
APPENDIX C:

City Council Resolution No. 2014-37

RESOLUTION NO. 2014-37

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA TO
CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH # 2010041078)
AND ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE
VISALIA COMPREHENSIVE GENERAL PLAN UPDATE**

WHEREAS, the City Council of the City of Visalia has reviewed and considered the Final Program Environmental Impact Report (FEIR) prepared for the Comprehensive General Plan Update (GPU or Project). The GPU serves as a plan to assist the community in achieving a vision for the horizon year of 2030 and realizing values related to land use, growth, open space, recreation and transportation; and

WHEREAS, in April 2013, the Visalia City Council, after receiving substantial public input, accepted the Draft General Plan Update and directed the preparation of an Environmental Impact Report to analyze the impacts to the environment that may occur through the adoption of the GPU; and

WHEREAS, the FEIR also assesses the environmental impacts associated with the Visalia Climate Action Plan (CAP), created to develop and enhance actions designed to reduce Visalia's Greenhouse Gas emissions; and

WHEREAS, the Draft Environmental Impact Report (Draft EIR) was released on March 31, 2014, for 45-day review and comment period; and

WHEREAS, Written comments were received on the Draft EIR during the 45-day review period; and

WHEREAS, the Planning Commission of the City of Visalia, after ten (10) days published notice, did hold a public hearing for consideration of the FEIR on July 10, 2014, and continued said hearing to a specific date, of July 28, 2014, time 7:00pm, and location of City Council chambers at 707 W. Acequia, Visalia, California; and

WHEREAS, the Planning Commission of the City of Visalia concluded said public hearing on July 28, 2014, and recommended that the City Council certify the FEIR pursuant to Planning Commission Resolution No. 2014-34; and

WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice, did hold a public hearing for consideration of the FEIR on September 8, 2014, and continued said hearing to a specific date, of October 6, 2014, and location of City Council chambers at 707 W. Acequia, Visalia, California; and,

WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice, did hold and close a public hearing for adoption of the FEIR on

October 6, 2014 and considered incorporating changes attached as Exhibit "B" of this Resolution, and continued the consideration and final action of the item to an unspecified date; and

WHEREAS, the City Council of the City of Visalia, after providing required notice for a special meeting, did hold a special meeting which included the consideration and adoption of the FEIR on October 14, 2014; and

WHEREAS, the FEIR was released on June 30, 2014, and consists of the Draft EIR and the revisions of, and additions to the Draft EIR, the written comments and recommendations received on the Draft EIR, the written responses of the City of Visalia to public comments on the Draft EIR; errata to the foregoing; and other information added by the City of Visalia as specified in the record; and

WHEREAS, the California Environmental Quality Act (CEQA) requires that, in connection with the approval of a project for which an EIR has been prepared that identified one or more significant effects, the decision making body makes certain findings regarding those effects.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Visalia finds that the Project FEIR, SCH# 2010041078, was prepared consistent with the CEQA and City of Visalia Environmental Guidelines.

BE IT FURTHER RESOLVED, that the City Council of the City of Visalia hereby certifies the FEIR, SCH# 2010041078, for the Project, including the changes attached as Exhibit "B", based on the following specific findings and based on the evidence presented:

1. That a full, fair and duly noticed public hearing has been held on the FEIR, and the City Council, having considered the FEIR, including but not limited to all Draft EIR comments and written responses, has concluded that said FEIR, is adequate and complete, and is incorporated herein by this reference.
2. That the City Council hereby determines that the FEIR, SCH# 2010041078, for the Project has been prepared in compliance with CEQA and the state and local environmental guidelines and regulations; that the FEIR, including but not limited to all Draft EIR comments and written responses has been presented to the City Council, and the City Council has independently reviewed and analyzed the information contained therein, including the written comments received during the Draft EIR review period and the oral comments received at the public hearing; and that the FEIR represents the independent judgment of the City Council of the City of Visalia, as Lead Agency for the Project.
3. That the City Council does hereby find and recognize that the FEIR, SCH# 2010041078, contains additions, clarifications, modifications and other

