Ferndale General Plan Update: Land Use and Safety Elements

CEQA Findings of Fact
and Statement of Overriding Considerations

(Pursuant to Public Resources Code Sections 21081 and 21081.6, and
State CEQA Guidelines Section 15091 and 15093)

Final Environmental Impact Report
(State Clearinghouse Number 2023020217)

Project Files May Be Reviewed At:

City of Ferndale
834 Main Street
Ferndale, CA 95536

November 13, 2024

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CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE FINAL EIR FOR THE FERNDALE LAND USE & SAFETY ELEMENT UPDATE

1.0 INTRODUCTION

1.1 Purpose

The California Environmental Quality Act (CEQA) requires that a number of written findings be made by the lead agency in connection with certification of an environmental impact report (EIR) prior to approval of the project pursuant to Sections 15091 and 15093 of the CEQA Guidelines and Section 21081 of the Public Resources Code. This document provides the findings required by CEQA. The potential environmental effects of the proposed City of Ferndale Land Use and Safety Element Update (Project) have been analyzed in a Draft Environmental Impact Report (DEIR) (State Clearinghouse [SCH] 2023020217) dated August 26, 2024. A Final Environmental Impact Report (FEIR) has also been prepared that incorporates the DEIR and contains comments received on the DEIR, responses to the individual comments, revisions to the DEIR including any clarifications based on the comments and the responses to the comments, and the Mitigation Monitoring and Reporting Program (MMRP) for the proposed project. This document provides the findings required by CEQA for approval of the proposed project.

Public Resources Code §21000 states that the legislative intent of CEQA is as follows:

(a) The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.

(b) It is necessary to provide a high-quality environment that at all times is healthful and pleasing to the senses and intellect of man.

(c) There is a need to understand the relationship between the maintenance of high-quality ecological systems and the general welfare of the people of the state, including their enjoyment of the natural resources of the state.

(d) The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.

(e) Every citizen has a responsibility to contribute to the preservation and enhancement of the environment.

(f) The interrelationship of policies and practices in the management of natural resources and waste disposal requires systematic and concerted efforts by public and private interests to enhance environmental quality and to control environmental pollution.

(g) It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage, while providing a decent

home and satisfying living environment for every Californian.

Public Resources Code §21081 and State CEQA Guidelines §15091 require that the lead agency, in this case, the City Council of the City of Ferndale ("City Council"), prepare written findings for identified significant impacts, accompanied by a brief explanation of the rationale for each finding. Specifically, State CEQA Guidelines §15091 states, in part, that:

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects accompanied by a brief explanation of the rationale for each finding. The possible findings are:

    (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the final EIR.

    (2) Such 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, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

In accordance with Public Resource Code §21081 and State CEQA Guidelines §15093, whenever significant impacts cannot be mitigated to below a level of significance, the decision-making agency is required to balance, as applicable, the benefits of the project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable." In that case, the decision-making agency may prepare and adopt a Statement of Overriding Considerations, pursuant to CEQA Guidelines §15093, which state:

(a) CEQA requires the decision-making agency to balance as applicable the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The FEIR for the project identified potentially significant effects that could result from project implementation. The City Council finds that the inclusion of certain mitigation measures as part of the project approval will reduce the effect, but not to a less-than-significant level. The impact that is not reduced to a less-than-significant level is identified and overridden due to specific project benefits (Section 7.0 of this document, Statement of Overriding Considerations).

These Findings are based upon the information contained in the record of proceedings, including but not limited to:

(1) Land Use and Safety Element updates and supporting technical reports;

(2) The Draft EIR and Appendixes and Final EIR, and all documents relied upon or incorporated by references;

(3) The Mitigation Monitoring and Reporting Program (MMRP) prepared for the project;

(4) Background information used in preparing the EIR, Appendix A and B of the Draft EIR;

(5) All records of decisions, resolutions, staff reports, memoranda, maps, exhibits, letters, synopses of meetings, summaries and other documents approved, reviewed, relied upon or prepared by any City Commission, committees, boards, officials, consultants, or staff relating to the project;

(6) All testimony and additional information presented at public hearings, and;

(7) All of the materials set forth in the record of proceedings that relate to the project or its environmental review pursuant to Public Resources Code Section §21167.6(e).

Pursuant to CEQA Guidelines §15091(e), the documents and other materials that constitute the record of proceedings upon which the City has based its decision are located in and may be obtained from the Ferndale City Hall, 834 G Street, Ferndale, California 95536.

