

RESOLUTION NO. 2023-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE EAST SIDE REGIONAL PARK & GROUNDWATER RECHARGE PROJECT THAT INCLUDES GENERAL PLAN AMENDMENT NO. 2021-16 AND ANNEXATION NO. 2021-02; STATE CLEARINGHOUSE NO. 2014121076.

WHEREAS, the City Council of the City of Visalia has reviewed and considered the Final Environmental Impact Report prepared on the East Side Regional Park & Groundwater Recharge Project that includes General Plan Amendment No. 2021-16 and Annexation No. 2021-02 (“Final EIR”); and,

WHEREAS, the Draft Environmental Impact Report (“Draft EIR”) was released on February 2, 2023, for circulation for a period of 45 days; and,

WHEREAS, the Final EIR was released on October 9, 2023, 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 significant environmental points raised in the review and consultation process; errata to the foregoing; and other information added by the City of Visalia as specified in the record; and,

WHEREAS, the Final EIR analyzes and evaluates a series of actions for approval and development of a project (i.e., “Project”) that will co-locate city-wide/regional park amenities for both passive and active recreational uses, amongst functional groundwater recharge/storm water layoff basins. The Project would allocate approximately 148 acres for park uses and approximately 104 acres for recharge/storm water facility purposes. The approval actions analyzed in the Final EIR include amendments to the Visalia General Plan, annexation of certain property to the City of Visalia, and approvals of discretionary and non-discretionary permits from the City of Visalia and various Responsible Agencies; and,

WHEREAS, the Planning Commission of the City of Visalia, after ten (10) days published notice, held a public hearing on the Final EIR and the Project on October 23, 2023; and,

WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice, held a public hearing on the Final EIR and the Project on November 20, 2023; 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 which identifies one or more significant effects, the decision-making agency make certain findings regarding those effects.

NOW, THEREFORE, BASED UPON THE ENTIRE RECORD OF THE PROCEEDINGS, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VISALIA AS FOLLOWS:

1. That the City Council has reviewed the recommendation of the staff.

2. That the Final EIR, including a Summary of Environmental Impacts, Mitigation Measures and Residual Impacts as set forth in Exhibit "A" for the Project are adequate and have been completed in compliance with CEQA and the State CEQA Guidelines.
3. That the City Council has independently reviewed and considered the information contained in the Final EIR, including the Summary of Environmental Impacts, Mitigation Measures and Residual Impacts (Exhibit "A"), prior to approving the Project.
4. That the City Council finds on the basis of the whole record before it, including the Final EIR, Summary of Environmental Impacts, Mitigation Measures and Residual Impacts, any oral or written comments received, and Findings of Fact (contained in Exhibit "B"), that there is no substantial evidence in the record that the Project will have a significant effect on the environment with the exception of those to Agricultural and Forestry Resources and Transportation/Traffic.
5. Finds on the basis of the whole record before it, including the Final EIR, Summary of Environmental Impacts, Mitigation Measures and Residual Impacts, any oral or written comments received, and Findings of Fact (contained in Exhibit "B"), that the Project's Significant and Unavoidable impacts to Agriculture and Forestry Resources and Transportation/Traffic cannot be reasonably or feasibly mitigated to less than significant and will remain significant and unavoidable for the foreseeable future and therefore require, pursuant to CEQA, adoption of the Statement of Overriding Considerations contained in Exhibit "B".

BE IT FURTHER RESOLVED that the Planning Commission hereby recommends that the City Council adopt the following facts, findings, and Statement of Overriding Considerations contained in Exhibit "B", and in doing so, hereby recommends that the City Council determines that the Final EIR prepared for the Project is adequate and complete pursuant to the requirements of the California Environmental Quality Act, and certifies it.

EXHIBIT "A"

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Monitoring and Reporting Program

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings in Chapter 3 – Impact Analysis of this EIR. The MMRP lists mitigation measures recommended for the Project and identifies monitoring and reporting requirements and responsible parties.

Table 4-1 presents the mitigation measures identified for the Project. Each mitigation measure is numbered with a symbol indicating the topical section to which it pertains, a hyphen, and the impact number. For example, BIO-1 would be the first mitigation measure identified in the Biological Resources analysis of the EIR.

The first column of **Table 4-1** identifies the mitigation measure. The second column, entitled “When Monitoring is to Occur,” identifies the time the mitigation measure should be initiated. The third column, “Frequency of Monitoring,” identifies the frequency of which the monitoring of the mitigation measure should occur. The fourth column, “Agency Responsible for Monitoring,” names the party responsible for ensuring that the mitigation measure is properly implemented. The last columns will be used by the City of Visalia (City) as a check-off tool to ensure that and when individual mitigation measures have been complied with and monitored.

