agency (the Regional Board) the increased permitted capacity cannot be guaranteed by the City. Therefore, the need for additional permitted capacity for the Project is considered a **significant and unavoidable impact** .

Reference : Draft EIR/Final EIR pages 5.5-29 to 5.5-31. Appendix 5.5 of the Draft EIR

Section 5.6 Transportation

Impacts 5.6-3, 5.6-16: Project and cumulative Impacts to streets and intersections serving the Project.

Recommended Mitigation

Implementation Measures

5.6-1. Intersection No. 1 - Sperry Ave/I-5 SB Off Ramps. Signalize intersection. Southbound: add left turn lane. Westbound: add two left turn lanes.

Funding: Not completely funded in 2010. Partial funding in 2007 Regional Transportation Plan Tier I; partially funded by City traffic impact fees.

5.6-2. Intersection No. 2 - Sperry Ave/I-5 NB On-Ramps. Signalize intersection. Eastbound: add left turn and through lane. Westbound: add a right turn lane. Northbound: add right turn lane.

Funding: Not completely funded in 2010. Partial funding in 2007 Regional Transportation Plan Tier I; partially funded by City traffic impact fees.

5.6-3. Intersection No. 7 - Sperry Ave/Las Palmas Ave. Signalize intersection.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-4. Intersection No. 8 - Sperry Ave/Ward Ave. Eastbound: add one left turn lane. Northbound: add a left turn lane. Southbound: add a right turn lane.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-5 Intersection No. 9 - Sperry Avenue/S. Del Puerto Avenue. Add eastbound and westbound left turn lanes.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-6 Intersection No. 10 - Sperry Ave/SR 33 Signalize intersection. Eastbound: add left turn and right turn lanes. Westbound: add a left turn lane. Northbound: add two left turn lanes. Southbound: add a left turn lane; restripe the shared through and left turn lane as a shared through and right turn lane.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-7 Intersection No. 13 - Ward Ave/SR 33. Signalize intersection. Add a northbound left turn lane. Add one through lane to the northbound and southbound.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-8 Intersection No. 14 - Zacharias Rd/SR 33. It is assumed that this intersection will be realigned as a part of the proposed South County Corridor project. Signalize intersection. Northbound: add two left turn lanes. Eastbound: add a left turn lane.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-9 Intersection No. 15 - Baldwin Rd/SR 33. Signalize intersection and add left-turn lane in the northbound. And add a southbound right-turn lane.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-10 Intersection No. 16 - Rogers Rd/SR 33. Signalize intersection. Add eastbound and northbound left turn lanes. Southbound: add a right turn lane.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-11 Intersection No. 17 - SR 33/Eucalyptus Ave. Southbound: add a left turn and through lane. Northbound: add a through lane

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-12 Intersection No. 19 - Walnut Ave/M Street/SR 33 Signalize intersection. Eastbound, Westbound: add a left turn lane and restripe shared through and left turn lane as a shared through and right turn lane.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-13 Intersection No. 20 - E. Las Palmas Ave/Sycamore Ave Signalize intersection. Add left-turn lane to southbound and northbound approaches.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-15 Intersection No. 11 - East Las Palmas Ave/SR 33. Add additional westbound left turn lane.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

T-18 The City shall continue to monitor traffic levels on roadways and intersections serving the City and to require the installation of roadway and intersection improvements necessary to maintain the desired level of service.

T-19 The City shall refine the analysis of future traffic conditions during the 2030 to 2050 timeframes as the traffic model used by the Stanislaus Council of Governments is updated to include the 2050 timeframe.

T-18 The City shall continue to monitor traffic levels on roadways and intersections serving the City and to require the installation of roadway and intersection improvements necessary to maintain the desired level of service.

T-19 The City shall refine the analysis of future traffic conditions during the 2030 to 2050 timeframes as the traffic model used by the Stanislaus Council of Governments is updated to include the 2050 timeframe.

T-20 Based on traffic monitoring, consider implementing the following roadway improvements as needed to maintain an acceptable level of service on street segments and intersections:

a. Widening Rogers Road north of Sperry Avenue to four lanes.
b. Widen Zacharias Road and Eucalyptus Avenue to four lanes, or complete the South County Corridor.
c. Widen the West Main Street bridge over the San Joaquin River to six lanes or provide a separate bridge/roadway.
d. Signalize the intersection of State Route 33 and Baldwin Road.
e. Signalize the intersection of State Route 33 and Olive Avenue.
f. Widen State Route 33 to four lanes from Sperry Avenue to Rogers Road.

Findings: The Project would accommodate approximately 16,000 additional dwelling units and about 25 million square feet of non-residential floor space. Morning and afternoon peak hour vehicle trip generation associated with buildout the Project is summarized below in Table 5. A comparison of the total AM peak and PM peak hour traffic volumes shown on Table 5 with those associated with the Jobs Emphasis Alternative summarized in Table and 5.6-14 on page 5.6-55 and Table 5.6-17 on page 5.6-62 of section 5.6 - Transportation, reveals that AM and PM peak volumes associated with the Project are comparable to, but slightly higher than higher than, those associated with the Jobs Emphasis Alternative. Accordingly, potential impacts to intersections and roadway segments at buildout are considered comparable but slightly greater than those associated with the Jobs Emphasis Alternative.

Table 5: Trip Generation Associated With the Project											
Land Use / (ITE Code)	Size / Units	A.M. Peak					P.M. Peak				
		Rate	In:Out %	In	Out	Total	Rate	In:Out %	In	Out	Total
Single Family (210)	7,836 du	0.75	25:75	1,469	4,408	5,877	1.01	63:37	4,986	2,928	7,914
Multi Family (230)	8,307 du	0.44	17:83	621	3,034	3,655	0.52	67:33	2,894	1,425	4,320
Retail (820)	9,839 ksf	1.00	61:39	6,002	3,837	9,839	3.73	49:51	17,983	18,717	36,699
Service/Office (710)	2,723 ksf	1.55	88:12	3,714	506	4,221	1.49	17:83	690	3,368	4,057
Industrial (130)	18,220 ksf	0.84	82:18	12,550	2,755	15,305	0.86	21:79	3,291	12,379	15,669
Total (du)	16,143										
Total (ksf)	30,782			24,357	14,540	38,897			29,843	38,817	68,660

Source: TJKM, 2010 and CMCA, 2010

Notes:

1. du = dwelling unit ksf = thousand square feet

Implementation of the roadway and intersection improvements recommended by the Draft Policy Document and Draft EIR would reduce potential impacts to intersections and roadways serving the Project area through buildout. However, although the City has adopted a development impact fee ordinance and has included the partial cost of these improvements in currently-collected fees on new development, none of these improvements are fully funded in 2010 and future funding cannot be guaranteed.

Recommended mitigation measures a., b., and f. of implementation measure T-20 are included in the2007 Regional Transportation Plan as a Tier II project (with estimated costs but no funding). Measure 4. is included in the City's current development impact fee program, and mitigation 5. currently has no funding. Although the measures described above, in conjunction with the policies and implementation measures recommended by the Draft Policy Document and Draft/Final EIR, will help mitigate potential traffic impacts associated with the Project, the precise nature of the growth in background traffic associated with development in the region through buildout is unknown. In addition, roadway and intersection improvements to roadways outside the City's jurisdiction may be required and cannot be guaranteed. For these reasons, traffic impacts associated with the Project are considered **significant and unavoidable** and **cumulatively considerable** and **significant and unavoidable** .

Reference: The Circulation Diagram (Figure 5.6-14) The recommended lane configurations provided on Figure 5.6-16. Implementation measures T-19, T-20, T-21, T-22, Draft EIR/Final EIR pages 5.6-55 to 5.6-64, Appendix 5.6 of the Draft EIR.

Impact 5.6-7: Increased Truck Traffic

Recommended Mitigation

Implementation Measures

5.6-1. Intersection No. 1 - Sperry Ave/I-5 SB Off Ramps. Signalize intersection. Southbound: add left turn lane. Westbound: add two left turn lanes.

Funding: Not completely funded in 2010. Partial funding in 2007 Regional Transportation Plan Tier I; partially funded by City traffic impact fees.

5.6-2. Intersection No. 2 - Sperry Ave/I-5 NB On-Ramps. Signalize intersection. Eastbound: add left turn and through lane. Westbound: add a right turn lane. Northbound: add right turn lane.

Funding: Not completely funded in 2010. Partial funding in 2007 Regional Transportation Plan Tier I; partially funded by City traffic impact fees.

5.6-3. Intersection No. 7 - Sperry Ave/Las Palmas Ave. Signalize intersection.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-4. Intersection No. 8 - Sperry Ave/Ward Ave. Eastbound: add one left turn lane. Northbound: add a left turn lane. Southbound: add a right turn lane.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-5 Intersection No. 9 - Sperry Avenue/S. Del Puerto Avenue. Add eastbound and westbound left turn lanes.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-6 Intersection No. 10 - Sperry Ave/SR 33 Signalize intersection. Eastbound: add left turn and right turn lanes. Westbound: add a left turn lane. Northbound: add two left turn lanes. Southbound: add a left turn lane; restripe the shared through and left turn lane as a shared through and right turn lane.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-7 Intersection No. 13 - Ward Ave/SR 33. Signalize intersection. Add a northbound left turn lane. Add one through lane to the northbound and southbound.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-8 Intersection No. 14 - Zacharias Rd/SR 33. It is assumed that this intersection will be realigned as a part of the proposed South County Corridor project. Signalize intersection. Northbound: add two left turn lanes. Eastbound: add a left turn lane.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-9 Intersection No. 15 - Baldwin Rd/SR 33. Signalize intersection and add left-turn lane in the northbound. And add a southbound right-turn lane.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-10 Intersection No. 16 - Rogers Rd/SR 33. Signalize intersection. Add eastbound and northbound left turn lanes. Southbound: add a right turn lane.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-11 Intersection No. 17 - SR 33/Eucalyptus Ave. Southbound: add a left turn and through lane. Northbound: add a through lane

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-12 Intersection No. 19 - Walnut Ave/M Street/SR 33 Signalize intersection. Eastbound, Westbound: add a left turn lane and restripe shared through and left turn lane as a shared through and right turn lane.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-13 Intersection No. 20 - E. Las Palmas Ave/Sycamore Ave Signalize intersection. Add left-turn lane to southbound and northbound approaches.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-15 Intersection No. 11 - East Las Palmas Ave/SR 33. Add additional westbound left turn lane.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

T-18 The City shall continue to monitor traffic levels on roadways and intersections serving the City and to require the installation of roadway and intersection improvements necessary to maintain the desired level of service.

T-19 The City shall refine the analysis of future traffic conditions during the 2030 to 2050 timeframes as the traffic model used by the Stanislaus Council of Governments is updated to include the 2050 timeframe.

T-18 The City shall continue to monitor traffic levels on roadways and intersections serving the City and to require the installation of roadway and intersection improvements necessary to maintain the desired level of service.

T-19 The City shall refine the analysis of future traffic conditions during the 2030 to 2050 timeframes as the traffic model used by the Stanislaus Council of Governments is updated to include the 2050 timeframe.

T-20 Based on traffic monitoring, consider implementing the following roadway improvements as needed to maintain an acceptable level of service on street segments and intersections:

a. Widening Rogers Road north of Sperry Avenue to four lanes.
b. Widen Zacharias Road and Eucalyptus Avenue to four lanes, or complete the South County Corridor.
c. Widen the West Main Street bridge over the San Joaquin River to six lanes or provide a separate bridge/roadway.
d. Signalize the intersection of State Route 33 and Baldwin Road.
e. Signalize the intersection of State Route 33 and Olive Avenue.
f. Widen State Route 33 to four lanes from Sperry Avenue to Rogers Road.

In addition to the policies and implementation measures recommended by the Draft Policy Document, the truck route plan shown on Figure 5.6-19 shall be incorporated into the Circulation Element.

Finding: Development of properties designated for additional commercial and industrial uses will generate additional truck trips for the delivery of goods. Businesses such as distribution centers, such as those previously established within the West Patterson Business Park, will likely generate a significant number of additional truck trips between the business location and roadways that connect Patterson with the region. These roadways include Interstate 5, Sperry Avenue, E. Las Palmas Avenue and State Route 33.

Table 6: Estimate of Future PM Peak Hour Truck Trips At Buildout

Buildout PM Peak Hour Trips	Buildout Year PM Peak Hour Truck trips[1]
68,660	6,866

Source: TJKM, 2010, and CMCA, 2010

Notes:

1. Assumes 10 percent of peak hour trips are associated with trucks and that the percentage remains constant through buildout.

