



Introduction and Intent

The Open Space/Conservation Element establishes a framework for insured protection of valuable open space lands for the purposes of natural drainage, scenic beauty, agricultural preservation, and community health.

Government Code Section 65302(d) requires that all General Plans include a "...Conservation Element for the Conservation, development and utilization of natural resources including water and its hydraulic force, forests, soil, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources." The most significant conservation issues relating to Gustine include, water resources, and soils- addressed as agricultural lands.

Open-space land is a limited valuable resource which must be conserved whenever possible; and assurance that every city and county will prepare and carry out open space plans in addition to state and regional open space plans, thus, accomplishing the objectives of a comprehensive open space program.

Recreation is not a mandated element of the General Plan; however, policies relating to recreation are included in this chapter in an effort to provide sufficient parkland for residents.

Setting

Agriculture and residential issues are currently the primary land use in Gustine and Gustine's SOI. Vacant and open space lands within the City consist of publicly and privately owned lands.

**Goals, Objectives, and Policies**

| | |
|------------------|---|
| Goal 10.1 | Attainment and maintenance of Ambient Surface and Groundwater Quality Standards |
| Policy 10.1.1 | The City shall control the amount and quality of non-point source pollution |
| 10.1.2.a | Educate the public regarding water quality, runoff, and drainage effects |
| 10.1.2.b | Monitor storm drainage and wastewater disposal impacts and provide appropriate mitigation |
| Goal 10.2 | Open Space for Recreational Use |
| Policy 10.2.1 | A comprehensive system of parks to meet a range of recreational uses |
| 10.2.1.a | The City shall be responsible for preparing a Parks and Recreation Master Plan which a) establishes funding sources b) adopts standards and c) addresses maintenance issues |
| 10.2.1.b | Identify specific sites for neighborhood parks within Specific Plan Areas as part of the specific plans required for development |
| Policy 10.2.2 | Ensure adequate funding sources for acquisition, operation, and maintenance of recreation facilities |
| 10.2.2.a | Require the dedication, improvement, and/or fees for parkland |
| 10.2.2.b | Develop fiscal criteria for the effective allocation of public resources for park and recreation facilities |
| 10.2.2.c | Identify new sources for funding for park and recreation facilities |
| 10.2.2.d | The City should budget sufficient funds specifically for parks and recreation facility maintenance |
| Goal 10.3 | Open Space for Management of Agricultural Resources |
| Policy 10.3.1 | Preservation of agricultural resources and promotion of technical agricultural resources and opportunities |
| Policy 10.3.2 | Limit encroachment of urban uses into agricultural areas, unless consistent with General Plan policies |
| 10.3.2.a | Permanent open space and agricultural buffers around SUDP |

Parks and Recreation

City parks in Gustine are divided into four types; neighborhood, community, regional and greenways. The concept of four types, or hierarchy, provides for park and recreation needs at varying levels; however, there is some overlap among the various types of parks and their uses. Translated into physical form, they create a system of parks.

The first three types provide active play space. Greenways connect various sites with exclusive paths for pedestrians and bicyclists, helping to link the parks into a system and the park system into the lives of Gustine residents. Beyond the city parks are regional parks serving many communities, which are generally provided for by the County of Merced.

Neighborhood Parks serve a large area and have a wide variety of facilities to serve a larger and more diverse population. Facilities within neighborhood parks vary depending on the recreational resources available in the neighborhood. Some neighborhoods may have school facilities that supplement the City's park facilities resources. In some instances, neighborhood park facilities approach community park standards (i.e., swimming pool, lighted baseball diamonds and

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community meeting hall). Although there is a hierarchy to parks, there also exists certain overlap among the different levels of parks and their uses.

Community Parks serve significant portions of urban area based on size and type of facilities. As a minimum, a Community Park serves several neighborhoods and, depending on population density, from 15,000 to 20,000 people. A community park is the nucleus of the park system and is usually the location where members of the community congregate for citywide functions or programs.

The Community Park is usually over 15 acres in size and includes neighborhood playground facilities as well as appropriate facilities for citywide use. Or, it may be more open space oriented providing the community a break within the urban environment or contact with nature and pleasant surroundings in which to engage in a variety of active and passive recreational activities.

Features of a community park may include large picnic areas, swimming pool, baseball diamonds, nature trails, soccer fields, playgrounds, zoo, community building or other citywide activity areas. Henry Miller Park is a community park.

Greenways connect the various park sites with paths exclusively for pedestrians and bicyclists. Greenways weave through the residential neighborhoods connecting larger public uses (schools, open space, and commercial uses) and provide many points of physical and visual access to the park sites. Some greenways may also act as mini-parks because of play and exercise equipment placed along the paths. Other greenways act as valuable open space greenbelts through a neighborhood.

Regional Parks such as Schmidt Park serve many cities and are sometimes used as resting stops for travelers. Often the focal point of a regional park is a lake, river or other natural resources. Typically counties and the state provide regional parks. If distant from an urban area, their accessibility is generally limited to those who can drive.

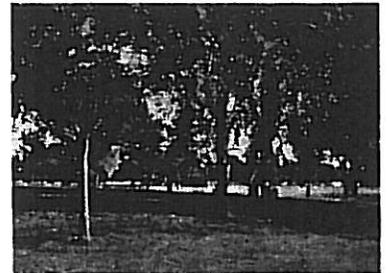
Throughout the identification of the needs process, Gustine community members identified the need to have adequate recreation facilities for its youth. While as indicated, the park/person ration in Gustine is significantly higher in Gustine, adequate facilities for various user types has been identified as a goal.