Table 4-1. Mitigation and Monitoring Reporting Program

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
Biological Resources					
BIO – 1a: (WEAP Training)					
<ul style="list-style-type: none"> • Prior to initiating construction activities (including staging and mobilization), all personnel associated with Project construction shall attend mandatory Worker Environmental Awareness Program (WEAP) training, conducted by a qualified biologist, to aid workers in identifying special status resources that may occur in the Project area. • The specifics of this program shall include identification of the sensitive species and suitable habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. • This training will specifically discuss the conservation status of the California condor, in addition to all other special status species, describe the laws and regulations in place to provide protection of these species, identify the penalties for violation of applicable environmental laws and regulations, and a list of required protective measures to avoid “take.” • A fact sheet conveying this information, along with photographs or illustrations of sensitive species with potential to occur on-site, shall also be prepared for distribution to all contractors, their employees, and all other personnel involved with construction of the Project. 	Prior to initiating construction activities	Once	City of Visalia	Submittal of WEAP training attendance form	

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Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
<ul style="list-style-type: none"> All employees shall sign a form documenting that they have attended WEAP training and understand the information presented to them. 					
BIO – 2: (Construction Operational Hours)					
<ul style="list-style-type: none"> Construction shall be conducted during daylight hours to reduce disturbance to wildlife that could be foraging within work areas. 	During construction activities	Continuously	City of Visalia	Permit condition	
BIO – 3: Best Management Practices (BMPs)					
<ul style="list-style-type: none"> The Project proponent will ensure that all workers employ the following best management practices (BMPs) in order to avoid and minimize potential impacts to special status species: 			City of Visalia		
BIO – 3a: Best Management Practices (BMPs)					
<ul style="list-style-type: none"> Vehicles shall observe a 15-mph speed limit while on unpaved access routes. 	During construction activities	Continuously	City of Visalia	Signs posted	
BIO – 3b: Best Management Practices (BMPs)					
<ul style="list-style-type: none"> Workers shall inspect areas beneath parked vehicles prior to mobilization. If special status species are detected beneath vehicles, the individual will either be allowed to leave of its own volition or will be captured by the qualified biologist (must possess appropriate collecting/handling permits) and relocated out of harm's way to the nearest suitable habitat beyond the influence of the Project work area. “Take” of listed (rare, threatened, or endangered) is prohibited. If a listed species is observed within the Project area, the biologist will stop work and contact the 	During construction activities	Continuously	City of Visalia	Permit condition	

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Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
appropriate regulatory agency (CDFW and/or USFWS) for guidance on appropriate avoidance measures if a listed species is observed within or near the Project area during preconstruction surveys.					
BIO – 3c: Best Management Practices (BMPs)					
<ul style="list-style-type: none"> The presence of any special status species and/or any wildlife mortalities will be reported to the Project’s designated biologist and the appropriate regulatory agencies (CDFW, USFWS, etc.). 	When special status species and/or any wildlife mortalities are present	Continuously	City of Visalia	Submission of report to City of Visalia	
BIO – 4: Avoidance					
<ul style="list-style-type: none"> The Project construction activities shall occur, if feasible, between September 1 and January 31 (outside of nesting bird season) in an effort to avoid impacts to listed species. 	During construction planning	Once	City of Visalia	Issuance of Building Permit	
BIO – 5: Pre-Construction Survey					
<ul style="list-style-type: none"> A qualified biologist shall conduct pre-construction surveys specific to the following species: Swainson’s hawk, white-tailed kite, tricolored blackbird, northern harrier, burrowing owl, loggerhead shrike, pallid bat, western mastiff bat, and American badger. 			City of Visalia		

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BIO – 5a: Nesting Birds					
<ul style="list-style-type: none"> • If activities must occur within nesting bird season (February 1 to August 31), the survey shall include the proposed work area and surrounding lands within 0.5 miles for Swainson’s hawk and within 500 feet for all other nesting birds. • If no active nests are observed, no further mitigation is required. • Raptor nests are considered “active” upon the nest-building stage. • All other nests are considered “active” by the presence of eggs or young. 	If construction activities occur between February 1 and August 31	Once	City of Visalia	Submittal of preconstruction survey report	
BIO – 5b: Animal Species					
<ul style="list-style-type: none"> • A pre-construction survey of Project areas within 30 days prior to vegetation clearing or ground disturbing activities. • Environmentally sensitive areas will be flagged for avoidance. • If suitable habitat for regionally occurring special status species are detected upon pre-construction surveys, construction monitoring will be required. 	Within 30 days prior to vegetation clearing or ground disturbing activities	Once, when construction commences and recommences	City of Visalia	Submittal of preconstruction survey report	
BIO – 6: Establish Buffers					
<ul style="list-style-type: none"> • On discovery of any active nests or listed species near work areas, the biologist shall determine appropriate construction setback distances based on applicable CDFW and/or 	On discovery of any active nests or listed species near work areas	Continuously, until construction is complete	City of Visalia	Submittal of preconstruction survey report	