1.2 Organization/Format of Findings

Section 1.0 contains a summary description of the project and background facts relative to the environmental review process. **Section 2.0** identifies the significant impacts of the project that cannot be mitigated to a less-than-significant level (even though all feasible mitigation measures have been identified and incorporated into the project). **Section 3.0** identifies the project's potential environmental effects that were determined to be mitigated to less-than-significant levels. **Section 4.0** discusses impacts analyzed that are less than significant or do not have potential significant impacts, thus do not require mitigation. **Section 5.0** discusses other CEQA required analysis such as cumulative impacts. **Section 6.0** discusses the feasibility of the project alternatives, and **Section 7.0** presents the Statement of Overriding Considerations. **Section 8.0** incorporates the mitigation and monitoring requirements.

1.3 Summary of Project Description

The proposed Project updates and amends two Elements of the City's existing General Plan - the Land Use and Safety Elements. For the Land Use Element, the Project will update the description of land uses, the map showing where the land uses occur, and the goals, policies, and implementation programs that articulate the vision for the City's long-term physical and economic development, while preserving open space areas to enhance the quality of life for residents. The Land Use Element also serves as the City's consolidated Open Space and Conservation Elements.

The Safety Element Update makes current the identification of potential risks to persons and property resulting from fires, floods, earthquakes, landslides, and other hazards. It is intended to provide a current overview of potential hazards in the area and update the policies to help improve City infrastructure to be more resilient against hazards. The proposed Safety Element Update includes new State-mandated safety considerations for climate change and emergency evacuation routes and includes relevant policy guidance, hazard analysis, and the action plan from the City's 2020 hazard mitigation plan.

1.4 Summary of Project Entitlements

The City's approval of the proposed Land Use Element Update does not require any permits or approvals by other public agencies. The state's Board of Forestry will evaluate the proposed Safety Element Update to ensure it complies with the requirements of state law. Actions subsequent to the adoption of the Land Use and Safety Element Updates that support their implementation may require permits or approvals by other public agencies. Subsequent actions may require the following permits and/or approvals:

- U.S. Army Corps of Engineers: Section 404 of the Clean Water Act (applicable to fill within jurisdictional waterways and wetlands).
- State Water Resources Control Board: Construction General Permit (applicable to certain construction activities).
- North Coast Regional Water Quality Control Board: National Pollutant Discharge Elimination System, Report of Waste Discharge (applicable to activities that affect state jurisdictional waterways and wetlands), Section 401 of the Clean Water Act Water Quality Certification (applicable to activities that affect jurisdictional waterways and wetlands).
- California Department of Fish and Wildlife: Lake and Streambed Alteration Agreement (applicable to activities that affect a lake, streambed, or riparian corridor). Incidental Take Permit, Consistency Determination or Memorandum of Understanding for compliance with the California Endangered Species Act.
- U.S. Fish and Wildlife Service and or the National Marine Fisheries Service: Biological Opinion or Letter of Concurrence, for Endangered Species Act consultation (applicable to activities that adversely affect federally listed species).
- Humboldt County Local Agency Formation Commission (Humboldt Local Agency Formation Commission): Approval (applicable to alteration of public agency boundaries such as Annexations, Urban Service Boundaries, and Sphere of Influence).
- California Department of Transportation (Caltrans): Encroachment Permit (applicable to activities that encroach within state highway facilities).

- Humboldt County: Encroachment Permit (applicable to activities that encroach within unincorporated Humboldt County).

1.5 Project Objectives

The Land Use and Safety Element Updates create a framework to plan for and guide residential and non- residential growth and conservation within current City limits. This framework is based on a set of comprehensive goals and policies that enhance existing development patterns. The following objectives have been established to aid decision makers in their review of the Project and associated environmental impacts.

Land Use Element Update Objectives

1. Satisfy new State mandates for General Plans.
2. Encourage infill development to preserve agricultural lands and open space around the City.
3. Establish a stream protection zone along Francis Creek to maintain its riparian habitat values and prevent soil erosion.
4. Adjust to climate change and promote sustainability.
5. Resolve inconsistencies between existing land uses and the General Plan.
6. Resolve inconsistencies between the General Plan and other City plans that have been revised in recent years.
7. Targeted increases in land use density and increases in the allowable uses and development standards to provide adequate housing sites, promote fair and equal housing opportunities, and resolve inconsistencies with the City's adopted 2019 Housing Element.
8. Remove governmental constraints to housing development.