The City of Gustine has four parks. They are Harry Schmidt Park, a regional park, Henry Miller Park, a community park, and Pioneer and Sherwood parks, both neighborhood parks. Table OS-1 illustrates existing parks, proposed new parks, and planned improvements to facilities.

Map OS-1 shows the existing and proposed new park facilities. The General Plan designates "floating" parks to plan for community and neighborhood parks but that will fit most effectively with new residential subdivisions. In addition, the future school site is proposed as a floating site to most effectively utilize future development patterns and allow for flexibility.

Outdoor Recreation

New park sites will be necessary as the population grows. In the year 2010 there should be a minimum of 54 acres of dedicated park land based on population projections. The addition of new parks would also increase City maintenance costs.





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In addition to the social need for additional parks, the criteria that should be considered as they are cited include; joint uses such as strip parks and bike paths along canal reservations, detention basin-park development, and development of parks and recreational facilities in conjunction with the Gustine Unified School District.

Currently within the proposed Sphere of Influence boundary there are approximately 44 acres of existing parkland. If the maximum five acre per 1,000 person standard is required, then an additional 17.3 acres should be acquired for parkland to be planned before the year 2020.

This figure may result in the creation of neighborhood parks within residential areas. Additional recreational land uses may be necessary such as golf courses and playing fields unless these can be provided at school sites.

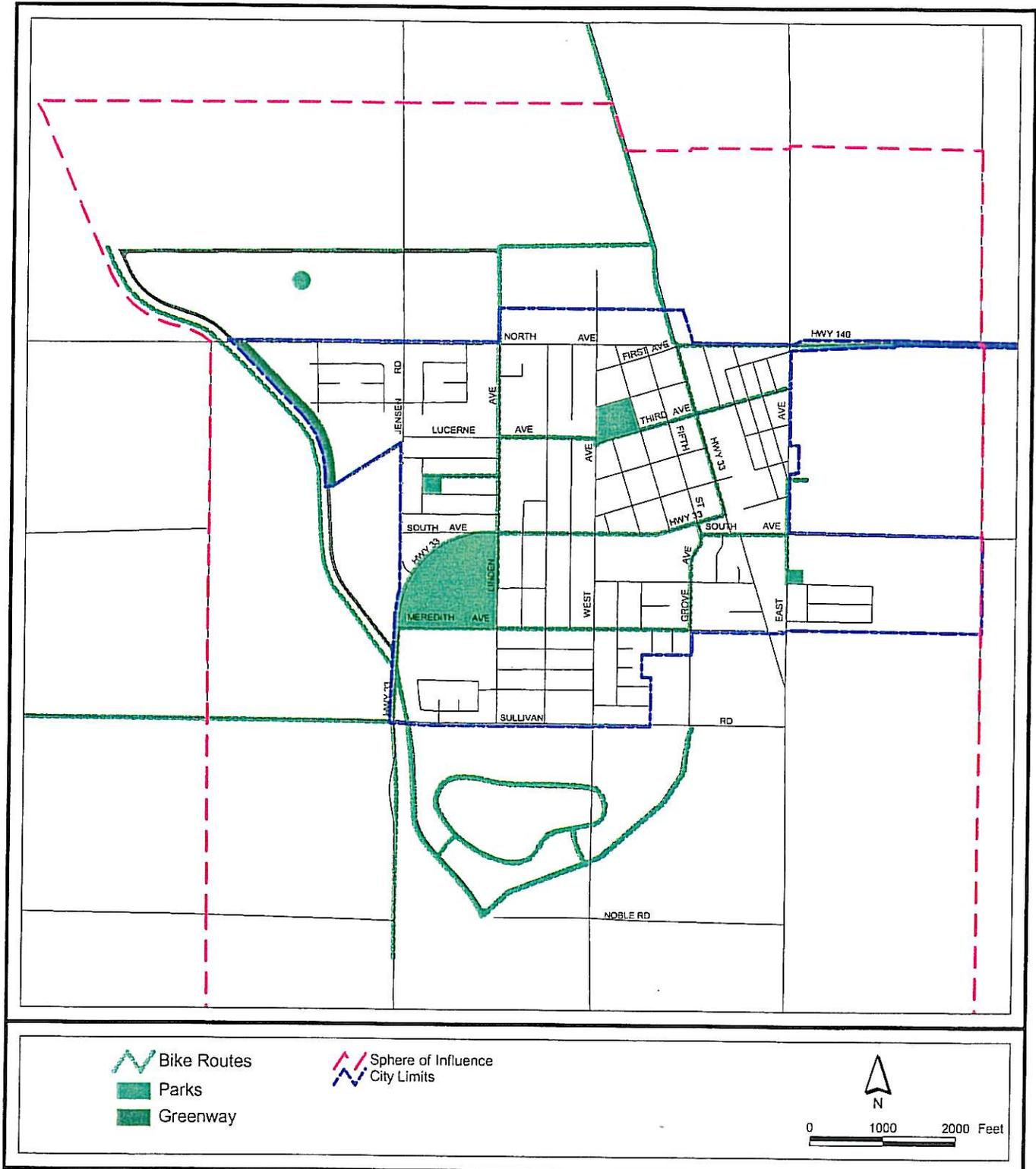
New City parks used in conjunction with detention basins would provide a more aesthetically pleasing method of drainage control. This is one alternative for development of neighborhood parks within new subdivisions. A variation of this would be to convert existing detention basins to joint detention basin/park facilities. In order to accomplish this detention basins would have to be shallow and could not retain water continuously throughout the year.