With the above recommended improvements impacts related to truck traffic would be less than significant. However, as discussed above, although the City has adopted a development impact fee ordinance and has included the partial cost of improvements recommended under impact 5.6-3 and 5.6-16, above, in currently-collected fees on new development, none of these improvements are fully funded in 2010 and future funding cannot be guaranteed. In addition, several of the intersections and roadways on the list of improvements fall under the jurisdiction of other agencies such as the State and County. Improvements to these roadways would require approvals and/or funding which cannot be guaranteed by the City. In addition, increased truck traffic could adversely increase the effects upon existing neighborhoods. Therefore, the impacts are considered **significant and unavoidable** .

Reference: The Circulation Diagram (Figure 5.6-14) The recommended lane configurations provided on Figure 5.6-16. T-1.6, T-1.7, T-1.9, T-1.10, T-1.13, T-1.14, HS-5.5, HS-5.6, HS-5.7, HS-5.8, Implementation Measures: T-2, T-3, T-4, T-11, T-12, T-13, T-14, T-19, T-20, T-21, T-22, HS-5, HS-6, HS-7, HS-8 Draft EIR/Final EIR pages 5.6-75 to 5.6-79, Appendix 5.6 of the Draft EIR.

Impacts 5.6-8, 5.6-17: Project and cumulative Impacts to Roadways of Other Jurisdictions

Recommended Mitigation

Implementation Measures

5.6-1. Intersection No. 1 - Sperry Ave/I-5 SB Off Ramps. Signalize intersection. Southbound: add left turn lane. Westbound: add two left turn lanes.

Funding: Not completely funded in 2010. Partial funding in 2007 Regional Transportation Plan Tier I; partially funded by City traffic impact fees.

5.6-2. Intersection No. 2 - Sperry Ave/I-5 NB On-Ramps. Signalize intersection. Eastbound: add left turn and through lane. Westbound: add a right turn lane. Northbound: add right turn lane.

Funding: Not completely funded in 2010. Partial funding in 2007 Regional Transportation Plan Tier I; partially funded by City traffic impact fees.

5.6-3. Intersection No. 7 - Sperry Ave/Las Palmas Ave. Signalize intersection.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-4. Intersection No. 8 - Sperry Ave/Ward Ave. Eastbound: add one left turn lane. Northbound: add a left turn lane. Southbound: add a right turn lane.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-5 Intersection No. 9 - Sperry Avenue/S. Del Puerto Avenue. Add eastbound and westbound left turn lanes.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-6 Intersection No. 10 - Sperry Ave/SR 33 Signalize intersection. Eastbound: add left turn and right turn lanes. Westbound: add a left turn lane. Northbound: add two left turn lanes. Southbound: add a left turn lane; restripe the shared through and left turn lane as a shared through and right turn lane.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-7 Intersection No. 13 - Ward Ave/SR 33. Signalize intersection. Add a northbound left turn lane. Add one through lane to the northbound and southbound.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-8 Intersection No. 14 - Zacharias Rd/SR 33. It is assumed that this intersection will be realigned as a part of the proposed South County Corridor project. Signalize intersection. Northbound: add two left turn lanes. Eastbound: add a left turn lane.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-9 Intersection No. 15 - Baldwin Rd/SR 33. Signalize intersection and add left-turn lane in the northbound. And add a southbound right-turn lane.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-10 Intersection No. 16 - Rogers Rd/SR 33. Signalize intersection. Add eastbound and northbound left turn lanes. Southbound: add a right turn lane.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-11 Intersection No. 17 - SR 33/Eucalyptus Ave. Southbound: add a left turn and through lane. Northbound: add a through lane

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-12 Intersection No. 19 - Walnut Ave/M Street/SR 33 Signalize intersection. Eastbound, Westbound: add a left turn lane and restripe shared through and left turn lane as a shared through and right turn lane.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-13 Intersection No. 20 - E. Las Palmas Ave/Sycamore Ave Signalize intersection. Add left-turn lane to southbound and northbound approaches.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-15 Intersection No. 11 - East Las Palmas Ave/SR 33. Add additional westbound left turn lane.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

T-19 The City shall implement relevant provisions of the traffic analysis prepared for the 2010 Patterson General Plan, including those improvements listed as Appendix T-1.

T-20 The City shall continue to monitor traffic levels on roadways and intersections serving the City and to require the installation of roadway and intersection improvements necessary to maintain the desired level of service.

T-21 The City shall refine the analysis of future traffic conditions during the 2030 to 2050 timeframes as the traffic model used by the Stanislaus Council of Governments is updated to include the 2050 timeframe.

T-22 Based on traffic monitoring, consider implementing the following roadway improvements as needed to maintain an acceptable level of service on street segments and intersections:

a. Widening Rogers Road north of Sperry Avenue to four lanes.
b. Widen Zacharias Road and Eucalyptus Avenue to four lanes, or complete the South County Corridor.
c. Widen the West Main Street bridge over the San Joaquin River to six lanes or provide a separate bridge/roadway.
d. Signalize the intersection of State Route 33 and Baldwin Road.
e. Signalize the intersection of State Route 33 and Olive Avenue.
f. Widen State Route 33 to four lanes from Sperry Avenue to Rogers Road.

Finding: Buildout of the Project will adversely impact roadways under the jurisdiction of other agencies, including Stanislaus County. Roadways surrounding the City (other than State highways) are improved and maintained by Stanislaus County. As discussed under impacts 5.6-3 and 5.6-16, above, traffic generated by the Project will result in roadways and intersections surrounding the City in the unincorporated County to operate at Level of Service C or below, in the absence of mitigation.

Since Stanislaus County has the decision-making authority on implementing improvements to County roadways, the City of Patterson cannot guarantee implementation and/or the timing of the mitigation measures listed above for roadway outside the City. Therefore, impacts to County roadways would remain **significant and unavoidable** .

Reference: The Circulation Diagram (Figure 5.6-14) The recommended lane configurations provided on Figure 5.6-16. Draft EIR/Final EIR pages 5.6-81 to 5.6-82, Appendix 5.6 of the Draft EIR.

Impacts 5.6-9, 5.6-18: Project and Cumulative Traffic Impacts on Freeway Operations

Recommended Mitigation

Add an additional lane in each direction on I-5 from north of Zacharias Avenue to south of Fink Road.

Finding: Traffic generated by each of the Project will adversely impact Interstate 5. The mitigation recommended by the traffic study is to add an additional lane in each direction on I-5 from north of Zacharias Avenue to south of Fink Road. However, since Caltrans has the decision -making authority for the implementation of improvements to the freeway segments described above, the City of Patterson cannot guarantee implementation and/or the timing of this mitigation measure; therefore, the impact would remain **significant and unavoidable**. and **cumulatively considerable** and **significant and unavoidable** .

Reference: Policies: T-1.10, T-1.13, T-2.1, T-2.2, T-2.3, T-3.1, T-3.2, T-3.3, T-5.1, T-.5.2, AQ-1.11, AQ-1.12, AR-2.1, AR-2.2, AR-2.3, AR-2.4, AR-2.5, AR-3.1, AR-3.2, AR-3.3, AR-3.4, NR-3.3, Implementation Measures: T-3, T-4, T-5, T-6, T-7, T-11, T-12, T-13, T-14, T-19, T-20, T-21, T-22, Draft EIR/Final EIR pages 5.6-83 to 5.6-87. Appendix 5.6 of the Draft EIR.

Impact 5.6-10: Impacts to Transit Facilities

Finding: The Project will significantly increase the population and number of jobs in the City through buildout. Together, the increases in population and employment accommodated by each alternative will result in an increased demand for transit services in the City.

Policies recommended by the draft Policy Document are aimed at facilitating the expanded use of alternate forms of transportation, including public transit. Moreover, the development strategy envisioned by the Land Use element emphasizes the creation of “complete” neighborhoods in which the day-to-day needs of residents can be provided within a short walk or bike ride. Lastly, the Project designates additional land for employment opportunities in Patterson as a means of improving the ratio of jobs to housing, which in turn is expected to reduce area-wide home-to-work motor vehicle trips and facilitate the use of transit for these trips. With the policies and implementation measures set forth above, the impacts to transit would be less than significant.

However, because improvements to transit facilities are dependent upon funding and approvals from other jurisdictions, the City of Patterson cannot control their implementation or timing. Therefore, these impacts are **significant and unavoidable** .

Reference: Policies: T-2.1, T-2.2, T-2.3, AQ-1.11, AQ-1.12, AR-3.2, AR-3.3, LU-1.1, Implementation Measures: T-13, T-14, Draft EIR/Final EIR pages 5.6-87 to 5.6-89. Appendix 5.6.

Impact 5.6-11, 5.6-18: Project and cumulative Impacts to Pedestrian Facilities

Finding: The Project will accommodate a significant increase in population, employment and retail development over current levels which in turn will result in an overall increase in the

generation of pedestrian trips in the City. Although a precise measure of current levels of pedestrian activity is not available, pedestrian trips may be expected to grow proportionally with population and employment. The construction of additional pedestrian facilities has the potential to result in adverse physical impacts. In addition, new or expanded pedestrian facilities may require construction in roadways outside the jurisdiction of the City.

The development strategy embodied by policies of the Land Use Element encourage the development of "complete" neighborhoods in which more of the day-to-day needs of residents is provided within a short walk or bicycle ride. Thus, an increase in pedestrian traffic is an expected and encouraged outcome of the Project. In addition, the Project designates land for additional employment-generating land uses which in turn is expected to help reduce motor vehicle use for home-work trips.

Lastly, the City's development regulations provided in Chapter 15.26 of the Patterson Municipal Code require the installation of curbs, gutters and sidewalks in new development. Together the recommended policies, implementation measures and provisions of the Patterson Municipal Code could reduce potential impacts to pedestrian systems to a less than significant level. However, new or expanded pedestrian facilities may require construction in roadways outside the jurisdiction of the City. Because some pedestrian improvements necessary to serve the Project are dependent upon the funding and approvals from other jurisdictions, the City of Patterson cannot control their implementation or timing. Therefore, the impacts are **significant and unavoidable** and **cumulatively considerable and significant and unavoidable** .

Reference: Policies: T-1.4, T-1.14, T-7.1, T-7.2, T-7.5, T-7.10, LU-1.1, AQ-1.12, AR-3.2, Implementation Measures: T-3, T-4, T-10, T-15, T-16Draft EIR/Final EIR pages 5.6-89 to 5.6-91. Appendix 5.6.

Impacts 5.6-12, 5.6-18 : Project and cumulative Impacts to Bicycle Facilities

Recommended Mitigation

Adopt the recommended bicycle circulation plan is provided as Figure 5.6-20.

Finding: each of the Equal-Weight Alternatives will accommodate a significant increase in population, employment and retail development over current levels. As with transit and pedestrian systems, bicycle ridership is expected to increase proportionately to population, employment and shopping and is a desired outcome for each of the Equal-Weight Alternatives. The construction of additional bicycle facilities has the potential to result in adverse physical impacts. In addition, new or expanded bicycle facilities may require construction in roadways outside the jurisdiction of the City.

The development strategy embodied by policies of the Land Use Element encourage the development of "complete" neighborhoods in which more of the day-to-day needs of residents is provided within a short walk or bicycle ride. Thus, an increase in bicycle traffic is an expected and encouraged outcome of the Project. In addition, the Project designates land for additional employment-generating land uses which in turn is expected to help reduce motor vehicle use for home-work trips and facilitate the use of alternate modes of travel such as bicycles. Together the recommended policies, implementation measures and provisions of the Patterson Municipal Code could reduce potential impacts to bicycle systems from the Project to a less than

significant level. However, new or expanded bicycle facilities may require construction in roadways outside the jurisdiction of the City. In addition, because some bicycle improvements necessary to serve the Project are dependent upon the funding and approvals from other jurisdictions, the City of Patterson cannot control their implementation or timing. For these reasons impacts to bicycle facilities is considered **significant and unavoidable** and **cumulatively considerable and significant and unavoidable** .

Reference: Policies: T-1.4, T-1.10, T-5.1, T-5.2, T-7.1, T-7.3, T-7.4, T-.5, T-7.6, T-7.7, T-7.8, T-7.9, T-7.10, LU-1.1, Implementation Measures: T-3, T-4, T-8, T-9, T-13, T-14,Draft EIR/Final EIR pages 5.6-91 to 5.6-95.