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USFWS guidelines and/or the biology of the species in question. <ul style="list-style-type: none"> Construction buffers shall be identified with flagging, fencing, or other easily visible means, and shall be maintained until the biologist has determined that the nestlings have fledged, or construction has finished in that area. 					
BIO – 7: Monitor					
<ul style="list-style-type: none"> A qualified biologist will conduct a pre-activity clearance survey each day and remain on-site to oversee all vegetation clearing and ground disturbing activities conducted within suitable habitat for special status species that were identified in the pre-construction surveys (BIO 5 a-b). The biological monitor must possess required collecting/handling permits. If a special status species is observed within Project areas, the biologist will stop work order and the individual will either be allowed to leave of its own volition or will be captured by the qualified biologist and relocated out of harm's way to the nearest suitable habitat beyond the influence of the Project work area. “Take” of listed (rare, threatened, or endangered) is prohibited. If a listed species is observed within the Project area, the biologist will stop work and 	During construction activities	Continuously, until construction is complete	City of Visalia	Submittal of preconstruction survey report	

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Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
contact the appropriate regulatory agency (CDFW and/or USFWS) for guidance on how to proceed.					
BIO – 8: (Mitigation Fees or Replacement Planting)					
<ul style="list-style-type: none"> Should avoidance of valley oak trees not be possible, the City will comply with the permitting requirements of the Oak Tree Preservation Ordinance and will mitigate the loss consistent with the provisions of the Oak Tree Mitigation Policy. 	If avoidance of valley oak trees is not possible	Continuously, until construction is complete	City of Visalia	Permit conditions of Oak Tree Preservation Ordinance	
CULTURAL RESOURCES					
CR-1					
<ul style="list-style-type: none"> If, in the course of project construction or operation, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within one hundred (100) feet of the find shall be ceased and the City of Visalia shall be notified immediately. The project proponent shall retain a qualified archaeologist to assess the significance of the find and make mitigation recommendations, if warranted. The archaeologist shall document the resources using DPR 523 forms and file said forms with the California Historical Resources Information System (CHRIS). The resources shall be photo-documented and collected by the archaeologist for submittal. The archaeologist shall be required to submit to the County for review and approval a report of the findings 	During project construction or operation	Continuously	City of Visalia	Submittal of DPR 523 form	

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
and method of curation or protection of the resources. Further grading or site work within the area of discovery shall not be allowed until the preceding steps have been taken.					
CR-2					
<ul style="list-style-type: none"> Prior to the issuance of grading permits, a Paleontological Resource Impact Mitigation Program (PRIMP) will be prepared by a qualified professional paleontologist who meets the SVP (2010) standards for Project Paleontologist because of the likelihood of vertebrate fossils. The PRIMP will utilize the results of the paleontological technical memo refined by the results of geotechnical borings to specify the steps to be taken to mitigate impacts to paleontological resources. 	If human remains are uncovered or discovered	Continuously	City of Visalia		
CR-3					
<ul style="list-style-type: none"> A Paleontological Resources - Worker Environmental Awareness Program (WEAP) training will be prepared prior to the start of Project-related ground disturbance and presented in person to all on-site construction personnel to inform them of the types of fossils that may be found and the procedures to follow if any are encountered. 	Prior to any ground disturbance/construction activity	Continuously	City of Visalia		

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Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
CR-4					
<ul style="list-style-type: none"> If human remains are uncovered, or in any other case where human remains are discovered, the Tulare County Coroner is to be notified to arrange their proper treatment and disposition. If the remains are identified – on the basis of archaeological context, age, cultural associations, or biological traits – as those of a Native American, California Health and Safety Code 7050.5 and Public Resources Code 5097.98 require that the coroner notify the NAHC within 24 hours of discovery. The NAHC will then identify the Most Likely Descendent who will be afforded an opportunity to make recommendations regarding the manner in which the remains are treated. 	If human remains are uncovered or discovered	Continuously	City of Visalia	Notification of County Coroner and NAHC	
NOISE					
NOI-1					
<ul style="list-style-type: none"> Use of softball, baseball, and soccer fields shall be limited to the hours of 7:00 am – 7:00 pm. 	Once Phase 2 is operational	Continuously	City of Visalia	Permit condition	

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
NOI-2					
<ul style="list-style-type: none"> Construction of an 8-foot sound wall along residential boundary of homes directly to the west of Project site (see Figure 3-19 for approximate location). The sound wall material should consist of concrete block (8 in. x 8 in. x 16 in.), dense concrete (4 in. thick), or light concrete (4 in. to 6 in. thick). The wall shall provide breaks to allow for flood waters to pass through. 	<p>Prior to construction of Phase 2</p> <p>Prior to construction of Phase 3 if NOI-3 is not selected.</p>	Once	City of Visalia	Issuance of final inspection	
NOI-3					
<ul style="list-style-type: none"> Reorient the amphitheater to the northeast. Grade the amphitheater stage to be at same grade or level than the sensitive receptors to the west. 	Prior to construction of Phase 3 and NOI-2 is not selected	Once	City of Visalia	Approval of site plan modification	
NOI-4					
<ul style="list-style-type: none"> Vibration Monitoring will be conducted during construction of Phases 1, 2, and 3 of the Project when directly adjacent to a sensitive receptor (at Project boundary). Vibration will be monitored along the perimeter of the construction area and at varying distances. A vibration criterion of 0.5 inches per second (in/sec) peak particle velocity (PPV) is proposed as the applicable action threshold criteria for ground-borne vibration measurement during proposed remedial construction activities. 	During project construction when adjacent to sensitive receptor	Continuously	City of Visalia	Submittal of tabulated analysis	