Cooperative park and school facilities development would allow the City to establish park and recreation facilities in collaboration with the development of new school sites. While joint development of facilities would ensure more efficient use of recreational investments, it poses some limitations on site location and types of facilities.

**5 acres of
parkland per
1000 people**



Map 10-1: Planned parks





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Table OS-1: Existing and Proposed Parks and Planned Improvement Facilities

| Parks | | | | |
|--------------------|--|-------|--------------|-----------|
| Name | Location | Acres | Type | Ownership |
| Harry Schmidt Park | State highway 33 | 28.8 | Regional | City |
| Henry Miller Park | Sixth Street between Second and Third Avenues | 4.5 | Community | City |
| Pioneer Park | East Avenue and Wallis Road | 1.1 | Neighborhood | City |
| Sherwood | Sherwood Drive between Edith and Verde Drs. | 1.2 | Neighborhood | City |
| Planned New Park | Northwest of Jensen and Fentem Road | 5.0 | Neighborhood | City |
| Planned New Park | Southwest of Jensen and Fentem roads | | | |
| Greenway | Along CCID canal making connections to new planned parks northwest and southwest of Jensen and Fentem Roads, south across highway 33, connecting to Grove, right on Meredith, left on Fifth Avenue | | | |
| Total acres | | | | |

| Schools | | | | |
|-----------------------|---|-------|-----------------|-----------|
| Name | Location | Acres | Type | Ownership |
| Gustine High School | North Avenue at State Highway 33 | 9 | High School | District |
| Gustine Middle School | Grove Avenue and State Highway 33 | 5.3 | Middle School | District |
| Gustine Elementary | Grove Avenue and Meredith | | Elementary | District |
| Our Lady of Miracles | Southeast of Lucerne and Linden Avenues | | Catholic School | Private |

| Facilities | | | | | | | | | | | | |
|-----------------------|-----------|--------------|------------|----------------|-------------|---------|----------|------|------------------|---------|-------------------|------------------|
| | Ballfield | Tennis Court | Playground | Horseshoe Pits | Picnic Area | Shelter | Restroom | Pool | Basketball Court | Stadium | Misc. Play Fields | Community Center |
| Harry Schmidt Park | 2 | 4 | < | < | < | < | < | < | | | | < |
| Henry Miller Park | | | < | | < | < | < | < | | | | |
| Pioneer Park | | | < | | | < | < | < | | | | |
| Sherwood | | | | | | | < | | < | | | |
| Planned New Park | < | | < | | | | < | | | | | |
| Planned new park | < | | < | | | | < | | | | | |
| Greenway | | | | | | | | | | | | |
| Gustine High School | 2 | < | | | | | | | < | < | | |
| Gustine Middle School | 1 | | < | | | | | | < | < | < | |
| Gustine Elementary | | | < | | | | | | < | < | < | |
| Our Lady of Miracles | | | < | | | | | | < | < | < | |



Agriculture

Agriculture is the major economic force throughout the entire county of Merced. The Gustine community recognizes the inherent need to continue to preserve agricultural lands as urban expansion occurs within the Gustine SOI. Furthermore, the City has elected to protect viable ag lands through the use of a buffer zone that surrounds the City.

Wetlands

According to the Fish and Wildlife Service, the area east of Santa Fe Grade represents a significant wetlands complex, is designated Merced County sensitive habitat area, and is the Service's West Grasslands Wildlife Management Area. Grassland personnel have noted that there are a significant amount of wetlands west of Santa Fe Grade toward the City of Gustine. Wetlands exist immediately east of, and possibly on the proposed wastewater treatment plant site.

The City's proposed Sphere boundary is west of the wetlands and the only "urban" development currently planned is the expansion of its wastewater treatment facility.

The Gustine SOI is well outside of the mixed wetland and upland area discussed earlier. However, the City is negotiating to buy land outside of its SOI in order to expand its wastewater treatment facility. The wastewater facility properly developed and managed will maintain and enhance the outstanding natural biological value of the area, therefore, the City does not anticipate any significant impacts. The plant may need to be expanded again after the year 2010, however there should be adequate area in current land acquisitions to accommodate additional growth without jeopardizing wetlands.

Plant and Wildlife

There is a possibility that some scarce plants and wildlife could reoccupy fallow farmlands which are uncultivated for many years. Sensitive plants and wildlife may be found in flats, marshes, and adjacent fallow farmland. The Department of Fish and Game in Table OS-2 have identified possible endangered and threatened plants and wildlife, which could re-inhabit these areas.

The long-term impacts of expanding the Gustine SOI are not judged to be significant to plant and wildlife habitat provided land within the SOI is not left fallow for long periods of time. In order to preclude the reestablishment of wildlife habitat within areas designated for future urban development, the City should encourage agricultural cultivation. Where this practice fails, or there is some question about the presence of endangered plant or animal species, the City should require new development in outlying areas to perform a biological inventory as part of a General Plan amendment, annexation or as part of a specific plan.

Soils

As development occurs, the amount of agricultural land within the Sphere of Influence will decrease, therefore contemporary agricultural practices will need to be carefully applied to avoid contaminating the remaining soil as long as it is cultivated. Future development may also result in soil contamination from urban sources. The development proposed in the Land Use Element will eliminate some soil as a valuable local resource.