information in its responses to comments on the Draft EIR, and also incorporates text changes to the EIR based on information obtained by the City since the Draft EIR was issued. The City Council does hereby find and determine that such changes and additional information are not significant new information as that term is defined under the provisions of CEQA because such changes and additional information do not indicate that any new significant environmental impacts not already evaluated would result from the Project and they do not reflect any substantial increase in the severity of any environmental impact; no feasible mitigation measures considerably different from those previously analyzed in the Draft EIR have been proposed that would lessen significant environmental impacts of the Project; and no feasible alternatives considerably different from those analyzed in the Draft EIR have been proposed that would lessen the significant environmental impacts of the Project.

4. That the City Council does hereby make findings with respect to the significant and unavoidable impacts and other environmental effects resulting from the Project, as identified in the FEIR, SCH# 2010041978, including that changes or alterations were made to the Project to avoid or substantially lessen the significant environmental effects as identified in the FEIR; and, that specific economic, legal, social, technological, or other considerations including provision of employment opportunities for highly trained workers, make infeasible the further mitigation or selection of the Project alternatives identified in the FEIR.

5. MITIGATION MONITORING AND REPORTING PROGRAM:

The Mitigation and Monitoring and Reporting Program for the Project, which is incorporated and adopted as part of this Resolution. The program identifies impacts of the Project and corresponding mitigation, which are identified as General Plan policies to be enacted by implementation of the Comprehensive General Plan Update (GPU). In all cases, the City of Visalia is the designated responsible party for implementation and monitoring of the mitigation measures to ensure they are carried out as intended, and a compliance review will be presented to the City Council periodically as the GPU is implemented.

BE IT FURTHER RESOLVED that the City Council adopts the Statement of Overriding Considerations (SoOC) for the Project contained in Exhibit "A" of this Resolution, and incorporated herein by this reference. In adopting the SoOC, the City Council hereby finds that the Project has not eliminated or substantially lessened the significant impacts resulting from Air Quality (Mobile source emissions exceeding the significance threshold of PM 10 and PM 2.5); Transportation (Roads that may operate at LOS D or worse but for which the City lacks jurisdiction; Agriculture (Loss of agricultural land as a result of urban growth); Noise (resulting from mobile sources such as trucks, and stationary sources such as manufacturing processes are likely to

increase, particularly along major roadways); Hydrology and Flooding (Inundation in the event of the failure of the Terminus Dam at Lake Kaweah).

Significant unavoidable impacts resulting from the Project are acceptable in light of the environmental, economic, social and other considerations set forth in the FEIR, and in the administrative record as a whole, because the benefits of the Project outweigh the significant and unavoidable impacts identified in the FEIR, SCH# 2010041078 as discussed in Exhibit "A" of this Resolution.

The City Council has weighed the benefits of the proposed Project discussed in Exhibit "A" of this Resolution against its unavoidable impacts, and other environmental effects identified in the FEIR, and hereby determines that those benefits outweigh the risks and adverse environmental effects and further determines that those risks and environmental effects are acceptable.

BE IT FURTHER RESOLVED that the City Council hereby determines that the FEIR prepared for the Project is adequate and complete pursuant to the requirements of the CEQA.

BE IT FURTHER RESOLVED, that the City Planner is the custodian of the record of proceedings for the Draft EIR and FEIR, and the documents and other materials which constitute the record of proceedings for City actions related to the Draft EIR and FEIR are on file at the office of the City of Visalia Community Development Department, Planning Division, located at 315 E. Acequia Avenue, Visalia, California. Copies of these documents are available for public review during normal business hours upon request at the office of the City of Visalia Community Development Department, Planning Division.