Safety Element Update Objectives

1. Reduce the potential risk of death, injuries, property damage, and economic and social dislocation resulting from fires, floods, earthquakes, landslides, and other natural and man-made hazards.
2. Summarize potential hazards including: seismically induced surface rupture, ground shaking, and ground failure; slope instability leading to landslides; subsidence, liquefaction and other seismic hazards; flooding; and wildland and urban fires.
3. Identify evacuation routes, peak load water supply requirements, and minimum road widths and clearances around structures as those items relate to fire and geologic hazards.
4. Satisfy new State mandates for Safety Elements.

1.6 Notice of Preparation and Environmental Scoping

Pursuant to CEQA Guidelines, the City circulated a Notice of Preparation (NOP) on February 8, 2023. The NOP was routed through the State Clearinghouse to notify environmental review agencies that an EIR for the Project was being drafted and was assigned SCH# 2023020217. The NOP is included as Appendix C in the Draft EIR.

1.7 Environmental Impact Report

The project requires discretionary approval and as such is subject to CEQA. The City, as the lead agency, must identify and document the potential environmental impacts of the project in accordance with CEQA (Public Resources Code §21000 et seq.), and the State CEQA Guidelines (California Administrative Code Section 15000 et seq.).

The City of Ferndale prepared the EIR in accordance with CEQA and the State CEQA Guidelines. The EIR is a full-disclosure informational document that informs public agency decision-makers and the public of the significant environmental effects of the project. Measures to minimize significant effects are identified in the EIR and reasonable alternatives to the project are evaluated.

The DEIR for the Land Use and Safety Element Updates was submitted by the City of Ferndale and received by the State Clearinghouse on August 26, 2024 for distribution to State agencies, and was distributed to local, State, and federal responsible and trustee agencies and tribal governments. The general public was advised of the DEIR through a Notice of Availability posted at the County Clerk as required by law, and through a posting in a local newspaper, the Ferndale Enterprise, on August 22, 2024. The review period of the DEIR was more than the minimum 45 days required by Section 15205 of the CEQA Guidelines and ended at 5:00 pm on October 10, 2024.

Copies of the DEIR were made available for review at Ferndale City Hall, located at 834 G Street, Ferndale, California, 95536. The DEIR was also available for review online at https://ci.ferndale.ca.us/documents/general/.

The Notice of Availability of the DEIR was also sent to the listserv of parties registered for the City's Long-Range Planning program (40 recipients), as well as direct emailing to trustee agencies, responsible agencies, utility providers, area schools, and regional planning agencies. A public hearing was held before a joint meeting of the Planning Commission and City Council on September 4, 2024, to receive comments on the DEIR.

All comment letters received in response to the DEIR were reviewed and are included in Chapter 2 of the FEIR, along with written responses to each of the comments. In accordance with State CEQA Guidelines §15132, the FEIR for the project consists of: (a) the draft EIR or a revision of the draft; (b) comments and recommendations received on the DEIR; (c) a list of the persons, organizations, and public agencies commenting on the DEIR; (d) responses of the Lead Agency to significant environmental points raised in the review and consultation process; and (e) any other information added by the Lead Agency.

A Planning Commission public hearing to receive comments on the FEIR and provide a recommendation to the City Council will be held during the November 6, 2024 meeting at 6:00 p.m. A City Council public hearing to consider approval of the Project will be held during the

November 20, 2024 meeting at 6:00 p.m., consistent with the requirements of Government Code section 54953. This FEIR will be provided to the City Council for review and consideration prior to certification of the EIR as a full disclosure of potential impacts, mitigation measures and alternatives. The FEIR will be sent to the public agencies who commented on the DEIR at least 10 days prior to certification of the EIR per CEQA Guidelines Section 15088.

1.8 Recirculation Not Required

Certain revisions have been made to the DEIR, which can be found in Chapter 3 of the FEIR (Errata, Revisions, Clarifications). The revisions are minor corrections or edits to the text to clarify the information contained in the DEIR. Specifically, the Project Description was modified to identify changes to the Zoning ordinance and Land Use Element necessary to comply with new state laws that encourage accessory dwelling units and farmworker housing and reduce barriers to multifamily housing development. These revisions are statutory requirements, and they were anticipated in the 2019 Housing Element as Policy 1-1 "*Continue to Review and Revise Ordinances to increase housing creation"*, Program 1 "*Ensure adequate sites are available and/or zoned to allow owner-occupied and rental multifamily residential uses by right"* and Program 7 allowing agricultural employee housing in agricultural zones. The City Council adopted a Mitigated Negative Declaration for the 2019 Housing Element which concluded none of the policies or implementation programs would have a significant adverse impact on the environment. The revisions do not identify new significant environmental impacts, do not constitute "significant new information," and do not alter the conclusions of the environmental analysis.