Some soils are not suitable for recreational uses due to ponding, wetness, slow percolation rate, excess sodium, erosion potential, and a high clay content, so soils should be tested before recreational development occurs.

The majority of the soils have severe shrink-swell problems that limit the location of dwellings with or without basements, as well as, commercial buildings, streets and



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roads. Because of this, soils need to be examined before development occurs and proper engineering should be applied. Due to ponding, or too much sodium, topsoil for landscaping may have to be imported in some areas.

Agricultural Lands

As the City grows, it is inevitable that agricultural land will be converted to an urban use within the City's Sphere of Influence.

The City's objective for areas inside of the SOI will be to preserve prime agriculture and producing farmland until such time as other non-prime farmland is exhausted. Since consistency between the County and City Plans is imperative for successful implementation, it has been recommended that the City of Gustine adopt the policies of the Merced County General Plan where they apply to the City's future SOI expansion. These policies invoke the use of specific criteria for enlarging and/or adjusting the Gustine SOI boundary for improving the viability of agricultural operations and promoting the conservation of agricultural lands.

Agricultural lands that should be considered for conservation are those with Capability Class I and II soils as defined by the SCS Survey (which is the basis for identifying prime ag soils on the State Important Farmlands Map). Also, poor soils which are producing agricultural commodities should be appraised for purposes of conservation.



Table 10-2 Listed Endangered and Threatened Species and Candidate Species that May Occur in the Area of the Proposed General Plan for the City of Gustine, Merced County, California

Table 10-2 Endangered and Threatened Species

| Listed Species | |
|----------------------|---|
| Birds | |
| (1) | Bald eagle (<i>Haliaeetus leucocephalus</i>) (E) |
| (2) | Aleutian Canada goose (<i>Branta canadensis leucopareia</i>) (E) |
| Invertebrates | |
| | Valley elderberry longhorn beetle (<i>Desmocerus californicus dimorphus</i>) (T) |
| Candidate Species | |
| Birds | |
| (1) | Tricolored Blackbird (<i>Agelaius tricolor</i>) (b) |
| (2) | White-faced ibis (<i>Plegadis Chihi</i>) (b) |
| Mammals | |
| (1) | Greater Western Mastiff-Bat (<i>Eumops perotis californicus</i>) (b) |
| (2) | San Joaquin Pocket Mouse (<i>Perognathus inornatus inornatus</i>) (b) |
| (3) | Nelson's Antelope Ground Squirrel (<i>Ammospermophilus nelsoni</i>) (b) |
| (4) | San Joaquin Valley Wood rat (<i>Neotoma fuscipes riparia</i>) (b) |
| (5) | San Joaquin Kit Fox (<i>Vulpes macrotis mutica</i>) (E)(T)(b) |
| Amphibians | |
| (1) | California Tiger Salamander (<i>Ambystoma tigrinum californiense</i>) (b) |
| (2) | California Red-legged Frog (<i>Rana aurora draytoni</i>) (b) |
| Reptiles | |
| | Giant Garter Snake (<i>Thamnophis couchi gigas</i>) (E)(b) |
| Invertebrates | |
| (1) | Cerro Aegialian Scarab Beetle (<i>Aigialia concinna</i>) (b) |
| (2) | San Joaquin Dune Beetle (<i>Coelus gracillis</i>) (a) |
| Plants | |
| (1) | Hispid bird's beak (<i>Cordylanthus mollis</i> subsp. <i>hispidus</i>) (b) |
| (2) | Delta Coyote Thistle (<i>Eryngium racemosum</i>) (b) |
| Legend | |
| (E) | Endangered (T) - Threatened (CH) - Critical Habitat |
| (a) | Category 1: Taxa for which the Fish and Wildlife Service has sufficient biological information to support a proposal to list as endangered or threatened. |
| (b) | Category 2: Taxa for which existing information indicated may warrant listing, but for which substantial biological information to support a proposed rule is lacking |

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Water

Future growth in Gustine will mean a greater water demand for urban uses, although with the conversion of agricultural land less water will be utilized for irrigation within the Sphere of Influence. Future development also means more paved surfaces and the reduction of recharge areas.

The City of Gustine will adopt policies that are consistent with the Water Quality Control Plan and will also promote the use of open space to preserve critical recharge areas to replenish groundwater resources.

Flood Control

As residential development occurs the inadequacy of the storm drainage facilities will increase. Current drainage flows toward low lands and in an actual flood could back up to flood the east side of town.

The City should establish its own programs for development and maintenance of drainage facilities in order to accommodate new development. As part of this program Gustine will secure a long-term agreement with CCID or other irrigation districts (if necessary) to accept storm water runoff in an emergency. The City will also prepare a Storm Drain Master Plan with designated drainage zones. In order to implement this, the city will require that new development pay for future amendments or additions to drainage zones, and current acquisition of detention basin sites, construction of pipelines and pump stations, and replacement of old catch basins, inverted siphons, and pump stations. Over and above new development, ongoing maintenance expenses may necessitate increases in user fees.

The City needs to define storm drainage zones to coincide with planning boundaries, negotiate and implement agreements with CCID and, where feasible, establish new detention basins in conjunction with parks.

Air Resources

As growth continues there is a potential for increased air pollutants and the further degradation of air quality. This will be a consideration in the approval and conditioning of new development.

Local implementation of California's Clean Air Act (AB 2595) may result in more restrictive mitigation measures for residential developments built after January 1989. This could include the reduction of fugitive dust during construction activity and the installation of EPA certified fireplace inserts to promote more efficient combustion.