Impact 5.6-14: Potential increase in Traffic Hazards

Recommended Mitigation

Implementation Measures

5.6-1. Intersection No. 1 - Sperry Ave/I-5 SB Off Ramps. Signalize intersection. Southbound: add left turn lane. Westbound: add two left turn lanes.

Funding: Not completely funded in 2010. Partial funding in 2007 Regional Transportation Plan Tier I; partially funded by City traffic impact fees.

5.6-2. Intersection No. 2 - Sperry Ave/I-5 NB On-Ramps. Signalize intersection. Eastbound: add left turn and through lane. Westbound: add a right turn lane. Northbound: add right turn lane.

Funding: Not completely funded in 2010. Partial funding in 2007 Regional Transportation Plan Tier I; partially funded by City traffic impact fees.

5.6-3. Intersection No. 7 - Sperry Ave/Las Palmas Ave. Signalize intersection.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-4. Intersection No. 8 - Sperry Ave/Ward Ave. Eastbound: add one left turn lane. Northbound: add a left turn lane. Southbound: add a right turn lane.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-5 Intersection No. 9 - Sperry Avenue/S. Del Puerto Avenue. Add eastbound and westbound left turn lanes.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-6 Intersection No. 10 - Sperry Ave/SR 33 Signalize intersection. Eastbound: add left turn and right turn lanes. Westbound: add a left turn lane. Northbound: add two left turn lanes. Southbound: add a left turn lane; restripe the shared through and left turn lane as a shared through and right turn lane.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-7 Intersection No. 13 - Ward Ave/SR 33. Signalize intersection. Add a northbound left turn lane. Add one through lane to the northbound and southbound.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-8 Intersection No. 14 - Zacharias Rd/SR 33. It is assumed that this intersection will be realigned as a part of the proposed South County Corridor project. Signalize intersection. Northbound: add two left turn lanes. Eastbound: add a left turn lane.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-9 Intersection No. 15 - Baldwin Rd/SR 33. Signalize intersection and add left-turn lane in the northbound. And add a southbound right-turn lane.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-10 Intersection No. 16 - Rogers Rd/SR 33. Signalize intersection. Add eastbound and northbound left turn lanes. Southbound: add a right turn lane.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-11 Intersection No. 17 - SR 33/Eucalyptus Ave. Southbound: add a left turn and through lane. Northbound: add a through lane

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-12 Intersection No. 19 - Walnut Ave/M Street/SR 33 Signalize intersection. Eastbound, Westbound: add a left turn lane and restripe shared through and left turn lane as a shared through and right turn lane.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-13 Intersection No. 20 - E. Las Palmas Ave/Sycamore Ave Signalize intersection. Add left-turn lane to southbound and northbound approaches.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

5.6-15 Intersection No. 11 - East Las Palmas Ave/SR 33. Add additional westbound left turn lane.

Funding: Not completely funded in 2010. Included in City traffic impact fees.

T-19 The City shall implement relevant provisions of the traffic analysis prepared for the 2010 Patterson General Plan, including those improvements listed as Appendix T-1.

T-20 The City shall continue to monitor traffic levels on roadways and intersections serving the City and to require the installation of roadway and intersection improvements necessary to maintain the desired level of service.

T-21 The City shall refine the analysis of future traffic conditions during the 2030 to 2050 timeframes as the traffic model used by the Stanislaus Council of Governments is updated to include the 2050 timeframe.

T-22 Based on traffic monitoring, consider implementing the following roadway improvements as needed to maintain an acceptable level of service on street segments and intersections:

g. Widening Rogers Road north of Sperry Avenue to four lanes.
h. Widen Zacharias Road and Eucalyptus Avenue to four lanes, or complete the South County Corridor.
i. Widen the West Main Street bridge over the San Joaquin River to six lanes or provide a separate bridge/roadway.
j. Signalize the intersection of State Route 33 and Baldwin Road.
k. Signalize the intersection of State Route 33 and Olive Avenue.
l. Widen State Route 33 to four lanes from Sperry Avenue to Rogers Road.

Finding: As demonstrated by the summary of trip generation described above for impacts 5.6-3 and 5.6-16, development accommodated by the Project will significantly increase the volume of traffic on City streets and intersections. As a result, the number and frequency of traffic related accidents and the overall hazard associated with motor vehicle and bicycle traffic could increase.

In addition, roadway and intersection improvements recommended as mitigation for the Project as described under impacts 5.6-3 and 5.6-16, above, will ensure roadways and intersections will operate at a safe and efficient level of service. However none of these improvements are fully funded in 2010 and future funding cannot be guaranteed. In addition, several of the intersections and roadways on the list of improvements fall under the jurisdiction of other agencies such as the State and County. Improvements to these roadways would require approvals and/or funding which cannot be guaranteed by the City. Therefore, the impacts are considered **significant and unavoidable** and **cumulatively considerable** and **significant and unavoidable** .

Reference: Policies: T-1.1, T-1.2, T-1.5, T-1.6, T-1.7, T-1.9, T-1.10, T-1.12, T-1.13, T-1.14, T-5.1, T-5.2, T-7.1, T-7.3, T-7.4, T-7.7, T-7.8, T-7.9, T-7.10, Implementation Measures: T-3, T-4, T-8, T_9, T-13, T-14, T-19, T-20, T-21, T-22, Draft EIR/Final EIR pages 5.6-98 to 5.6-101. Appendix 5.6 of the Draft EIR

Impact 5.6-15: Impacts related to the Construction of Roadway and Intersection Improvements

Recommended Additional Mitigation

AR-6 The City shall require all of the following as a condition of project approval:

- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
- All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
- When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)
- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
- Within urban areas, track-out (earth material deposited on City streets by construction equipment) shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
- Any site with 150 or more vehicle trips per day shall prevent carryout and track-out.
- Limit traffic speeds on unpaved roads to 15 mph;
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
- Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site;
- Install wind breaks at windward side(s) of construction areas;
- Suspend excavation and grading activity when winds exceed 20 mph; and
- Limit area subject to excavation, grading, and other construction activity at any one time. Regardless of wind speed, an owner/operator must comply with Regulation VIII's 20 percent opacity limitation.

HS-10 The City shall require the following as a condition of project approval to mitigate the adverse noise effects of construction-related activities:

- Construction activities shall be restricted to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 9:00 a.m. and 7:00 p.m. on Saturday, with no construction on Sundays or federal and state holidays; minor construction equipment servicing and maintenance will be exempted from this restriction.
- During construction, mufflers shall be provided for all heavy construction equipment and all stationary noise sources in accordance with the manufacturers' recommendations.
- Stationary noise sources and staging areas shall be located as far as is feasible from existing residences, or contractors shall be required to provide additional noise-reducing engine enclosures (with the goal of achieving approximately 10 dBA of reduction compared to uncontrolled engines).
- Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.
- If for construction purposes, locating stationary construction equipment near existing residential uses is required, an eight-foot-tall sound rated fence should be erected between the equipment and the sensitive receptor. The fence should be located as close to the equipment as is feasible.
- Construction vehicle access routes shall be designed to minimize the impact on existing residences and occupied hospital facilities.
- A "construction liaison" shall be designated to ensure coordination between construction staff and neighbors to minimize disruptions due to construction noise. Occupants and property owners of residences within 400 feet of construction activity shall be notified in writing of the construction schedule and the contact information for the construction liaison.
- A qualified acoustical engineer should be retained during the construction phase of the project to determine if the noise levels generated from construction equipment at the project site to adjacent property lines are within the standards.

Finding: Roadway and intersection improvements will be needed to achieve and maintain an acceptable level of service on roadways and intersections serving the Project area. Land within the Project area is largely in agricultural use. Roadway improvements to serve expansion areas will require the construction of new or expanded roadways and intersections and bridges. Construction of road improvements would be subject to project-specific environmental review.

The recommended policies and implementation measures identified above will help reduce construction-related impacts relating to the construction of roadway infrastructure. In addition, the construction of roadway facilities will be subject to project-specific environmental review.

The City will implement a variety of policies and implementation measures to address the range of potential environmental impacts that may be associated with the construction and operation of roadways. Nonetheless, the ability to mitigate certain potential impacts, such as the permanent loss of agricultural land and habitat for sensitive species, is contingent upon a number of factors including the severity of the impact, existing land use conditions, and the technical feasibility of implementation of the proposed mitigation measures. Because of these contingencies, the potential impacts of construction of new road improvements will remain significant. Since no additional measures are available to reduce impacts to a less than significant level, this impact is considered **significant and unavoidable** .

Reference: Policies: Policies: AR-1.3, AQ-1.14, AR-5.1, NR-1.3, HS-2.9, Implementation Measures: AR-1, AR-2, HS-6, PS-6, PS-7 Draft EIR/Final EIR pages 5.6-102 to 5.6-107.

Section 5.7 Air Quality

Impact 5.7-3 : Emission of Ozone Precursors

Recommended Mitigation

AR-7 The following measures shall be incorporated into the design of projects to be constructed within the City of Patterson to minimize operational emissions:

- Bike racks shall be provided at proposed commercial land uses and schools, at a minimum rate of one bike rack space per 20 vehicle parking spaces;
- Non-residential projects shall include facilities for bike commuters including showers, lockers and changing space.
- Multi-unit residential projects shall include long-term bike parking facilities (locker, locked room or standard bike rack under surveillance);
- Bike lanes (Class II) shall be provided on all arterials and linked to a regional bikeway network;
- Sidewalks shall be provided on all roadways to facilitate pedestrian access to land uses;
- New roads and major roadway improvements shall provide adequate roadway widths to safely accommodate buses and provide bus turn-outs and shelters as needed to serve proposed commercial and industrial land uses, and schools;
- Commercial projects shall charge for parking (if determined to be feasible by the City Council) to entice use of the transit system;
- Parking lots shall provide pedestrian pathways that connect to transit facilities;
- Facilities for charging electric vehicles shall be provided as an amenity for residential land uses;
- Electrical outlets shall be provided to facilitate use of electrical landscape maintenance equipment;
- Residential units shall be pre-wired with internet cables/lines to facilitate telecommuting;
- Wood-burning heaters and fireplaces shall be prohibited; and
- Energy conservation measures shall be implemented to exceed Title 24 requirements, and may include reflective roofing materials, energy efficient lighting, appliances, heating and cooling systems, use of natural lighting (skylights or solar tubes), and use of awnings and overhangs.

Finding: Development of land uses accommodated by the Project would generate motor vehicle emissions and area source emissions (associated with natural gas combustion, fireplaces, woodstoves, landscaping maintenance, consumer products, architectural coatings). The incremental increase in operational emissions associated with the Project of ROG and NOx would exceed the 10 ton per year threshold established by the San Joaquin Valley Unified Air Pollution Control District.

Although the mitigation provided by the recommended policies and implementation measures, and on-site emissions reductions and off-site emissions reductions required by the District's Indirect Source Rule (described in the Regulatory Setting), as well as the recommended additional mitigation will help reduce emissions associated with development accommodated by the Project, operational emissions will remain **significant and unavoidable** .

Reference : Policies: AR-1.0, AR-1.2, AR-1.3, AQ-1.4, AQ-1.5, AQ-1.6, AQ-1.7, AQ-1.8, AQ-1.9, AQ-1.10, AQ-1.11, AQ-1.12, AQ-1.13, AQ-1.14, AQ-1.15, AR-2.1, AR-2.2, AR-2.3, AR-2.4, AR-2.5, AR-3.1, AR-3.2, AR-3.3, AR-3.4, AR-5.2, AR-5.3, AR-6.1, AR-6.2, AR-6.3, Implementation Measures: AR-1, AR-2, Draft EIR/Final EIR pages 5.7-43 to 5.7-49. Appendix 5.7A of the Draft EIR.

Impact 5.7-4: Consistency with Extreme Ozone Attainment Demonstration Plan

Finding: The Project will accommodate a population in 2030 of about 47,831 residents which is a higher population for the City of Patterson than the population being used by StanCOG and by the SJUAPCD in the Extreme Ozone Attainment Demonstration Plan (39,067).

The recommended policies and implementation measures of the Draft Policy Document will help minimize air quality impacts associated buildout of the Project. However, the population will exceed the population assumptions used by the Extreme Ozone Attainment Demonstration Plan. Therefore, this impact is considered **significant and unavoidable** .