EXHIBIT "B" – REVISIONS TO THE ENVIRONMENTAL IMPACT REPORT
STAFF RECOMMENDED & ACCEPTED BY THE VISALIA CITY COUNCIL

Executive Summary, Page ES-11 and ES-32 (Table ES-3)
And Chapter 3.1: Land Use, Page 3.1-15
And Chapter 3.5: Agriculture and Soils, Page 3.5-13

- Revise Policy LU-P-21 to read the following (additions noted in *italics*):

LU-P-21 Allow annexation and development of residential, commercial, *Regional Retail*, and industrial land to occur within the Urban Development Boundary (Tier II) and the Urban Growth Boundary (Tier III) consistent with the City's Land Use Diagram, according to the following phasing thresholds:

- "Tier II": Tier II supports a target buildout population of approximately 178,000. The expansion criteria for land in Tier II is that land would only become available for development when building permits have been issued in Tier I at the following levels, starting from April 1, 2010:

Residential: after permits for 5,850 housing units have been issued; and

Commercial: after permits for 480,000 square feet of commercial space have been issued

Regional Retail: *New Regional Retail areas in the Tier II Growth Boundary shall be eligible for urban development upon satisfactory demonstration that the following criteria have been met:*

1. *Existing Regional Retail Commercial zoned land south of Mooney Blvd. that was undeveloped as of the date of adoption of the General Plan has received at least 922,383sq.ft. of commercial building permits [formula: 121 acres @43,560sq.ft. per gross acre = 5,270,760sq.ft. x .25 (assumed FAR for Regional Retail development) x .7 (recommended flex factor)]*
2. *The uses and tenants proposed for the area will substantially further the community's goal of providing high-level regional retail goods and services.*
3. *That there is sufficient roadway capacity and adequate public facilities and infrastructure to accommodate the proposed development.*

The regional retail zone classification shall provide for permitted and conditional uses which are of a regional draw only. Uses which are not exclusively of a regional draw may be allowed where a finding is made that such uses are ancillary or associated with the regional uses. Uses of a neighborhood- or convenience-level draw only shall not be permitted.

- "Tier III": Tier III comprises full buildout of the General Plan. The expansion criteria for land in Tier III is that land would only become available for development when building permits have been issued in Tier I and Tier II at the following levels, starting from April 1, 2010:

Residential: after permits for 12,800 housing units have been issued.

Commercial: after permits for 960,000 square feet of commercial space have been issued; and

Industrial: after permits for 2,800,000 square feet of industrial space have been issued

To complement residential neighborhood development, the City also may allow small annexations for sites less than 30 acres in size that are contiguous to the City limits to allow for efficient development of a neighborhood, commercial area or employment center, provided no General Plan amendment is required and infrastructure is available or can be extended at no cost to the City.

Triggers for proceeding from Tier I and Tier II to Tier III may be modified based on subsequent direction from the City Council.

Annexations are subject to review against regulations and policies in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and the Tulare County Local Agency Formation Commission Policy and Procedure Manual regarding development and inventory of existing vacant land designated for urban uses in the city limits.

Executive Summary, Page ES-12 and ES-33 (Table ES-3)

And Chapter 3.1: Land Use, Page 3.1-16

And Chapter 3.5: Agriculture and Soils, Page 3.5-14

- Revise Policy LU-P-26 to read as follows (additions noted in underline, deletions noted in ~~strikeout~~):

LU-P-26 Continue to follow the Referral Agreement Memorandum of Understanding with Tulare County, and work with the County to strengthen the implementation of the Visalia General Plan ~~within the Visalia Urban Area Boundary~~.

Executive Summary, Page ES-33 (Table ES-3)

And Chapter 3.5: Agriculture and Soils, Page 3.5-14

- Revise Policy LU-P-27 to read as follows (additions noted in underline, deletions noted in ~~strikeout~~):

LU-P-27 Initiate planning for post-2030 urban land needs in the area north of St. Johns River that is within the City's Sphere of Influence, and other areas as may be identified by the City Council, when residential development with the ~~Urban Development Boundary~~ Urban Growth Boundary Tier 3 reaches 80 percent of capacity, or earlier, at the initiative of the City Council.