Additionally there may be some new requirements for indirect source emissions (motor vehicles). In order to help achieve net emission reductions in Gustine and countywide transit services, non-motorized systems and local ridesharing services could be improved. (see Circulation Element).

Cultural Resources

As open land develops the potential for damaging or disturbing cultural resources becomes more likely. Disturbance or destruction of cultural resources may result from any type of activity that involves disturbing the earth or removing existing structures.

On-the-ground surveys for archaeological cultural resources are necessary prior to development. Major impacts to some types of archaeological cultural resources



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include residential development, agriculture (especially field leveling and deep "rip" plowing), highway and levee construction. Disturbance or destruction of cultural resources may result from any type of activity that involves disturbing the earth or removing existing structures. Before development of this type occurs, subsurface tests should be required to prevent the destruction or disturbance of cultural resources. Alluvial deposits have covered many archaeological sites in the Central Valley and these will not necessarily be evident by inspection of the ground surface alone.

Many archaeologists consider all types of archaeological sites to be significant, that is, they have the potential to produce information of value. Therefore all archaeological sites merit recordation, mapping and investigation at a degree sufficient to obtain essential information, especially if a site will be impacted directly or indirectly as a result of a proposed action or development. Assessment of the quality of significance should be made on a case-by-case basis, and not upon an arbitrary point score system or upon some other type of "cookbook" approach.

Historical Sites and Buildings

Historical sites and Buildings will be affected as the downtown commercial area is redeveloped. All historical buildings run the risk of being changed or destroyed if they are not recognized as important and listed on State and Federal registers.

The city believes that it would be appropriate to inventory local historic buildings and sites and select candidates for the State or National Registers to preserve some of Gustine's history.

RESOLUTION 2002-1816

**MAKING WRITTEN FINDINGS FOR SIGNIFICANT ENVIRONMENTAL EFFECTS,
A STATEMENT OF OVERRIDING CONSIDERATIONS
FOR UNAVOIDABLE ENVIRONMENTAL EFFECTS,
AND APPROVING THE MITIGATION MONITORING
PROGRAM REGARDING THE ADOPTION AND
IMPLEMENTATION OF THE CITY OF GUSTINE
GENERAL PLAN UPDATE**

WHEREAS, the City of Gustine, as Lead Agency, has certified as complete and adequate a Final Program Environmental Impact Report (FPEIR) prepared for the project pursuant to the California Environmental Quality Act (CEQA) describing and analyzing the significant environmental effects of adopting and implementing the update to the Gustine General Plan, including a discussion of ways to mitigate or avoid the significant effects as well as identifying those significant effects that cannot be avoided; and,

WHEREAS, the determinations and findings made herein by the City Council of the City of Gustine are supported by substantial evidence in the record including the policies and programs identified in the Draft Program EIR, all elements of the Final Program EIR including the Mitigation Measures and Mitigation Monitoring Program and the recommendations of the Planning Commission; and

WHEREAS, pursuant to CEQA and the CEQA Guidelines, prior to adopting and carrying out the project for which the PEIR was completed identifies one or more significant environmental effects, the City must make written findings for each of those significant environmental effects, accompanied by a brief explanation of the rationale for each finding; and

WHEREAS, the City Council is required to balance the benefits of a proposed project, including its economic and social benefits to all City residents, against its unavoidable environmental risks in determining whether to approve the project, and if the project's benefits outweigh the unavoidable adverse environmental effects the adverse effects may be considered "acceptable" due to these overriding considerations.

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF GUSTINE DOES HEREBY:

Section 1. Find that the Final PEIR has shown that there would be significant adverse environmental effects to agriculture, air quality and transportation/circulation, from adoption and implementation of the Gustine General Plan Update.

Section 2. Finds that the Final PEIR has identified those significant direct and indirect environmental effects of the adoption and implementation of the Gustine General Plan Update, including both project-level and cumulative impacts, and those significant effects are identified

in Exhibit "A".

Section 3. Finds that the Final EIR has described reasonable alternatives to the project capable of either eliminating any significant environmental effects or reducing them to a level of insignificance and that these project alternatives have been reviewed and considered by the Council in regards to their feasibility of obtaining the basic objectives of the project.

Section 4. Finds that all feasible changes or alterations have been required in, or incorporated into, the project, including specific project standards, and specifications, which eliminate, avoid or substantially lessen the potential significant environmental effects that have been identified in the Final PEIR.

Section 5. Finds that certain significant environmental effects identified in the Final PEIR and listed in Final EIR (Table 1.2) have not been, or are unable to be, completely mitigated or eliminated and therefore require adoption of a Statement of Overriding Considerations by the Council.

Section 6. Finds that it is necessary to adopt a monitoring and reporting program for the mitigation measures that are proposed and adopted herein in order to mitigate or avoid significant effects on the environment during project implementation.

BE IT FURTHER RESOLVED THAT THE CITY COUNCIL:

Section 7. Hereby adopts one or more written findings for each of those potential significant effects identified in the Final PEIR pursuant to the C.G.C. §21083 and that this information is contained in Exhibit "A".

Section 8. Hereby adopts a Statement of Overriding Considerations for those potential significant environmental effects that have been found to be unavoidable but are acceptable due to overriding concerns and that this information is contained in Exhibit "A".

Section 9. Hereby adopts a Mitigation Monitoring and Reporting Program for those mitigation measures and policies that have been identified and adopted in order to mitigate, lessen or avoid certain significant effects on the environment, as contained in Exhibit "A".