Reference : Policies: AR-1.0, AR-1.2, AR-1.3, AQ-1.4, AQ-1.5, AQ-1.6, AQ-1.7, AQ-1.8, AQ-1.9, AQ-1.10, AQ-1.11, AQ-1.12, AQ-1.13, AQ-1.14, AQ-1.15, AR-2.1, AR-2.2, AR-2.3, AR-2.4, AR-2.5, AR-3.1, AR-3.2, AR-3.3, AR-3.4, AR-5.2, AR-5.3, AR-6.1, AR-6.2, AR-6.3, Implementation Measures: AR-1, AR-2, Draft EIR/Final EIR pages 5.7-49 to 5.7-50.

Impact 5.7-5 : Carbon Monoxide Hotspots

Finding: Although implementation of the roadway and intersection improvements recommended by the Draft Policy Document will achieve and maintain a level of service below LOS "D" on Project area roadways and intersections, several of the intersections fall under the jurisdiction of other agencies where approval for improvements also cannot be guaranteed. For these reasons, intersection levels of service below LOS D are possible which in turn could result in carbon monoxide hot spots. Accordingly, potential impacts associated with carbon monoxide hot spots are **considered significant and unavoidable** .

Reference : Policies: AR-1.0, AR-1.2, AR-1.3, AQ-1.4, AQ-1.5, AQ-1.6, AQ-1.7, AQ-1.8, AQ-1.9, AQ-1.10, AQ-1.11, AQ-1.12, AQ-1.13, AQ-1.14, AQ-1.15, AR-2.1, AR-2.2, AR-2.3, AR-2.4, AR-2.5, AR-3.1, AR-3.2, AR-3.3, AR-3.4, AR-5.2, AR-5.3, AR-6.1, AR-6.2, AR-6.3, Implementation Measures: AR-1, AR-2, T-19, T-20, T-21, T-22, Draft EIR/Final EIR pages 5.7-51.

Impact 5.7-6: Project and cumulative impacts relating to Climate Change

Finding: The Project will result in an increase in population, housing, commercial and industrial development, vehicle trips, and solid waste generation that would generate additional GHGs through fuel combustion, electricity usage and other sources. The GHG reduction targets established by AB 32 and Executive Order S-03-05 are as follows:

- By 2010, reduce greenhouse gas emissions to 2000 levels;
- By 2020 reduce greenhouse gas emissions to 1990 levels (or 15% below 2010 levels);
- By 2050 reduce greenhouse gas emissions to 80% of 1990 levels.

According to the Climate Change Scoping Plan prepared by the California Air Resources Board and adopted in December, 2008, reducing greenhouse gas emissions to 1990 levels means cutting approximately 30 percent from business-as-usual emission levels projected for 2020, or about 15 percent from today's levels. Accordingly, reducing the City's 2009 GHG emissions by 15 percent will be assumed to achieve the 1990 GHG emission level required by AB32. For 2050, Executive Order S-3-05 establishes a reduction target of 80% below 1990 levels. For purposes of this analysis, the 2050 reduction target is assumed to be a 35% reduction from the 2009 baseline emissions.

GHG emissions for the year 2020 would be about 317,744 MT CO_2e which represents a significant increase over the 2009 baseline of 287,494 MT CO_2e for year 2020, which exceeds the reduction target of 15% required by AB32.

In addition, GHG emissions projected for the year 2050 would be about 913,706 MT CO_2e which represents a significant increase over the 2009 baseline of 287,494 MT CO_2e for year 2050, which exceeds the reduction target of 35% required by Executive Order S-3-05.

The Draft Policy document recommends a wide range of policies and implementation measures aimed at reducing the effect of future development on climate change, as summarized below.

Land Use

The Draft Policy Document recommends a development strategy (policy LU-1.1) aimed at the application of Smart Growth Principles (policy CD-1.1) for the creation of complete neighborhoods in which the day-to-day needs of residents are provided within walking or biking distance. The land use plans for each Equal-Weight Alternative provide for the development of housing and job-generating land uses to better balance the ratio of jobs to housing, thus reducing home to work commute trips, and the provision of shopping opportunities aimed at reducing out-of-town trips.

Alternate Forms of Transportation

The Draft Policy Document provides policies and implementation measures that promote and facilitate alternate forms of transportation (policies CD-3.2, T-2.1, T-2.2, T-2.3, T-3.1, T-3.2, T-7.3, AR-2.1, AR-2.5, AR-3.2).

Protection of GHG Sinks

The role of agriculture, and especially orchards that have the capacity to sequester greenhouse gases, is supported and encouraged by policies of the Draft Policy Document (NR-2.1, NR-2.2, NR-2.4, implementation measure NR-3).

Energy Use

The Draft Policy Document recommends several policies and implementation measures aimed at facilitating the efficient use of energy and the use of alternative fuels (policies NR-4.1, NR-4.2, NR-4.3, NR-5.1, NR-5.2, NR-5.3, NR-5.4, NR-5.5, AR-6.1, AR-6.2).

Climate Change

Lastly, the Draft Policy Document addresses the City's role in helping to reduce greenhouse gas emissions (policies AR-7.1, AR-7.2, AR-7.4, implementation measures NR-7, NR-8, NR-10).

However, even with the potential reductions associated with recommended policies and programs of both the City and the State, the net GHG emissions associated with each Equal-Weight Alternative for the years 2020 and 2050 are expected to greatly exceed the GHG reduction targets for these years. Thus impacts to Climate Change of each Equal-Weight Alternative are considered **cumulatively considerable** and **significant and unavoidable** .

Reference: Policies: LU-1.1, LU-1.9, LU-2.3, LU-7.4, CD-1.1, CD-1.8, CD-3.2, CD-4.1, ED-1.5, ED-3.1, ED-4.2, T-2.1, T-2.2, T-2.3, T-3.1, T-3.3, T-7.1, T-7.2, T-7.3, T-7.5, T-7.6, T-7.11, NR-2.1, NR-2.2, NR-2.3, NR-2.4, NR-2.5, NR-2.6, NR-2.7, NR-2.9, NR-3.1, NR-3.2, NR-3.3, NR-4.1, NR-4.2, NR-4.3, NR-5.1, NR-5.2, NR-5.3, NR-5.4, NR-5.5, NR-5.6, PR-1.3, PR.1.14, PS-4.3, AQ -1.12, AR-2.1, AR-2.2, AR-2.3, AR-2.4, AR-2.5, AR-3.2, AR-3.3, AR-6.1, AR-6.2, AR-6.3, AR-7.1, AR-7.2, AR-7.3, AR-7.4, AR-7.5, AR-7.6, AR-7.7, AR-7.8, AR-7.9, AR-7.10, AR-7.11, Implementation Measures: CD-1, T-3, T-4, T-6, T-19, T-20, T-21, T-22, NR-7, NR-8, NR-10, NR-11, NR-13, PR-6, Draft EIR/Final EIR pages 5.7-52 to 5.7-65. Appendix 5.7B of the Draft EIR.

Impact 5.7-7: Risks Associated With Climate Change

Existing and new development and the natural environment in Patterson will be subject to climate change impacts resulting from past, present, and future GHG emissions, regardless of the success of local, State, national, or international efforts in reducing future GHG emissions. Due to the existing concentrations of GHG emissions in the atmosphere and the inevitable additional emissions before GHG reductions plans provide reductions, a known amount of warming in the lower atmosphere and consequent changes in historical climate patterns will inevitably occur .

Changes to the City's agriculture, water supplies, flooding, wildfire potential, environmental health, air quality and other areas are reasonably foreseeable, although not quantifiable in some aspects at present. New development allowed by General Plan 2030 could place persons and property at higher levels of risk to climate change effects if it does not anticipate reasonably foreseeable changes in environmental conditions. Without further planning, current requirements may provide inadequate protection against adverse physical impacts and may not anticipate changed conditions resulting from climate change.

The Draft Policy Document recommends a number of policies and implementation measures that will help minimize the impacts of climate change on the City's economy and natural

resources and promote a climate-resilient community. Policy AR-7.1 and implementation measure NR-7 require the preparation of a Climate Action Plan within 24 months of General Plan adoption. Implementation measure NR-7 requires the Climate Action Plan to address (among other things) resiliency and adaptation programs to prepare for potential impacts of climate change, and to provide a phased implementation plan to achieve these goals.

By applying the policies and implementation measures recommended by the Draft Policy Document the exposure to risks of impacts resulting from climate change to future populations accommodated by the Project will be reduced. However the range of potential environmental impacts and the potential responses that may be enacted over time cannot be identified with certainty. For these reasons this impact is considered **cumulatively considerable** and **significant and unavoidable** .

Reference: Policies: NR-1.1, NR-2.1, NR-2.4, NR-2.5, NR-2.10, NR-5.1, NR-3.2, AR-7.1, AR-7.2, Implementation Measures: NR-7, NR-8, Draft EIR/Final EIR pages 5.7-73 to 5.7-77.

Impact 5.7-8 : Cumulative Emission of Air Pollutants

Finding: As discussed under impact 5.7-4, above, the population accommodated by the Project will exceed the population projections used by the SJVUAPCD to prepare the 2007 Extreme Ozone Attainment Demonstration Plan. Emissions resulting from mobile and stationary sources associated with the Project. The development and resulting populations were not anticipated by the 2007 Extreme Ozone Attainment Demonstration Plan. Accordingly, these emissions, together with emissions associated with regional development, will hinder efforts to achieve and maintain federal and State air quality standards.

The draft policies and implementation measures will help mitigate regional air quality impacts relating to increased population and housing. However, cumulative impacts will remain **cumulatively considerable and significant and unavoidable** .

Reference: Policies: LU-1.1, LU-1.9, LU-2.3, LU-7.4, CD-1.1, CD-1.8, CD-3.2, CD-4.1, ED-1.5, ED-3.1, ED-4.2, T-2.1, T-2.2, T-2.3, T-3.1, T-3.3, T-7.1, T-7.2, T-7.3, T-7.5, T-7.6, T-7.11, NR-2.1, NR-2.2, NR-2.3, NR-2.4, NR-2.5, NR-2.6, NR-2.7, NR-2.9, NR-3.1, NR-3.2, NR-3.3, NR-4.1, NR-4.2, NR-4.3, NR-5.1, NR-5.2, NR-5.3, NR-5.4, NR-5.5, NR-5.6, PR-1.3, PR.1.14, PS-4.3, AQ -1.12, AR-2.1, AR-2.2, AR-2.3, AR-2.4, AR-2.5, AR-3.2, AR-3.3, AR-6.1, AR-6.2, AR-6.3, AR-7.1, AR-7.2, AR-7.3, AR-7.4, AR-7.5, AR-7.6, AR-7.7, AR-7.8, AR-7.9, AR-7.10, AR-7.11, Implementation Measures: CD-1, T-3, T-4, T-6, AR-7, AR-8, T-19, T-20, T-21, T-22, NR-7, NR-8, NR-10, NR-11, NR-13, PR-6, Draft EIR/Final EIR pages 5.7-52 to 5.7-65. Appendix 5.7A of the Draft EIR.

Section 5.8 Noise

Impact 5.8-2 : Traffic Noise

Recommended Mitigation

HS-10 Noise contours derived from the acoustical analysis prepared by Brown Buntin Associates, Inc., entitled *Noise Element Update City Of Patterson, Stanislaus County, California, May, 2010* shall be incorporated into the General Plan Noise Element.

Finding: Future traffic noise exposure was calculated using the FHWA Model described under the Setting, above, and using traffic data obtained from TJKM Transportation Consultants (the reader is referred to section 5.6 of the Draft EIR, Transportation and Circulation) and Caltrans. Traffic noise modeling assumptions for future conditions are summarized in Appendix 5.8.

As shown on Tables 5.8-5 and 5.8-6, on pages 5.8-27 and 5.8-28 of section 5.8, Noise, transportation-related noise levels at a point 75 feet from the centerline of the corresponding streets will exceed the 60 Ldn/CNEL standard for outdoor activity areas for all of the streets studied,

Table 5.8-4 on page 5.8-26 provides the right-of-way width for the roadways identified in Tables 5.8-5 and 5.8-6. A comparison of the resulting DNL with the right-of-way width reveals that the outdoor activity areas for existing residential neighborhoods adjoining these rights-of-way will exceed the 60 Ldn/CNEL standard established by the Noise Element.