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
<ul style="list-style-type: none"> The 0.5 in/sec PPV criterion has been established by the United States Bureau of Mines as the threshold above which damage to interior plaster walls may occur. This criterion has become recognized by industry as the threshold for the onset of vibration damage to typical residential structures. Collected vibration monitoring results will be compared to the vibration criterion. The results will also be tabulated and reviewed on a weekly basis to assess trends and formulate the basis for mitigation measures, if required. 					
Traffic					
TR-1 – Lovers Lane at Mineral King Avenue					
<ul style="list-style-type: none"> Widen the northbound approach to 1 left turn lane, 2 through lanes, and 1 right turn lane (adding 1 right turn lane) Widen the southbound approach to 2 left turn lanes and 2 through lanes with a shared right (adding 1 left turn lane) 	Prior to operation of Phase 2	Once	City of Visalia	Completion of mitigation measure	
TR-2 –SR 198 WB Ramps at Mineral King Avenue					
<ul style="list-style-type: none"> Widen the northbound approach to 1 left turn lane and 1 right turn lanes (adding 1 right turn lane) Widen the eastbound approach to 1 through lane and 1 right turn lane (adding 1 right turn lane) 	Prior to operation of Phase 2	Once	City of Visalia	Completion of mitigation measure	

Mitigation Monitoring and Reporting Program					
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<ul style="list-style-type: none"> Widen the westbound approach to 1 left turn lane and 1 through lane (adding 1 left turn lane) 					
Cumulative Year 2040 Mitigation Measures					
TR – 3 – Lovers Lane at Mineral King Avenue					
<ul style="list-style-type: none"> Cumulative Year 2040 Without Project and Cumulative Year 2040 Plus Project scenarios: <ul style="list-style-type: none"> Widen the northbound approach to 1 left turn lane, 2 through lanes, and 1 right turn lane (adding 1 right turn lane) Widen the southbound approach to 2 left turn lanes and 2 through lanes with a shared right (adding 1 left turn lane) Widen the eastbound approach to 1 left turn lane, 1 through lane, and 1 right turn lane (adding 1 right turn lane) Widen the westbound approach to 1 left turn lane, 1 through lane, and 1 right turn lane (adding 1 right turn lane) 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	
TR – 4 – Lovers Lane at SR 198 EB Ramps					
<ul style="list-style-type: none"> Cumulative Year 2040 Without Project and Cumulative Year 2040 Plus Project scenarios: <ul style="list-style-type: none"> Widen the northbound approach to 2 through lanes and 1 right turn lane (adding 1 right turn lane) Widen the eastbound approach to 2 left turn lanes and 1 right turn lane (adding 1 left turn lane) 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
TR-5 – SR 198 WB Ramps at Mineral King Avenue					
<ul style="list-style-type: none"> Cumulative Year 2040 Without Project and Cumulative Year 2040 Plus Project scenarios: <ul style="list-style-type: none"> Install Traffic Signal Widen the northbound approach to 1 left turn lane and 1 right turn lanes (adding 1 right turn lane) Widen the eastbound approach to 1 through lane and 1 right turn lane with overlap phasing (adding 1 right turn lane) Widen the westbound approach to 1 left turn lane and 1 through lane (adding 1 left turn lane) 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	
TR -6 – McAuliff Street and Mineral King Avenue					
<ul style="list-style-type: none"> Cumulative Year 2040 Without Project and Cumulative Year 2040 Plus Project scenarios: <ul style="list-style-type: none"> Widen the westbound approach to 1 through and 1 right turn lane (adding 1 right turn lane) 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
TR-7 – Road 152 and Mineral King Avenue					
<ul style="list-style-type: none"> Cumulative Year 2040 Without Project and Cumulative Year 2040 Plus Project scenarios: <ul style="list-style-type: none"> Widen the southbound approach to 1 left turn and 1 right turn lane (adding 1 right turn lane) Widen the eastbound approach to 1 left turn lane and 1 through lane (adding 1 left turn lane) Widen the westbound approach to 1 through lane and 1 right turn lane (adding 1 right turn lane) 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	
TR-8 – Noble Avenue and SR 198 EB Ramps					
<ul style="list-style-type: none"> Cumulative Year 2040 Without Project and Cumulative Year 2040 Plus Project scenarios: <ul style="list-style-type: none"> Install Traffic Signal Widen the westbound approach to 1 through lane and 1 right turn lane (adding 1 right turn lane) 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	
TR-9 – Road 156 and Mineral King Avenue					
<ul style="list-style-type: none"> Cumulative Year 2040 Without Project and Cumulative Year 2040 Plus Project scenarios: <ul style="list-style-type: none"> Widen the northbound approach to 2 left turn lanes and 1 through lane with a shared right (adding 1 left turn lane) Widen the eastbound approach to 1 left turn lane, 1 through lane, and 1 right turn 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	