This Resolution shall become effective immediately upon its passage and adoption.

Gustine General Plan Update Project Statement of Facts and Findings
and Statement of Overriding Considerations

PASSED AND ADOPTED by the City Council of the City of Gustine on this 4th day
of February, 2002 by the following vote:

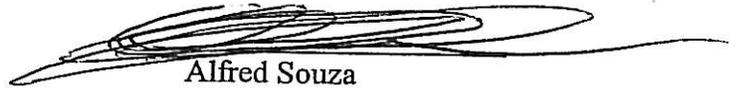
AYES: COUNCIL MEMBERS: Bonta, Garcia and Souza

NOES: COUNCIL MEMBERS: Ford and Mayor Souza

ABSTAIN: COUNCIL MEMBERS: None

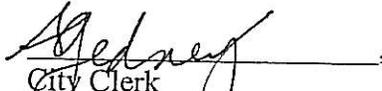
NOT PARTICIPATING: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None



Alfred Souza
Mayor of the City of Gustine

ATTEST:


City Clerk
City of Gustine
County of Merced

Residual significant and unavoidable impacts to regional air quality are acceptable in light of the following environmental, social, economic and other considerations:

- a. The *Gustine General Plan Update* is a comprehensive long-term guide to growth and development expected within the Gustine urban area. Implementation of its policies and programs are necessary to the long-term economic health of the region, including the agricultural sector of the economy.
- b. The City of Gustine is a center of trade and commerce for the area and within its urban limits, many essential agricultural product manufacturing facilities exist which are essential to the overall economic health of regional agriculture. The *Gustine General Plan Update* supports the growth and expansion of these industries to the benefit of the entire regional agricultural industry.
- c. The City of Gustine provides goods and services that are essential for the long-term health of the region's agricultural economy. The *Gustine General Plan Update* guides the growth and development of the agricultural goods and services sector of the economy in such a fashion as to assure their long-term viability to the benefit of the regional economy.
- d. The *Gustine General Plan Update* promotes compact urban development that minimizes the need for urban expansion in other agricultural areas of the region. The compact urban form promotes the efficient delivery of public services and utilities and can reduce the extent of future agricultural land loss to less compact forms of urbanization in the region.

3. Transportation and Circulation Overriding Considerations

Although the development of the *Gustine General Plan Update* will contribute to the congestion on Highway 33, particularly that segment of the Highway that merges with Highway 140. Development impacts resulting from this growth, both in the City and the region, will result in increased transportation and traffic impacts region-wide. This impact will be particularly high along the Highway 33 Corridor. Traffic volume north of Gustine, between Gustine and Newman on Highway 33 is about 7,100 ADT. This number is projected to increase to nearly 36,000 ADT by the year 2020. At the same time, Highway 33 traffic south of Gustine will increase from 5,200 to nearly 15,600 ADT. Highway 140 traffic to the east of the City will increase from 3,900 to 7,000 between 2001 and 2020 however, increased congestion will be significant on that segment between the intersection of Highway 33/140 and Highway 140/East Avenue. To the south of town, traffic taking Highway 140 to the I-5 Interchange will increase from a present level of 1,100 to over 12,900 ADT by the year 2020.

Some of this traffic will be generated by growth and development within the City of Gustine and reflects the commuter nature of the region's housing. Some of this growth, will also be the result of the overall growth occurring in the Westside of the San Joaquin Valley from Tracy to Los Banos; most of which is served by Highway 33 and Interstate 5.

Exhibit "A"

STATEMENT OF FACTS AND FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

GUSTINE GENERAL PLAN UPDATE & PROGRAM ENVIRONMENTAL IMPACT REPORT

The City of Gustine City Council, based on its independent judgment, finds and declares that the Program Environmental Impact Report (PEIR) for the *Gustine General Plan Update* has been completed in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The City Council finds and certifies that the Program EIR was presented to the City Council and that the City Council reviewed and considered the information contained in the Program EIR before acting on the project.

Based on its review of the Program EIR, the City Council finds that the Program EIR is an adequate assessment of the potentially significant environmental impacts of the *Gustine General Plan Update*, and represents the independent judgment of the City Council, and sets forth an adequate range of alternatives to this project. The Final Program EIR is composed of the following elements:

- a. **Draft Program Environmental Impact Report** for the *Gustine General Plan Update*.
- b. **Final Program Environmental Impact Report** that includes edited text of the *Draft Program Environmental Impact Report*, comments and responses to comments to the *Draft Program Environmental Impact Report*.

I. PROJECT DESCRIPTION

The *Gustine General Plan Update* is a long-range plan intended to guide growth and development of the City. The *Gustine General Plan Update* contains a comprehensive set of goals and policies that establish the planning philosophy that will direct future City growth. To achieve its purpose of providing for future population growth, the plan contains land use policies that provide adequate area for housing, employment and commercial activities. The plan also contains policies and standards for the provision of public services and infrastructure necessary to support future population growth. Beyond the physical needs of future population growth, the plan contains design and open space provisions.

II. POTENTIALLY SIGNIFICANT IMPACTS

This section identifies the potentially significant impacts of the project, references the mitigation measures required of the project, and makes one of the three findings for each potentially significant impact. Section 15091 of the State CEQA Guidelines requires that one or more of the following findings be made for each significant environmental effect:

1. “Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.”
2. “Changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.”
3. “Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.”