The policies of the Draft Policy Document will help minimize impacts relating to traffic, noise impacts. New development under the Project can be mitigated to a less than significant impact. However, existing development will experience an increase in noise, especially from traffic. Therefore, implementation of the Project would allow for a substantial increase in traffic which will expose the outdoor activity areas in existing residential neighborhoods to noise that exceeds the City's currently adopted standard. Therefore, this impact is considered **significant and unavoidable**.

Reference: Policies: HS-5.3, HS-5.4, HS-5.5, HS-5.6, HS-5.7, HS-5.8, Implementation Measures: HS-5, HS-6, HS-7, HS-8, Draft EIR/Final EIR pages 5.8-21 to 5.8-32 Appendix 5.8 of the Draft EIR.

Impact 5.8.5 : Encroachment of Noise from Stationary Sources

Finding: Development accommodated by the Project could result in the future development of land uses that generate noise levels in excess of applicable City noise standards. Such land uses may include commercial, industrial, and public and quasi-public uses and could expose existing noise-sensitive land uses to noise levels in excess of the adopted standards listed on Table H-1 of the Draft Noise Element. In addition, new noise-sensitive land uses could be located in areas of existing stationary noise sources.

Implementation of the policies and measures of the Draft Policy Document would reduce noise associated with new stationary noise sources and the placement of new noise-sensitive land uses over which the City has jurisdiction (e.g., commercial and industrial sites, residential uses). However, some stationary noise impacts cannot be mitigated to a less than significant level due

to limitations on the City to control the exact placement of substantial noise-generating uses (e.g., school facilities) in proximity to noise-sensitive land uses (e.g., residential). Accordingly, stationary source noise levels from activities on uses for which the City has limited control could result in noise levels that exceed the City's maximum allowable noise standards. Thus, this impact is considered **significant and unavoidable** .

Reference: Policies: HS-5.1, HS-5.2, HS-5.3, HS-5.4, HS-5.5, Draft EIR/Final EIR pages 5.8-48 to 5.8-51 Appendix 5.8 of the Draft EIR.

Impact 5.8-7 : Cumulative Noise Impacts

Finding: The projection of future noise for buildout includes noise associated with the contribution from motor vehicles, rail and aircraft sources associated with regional development. Accordingly, the analysis of noise provided in impacts 5.8-2, 5.8-3, 5.8-4 and 5.8-5 of the Draft EIR provides a cumulative analysis in that it includes the growth in background noise and noise associated with cumulative development. Buildout of the Project area in accordance with any of the Project would result in additional traffic along area roadways and result in increased noise. In addition, buildout could result in additional stationary noise conflicts. The cumulative impact of the growth in background noise, together with noise associated with regional development, will remain **cumulatively considerable and significant and unavoidable** .

Reference: Appendix 5.8 of the Draft EIR.

Section 5.9 Geology and Soils

[none]

Section 5.10 Biological Resources

Impact 5.10-20 : Cumulative Impacts to Sensitive Biological Resources

Finding: Future development activities in the vicinity of the Study Area would result in considerable disturbance to special-status wildlife and plants, their habitats, and other sensitive biological resources. However, the incremental effect of the proposed project, when combined with the effects created by other past and reasonably foreseeable projects, would be cumulatively considerable even though the project applicant will obtain regulatory approvals and implement the mitigation measures previously described to address direct and indirect effects of the project.

The draft policies, implementation measures and additional mitigation measures recommended by the Draft Policy Document and incorporated into Appendix NR for Project Impacts will help mitigate regional impacts relating to habitat loss for plant and animal species. However, cumulative impacts will remain **cumulatively considerable** and **significant and unavoidable** .

Reference: Appendix 5.10 of the Draft EIR and Appendix NR of the Draft Policy Document.

Section 5.11 Agricultural Resources

The City has had numerous discussions regarding the issue of whether to include specific mitigation measures (e.g., conservation easements and/or in-lieu fees) in its agriculture element to try offset any impacts of the conversion of farmland. Because the state of the law on what mitigation requirements are valid is unclear, the Council finds it would be more beneficial to address mitigation of agricultural land conversion either via any LAFCO proceedings and/or the adoption of an ordinance. As a result, the City finds it is appropriate to delete Implementation Measure (IM) NR-3. The deletion of NR-3 would not and does not result in an increase of the severity of the impact as NR-3 did not contain any specific mitigation ratio or requirements for the conversion of farmland. Therefore, the mitigation benefits of IM NR-3 as originally drafted are, at best, speculative.

Impact 5.11-1 : Permanent Loss of Prime Agricultural Land and Other Important Farmland

Finding: Development accommodated by the Project would permanently convert prime and other important farmlands to non-agricultural uses as summarized on the following table.

Table 7: Important Farmlands Potentially Converted to Urban Use	
Important Farmlands Category	Project Area
Prime	7,457
Statewide Importance	285
Local Importance	0
Unique	344
Grazing	571
Other	48
Rural Residential	121
Total Land Converted	**8,826**
Existing Urban Use	2,519
Remaining Study Area (unconverted)	449
Total Project Area:	**11,794**
Source: GIS analysis derived from NRCS Important Farmlands Map, 2006.	

The policies provided in the Draft Policy Document will help minimize impacts relating to the permanent conversion of productive agricultural lands. Nevertheless, implementation of the Project would result in the permanent loss of productive agricultural land. Therefore, this impact is considered **significant and unavoidable** .

Reference: Policies: NR-2.1, NR-2.2, NR-2.3, NR-2.4, NR-2.5, NR-2.6, NR-2.7, NR-2.8, NR-2.9, NR-2.10, NR-2.11, Implementation Measures: NR-14, Draft EIR/Final/EIR pages 5.11-16 to 5.11 -21.

Impact 5.11-2 : Permanent Loss of Prime Agricultural Land for Road Widenings

Finding: The Circulation Plan identifies a number of roadway improvements that would result in the permanent conversion of productive agricultural land. The permanent loss of productive farmland would range from 113.3 acres (if the RTP alignment for the South County Corridor is chosen) to 122.6 (if the alternate alignment is chosen).

Almost all of the land surrounding the City is classified as Important farmland by the State. Accordingly, there are no feasible alternative alignments which would avoid these resources. Although the roadway improvements will be conducted within existing right-of-way wherever possible, portions of each roadway improvement will be constructed outside of existing rights-of-way which may result in the conversion of Important Farmland.
Policies and implementation measures recommended by the draft Policy Document for Project Impacts would apply to the conversion of agricultural land for roadway improvements. Since the net result after application of the recommended policies and programs is a permanent loss of

prime farmland this impact is considered **significant and unavoidable** .

Reference: Policies: NR-2.1, NR-2.2, NR-2.3, NR-2.4, NR-2.5, NR-2.6, NR-2.7, NR-2.8, NR-2.9, NR-2.10, NR-2.11, Implementation Measures: NR-14, Draft EIR/Final/EIR pages 5.11-21 to 5.11 -22.

Impact 5.11-3 : Permanent Loss of Prime Agricultural Land to Construct a Regional Park

Finding: The Project identifies a site for a regional park in the vicinity of the San Joaquin River. Although a specific parcel (or parcels) has not been chosen for this facility, all of the properties near the River are classified as Important farmland by the State. Assuming a regional park is about 50 acres in size, any location for a park in this area would result in the permanent conversion of about 50 acres of Prime farmland.

Policies and implementation measures recommended by the draft Policy Document for Project Impacts would apply to the conversion of agricultural land for a regional park. Since the net result after application of the recommended policies and programs is a permanent loss of Important Farmland this impact is considered **significant and unavoidable** .

Reference: Policies: NR-2.1, NR-2.2, NR-2.3, NR-2.4, NR-2.5, NR-2.6, NR-2.7, NR-2.8, NR-2.9, NR-2.10, NR-2.11, Implementation Measures: NR-14, Draft EIR/Final/EIR pages 5.11-22 to 5.11 -23.

Impact 5.11-4: Conflicts between Urban Land Uses and Ongoing Agricultural Operations

Recommended Mitigation

Implementation Measure

5.11-2(a) **Buffering Techniques.** As residential or school development occurs adjacent to agricultural uses, such development shall implement one or more of the following buffering techniques in its design:

- Roadways, creeks or canals shall be used as buffers where feasible;
- Where incompatible uses directly abut, fences shall be installed on the non-agricultural use, which shall be designed to limit the drift of pesticides or other sprays, and shall discourage climbing and graffiti to the extent possible;
- If additional non-residential development is anticipated in an area that is currently in agricultural use, fencing at the current interface of conflict shall be removed if requested by the current property owner on which the fence is located. The cost for the fence removal must be borne by the developer of the land being converted from agriculture to urban uses.

Finding: Future development under any of the Equal-Weight Alternatives would place residences and businesses in close proximity to ongoing agricultural operations, potentially

burdening local agricultural operations. The dust, noise, odors, chemicals, aircraft and other machinery, and hours of operation associated with agricultural operations may be perceived as a nuisance to residents and merchants. This may give rise to complaints and lead to an increase in public support for conversion of surrounding agricultural lands. Developing urban land uses at the edge of agricultural land uses may also increase the potential for trespass on agricultural land, as well as crop pilfering, crop damage, and potential personal injury liability associated with trespass.

Other indirect impacts to agriculture from nearby urban uses can affect the long-term viability of such operations. Increased regulations and liability insurance to protect the farmer from adjacent urban uses cost time and money. Some farmers sensitive to nearby public uses voluntarily limit their hours of operation and do not intensively use the portions of their property closest to urban uses, in effect establishing informal buffer zones on their own property. This has the effect of lowering the crop yield, and therefore the long-term economic viability, of the agricultural operation. Over time, this may provide an incentive for the property owners of adjacent lands under Williamson Act contract to file a Notice of Non-Renewal.

The recommended policies of the Draft Policy Document will help minimize agricultural land use conflicts. However, the conversion of agricultural land to urban uses is expected to occur over 40 year or more buildout period. During this time conflicts between urban development and ongoing agricultural operations will continue to occur. As a result, project impacts relating to conflicts between urban development and ongoing agricultural operations are considered **significant and unavoidable** .

Reference: Policies NR-2.2, NR-2.4, NR-2.10, Draft EIR/Final/EIR pages 5.11-24 to 5.11-27.

Impact 5.11-5 : Conflicts between Urban Land Uses and Land zoned for Agricultural Operations as well as land governed by existing Williamson act contracts

Finding: The development of the Project area with urban uses will result in conflicts between urban uses and land zoned for agricultural uses and land governed by existing Williamson Act Contracts. The Project area contains approximately 5,216 acres of land subject to Williamson Act contracts, with 3,209 non-renewal acres. The majority of acres lying outside of the existing city limits and within the county is designated and zoned for agricultural use.

The draft Policy Document contains several goals, policies, and action items that would assist in reducing loss of Williamson Act contracted lands and conversion of agriculturally zoned lands to urban land uses. Nevertheless, implementation of the Project would result in additional land use conflicts with land zoned for agriculture and could result in pressure for existing Williamson Act contracted lands to file for non-renewal. Therefore, this impact is considered **significant and unavoidable** .

Reference: Policies: NR-2.1, NR-2.2, NR-2.3, NR-2.4, NR-2.5, NR-2.6, NR-2.7, NR-2.8, NR-2.9, NR-2.10, NR-2.11, Implementation Measures: , NR-14 Draft EIR/Final/EIR pages 5.11-24 to 5.11-27.

Impact 5.11-6: Cumulative Loss of Important Farmland

Finding: Most of the agricultural land in the western Stanislaus region is considered prime farmland. Cumulative development throughout Stanislaus County and the City of Patterson would impact the region's agricultural resources, and convert prime farmland to urban uses. Future development in accordance with the Project would incrementally contribute to this substantial change, the impacts of which are described previously in the project-specific analysis.

The policies provided in the Draft Policy Document will help minimize impacts relating to the permanent conversion of productive agricultural lands. Nevertheless, implementation of the Project would result in the permanent loss of productive agricultural land. Therefore, this impact is considered **cumulatively considerable** and **significant and unavoidable** .

Reference: Policies: NR-2.1, NR-2.2, NR-2.3, NR-2.4, NR-2.5, NR-2.6, NR-2.7, NR-2.8, NR-2.9, NR-2.10, NR-2.11, Draft EIR/Final/EIR pages 5.11-16 to 5.11-21 and page 5.11-30.

Impact 5.11-7: Cumulative Conflicts between Urban Land Uses and Ongoing Agricultural Operations

Finding: Development accommodated by the Project, together with development throughout the region will result in compatibility conflicts between urban development and ongoing agricultural operations.