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lane with overlap phasing (adding 1 right turn lane)					
TR-10 – Road 156 and Noble Avenue					
<ul style="list-style-type: none"> Cumulative Year 2040 Without Project and Cumulative Year 2040 Plus Project scenarios: <ul style="list-style-type: none"> Widen the northbound approach to 2 left turn lanes and 1 through lane with a shared right (adding 1 left turn lane) Widen the eastbound approach to 1 left turn lane, 1 through lane, and 1 right turn lane with overlap phasing (adding 1 right turn lane) 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	
TR-11 – SR 198 WB Off Ramp and Mineral King Avenue					
<ul style="list-style-type: none"> Cumulative Year 2040 Without Project and Cumulative Year 2040 Plus Project scenarios: <ul style="list-style-type: none"> Widen the westbound approach to 2 through lanes (adding 1 through lane) 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	
TR-12 – Road 156					
<ul style="list-style-type: none"> Cumulative Year 2040 Without Project and Cumulative Year 2040 Plus Project scenarios: <ul style="list-style-type: none"> South of Noble Avenue <ul style="list-style-type: none"> Widen the segment from 2 to 4 travel lanes (adding 1 travel lane in each direction) 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
SR 198 Ramp Junctions					
TR-13 - SR 198 EB Off Ramp to Lovers Lane					
<ul style="list-style-type: none"> • Cumulative Year 2040 Without Project and Cumulative Year 2040 Plus Project scenarios: <ul style="list-style-type: none"> ○ Widen the SR 198 mainline from 2 to 3 travel lanes in the eastbound movement (adding 1 travel lane) 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	
TR-14 - SR 198 WB On Ramp from Lovers Lane					
<ul style="list-style-type: none"> • Cumulative Year 2040 Without Project and Cumulative Year 2040 Plus Project scenarios: <ul style="list-style-type: none"> ○ Widen the SR 198 mainline from 2 to 3 travel lanes in the westbound movement (adding 1 travel lane) 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	
Queuing					
TR-15 - Lovers Lane and Houston Avenue (SR 216)					
<ul style="list-style-type: none"> • In the southbound left-turn lane, lengthen the storage pocket from 225 feet to 300 feet. 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	
TR-16 - Lovers Lane and Mineral King Avenue					
<ul style="list-style-type: none"> • In the northbound left-turn lane, lengthen the storage pocket from 100 feet to the maximum allowable distance (approximately 250 feet). • In the southbound left-turn lane, lengthen the storage pocket from 175 feet to 225 feet. • In the westbound left-turn lane, lengthen the storage pocket from 150 feet to 325 feet. 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	
TR-17 - Lovers Lane and SR 198 EB Ramps					

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Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
<ul style="list-style-type: none"> In the eastbound left-turn lane, lengthen the storage pocket from 225 feet to 375 feet. 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	
TR-18 - Lovers Lane and Noble Avenue					
<ul style="list-style-type: none"> In the eastbound left-turn lane, lengthen the storage pocket from 125 feet to 275 feet. 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	
TR-19 - McAuliff Street and Houston Avenue (SR 216)					
<ul style="list-style-type: none"> In the northbound left-turn lane, lengthen the storage pocket from 150 feet to 300 feet. 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	
TR-20 - McAuliff Street and Mineral King Avenue					
<ul style="list-style-type: none"> In the southbound right-turn lane, lengthen the storage pocket from 250 feet to 300 feet. In the eastbound left-turn lane, lengthen the storage pocket from 200 feet to 275 feet. In the westbound right-turn lane, provide 300-foot storage pocket. 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	
TR-21 - Road 152 and Mineral King Avenue					
<ul style="list-style-type: none"> In the southbound right-turn lane, provide 125-foot storage pocket. In the eastbound left-turn lane, provide 100-foot storage pocket. In the westbound right-turn lane, provide 125-foot storage pocket. 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	
TR-22 - SR 198 EB Ramps and Noble Avenue					