A. AESTHETICS

Finding: Aesthetic impacts resulting growth and development is insignificant by normal operation of the City’s development review process. On the basis of the discussion in Section 3.2 of this FEIR, the impact is determined to be *less than significant*.

B. AGRICULTURAL RESOURCES

Finding: Agricultural Resource impacts are significant as a result of implementation of the General Plan policies that will result in the conversion of “prime” agricultural soils to non-agricultural uses. All reasonable mitigation policy has been proposed in the General Plan in an effort to reduce this impact to a less than significant level. On the basis of the discussion in Section 3.3 of this FEIR, the impact is determined to be a *Significant and Unavoidable Impact*.

C. AIR QUALITY

Finding: Air Quality impacts are significant as a result of implementation of the General Plan policies that will result in generating emissions that will contribute to the cumulative deterioration of the regional air quality. All reasonable mitigation policy has been proposed in the General Plan in an effort to reduce this impact to a less than significant level. On the basis of the discussion in Section 3.4 of this FEIR, the impact is determined to be a *Significant and Unavoidable Impact*.

D. BIOLOGICAL RESOURCES

Finding: Biological Resources impacts resulting growth and development is insignificant by normal operation of the City’s development review process and the requirements of state and federal laws. On the basis of the discussion in Section 3.5 of this FEIR, the impact is determined to be *less than significant*.

E. CULTURAL RESOURCES

Finding: Cultural Resource impacts of growth and development is insignificant by normal operation of the City’s development review process. On the basis of the discussion in Section 3.6 of this FEIR, the impact is determined to be *less than significant*.

F. GEOLOGY AND SOILS

Finding: Geology and Soils impacts are regulated by normal development review practices within the project area. On the basis of the discussion in Section 3.7 of this FEIR the impact is determined to be *less than significant*.

G. HAZARDS AND HAZARDOUS MATERIALS

Finding: Hazards and Hazardous Materials impacts of growth and development is insignificant by normal operation of the City's development review process and the requirements of state, federal and local regulations regarding hazards and hazardous materials. On the basis of the discussion in Section 3.8 of this FEIR, the impact is determined to be *less than significant*.

H. HYDROLOGY AND WATER QUALITY

Finding: Hydrology and Water Quality impacts are not expected to result from the implementation of the General Plan and its policies. On the basis of the discussion in the Section 3.9 of this FEIR, the impact is determined to be *less than significant*.

I. LAND USE AND PLANNING

Finding: Land Use and Planning impacts are not significant as a result of implementation of the General Plan in accordance with State law and the General Plan Guidelines. On the basis of the discussion in Section 3.10 of this FEIR, the impact is determined to be *less than significant*.

J. MINERAL RESOURCES

Finding: Mineral Resources impacts are not significant due to fact that there are no mineral resources known to exist within the Gustine Planning Area. On the basis of the discussion in Section 3.11 of this FEIR, the impact is determined to be *less than significant*.

K. NOISE

Finding: Noise impacts are not significant as a result of implementation of the General Plan in accordance with State law, the General Plan Guidelines and state regulations regarding noise. On the basis of the discussion in Section 3.12 of this FEIR, the impact is determined to be *less than significant*.

L. POPULATION AND HOUSING

Finding: Population and Housing impacts are not significant as a result of implementation of the General Plan. On the basis of the discussion in Section 3.13 of this FEIR, the impact is determined to be *less than significant*.

M. PUBLIC SERVICES

Finding: Public Services impacts are not significant as a result of implementation of the General Plan. On the basis of the discussion in Section 3.14 of this FEIR, the impact is determined to be *less than significant*.

N. RECREATION

Finding: Recreation impacts are not significant as a result of implementation of the General Plan. On the basis of the discussion in Section 3.15 of this FEIR, the impact is determined to be *less than significant*.

O. TRANSPORTATION AND TRAFFIC

Finding: Transportation and Traffic impacts are significant as a result of implementation of the General Plan policies that will result in the contribution of traffic that will result in the creation of an unacceptable levels of service (LOS) along the Highway 33 and 140 corridors. All reasonable mitigation policy has been proposed in the General Plan in an effort to reduce this impact to a less than significant level. On the basis of the discussion in Section 3.16 of this FEIR, the impact is determined to be a *Significant and Unavoidable Impact*.

P. PUBLIC UTILITY AND SERVICE SYSTEMS

Finding: Utilities and Service Systems impacts are not significant as a result of implementation of the General Plan. On the basis of the discussion in Section 3.17 of this FEIR, the impact is determined to be *less than significant*.

III. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA Guidelines Section 15093, the City Council adopts and makes the following **Statement of Overriding Considerations** regarding the remaining unavoidable impacts resulting from the adoption and implementation of the *Gustine General Plan Update*.

A. FINDINGS AND STATEMENT

1. Overriding Considerations

The unavoidable impacts to regional Air Quality, the conversion of Agricultural Land to urban uses and increased traffic and congestion, resulting in implementation of the *Gustine General Plan Update*, are acceptable as can be expected in light of the environmental, social, economic and other considerations set forth herein because benefits of the Project- the General Plan Update - outweigh any significant and adverse impact of the Project.

2. Project Alternatives

The *Gustine General Plan Update* alternatives set forth in the Draft PEIR would not modify or minimize the identified significant adverse impacts to Air Quality, Agricultural resource loss or Transportation and Circulation impacts and could result in creating other substantial or significant adverse impacts on other elements of environmental concern. As a result, project alternatives are impractical in part because such alternatives would not reduce identified environmental impacts. Furthermore, these alternatives, if implemented, would prohibit the attainment of specific social, economic and other benefits of the Project that the City Council finds outweigh any environmental advantages of the Project alternatives.