The policies provided in the Draft Policy Document will help minimize impacts relating to the permanent conversion of productive agricultural lands. Nevertheless, implementation of the Project would result in the permanent loss of productive agricultural land. Therefore, this impact is considered **cumulatively considerable** and **significant and unavoidable** .

Reference : Policies: NR-2.1, NR-2.2, NR-2.3, NR-2.4, NR-2.5, NR-2.6, NR-2.7, NR-2.8, NR-2.9, NR-2.10, NR-2.11, Implementation Measures: , NR-14, Draft EIR/Final/EIR pages 5.11-24 to 5.11-27.

Section 5.12: Hazards and Hazardous Materials

[none]

Section 5.13 Hydrology and Water Resources

Impact 5.13-5: Impacts relating to the Construction of Drainage Infrastructure

Recommended Mitigation

AR-6 The City will require all of the following as a condition of project approval:

- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
- All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
- When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)
- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
- Within urban areas, track-out (earth material deposited on City streets by construction equipment) shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
- Any site with 150 or more vehicle trips per day shall prevent carryout and track-out.
- Limit traffic speeds on unpaved roads to 15 mph;
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
- Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site;
- Install wind breaks at windward side(s) of construction areas;
- Suspend excavation and grading activity when winds exceed 20 mph; and

- Limit area subject to excavation, grading, and other construction activity at any one time. Regardless of wind speed, an owner/operator must comply with Regulation VIII's 20 percent opacity limitation.

HS-10 The City will require the following as a condition of project approval to mitigate the adverse noise effects of construction-related activities:

- Construction activities shall be restricted to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 9:00 a.m. and 7:00 p.m. on Saturday, with no construction on Sundays or federal and state holidays; minor construction equipment servicing and maintenance will be exempted from this restriction.
- During construction, mufflers shall be provided for all heavy construction equipment and all stationary noise sources in accordance with the manufacturers' recommendations.
- Stationary noise sources and staging areas shall be located as far as is feasible from existing residences, or contractors shall be required to provide additional noise-reducing engine enclosures (with the goal of achieving approximately 10 dBA of reduction compared to uncontrolled engines).
- Air compressors and pneumatic equipment shall be equipped with mufflers, and impact tools shall be equipped with shrouds or shields.
- If for construction purposes, locating stationary construction equipment near existing residential uses is required, an eight-foot-tall sound rated fence shall be erected between the equipment and the sensitive receptor. The fence shall be located as close to the equipment as is feasible.
- Construction vehicle access routes shall be designed to minimize the impact on existing residences and occupied hospital facilities.
- A "construction liaison" shall be designated to ensure coordination between construction staff and neighbors to minimize disruptions due to construction noise. Occupants and property owners of residences within 400 feet of construction activity shall be notified in writing of the construction schedule and the contact information for the construction liaison.
- A qualified acoustical engineer shall be retained during the construction phase of the project to determine if the noise levels generated from construction equipment at the project site to adjacent property lines are within the standards.

Finding: The City does not currently supply storm water drainage to areas outside the City limits; land within the Study Area is largely in agricultural use. Supplying storm drainage infrastructure to expansion areas will require the construction of storm water collection, storage/retention and conveyance infrastructure. Construction of storm water infrastructure would be subject to project -specific environmental review.

The City will implement a variety of policies and implementation measures provided in the Draft Policy Document to address the range of potential environmental impacts that may be associated with the construction and operation of storm water facilities. Nonetheless, the ability to mitigate certain potential impacts, such as the permanent loss of agricultural land and habitat for sensitive species, is contingent upon a number of factors including the severity of the impact, existing land use conditions, and the technical feasibility of implementation of the proposed mitigation measures. Because of these contingencies, the potential impacts of construction of new storm water infrastructure will remain significant. Since no additional measures are available to reduce impacts to a less than significant level, this impact is considered **significant and unavoidable** .

Reference: Policies: AR-1.3, AR-1.4, AR-5.1, NR-1.3, HS-2.9, Implementation Measures: AR-1, AR-2, HS-6, HS-10, PS-6, PS-7, Draft EIR/Final EIR pages 5.13-52 to 5.13-57, Appendix 5.13 of the Draft EIR.

Impact 5.13-7: Development in Areas Subject To Flooding

Recommended Mitigation Measures

Policies

HS-2.16 Flood hazard mitigation prior to development. The City shall not approve new development in areas subject to a 100-year flood event, based on Federal Emergency Management Agency (FEMA) or on other updated mapping acceptable to the City, unless and until the flood hazard has been mitigated, Such mitigation may be accomplished by one, or a combination of, the following:

- Compliance with Title 17 of the City's Municipal Code, Flood Hazard areas.
- Installation of flood control improvements along Del Puerto Creek and/or Salado Creek.
- Avoidance of flood prone areas.

HS-2.17 Flood hazard mitigation prior to development. The City shall require any development on land subject to a 100- year flood event, based on Federal Emergency Management Agency (FEMA) or on other updated mapping acceptable to the City, to conform to National Flood Insurance Program (NFIP) standards.

HS-2.18 Low Impact Development. New development shall incorporate provisions for low impact development as defined by as minimizing or eliminating pollutants in storm water through natural processes and maintaining pre-development hydrologic characteristics, such as flow patterns, surface retention, and recharge rates.

Implementation Measures

PS-11 The City shall establish and collect development impact fees in accordance with Government Code section 66000, et seq as needed for flood control improvements outlined in the City's 2010 Master Drainage Plan as it may be amended from time to time.

HS-16. Flood mitigation derived by the City's Drainage Master Plan shall address the following objectives:

a. Compliance with relevant flood protection regulations, including:
    1. Those adopted by the City of Patterson;
    2. The National Flood Insurance Program;
    3. The Central Valley Flood Protection Plan;
b. Protection of the biological integrity of natural drainage courses;
c. The incorporation of low impact development requirements for new development;
d. The prevention of downstream flooding impacts;
e. The protection of surface and groundwater quality;
f. Economic feasibility;

Finding: Portions of the Project Area are subject to flooding during a 100-year storm event. Development areas in the northerly portion of the Project Area between the Delta Mendota Canal and SR-33 are at risk of flooding to a depth of 1 to 3 feet from a 100-year flood event. Additionally, as shown in light grey on Figure 5.13-3 on page 5.13-11 of section 5.13 of the Draft EIR, Hydrology and Flooding, other areas of this northern portion of the Project area, north of Zacharias Road, are prone to flooding at a depth of less than 1 foot from a 100-year flood event. This flood prone area extends from Del Puerto Creek at the DMC southeasterly towards the northern boundary of the City, and covers approximately 883 acres of the Study Area. This flood zone is contiguous between Del Puerto Creek near Rogers Road and Salado Creek in downtown Patterson. Another smaller area that is identified as at risk for flooding to a depth of greater than 1 foot lies adjacent to SR-33 and south of Del Puerto Creek, and comprises approximately 29 acres within the northern portions of the Study Area.

The last major contiguous area shown as at risk for flooding to a depth of 1 to 3 feet from a 100-year flood event is located adjacent to the north side of the DMC on both sides of Salado Creek, and comprises approximately 162 acres of the Project area. Most of the Project area adjacent to Salado Creek, as shown in the light blue, may be at risk for flooding during a 100-year event to depths of less than 1 foot.

The drainage system proposed to serve the Project as described in Appendix 5.13 of the Draft EIR does not convey runoff from new urban development to Del Puerto Creek or Salado Creek. Instead, storm water will be collected in detention basins and piped to the San Joaquin River. However, the areas described above would be subject to flood hazards associated with flood events on Del Puerto Creek and Salado Creek.

Implementation of the policies and implementation measures provided in the Draft Policy Document will help reduce the risk associated with development that may occur in areas subject to flooding. However, the potential impacts associated with floodplain modifications necessary to mitigate potential flooding impacts will not be known until the nature and extent of urban development has been identified through adoption of the Project. In addition, approvals necessary from various regulatory agencies, such as the Regional Water Quality Control Board, Department of Fish and Game and the US Army Corps of Engineers cannot be guaranteed. For these reasons potential impacts associated with development in areas subject to flooding are considered **significant and unavoidable** .

Reference: Policies: HS-2.1, HS-2.2, HS-2.3, HS-2.4, HS-2.5, HS-2.6, HS-2.7, HS-2.8, HS-2.9, HS-2.10, HS-2.11, HS-2.12, HS-2.13, HS-2.14, HS-2.15, HS-4.4, Implementation Measures: PS -5, PS-11, Draft EIR/Final EIR pages 5.13-65 to 5.13-68, Appendix 5.13 of the Draft EIR.

Impact 5.13-8 : Cumulative Degradation of Water Quality

Finding: Development accommodated by the Project along with foreseeable development in the region would contribute to a cumulative degradation of water quality from construction activities and increased urban runoff.

The policies and implementation measures provided in the Draft Policy Document will mitigate regional impacts relating to hydrology and water quality. Urban development accommodated by the Project will increase the amount of sediments and pollutants in surface waters within the Project area and downstream of the Project area.

Continued compliance with existing water quality regulations, including the NPDES program, as well as implementation of the policies and programs recommended for impact 5.13-1 as described above would help reduce cumulative impacts to water quality. However, given the scale of development anticipated in the City of Patterson and as described in the general plans of surrounding jurisdictions (see discussion under impact 5.2-3 of section 5.3-Population, Housing and Employment), there is the potential for the cumulative degradation of water quality. Moreover, compliance with water quality regulations in the region cannot be guaranteed by the City. For these reasons, the cumulative impact to water quality is considered **cumulatively considerable** and **significant and unavoidable** .

Reference: Policies: NR-1.2, NR-1.3, NR-1.4, NR-1.5, NR-1.7, NR-1.8, NR-2.11, NR-5.1, HS-2.9, HS-2.14, HS-6.5, PS-2.5, PS-3.13, Implementation Measures: HS-1, PS-5, NR-1, PS-6, PS-7, Draft EIR/Final EIR pages 5.13-69 to 5.13-70, Appendix 5.13 of the Draft EIR.

Impact 5.13-9 : Cumulative Increase in Runoff and Potential Flooding

Finding: development accommodated by the Project would increase the amount of impervious surfaces along with a corresponding increase in the volume and velocity or runoff. This increase in runoff, along with the increase associated with other urban development in the region, could contribute to cumulative flood conditions in the region.

The improvements recommended by the 2010 Storm Drainage Master Plan are designed to ensure that the contribution of runoff from development of the Project area does not worsen downstream flooding or exceed the capacity of receiving waters. Thus, implementation of the Master Plan, together with compliance with existing flood hazard mitigation, will help mitigate potential impacts relating to regional flooding and water quality. However, the installation of flood control improvements and continued compliance with water quality protection regulations cannot be guaranteed by the City. For these reasons cumulative impacts relating to flooding and water quality are considered **cumulatively considerable** and **significant and unavoidable** .

Reference: Policies: HS-2.1, HS-2.2, HS-2.3, HS-2.4, HS-2.5, HS-2.6, HS-2.7, HS-2.8, HS-2.9, HS-2.10, HS-2.11, HS-2.12, HS-2.13, HS-2.14, HS-2.15, HS-4.4, Implementation Measures: PS -5, PS-11, Draft EIR/Final EIR pages 5.13-65 to 5.13-68, Appendix 5.13 of the Draft EIR.

Section 5.14 Visual and Aesthetic Resources

Impact 5.14-1 : Scenic Qualities of the Study Area

Finding: The Project will accommodate additional urban development which will permanently and substantially alter the visual character and scenic qualities of the Project area. Interstate 5 is a designated Scenic Highway from the Merced County line to the south to the San Joaquin County line to the north; the Project area lies about mid-way between these two boundaries. Development accommodated by the Project will significantly alter the scenic qualities of views from this Scenic Highway. Lastly, the Project designates land for urban development in the foothills of the Diablo Range west of Interstate 5. The foothills serve as the visual backdrop to the City and are visible from a number of vantage points throughout the City, including frequently traveled corridors such as Sperry Avenue.

The policies and implementation measures of the Draft Policy Document will help minimize impacts relating to visual and aesthetic resources. Implementation of any of the Project will nonetheless result in the permanent and significant alteration of the scenic qualities of the area, including views from a State designated Scenic Highway. There are no feasible mitigation measures available to mitigate this change. Accordingly, this impact is considered **significant and unavoidable** .