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<ul style="list-style-type: none"> In the westbound right-turn lane, provide 125-foot storage pocket. 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	
TR-23 - Road 156 and Noble Avenue					
<ul style="list-style-type: none"> In the northbound left-turn lane, lengthen the storage pocket from 175 feet to 225 feet. In the eastbound right-turn lane, provide 150-foot storage pocket. 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	
TR-24 - Tower Street and Houston Avenue (SR 216)					
<ul style="list-style-type: none"> In the northbound left-turn lane, provide 200-foot storage pocket. In the northbound right-turn lane, provide 100-foot storage pocket. 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	
TR-25 - Tower Street and McKinley Avenue-Project Driveway #2					
<ul style="list-style-type: none"> In the southbound left-turn lane, provide 100-foot storage pocket. 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	
TR-26 - Tower Street and Race Avenue					
<ul style="list-style-type: none"> In the northbound left-turn lane, provide 100-foot storage pocket. In the southbound left-turn lane, provide 100-foot storage pocket. 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	
TR-27 - Tower Street and Murray Avenue					
<ul style="list-style-type: none"> In the northbound left-turn lane, provided 250-foot storage pocket In the southbound right-turn lane, provide 100-foot storage pocket 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	

Chapter 6 Mitigation Monitoring and Reporting Program
 East Side Regional Park & Groundwater Recharge Project DEIR

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
TR-28 - Tower Street and Villoy Avenue-Project Driveway #1					
<ul style="list-style-type: none"> In the northbound left-turn lane, provide 150-foot storage pocket. In the southbound left-turn lane, provide 100-foot storage pocket. 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	
TR-29 - Tower Street and Villoy Avenue-Project Driveway #1					
<ul style="list-style-type: none"> In the southbound left-turn lane, provide 250-foot storage pocket. In the eastbound left-turn lane, provide 175-foot storage pocket. 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	
Cumulative Year 2040 With Tower Street Interchange Mitigation Measures					
INTERSECTIONS					
TR-30 - Tower Street at Houston Avenue (SR 216)					
<ul style="list-style-type: none"> Cumulative Year 2040 Without Project With Tower Street Interchange and Cumulative Year 2040 Plus Project With Tower Street Interchange scenarios: <ul style="list-style-type: none"> Install Traffic Signal 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	
TR-31 - Tower Street at Villoy Avenue-Project Driveway #1					
<ul style="list-style-type: none"> Cumulative Year 2040 Plus Project With Tower Street Interchange scenario: <ul style="list-style-type: none"> Install Traffic Signal 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	
Cumulative Year 2040 Plus Project With Tower Street Interchange Alternatives 1 and 2 Mitigation Measures					
SR 198 Ramp Junctions					

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
TR-32 - SR 198 EB On Ramp from Tower Street					
<ul style="list-style-type: none"> • Cumulative Year 2040 Plus Project With Tower Street Interchange – Alternative 1 scenario: <ul style="list-style-type: none"> ○ Widen the SR 198 mainline from 2 to 3 travel lanes in the eastbound movement (adding 1 travel lane) 	Prior to operation of Phase 3	Once	City of Visalia	Completion of mitigation measure	

Exhibit "B"

Part 1 – CEQA FINDINGS OF FACT

and

Part 2 – CEQA STATEMENT OF OVERRIDING CONSIDERATIONS

Part 1 – CEQA FINDINGS OF FACT

A. INTRODUCTION

The California Environmental Quality Act (CEQA Guidelines Section 15091) requires that no public agency shall approve or carry out a project for which an environmental impact report (EIR) has been certified which identifies one or more significant effects of the project unless 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 that mitigate or avoid the significant effect 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.

B. PROPOSED PROJECT

The East Side Regional Park and Groundwater Recharge Project Draft EIR, included here in totality by reference, contains a thorough and detailed description of the East Side Regional Park and Groundwater Recharge Project and so is not repeated here.

The Draft EIR analyzes the potentially significant environmental effects that could result from the Project including Section 3.2 Agriculture and Forestry Resources, and Section 3.16 Transportation/Traffic. Each of these sections describes in detail the nature of significant impacts that would result due to implementation of the Project, why the Project cannot mitigate them to a less than significant level, and the significant and unavoidable impacts to which it contributes.

C. RECORD OF PROCEEDINGS AND CUSTODIAN OF RECORD

The record, upon which all findings and determinations related to the approval of the Project and EIR are based, includes the following:

- (1) The EIR and all documents referenced in or relied upon by the EIR;
- (2) All information, including written evidence and testimony, provided by City staff and the environmental consultants to the City relating to the Project and the EIR;
- (3) All information, including written evidence and testimony, presented to the City from other public agencies related to the Project and the EIR;
- (4) All applications, letters, testimony, and presentations related to the Project and EIR.
- (5) All information, including written evidence and testimony, presented at any City scoping meeting, presentation, workshop, or hearing related to the Project and the EIR;
- (6) All City-adopted or City-prepared land use plans and ordinances, including without limitation, the General Plan, specific plans, and ordinances together with the attending environmental review documents, findings, mitigation monitoring programs, and other documents relevant to planned growth in the area;

- (7) The Summary of Environmental Impacts, Mitigation Measures and Residual Impacts for the Project;
- (8) All other documents composing the record pursuant to Public Resources Code Section 21167.6 subdivision (e).