Per CEQA Guidelines Section 15088.5, recirculation of an EIR would be required if "significant new information" is presented to the lead agency. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

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

(4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded (Mountain Lion Coalition v. Fish and Game Com. [1989] 214 Cal.App.3d 1043).

The revisions in Chapter 3 of the FEIR do not identify new significant environmental impacts, do not constitute "significant new information," and do not alter the conclusions of the environmental analysis. Thus, recirculation of the DEIR is not required and subsequently not conducted.

2.0 FINDINGS REGARDING SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS

This section identifies the significant unavoidable impacts that require a statement of overriding considerations to be adopted by the City Council if the project is approved. Based on the substantial record evidence, certain impacts in the following areas have been determined to fall within this "significant unavoidable impact" category:

Air Quality

- **Impact AQ-02:** Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?

Greenhouse Gas Emissions

- **Impact GHG-01:** Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- **Impact GHG-02:** Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Transportation and Circulation

- **Impact TRAN-02:** Would the Project conflict or be inconsistent with CEQA Guidelines 15064.3, subdivision (b)?

2.1 Air Quality

Impact AQ-02: Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?

Potential development allowed under the proposed Land Use Element will result in an increase in PM10 emissions. The Land Use and Safety Elements both contain policies designed to reduce emissions associated with land use and transportation. However, since Humboldt County is currently in non-attainment status for the California 24-hour PM10 emissions standard, any increase in PM10 emissions could be considered a "cumulatively considerable net increase" in PM10 emissions. Therefore, impacts related to the Project are considered to be significant.

Mitigation Measures:

Mitigation Measure AQ-1: Adopt the Ferndale General Plan Draft Air Quality Element and implement the policies contained therein.

The Draft Air Quality Element policies with the greatest potential to mitigate PM10 emissions impacts include:

Land Use

- Promote incentives to minimize PM10 emissions from fireplaces and woodstoves such as the NCUAQMD's Woodsmoke Reduction Pilot Program.
    - Under this program, Ferndale residents can receive a $2,000 - $5,000 voucher for replacement of old woodstoves with a low-emissions, high-

efficiency woodstove.

- Modern EPA-Certified woodstoves require 1/3 less wood for the same amount of heat, and emit 75 - 95 percent less particulate matter as compared to older models.
- Replacing older woodstoves in the existing housing stock would permanently reduce Ferndale's contribution to wintertime PM_{10} emissions exceedances.

- Preserve established trees where possible.
- Reduce energy use in City-owned assets.

Transportation

- Provide incentives for public, commercial and residential design that supports the charging of electric vehicles or refueling of alternative fuel vehicles.
- Modify the City procurement policy to specify high fuel efficiency for each vehicle class for City Government vehicles.

Construction

- Require adherence to NCUAQMD Best Management Practices to reduce emissions of dust and other sources of PM10 from construction activities.

Implementation of the draft Air Quality Element policies and programs in Mitigation Measure AQ-01 may reduce the PM10 emissions of individual projects. However, some PM10 emissions would likely still occur from land use development anticipated by the Land Use Element Update.

Findings:

Since Humboldt County is currently in non-attainment status for the California 24-hour PM10 emissions standard, any increase in PM10 emissions could be considered a "cumulatively considerable net increase" in PM10 emissions. Therefore, impacts related to the Project are considered to be significant.

Mitigation Measure AQ-1 would require implementation of policies that set standards for new developments within City limits. Implementation of Air Quality Element policies such as incentivizing the upgrade of existing inefficient woodstoves and fireplaces to EPA-certified high-efficiency woodstoves, transition of City fleets to electric vehicles, supporting the development of local electric vehicle charging stations, and employing best management practices to reduce fugitive dust emissions from construction would result in the most significant PM10 emissions reductions.