This long-term Planning Area is outside of the Urban Growth Boundary Tier 3 (UGB) established for this General Plan, and a General Plan amendment adding it to the UGB will require detailed studies of infrastructure needs, financing options for extension public facilities and services, and environmental resources and a determination by the City Council that the City's long term interests are best served by sensitively planned, appropriately timed development north of the St. Johns River, that development will provide a net fiscal benefit to the City, and that infill development opportunities within the City have been fully realized.

Executive Summary, Page ES-12 and ES-74 (Table ES-3)

And Chapter 3.1: Land Use, Page 3.1-16

And Chapter 3.13: Visual Resources, Page 3.13-9

- Revise Policy LU-P-28 to read as follows (additions noted in underline, deletions noted in ~~strikeout~~):

LU-P-28 Continue to use natural and man-made edges, such as major roadways and waterways within the City's Urban Area ~~Growth~~ Boundary, as urban development limit and growth phasing lines.

Executive Summary, Pages ES-12, ES-34, and ES-75 (Table ES-3)

And Chapter 3.1: Land Use, Page 3.1-17

And Chapter 3.5: Agriculture and Soils, Page 3.5-15

And Chapter 3.13: Visual Resources, Page 3.13-10

- Revise Policy LU-P-34 to read as follows:

LU-P-34 Work with Tulare County and other state and regional agencies, neighboring cities, and private land trust entities to prevent urban development of agricultural land outside of the current growth boundaries and to promote the use of agricultural preserves, where they will promote orderly development and preservation of farming operations within Tulare County. *Conduct additional investigation of the efficacy of agricultural conservation easements by engaging local, regional, and state agencies and stakeholders in order to further analyze their ongoing efforts and programs that attempt to mitigate impacts from the conversion of agricultural lands through the use of agricultural conservation easements.* The City will support regional efforts to prevent urban development of agricultural lands, specifically at the county level. Tulare County's General Plan 2030 Update Policy contains two policies (AG-1.6 Conservation Easements and AG-1.18 Farmland Trust and Funding Sources) that discuss establishing

and implementing an Agricultural Conservation Easement Program (ACEP). The City supports the implementation of these measures by the County, in which the City may then participate. Such a regional program could include a fee to assist and support agricultural uses, and would be most feasibly and strategically developed on a countywide or other regional basis.

In addition to supporting regional efforts to prevent urban development of agricultural lands, the City shall create and adopt a mitigation program to address conversion of Prime Farmland and Farmland of Statewide Importance in Tiers II and III. This mitigation program shall require a 1:1 ratio of agricultural land preserved to agricultural land converted and require ag land preserved to be equivalent to ag land converted. The mitigation program shall also require that the agricultural land preserved demonstrate adequate water supply and agricultural zoning, and shall be located outside the City UDB, and within the southern San Joaquin Valley. The mitigation program shall, to the extent feasible and practicable, be integrated with the agricultural easement programs adopted by the County and nearby cities. The City's mitigation program shall allow mitigation to be provided by purchase of conservation easement or payment of fee, but shall indicate a preference for purchase of easements. The mitigation program shall require easements to be held by a qualifying entity, such as a local land trust, and require the submission of annual monitoring reports to the City. The mitigation program shall specifically allow exemptions for conversion of agricultural lands in Tier I, or conversion of agricultural lands for agricultural processing uses, agricultural buffers, public facilities, and roadways.

PASSED AND ADOPTED: October 14, 2014 MICHAEL OLMOS, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss.
CITY OF VISALIA)

I, Michael Olmos, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution 2014-37 passed and adopted by the Council of the City of Visalia at a special meeting held on October 14, 2014.

Dated: November 7, 2014

MICHAEL OLMOS, CITY CLERK



By Michelle Nicholson, Chief Deputy City Clerk