D. SIGNIFICANT ENVIRONMENTAL IMPACTS IDENTIFIED IN THE EIR

The Draft EIR contains thorough descriptions of each potentially significant impact that could result from the proposed Project and recommended mitigation measures shown above in Exhibit "A" Summary of Environmental Impacts, Mitigation Measures and Residual Impacts. With the exception of Draft EIR Impact 3.2.3 threshold "a", Impact 3.16.4 threshold "a", and cumulative impacts, the City of Visalia finds that by adoption of Exhibit "A" Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts, changes or alterations are thereby required in or incorporated into the Project which avoid or substantially lessen the significant environmental effects resulting from the Project.

Part 2 below provides the necessary Statement of Overriding Considerations regarding the impacts that were found by the Draft EIR to be significant and unavoidable even with the adoption of feasible mitigation measures.

Part 2 – CEQA STATEMENT OF OVERRIDING CONSIDERATIONS

The California Environmental Quality Act (CEQA Guidelines Section 15093) requires a decision-making agency to balance the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve a project. For any significant effects that cannot be avoided or reduced to a less-than-significant level, the lead agency must describe the reasons why mitigation to a less-than-significant level is infeasible (PRC Section 21081 subdivision (a)(3)). Approval of a project that would have significant adverse effects on the environment requires that the agency identifies the project benefits that are evaluated as outweighing its significant effects on the environment (PRC Section 21081 subdivision (b)). When an agency approves a project that will result in significant effects to the environment, the agency is required to state its rationale for support of the project based on the Final Environmental Impact Report and other information in the record.

In order to approve the Project, the City Council of the City of Visalia therefore adopts and makes the following Statement of Overriding Considerations regarding the significant, unavoidable impacts to Agriculture and Forestry Resources and Transportation/Traffic to which the Project will contribute, and which are outweighed by the below-identified anticipated benefits of the Project.

A. SIGNIFICANT UNAVOIDABLE IMPACTS

IMPACTS TO AGRICULTURE AND FORESTRY RESOURCES

Based on the analysis provided within Section 3.2 of the Draft EIR, no feasible mitigation measures are available that would reduce the loss of important agriculture land to a less than significant level. Although the City has incorporated policies and planning measures into the Project that recognizes agriculture as an important resource, this impact remains significant and unavoidable. Impacts remaining significant and unavoidable are listed below:

- The Project would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use.

Mitigation Deemed Infeasible

The City of Visalia adopted an EIR and a Statement of Overriding Considerations for the loss of important farmland associated with the development of the Visalia General Plan. With or without the Project, the General Plan identifies the Project site for future development of open space and residences of varying densities. While this Project does not change the ultimate outcome, a significant and unavoidable impact would still occur. The loss of important farmland cannot be reversed, and new important farmland cannot be created. While the preservation of existing important farmland is possible, the act of preserving does not equate to reversing. The City's Agricultural Land Preservation Program, under Title 18 of the Visalia Municipal Code, was established to implement General Plan Policy LU-P-34. The intent of the Agricultural Land Preservation Program is to establish a process for the required preservation of agricultural land through the acquisition of agricultural conservation easements or the payment of an in-lieu fee for projects subject to the provisions of Title 18. It is important to note that the City's General Plan determined that an agriculture preservation program does not fully mitigate the loss of agricultural land, but the City adopted General Plan Policy LU-P-34 to require an ag preservation program under specified circumstances.

General Plan Policy LU-P-34, carried out by the City's Agricultural Land Preservation Program (Title 18) excludes certain projects from the requirement to preserve land elsewhere. Exclusions are dependent on either farmland designation or project type or use. Under the project type or use exclusion, the City's Agricultural Land Preservation Program excludes public facilities and roadways from the requirement to preserve land elsewhere. As a result, the use of mitigation measures that include the preservation of agricultural land elsewhere or the use of fees as mitigation has been deemed infeasible.

Effects of Impact

The Project would include approximately 253 acres of Prime Farmland. Development of the Project would result in the conversion of this agricultural land to a non-agricultural use.

Overriding Considerations

As explained in greater detail in the Statement of Overriding Considerations below, the economic, legal, social, technological, or other benefits of the Project outweigh the remaining significant adverse impacts of the Project related to agriculture and forestry resources.

IMPACTS TO TRANSPORTATION/TRAFFIC

Based on the analysis provided within Section 3.16 of the Draft EIR, there are no additional feasible mitigation measures available that would reduce conflicts to adopted General Plan and Caltrans policies to a less than significant level. Although the City has incorporated policies and planning measures into the Project that highlight the importance of resources related to transportation and traffic, this impact remains significant and unavoidable. Impacts remaining significant and unavoidable are listed below:

- The Project could result in conflicts with General Plan and Caltrans levels of service, which measure the performance of the circulation system.
- The Project could conflict with the County's Congestion Process Steering Committee Congestion Management Program.
- The Project could result in conflicts with General Plan policies regarding public transportation service to regional parks.