Reference: Policies: LU-1.1, LU-1.4, LU-1.6, CD-1.5, CD-1.6, CD-1.7, CD-2.1, CD-3.1, CD-3.2, CD-3.3, CD-4.1, CD-4.2, CD-4.3, CD-4.4, CD-5.1, NR-1.1, NR-2.1, NR-2.2, NR-2.3, NR-2.4, NR -2.5, NR-2.6, NR-2.9, NR-3.7, NR-3.8, NR-3.11, Implementation Measures: CD-1, , NR-14, Draft EIR/Final EIR pages 5.14-4 to 5.14-10.

Impact 5.14-3 : Cumulative Impacts to Scenic Quality and Light and Glare

Finding: Implementation of the Project together with development in the region would result in the cumulative and permanent alteration of the area's scenic qualities and would result in the cumulative increase in sources of light and glare.

The policies and implementation measures provided in the draft Policy Document will help mitigate regional impacts relating to scenic and aesthetic resources and light and glare. Applying these policies and implementation measures, such as the continued enforcement of the City's Community Design Guidelines will assist in reducing, but not fully mitigating these cumulative impacts. Therefore, this impact is considered **cumulatively considerable** and **significant and unavoidable** .

Reference: Policies: LU-1.1, LU-1.4, LU-1.6, CD-1.5, CD-1.6, CD-1.7, CD-2.1, CD-3.1, CD-3.2, CD-3.3, CD-4.1, CD-4.2, CD-4.3, CD-4.4, CD-5.1, NR-1.1, NR-2.1, NR-2.2, NR-2.3, NR-2.4, NR -2.5, NR-2.6, NR-2.9, NR-3.7, NR-3.8, NR-3.11, Implementation Measures: CD-1, , NR-14, Draft

EIR/Final EIR page 5.14-13.

EXHIBIT “B”

MITIGATION MONITORING AND REPORTING PROGRAM

Introduction

This Mitigation Monitoring and Reporting Program (“MMRP”) has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” A MMRP is required for the proposed project because the EIR has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

Pursuant to the State CEQA Guidelines, a Mitigation Monitoring and Reporting Program (MMRP) must cover the following:

- The MMRP must identify the entity that is responsible for each monitoring and reporting task, be it the City of Patterson (as lead agency), other agency (responsible or trustee agency), or a private entity (i.e., the project sponsor).

- The MMRP must be based on the project description and the required mitigation measures presented in the environmental document prepared for the project and certified by the lead agency.

- The MMRP must be approved by the lead agency at the same time of project entitlement action or approvals. MMRP’s are typically designed in chart and checklist format for ease of monitoring and reporting.

Mitigation Monitoring And Reporting Program

California Government Code section 65400 provides that after adoption of a plan (such as a city’s General Plan) planning agencies provide an annual report on the status of the plan and progress in its implementation, including the progress in meeting its share of regional housing needs.

The State CEQA Guidelines (section 15097) state in part where the project at issue is the adoption of a general plan, the monitoring plan shall apply to policies and any other portion of the plan that is a mitigation measure or adopted alternatives. The monitoring plan may consist of policies included in plan-level documents. The annual report on general plan status required pursuant to the Government Code is one example of a reporting program for adoption of a city or county general plan.

Accordingly, the mitigation measures identified in the 2010 City of Patterson City of Patterson General Plan Update Draft EIR have been structured to be incorporated as policies and/or implementation measures into the General Plan policy document and thus, would be implemented as part of consideration of subsequent projects within the City. Implementation would consist of determining whether subsequent projects are consistent with the General Plan, utilization of policies and action items as conditions of approval and/or mitigation measures and City-initiated planning activities as required by specific policies and action items. The MMRP, as outlined in the following table describes mitigation measures and where they have been placed in the2010 City of Patterson City of Patterson General Plan. The City of Patterson will be the primary agency for monitoring the mitigation measure implementation associated with implementation of the General Plan Update.

Mitigation Monitoring and Reporting program					
Mitigation Measure	Description	Placement In The Policy Document	Method of Implementation	Responsible Department/ Agency	Monitoring or Reporting Action
T-19	The City shall implement relevant provisions of the traffic analysis prepared for the 2010 Patterson General Plan.	Circulation Element Implementation measure T-20	Construct relevant roadway and intersection improvements; institute development impact fees and capital improvement program; collect fees from new development and require construction as conditions of approval.	Community Development Department, Public Works Department	Monitor traffic volumes, intersection and roadway levels of service. Include progress in annual report on General Plan prepared by Community Development Department.
T-20	The City shall continue to monitor traffic levels on roadways and intersections serving the City and to require the installation of roadway and intersection improvements necessary to maintain the desired level of service.	Circulation Element Implementation measure T-21	Monitor traffic volumes, intersection and roadway levels of service.	Community Development Department, Public Works Department	Monitor traffic volumes, intersection and roadway levels of service. Include progress in annual report on General Plan prepared by Community Development Department.
T-21	The City shall refine the analysis of future traffic conditions during the 2030 to 2050 timeframes as the traffic model used by the Stanislaus Council of Governments is updated to include the 2050 timeframe.	Circulation Element Implementation measure T-22	Monitor traffic volumes, intersection and roadway levels of service. Revise and update traffic model as necessary.	Community Development Department, Public Works Department	Monitor traffic volumes, intersection and roadway levels of service. Revise and update traffic model as necessary. Include progress in annual report on General Plan prepared by Community Development Department.
T-22	Based on traffic monitoring, consider implementing the following roadway improvements as needed to maintain an acceptable level of service on street segments and intersections: 1. Widening Rogers Road north of Sperry Avenue to four lanes. 2. Widen Zacharias Road and Eucalyptus	Circulation Element Implementation measure T-23	Monitor traffic volumes, intersection and roadway levels of service. Construct relevant roadway and intersection improvements; institute development impact fees and capital improvement	Community Development Department, Public Works Department	Monitor traffic volumes, intersection and roadway levels of service. Include progress in annual report on General Plan prepared by Community Development Department.

Mitigation Monitoring and Reporting program					
Mitigation Measure	Description	Placement In The Policy Document	Method of Implementation	Responsible Department/ Agency	Monitoring or Reporting Action
	Avenue to four lanes, or complete the South County Corridor. 3. Widen the West Main Street bridge over the San Joaquin River to six lanes or provide a separate bridge/roadway. 4. Signalize the intersection of State Route 33 and Baldwin Road. 5. Signalize the intersection of State Route 33 and Olive Avenue. 6. Widen State Route 33 to four lanes from Sperry Avenue to Rogers Road.		program; collect fees from new development and require construction as conditions of approval.		
AR-4.1	Sensitive receptors. The City shall, to the extent practicable, separate sensitive land uses from significant sources of air pollutants or odor emissions. Sensitive land uses include, but are not limited to, those that support people or other organisms that may have a significantly increased sensitivity or exposure to air pollution by virtue of their age and health (e.g. schools, day care centers, hospitals, nursing homes), status (e.g. sensitive or endangered species), or proximity to the source. The City shall require residential development projects and projects categorized as sensitive receptors to be located an adequate distance from existing and potential sources of toxic emissions such as freeways, major arterials, industrial sites, and hazardous material locations. For purposes of compliance with this policy, the City will be guided by the recommendations provided in the Air Quality and Land Use Handbook: A Community Health Perspective published by the California Air Resources Board.	Air Quality and Climate Change Element Policy AR4.1	Review new development for potential impacts to sensitive receptors as part of the CEQA compliance process.	Community Development Department	Review new development for potential impacts to sensitive receptors as part of the CEQA compliance process.
AR-6	The City shall require all of the following as a condition of project approval of future development projects:	Air Quality and Climate Change	Require as condition of approval and as mitigation for new development	Community Development Department	Review new development for potential impacts to sensitive receptors as part of the

Mitigation Monitoring and Reporting program					
Mitigation Measure	Description	Placement In The Policy Document	Method of Implementation	Responsible Department/ Agency	Monitoring or Reporting Action
	• All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover. • All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant. • All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking. • With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition. • When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained. • All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) • Following the addition of materials to, or the removal of materials from, the surface of	Element New implementation measure AR-6	through the CEQA compliance process.		CEQA compliance process. Require as condition of approval.

Mitigation Monitoring and Reporting program					
Mitigation Measure	Description	Placement In The Policy Document	Method of Implementation	Responsible Department/ Agency	Monitoring or Reporting Action
	outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant. • Within urban areas, track-out (earth material deposited on City streets by construction equipment) shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday. • Any site with 150 or more vehicle trips per day shall prevent carryout and track-out. • Limit traffic speeds on unpaved roads to 15 mph; • Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent. • Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site; • Install wind breaks at windward side(s) of construction areas; • Suspend excavation and grading activity when winds exceed 20 mph; and • Limit area subject to excavation, grading, and other construction activity at any one time. Regardless of wind speed, an owner/operator must comply with Regulation VIII's 20 percent opacity limitation.				
AR-7	The following measures shall be incorporated into the design of projects to be constructed within the City of Patterson to minimize operational emissions: a. Bike racks shall be provided at proposed	Air Quality and Climate Change Element New implementation	Require as condition of approval and as mitigation for new development through the CEQA compliance process.	Community Development Department	Review new development for potential impacts to sensitive receptors as part of the CEQA compliance process. Require as condition of

Mitigation Monitoring and Reporting program					
Mitigation Measure	Description	Placement In The Policy Document	Method of Implementation	Responsible Department/ Agency	Monitoring or Reporting Action
	commercial land uses and schools, at a minimum rate of one bike rack space per 20 vehicle parking spaces; b. Non-residential projects should include facilities for bike commuters including showers, lockers and changing space. c. Multi-unit residential projects shall include long-term bike parking facilities (locker, locked room or standard bike rack under surveillance); d. Bike lanes (Class II) shall be provided on all arterials and linked to a regional bikeway network; e. Sidewalks shall be provided on all roadways to facilitate pedestrian access to land uses; f. New roads and major roadway improvements shall provide adequate roadway widths to safely accommodate buses and provide bus turn-outs and shelters as needed to serve proposed commercial and industrial land uses, and schools; g. Commercial projects shall consider charging for parking (if determined to be feasible by the City Council) to entice use of the transit system; h. Parking lots shall provide pedestrian pathways that connect to transit facilities; i. Facilities for charging electric vehicles shall should be provided as an amenity for residential land uses; j. Electrical outlets shall be provided to facilitate use of electrical landscape maintenance equipment; k. Residential units shall be pre-wired with internet cables/lines to facilitate	measure AR-8			approval.

Mitigation Monitoring and Reporting program					
Mitigation Measure	Description	Placement In The Policy Document	Method of Implementation	Responsible Department/ Agency	Monitoring or Reporting Action
	telecommuting; l. Wood-burning heaters and fireplaces shall be prohibited; and m. Energy conservation measures shall be implemented to exceed Title 24 requirements, and may include reflective roofing materials, energy efficient lighting, appliances, heating and cooling systems, use of natural lighting (skylights or solar tubes), and use of awnings and overhangs.				
AR-8	The following measures shall be required as a condition of approval for development projects with the potential to have adverse air quality impacts to sensitive land uses: • Maintain a minimum 500 foot separation between sensitive land uses and the Interstate 5 freeway; • Maintain a minimum 1,000 foot separation between sensitive land uses and major rail yards; • Maintain a minimum 1,000 foot separation between sensitive land uses and major distribution centers (more than 100 trucks pe day); • Maintain a minimum 300 foot separation between sensitive land uses and dry cleaning operations (500 feet for operations with two or more machines); and • Maintain a minimum 50 foot separation between sensitive land uses and gasoline dispensing facilities (300 feet if throughput exceeds 3.6 million gallons per year).	Air Quality and Climate Change Element New implementation measure AR-9	Require as condition of approval and as mitigation for new development through the CEQA compliance process.	Community Development Department	Review new development for potential impacts to sensitive receptors as part of the CEQA compliance process. Require as condition of approval.
AR-9	When a project could expose sensitive receptors to toxic air contaminants the City shall require an	Air Quality and Climate	Require as condition of approval and as mitigation	Community Development	Review new development for potential impacts to sensitive

Mitigation Monitoring and Reporting program					
Mitigation Measure	Description	Placement In The Policy Document	Method of Implementation	Responsible Department/ Agency	Monitoring or Reporting Action
	applicant to perform a prioritization on all sources of emissions in accordance with guidelines adopted by the San Joaquin Unified Air Pollution Control District to determine if it is necessary to conduct a Health Risk Assessment. If a project has a prioritization score of 10 or more, the project has the potential to exceed the District's significance threshold for health impacts of 10 in a million and a Health Risk Assessment shall be performed.	Change Element New implementation measure AR-10	for new development through the CEQA compliance process.	Department	receptors as part of the CEQA compliance process. Require as condition of approval.
PS-14	The City shall implement the improvements recommended by the 2010 Wastewater Master Plan as determined by the City Council.	Public Services Element New implementation measure PS-14	Construct relevant wastewater collection, treatment and disposal improvements; institute development impact fees and capital improvement program; collect fees from new development and require construction as conditions of approval.	Community Development Department, Public Works Department	Include progress in annual report on General Plan prepared by Community Development Department.
PS-15	The City will prepare, adopt and implement a program for development of a secure, reliable, affordable long-term secondary water supply. Such a program shall include, but shall not be limited to, the following: a. The development of multiple sources of water, including, but not limited to: a. Recycled water; b. Surface water; c. Conservation; b. Water conservation measures, including but not limited, the following: a. Best Management Practices as recommended by the Department of Water Resources;	Public Services Element new implementation measure PS-15	Acquire supplemental water source as needed; Construct relevant water productions and distribution improvements; institute development impact fees and capital improvement program; collect fees from new development and require construction as conditions of approval.	Community Development Department, Public Works Department	Include progress in annual report on General Plan prepared by Community Development Department.