However, it is not possible to conclude this mitigation will reduce to zero project-specific or area-wide construction and operation PM10 emissions from all future development projects under the Land Use Element Update. Construction and operation activities under the Land Use Element Update will likely result in some PM10 emissions, and any increase in PM10 emissions can be considered a “cumulatively considerable net increase of a criteria pollutant for which the project area is in non-attainment”.

Both Alternative 1 (Reduced Housing Density) and Alternative 2 (No Project) also identified this impact as significant and did not reduce the impacts compared to the Project. No other feasible mitigation measures are available that would reduce future PM10 emissions from new development to zero, so this impact is considered significant and unavoidable.

As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, and other benefits of the proposed project - including regionwide or statewide environmental benefits - outweigh its significant effects on the environment.

2.2 Greenhouse Gas Emissions

Impact GHG-01: Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Greenhouse Gas (GHG) emissions result from burning of fossil fuels during construction or operation of new development. The Land Use Element Update contains policies that support use of alternative transportation fuels, increased energy efficiency through increased multifamily housing development opportunities, and reduced vehicle miles traveled through infill development and improvements to the non-automotive transportation system. These policies will reduce the GHG emissions from new development, however, the proposed Project will result in development that will still generate some GHG emissions, either directly or indirectly, which can be considered a significant impact on the environment.

Mitigation Measures:

Mitigation Measure GHG-01: Implement Safety Element Program 4.h Participate in the Regional Climate Action Plan development and implement the GHG reduction measures that are feasible and under the City's control.

Implementation of the measures in the Regional Climate Action Plan (RCAP) through Mitigation Measure GHG-01 will help reduce GHG emissions from future development encouraged by the Land Use Element Update. However, future development within the City under the proposed Project is still expected to generate some GHG emissions even with Mitigation Measure GHG-01. Consequently, this impact remains significant after mitigation.

Findings:

The proposed Project will result in development that will generate GHG emissions. Mitigation Measure GHG-01 would require implementation of policies in Ferndale that reduce GHG emissions. For example, the draft RCAP includes Measure TR-1 Rural which will increase the mode share of active transportation in rural areas from 5% to 6% by 2030 thereby achieving a regional active transportation mode share of 9%. This may involve establishing City-wide standards for when and how new residential subdivisions, multi-family, and mixed-use developments provide inter-connected bicycle and pedestrian facilities.

However, the draft RCAP referenced in Mitigation Measure GHG-01 has not yet been finalized so it is not possible to quantify the effectiveness of its policies as mitigation. Even with Mitigation GHG-01 new development under the Land Use Element Update will likely result in some GHG

emissions, and therefore this impact remains significant after mitigation.

Through Mitigation Measure GHG-01, alterations have been incorporated into the project that reduces GHG emissions. Implementation of measures such as adopting standards to require new residential subdivisions, multi-family, and mixed-use developments provide inter- connected bicycle and pedestrian facilities would likely result in significant GHG emissions reductions.

However, it is unknown if the scale of these reductions will reduce new GHG emissions to zero. Both Alternative 1 (Reduced Housing Density) and Alternative 2 (No Project) also identified this impact as significant and did not reduce the impacts compared to the Project. No other feasible mitigation measures are available that would further reduce GHG emissions associated with buildout of the City under the Land Use Element Update, so this impact is considered significant and unavoidable.

As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, and other benefits of the proposed project - including regionwide or statewide environmental benefits - outweigh its significant effects on the environment.

Impact GHG-02: Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions?

As described above in Impact GHG-01, the Land Use Element Update contains policies that encourage future development which will result in GHG emissions. Proposed Land Use Element policies address this impact and seek to reduce future GHG emission levels in new development through supporting use of alternative transportation fuels, increasing energy efficiency through increased multifamily housing development opportunities, and reducing vehicle miles traveled through infill development and improvements to the non-automotive transportation system. These policies will reduce GHG emission levels from the Project. However, the proposed Project will still result in development that will generate GHG emissions, and those emissions could be above statewide targets which would conflict with the state's policies.

Mitigation Measures:

Mitigation Measure GHG-01: Implement Safety Element Program 4.h Participate in the Regional Climate Action Plan development and implement the GHG reduction measures that are feasible and under the City's control.

Implementation of the Mitigation Measure GHG-01 will help further reduce GHG emissions from future development encouraged by the proposed Land Use Element update. However, because specific information about the effectiveness of the RCAP's measures to reduce GHG emissions is unknown at this time, future development of the City under the proposed Project may result in GHG emissions which exceed thresholds adopted by the state. Consequently, even with Mitigation Measure GHG-01, this impact remains significant.