B. DESCRIPTION OF OVERRIDING CONSIDERATIONS

The City finds that the following social, economic and other considerations warrant approval of the *Gustine General Plan Update*. Notwithstanding, significant adverse unmitigated impacts to

Air Quality, Agricultural land losses and Transportation and Circulation impacts resulting from the implementation of the Project, the City Council finds that each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the Project outweigh its significant unavoidable adverse environmental impacts and is an overriding consideration warranting approval of the Project. These matters are supported by the evidence in the record that includes, but is not limited to, the *Gustine General Plan Update* and its Program EIR.

1. Air Quality Overriding Considerations

Although the development of the *Gustine General Plan Update* is expected to increase air emissions thereby contributing to the overall reduction in air quality in the region, all feasible design mitigation measures have been incorporated into the project to reduce these impacts to the maximum degree possible. Residual significant and unavoidable impacts to regional air quality are acceptable in light of the following environmental, social, economic and other considerations:

- a. The *Gustine General Plan Update* contains policies, programs and land use concepts of small rural farm service communities and a land use plan that incorporates various land uses (i.e. commercial, residential, public and industrial) in such a fashion as to minimize pollution from unnecessary emission generating vehicular trips.
- b. As a guide to future growth and development in the City of Gustine, the *Gustine General Plan Update* accommodates future growth in the most efficient manner possible given the state of modern transportation technology and the foreseeable innovations possible in the movement of people and goods.
- c. State law requires Cities and Counties to adopt and implement a comprehensive general plan as a guide to future growth and development. The *Gustine General Plan Update* complies with the requirements of state law and adequately provides for anticipated future growth needs of the Gustine urban area.
- d. The *Gustine General Plan Update* promotes development densities and intensities of use that make feasible the development of regional infrastructure which is expected to cumulatively improve regional traffic and circulation patterns and reduce emission causing congestion over the long-term.
- e. Implementation of the growth strategies contained in the *Gustine General Plan Update* is necessary for the improvement of the overall social, economic and environmental character of the City and the region as a whole.

2. Agricultural Land Loss Overriding Considerations

Although the development of the *Gustine General Plan Update* will result in the conversion of important (Prime) agricultural soils to non-agricultural uses and extend urban uses into an area presently reserved for agriculture, all feasible mitigation measures have been incorporated into the project to reduce these impacts to the maximum degree possible.

Residual significant and unavoidable impacts to Transportation and Circulation systems in the City of Gustine are acceptable in light of the following environmental, social, economic and other considerations:

- a. The *Gustine General Plan Update* is a comprehensive long-term guide to growth and development expected within the Gustine urban area. Implementation of its policies and programs are necessary to the long-term economic health of the region, including the agricultural sector of the economy.
- b. The City of Gustine is a center of trade and commerce for the area and within its urban limits, many essential agricultural product manufacturing facilities exist which are essential to the overall economic health of regional agriculture. The *Gustine General Plan Update* supports development of transportation and circulation systems that serve these industries to the benefit of the entire regional agricultural industry.
- c. Within the City of Gustine, State Highways 33 and 140 meet and converge. These two state highways are regionally important traffic corridors providing access in both north-south and east-west regional service centers of Merced, Los Banos, Tracy and metropolitan service centers in the Bay Area Tri-Valley Region. The *Gustine General Plan Update* guides the growth and development of the City and integrates local and regional circulation systems to provide for the development of the optimum, most cost effective, circulation and transportation plan.
- d. The *Gustine General Plan Update* promotes compact urban development that minimizes the need for expensive transportation and circulation systems. The compact urban form promotes the efficient circulation and public transportation systems.

Pursuant to Section 15093 of the CEQA Guidelines, the City Council finds that although “significant” adverse impacts are likely to result from the implementation of the *Gustine General Plan Update*, there are social, environmental and economic merits of the project which more than balance these adverse environmental effects.

CEQA-NOTICE OF DETERMINATION

This Notice is being filed in accordance with CEQA Guidelines

City of Gustine General Plan Update

Project Title
SCH# 2000082129

State Clearinghouse Number
City of Gustine

Project Location (Address)
Merced County

Project Location- City

Project Location - County

Contact: Ms. Amy S. Gedney, City Manager, City of Gustine 682 3rd Ave. Gustine, CA 95322

Project Description:

An update to the Gustine General Plan including the Land Use, Transportation & Circulation, Public Services & Facilities, Housing, Noise, Open Space, Safety, and Conservation Elements.

This is to advise that the City of Gustine as lead agency, approved the above described project on _____ and has made the following determinations regarding the above described project:

- 1. The project: will have a significant effect on the environment.
 will not have a significant effect on the environment.
- 2. An Environmental Impact Report (EIR) was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration (ND) was prepared for this project pursuant to the provisions of CEQA.
- 3. Mitigation Measures: were made a condition of approval of the project.
 were not made a condition of approval of the project.
- 4. A statement of Overriding Consideration: was adopted for this project.
 was not adopted for this project.

This is to certify that the Final EIR with comments and responses and record of project approval is available to the public at: The Gustine City Hall, City of Gustine 682 3rd Ave. Gustine, CA 95322


Signature
Amy S. Gedney
Gustine City Manager

2/5/02
Date