Mitigation Monitoring and Reporting program					
Mitigation Measure	Description	Placement In The Policy Document	Method of Implementation	Responsible Department/ Agency	Monitoring or Reporting Action
	b. Conservation strategies necessary to ensure compliance with the per capita water demand reduction requirements of State law; c. The installation of non-potable water supply infrastructure in all new expansion areas; c. Groundwater management, including: a. Participation in regional groundwater management efforts; b. The enhancement of groundwater recharge to increase groundwater supplies, ensure the protection of water quality and reliability, and to minimize impacts to other groundwater users; d. The conjunctive management of water resources;				
PS-20	The City will apply to the Regional Water Quality Control Board to modify or re-issue the City's National Pollution Discharge Elimination Permit for the wastewater treatment plant as necessary to accommodate the increase in disposal capacity necessary to serve buildout of the General Plan.	Public Services Element new implementation measure PS-19	Make application to the Regional Water Quality Control Board as necessary	Public Works Department	Include progress in annual report on General Plan prepared by Community Development Department.
PS-1.3	Supply for new development. The City shall not approve any new development without the demonstrated assurance of an adequate water supply to support such development and a City-approved funding mechanism to pay for necessary improvements. Such assurance shall be provided in a form and manner determined by the City, and may include, but is not limited to, the following: a. A contract between the property owner(s) and a water purveyor guaranteeing the long-	Public Services Element amended policy PS-1.3	Require as condition of approval and as mitigation for new development through the CEQA compliance process.	Community Development Department	Review new development for sufficient water supply as par of the CEQA compliance process. Require as condition of approval.

Mitigation Monitoring and Reporting program					
Mitigation Measure	Description	Placement In The Policy Document	Method of Implementation	Responsible Department/ Agency	Monitoring or Reporting Action
	term delivery of a suitable quantity of water to serve the intended use of the property consistent with the General Plan; b. A contract between a water purveyor and the City guaranteeing the long-term delivery of a suitable quantity of water to serve the intended use of the property consistent with the General Plan; c. Such other mechanism suitable to the City.				
HS-10	The City shall require the following as a condition of project approval to mitigate the adverse noise effects of construction-related activities: a. Construction activities shall be restricted to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 9:00 a.m. and 7:00 p.m. on Saturday, with no construction on Sundays or federal and state holidays; minor construction equipment servicing and maintenance shall be exempted from this restriction. b. During construction, mufflers shall be provided for all heavy construction equipment and all stationary noise sources in accordance with the manufacturers' recommendations. c. Stationary noise sources and staging areas shall be located as far as is feasible from existing residences, or contractors shall be required to provide additional noise-reducing engine enclosures (with the goal of achieving approximately 10 dBA of reduction compared to uncontrolled engines). d. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or	Health and Safety Element new implementation measure HS-10	Require as condition of approval and as mitigation for new development through the CEQA compliance process.	Community Development Department	Review new development for as part of the CEQA compliance process. Require as condition of approval.

Mitigation Monitoring and Reporting program					
Mitigation Measure	Description	Placement In The Policy Document	Method of Implementation	Responsible Department/ Agency	Monitoring or Reporting Action
	shields. e. If for construction purposes, locating stationary construction equipment near existing residential uses is required, an eight-foot-tall sound rated fence should be erected between the equipment and the sensitive receptor. The fence should be located as close to the equipment as is feasible. f. Construction vehicle access routes shall be designed to minimize the impact on existing residences and occupied hospital facilities. g. A "construction liaison" shall be designated to ensure coordination between construction staff and neighbors to minimize disruptions due to construction noise. Occupants and property owners of residences within 400 fee of construction activity shall be notified in writing of the construction schedule and the contact information for the construction liaison. h. A qualified acoustical engineer should be retained during the construction phase of the project to determine if the noise levels generated from construction equipment at the project site to adjacent property lines are within the standards.				
HS-11	Project applicants shall develop and implement a Soil Sampling and Analysis Plan to determine the presence and extent of any residual herbicides, pesticides, and fumigants on currently or historically-farmed land in agricultural areas that would be disturbed during construction of the Proposed Project. The Plan shall be prepared in consultation with the Stanislaus County Department of Environmental Health Services and the work shall be conducted by an	Health and Safety Element new implementation measure HS-11	Require as condition of approval and as mitigation for new development through the CEQA compliance process.	Community Development Department	Review new development for as part of the CEQA compliance process. Require as condition of approval.

Mitigation Monitoring and Reporting program					
Mitigation Measure	Description	Placement In The Policy Document	Method of Implementation	Responsible Department/ Agency	Monitoring or Reporting Action
	appropriate California-licensed professional and samples sent to a California Certified laboratory. At a minimum, the Plan shall document the areas proposed for sampling, the procedures for sample collection, the laboratory analytical methods to be used, and the pertinent regulatory threshold levels for determining proper excavation, handling, and, if necessary, treatment or disposal of any contaminated soils. The Plan shall be submitted to the City of Patterson and Stanislaus County Department of Environmental Health Services for review and approval at least 60 days before construction. Results of the laboratory testing and recommended resolutions for excavation, handling, dust control, and treatment/disposal of material found to exceed regulatory requirements shall be submitted to the City prior to construction.				
HS-13	New development shall be required to implement (through installation or the payment of in-lieu fees) relevant portions of the March 2010 City of Patterson General Plan Storm Drainage Study.	Health and Safety Element new implementation measure HS-13	Require as condition of approval and as mitigation for new development through the CEQA compliance process.	Community Development Department	Review new development for as part of the CEQA compliance process. Require as condition of approval.
NR-1.4	New development. The City shall require new development to protect the quality of water bodies and drainage systems through adaptive site design, stormwater management, and the implementation of best management practices (BMPs). The City shall apply the following principles of Low Impact Development in the review of development projects for purposes of minimizing runoff and potential water quality impacts: a. Make Sensitive Choices in Site Layout.	Natural Resources Element amended policy NR-1.4	Require as condition of approval and as mitigation for new development through the CEQA compliance process.	Community Development Department, Public Works Department	Review new development for as part of the CEQA compliance process. Require as condition of approval.

Mitigation Monitoring and Reporting program					
Mitigation Measure	Description	Placement In The Policy Document	Method of Implementation	Responsible Department/ Agency	Monitoring or Reporting Action
	Identify the most sensitive natural areas and, where possible, leave them undeveloped. To the extent possible, set back development from creeks, wetlands, and riparian habitats. Preserve significant trees. Conform the site along natural land forms, avoid excessive grading and disturbance of vegetation and soils, and mimic the site's natural drainage patterns. Where possible, concentrate development on portions of the site with less permeable soils, and preserve areas that can promote infiltration. To the extent possible, limit overall coverage of paving and roofs by designing compact structures, narrower and shorter streets and sidewalks, smaller parking lots, and indoor or underground parking. Where possible, detain and retain runoff throughout the site. Use drainage design elements such as depressed landscape areas, vegetated buffers, and bioretention facilities (consisting of a shallow surface reservoir, a layer of imported planting medium, and a gravel underlayer with perforated pipe underdrains) as amenities and focal points within the site and landscape design. b. Use Pervious Surfaces. In new buildings and major retrofits, evaluate the technical and economic feasibility of green roofs. Identify where permeable pavements, such as crushed aggregate, turf block, unit pavers, pervious concrete, or pervious asphalt could be substituted for impervious concrete or asphalt paving. c. Disperse Runoff to Adjacent Pervious Areas. Where possible, direct roof downspouts				

Mitigation Monitoring and Reporting program					
Mitigation Measure	Description	Placement In The Policy Document	Method of Implementation	Responsible Department/ Agency	Monitoring or Reporting Action
	across pervious areas. A maximum 2:1 ratio between impervious and pervious surfaces is recommended. Receiving pervious areas should be relatively flat, and soils should be amended as needed to promote infiltration. Similarly, parking areas should be designed so that runoff can sheet flow to landscaped areas. Where feasible, use curb cuts or no curbs to allow runoff to flow to vegetated areas. d. Direct runoff to bioretention facilities, flow-through planters, dry wells, or cisterns. On densely developed sites, and where runoff from impervious roofs and paved areas cannot be dispersed to landscaping, consider directing runoff to facilities designed to detain and treat runoff before letting it seep away slowly. Dry wells or infiltration basins may be used if soils are sufficiently permeable and geotechnical considerations allow. Bioretention facilities can be a suitable option for many sites.				
NR-2	The Within 24 months of adoption of the General Plan, the City shall prepare and adopt a comprehensive water conservation plan, which includes but is not limited to, the following: a. Landscape watering timing restrictions; b. Requirements for water-efficient irrigation equipment for all new private and public development; c. Enforcement strategies for water waste; d. Recommendations for water-efficient landscape ordinances; e. Evaluation of and recommendations for water conservation pricing (such as a tiered rates	Natural resources Element Amended implementation measure NR-2	Prepare water conservation plan	Community Development Department Public Works Department	Include progress in annual report on General Plan prepared by Community Development Department.

Mitigation Monitoring and Reporting program					
Mitigation Measure	Description	Placement In The Policy Document	Method of Implementation	Responsible Department/ Agency	Monitoring or Reporting Action
	for water users) to encourage efficient use; f. Strategies for providing individualized water audits for large accounts to identify conservation opportunities; g. Requirements for water efficiency training and certification for irrigation designers, installers, and property managers operating within the City. h. Measures to ensure a reduction in per capita water demand City-wide of 20 percent by the year 2030. Such measures may include, but are not limited to, the following: a. Water Survey Programs for Single-Family Residential and Multi-family Residential Customers; b. Residential Plumbing Retrofit; c. System Water Audits, Leak Detection and Repair; d. Metering with Commodity Rates for all New Connections and Retrofit of Existing Connections; e. Large Landscape Water Audits and Incentives; f. High-efficiency Washing Machine Rebate Programs; g. Public Information Programs; h. School Education Programs; i. Commercial and Industrial Water Conservation; j. Wholesale Agency Assistance; k. Conservation Pricing; l. Conservation Coordinator; m. Water Waste Prohibition; n. Residential Ultra Low Flow Toilet Replacement Programs				
NR-14	Buffering Techniques. As residential or school	Natural	Require as condition of	Community	Review new development for

Mitigation Monitoring and Reporting program					
Mitigation Measure	Description	Placement In The Policy Document	Method of Implementation	Responsible Department/ Agency	Monitoring or Reporting Action
	development occurs adjacent to agricultural uses, such development shall implement one or more o the following buffering techniques in its design: a. Roadways, creeks or canals shall be used as buffers where feasible; b. Where incompatible uses directly abut, fences shall be installed on the non-agricultural use, which shall be designed to limit the drift of pesticides or other sprays, and shall discourage climbing and graffiti to the extent possible; c. If additional non-residential development is anticipated in an area that is currently in agricultural use, fencing at the current interface of conflict shall be removed if requested by the current property owner on which the fence is located. The cost for the fence removal must be borne by the developer of the land being converted from agriculture to urban uses.	Resources Element new implementation measure NR-15	approval and as mitigation for new development through the CEQA compliance process.	Development Department, Public Works Department	as part of the CEQA compliance process. Require as condition of approval.