Findings:

The proposed Project will result in development that will generate GHG emissions that may exceed statewide targets. Mitigation Measure GHG-01 would require the City to implement

policies in the adopted RCAP including standards for new developments within City limits. For example, Measure TR-1 Rural in the Regional Climate Action Plan will increase the mode share of active transportation in rural areas including the City of Ferndale from 5% to 6% by 2030 thereby achieving a regional active transportation mode share of 9%. This may involve establishing City-wide standards for when and how new residential subdivisions, multi-family, and mixed-use developments provide inter- connected bicycle and pedestrian facilities.

However, the draft RCAP has not yet been finalized so it is not possible to quantify the effectiveness of Mitigation Measure GHG-01 in reducing GHG emissions. It remains to be seen if the adopted version meets adopted statewide targets. Since new development under the Land Use Element Update may result in GHG emissions above statewide targets even with Mitigation Measure GHG-01, this impact remains significant after mitigation.

Implementation of measures in the draft RCAP such as requiring new residential subdivisions, multi-family, and mixed-use developments provide inter- connected bicycle and pedestrian facilities would likely result in significant GHG emissions reductions which could meet state targets.

However, it is unknown whether or not the draft RCAP will get adopted in its current form. The adopted version may be modified to be less effective in reducing GHG emissions, so it no longer meets statewide GHG emission reduction targets. Accordingly, this impact may continue to be significant into the future. Both Alternative 1 (Reduced Housing Density) and Alternative 2 (No Project) also identified this impact as significant and did not reduce the impacts compared to the Project. No feasible mitigation measures are available that would further reduce GHG emissions resulting from buildout of the City under the Land Use Element Update, so this impact is considered both significant and unavoidable.

As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, and other benefits of the proposed project - including regionwide or statewide environmental benefits - outweigh its significant effects on the environment.

2.3 Transportation and Circulation

Impact TRAN-02: Would the Project conflict or be inconsistent with CEQA Guidelines 15064.3, subdivision (b)?

Under CEQA Guidelines 15064.3, subdivision (b), projects are presumed to have a less than significant transportation impact if: 1) they are within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor, or 2) if they decrease vehicle miles traveled (VMT) in the project area compared to existing conditions. The EIR for the Project documents neither of these conditions apply to Ferndale's Land Use and Safety Element Update. Ferndale is not near an existing major transit stop or on a high-quality transit corridor, and an increase in VMT compared to existing conditions is expected from the new development encouraged by the Land Use Element update. The Land Use and Safety Elements both contain policies designed to reduce VMT from new development, but not necessarily below existing levels. Therefore, the transportation impact related to the Project is considered to be significant.

Mitigation Measures:

Mitigation Measure TRAN-01: The City shall work with HCAOG to incorporate findings and recommendations of the ongoing Multimodal and Vibrant Neighborhood Planning Project, or other similar HCAOG planning efforts, to develop and implement policies and programs to be included in the City General Plan, or other appropriate plans, and projects related to the City's transportation system to reduce automobile dependency for local trips which may include but are not limited to funding pedestrian, bicycle, or public.

Mitigation Measure TRAN-01 is expected to reduce VMT from new development encouraged by the Land Use Element Update. However, since Ferndale's home-based VMT per resident is expected to continue to be greater than the Countywide average even with implementation of the proposed Land Use and Safety Element policies and Mitigation Measure TRAN-01, the Project would exceed the VMT threshold of CEQA Guidelines 15064.3, subdivision (b), and transportation impacts would remain significant after mitigation.

Findings:

The proposed Project will result in development that will generate additional VMT. Policies in the Land Use and Safety Updates support reductions in City-wide VMT such as: promoting infill development with a diversity of housing located close to the city center, improving multi-modal transportation corridors such as bike trails, working with the Redwood Transit to establish bus service, and installing EV charging stations. Although these actions may help Ferndale reduce overall annual VMT from population and employment growth in this area, they are not at a scale that would significantly change Ferndale's average VMT – Ferndale's VMT would continue to be greater than the Countywide average even with implementation of the proposed Land Use and Safety Element policies. Since the proposed project would exceed the VMT threshold of the CEQA Guidelines the Project's transportation impacts are considered significant.