Additional Mitigation Deemed Infeasible

There were no mitigation measures that were examined and determined to be infeasible. As described in Section 3.16 of the Draft EIR, 32 mitigation measures are proposed to reduce the Project's impacts to City and Caltrans facilities. These include the widening of State Route 198 from four lanes to six lanes, the construction of turn lanes at City intersections, and construction of traffic signals. Traffic congestion will continue to increase due to planned population increases.

Effects of Impact

The Project would contribute to automobile delay. Other changes that are unforeseen at this time could result in additional significant impacts to transportation/traffic.

Overriding Considerations

As explained in greater detail in the Statement of Overriding Considerations below, the economic, legal, social, technological, or other benefits of the Project outweigh the remaining significant adverse impacts of the Project related to transportation/traffic.

B. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15093, the City of Visalia adopts and makes the following Statement of Overriding Considerations regarding the Significant and Unavoidable Impacts from:

- The loss of Prime Farmland.
- Conflicts with policies of the Visalia General Plan and Caltrans.
- Conflicts with the Tulare COG's congestion management plan.

C. FINDINGS AND STATEMENT

The City of Visalia finds and determines that all but the aforementioned significant impacts of the Project will be reduced to an acceptable level by mitigation measures recommended in the Draft EIR. However, as set forth above, the City's approval of the Project will result in four (4) (including cumulative impacts to traffic) significant and unavoidable impacts and one cumulatively considerable and significant impact that cannot be avoided even with incorporation of all feasible mitigation. The City chooses to approve the Project because, in its view, the benefits resulting from the Project will render the significant effects acceptable.

The following statement identifies the reasons why, in the City's judgement, the benefits of the Project outweigh the four (4) significant and unavoidable impacts. The substantial evidence supporting the listed benefits of the Project can be found in these findings, in the Project itself and in the record of proceedings. Pursuant to CEQA Guidelines Section 15093, a decision-making agency may make a decision that the economic, legal, social, technological, or other benefits outweigh the potentially significant and unavoidable impacts of a project. Each of the overriding considerations set forth below constitutes a separate and independent ground for findings that the benefits of the Project outweigh its potential adverse environmental effects and is overriding consideration warranting approval.

The City of Visalia finds that the Project, as approved, would have the following benefits:

- The Project will satisfy General Plan Policy PSCU-P-4 by developing a large regional park on the east side of the City.
- The Project will serve as the foundation for the City's future land use decisions based on goals and policies developed to serve the City's development into the future.
- The Project incorporates policies related to smart growth, sustainability, and walkability that will serve to enhance social physical, mental, and economic well-being.
- The Project would encourage additional recreational activities for its residents.
- The Project would increase equitable access to recreational facilities in the City.
- The Project would attract events for the benefit of its residents and area.
- The Project would include construction of traffic improvements that would promote safety.
- The Project implements policies to preserve and develop open space and recreational facilities for the residents of the City.

- Increased recreational activities within the City could result in an array of new types of businesses within the City, decreasing the likelihood that residents of the City have to travel elsewhere for services and activities. This would provide for economic development growth within the City, boosting the local economy and reducing the negative effects associated with reliance on other jurisdictions to provide services for residents of the City.

D. ABSENCE OF NEW INFORMATION

In accordance with CEQA:

- The City Council recognizes that the Final EIR incorporates information obtained and produced after the Draft EIR was circulated for public review, and that it contains additions, clarifications, and modifications.
- The City Council has reviewed and considered the Final EIR and all of this information.
- The Final EIR does not add significant new information to the Draft EIR that would require recirculation of the EIR.
- The new information added to the Final EIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure or alternative considerably different from others previously analyzed that the City declines to adopt and that would clearly lessen the significant environmental impacts of the Project.
- No information indicates that the Draft EIR was inadequate or conclusory or that the public was deprived of meaningful opportunity to review and comment on the Draft EIR.

Therefore, the City Council finds that the changes and modifications made to the EIR after the Draft EIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code Section 21092.1 or CEQA Guidelines Section 15088.5.

E. CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT

For the reasons set forth herein:

- The City Council certifies that the EIR has been completed in compliance with CEQA.
- The City Council has independently reviewed the record and the EIR prior to certifying the EIR and approving the Project.
- By these findings, the City Council confirms, ratifies, and adopts the findings and conclusions of the EIR as supplemented and modified by these findings.
- The EIR and these findings represent the independent judgement and analysis of the City and the City Council.
- The City Council reviewed the entirety of the EIR and bases its determination on the substance of the information contained therein.
- The City Council certifies that the EIR is adequate to support approval of the action that is the subject of the staff report to which these CEQA findings are attached.

Therefore, the City Council certifies that the EIR is adequate to support approval of the Project and any minor modifications thereto.