Mitigation Measure TRAN-01 is expected to lessen VMT impacts, however it is uncertain how effective the future planning efforts will be, so the transportation impact remains significant even after mitigation. Both Alternative 1 (Reduced Housing Density) and Alternative 2 (No Project) also identified this impact as significant and did not reduce the impacts compared to the Project. No feasible mitigation measures are available that would further reduce VMT from buildout encouraged by the Land Use Element Update, so this impact is considered significant and unavoidable.

As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, and other benefits of the proposed project - including regionwide or statewide environmental benefits - outweigh its significant effects on the environment.

3.0 FINDINGS REGARDING IMPACTS ANALYZED IN THE EIR AND DETERMINED TO BE MITIGATED TO LESS THAN SIGNIFICANT

This section identifies the impacts of the project that had potentially significant environmental effects but have been mitigated to a less than significant level. Based on the information in the FEIR, the City Council finds that based upon substantial evidence in the record, impacts in the following areas have been determined to be mitigated to a less than significant level.

3.1 Biological Resources

3.1a Biological Resource Impacts on Special Status Species and/or Riparian Habitat

As described on page 4.5-25 of the DEIR, future development under the Land Use and Safety Element Update may have potentially significant impacts on special status species and/or riparian habitat. Impacts to sensitive species and habitats may occur directly or indirectly through alteration of the natural habitat when undeveloped land is converted from open space to developed uses. Changes in the habitat and quantity of plant and animal species on a property could occur during development due to grading, removal of vegetation, and the encroachment into open space areas. In addition, new development can also impact sensitive species and habitats through the effects of noise and light.

The Land Use Element Update includes goals and policies which are protective of land planned for open space and resource production and encourage new development to infill areas. The DEIR explains that policies and implementation programs in the Land Use Element address biological resources and are intended to protect sensitive biological communities. For example, Policy LU-1.4 – Residential Infill encourages the infilling and completion of residential neighborhoods to take full advantage of available public services. Placing new development within areas already developed with existing buildings will minimize the conversion of open space to developed uses thereby reducing the impact of new development on sensitive species and riparian habitat. However, the Land Use Update contains inconsistencies between the policies and implementation programs that could lead to unnecessary environmental impacts of new development on sensitive species, riparian habitats, and sensitive natural communities. Mitigation Measure BIO-1 is proposed to resolve those inconsistencies to better protect biological resources in the City.

Mitigation Measures:

Mitigation Measure BIO-1: **Revised Policies and Implementation Programs.** Revise the biological resource protections for sensitive species and riparian habitat in Policy LU-3.2, LU-4.2, LU-IP2, LU-IP6 and Safety Element Program 2j for consistency and clarity and to minimize potential environmental impacts of new development on sensitive species, riparian habitats and sensitive natural communities. The adopted Land Use and Safety Elements shall include the suggested revisions below.

> **Revised Policy LU-3.2 Improve Drainage and Landscaping:** Incorporate drainage improvements and low impact development (LID) features in all areas of the City to increase onsite retention, protect water quality and associated aquatic habitats, and reduce flooding. Landscaping and vegetated LID features should

avoid the use of noxious weeds or other invasive plants identified by the California Invasive Plant Council (Cal-IPC) and prioritize use of locally appropriate native vegetation.

Revised Policy LU-4.2 – Francis Creek Riparian Habitat and Erosion Control: A streamside protection area (SPA) shall be established along both sides of Francis Creek to protect stream ecosystems and the associated riparian habitat areas. ~~Buffers~~ The SPA shall extend from the top of bank or the edge of the riparian dripline, whichever is a greater distance from the creek centerline, for 50 feet, on either side of the creek ~~stream, shall be established~~. Development within ~~streamside protection areas~~ the SPA shall only be permitted under limited circumstances where ~~mitigation measures~~ best management practices have been provided to minimize potential environmental effects to water quality and biological resources. The following uses may be allowed upon approval by City staff ~~including~~:

a) Road, bridge, and trail replacement or construction may be permitted that would not degrade fish and wildlife resources or water quality, and where vegetative clearing is kept to a minimum.
b) Fencing along property boundaries and along ~~buffer boundaries~~ the SPA boundary to prevent bank erosion and degradation of natural riparian vegetation.
c) Maintenance of existing roads, driveways, utility lines, and structures. Non-conforming uses may be maintained and replaced consistent with the Ferndale Zoning Ordinance.
d) Agricultural operations compatible with maintenance of riparian resources.
e) The removal of vegetation for disease control, flood control, or public safety purposes ~~may be approved,~~ in consultation with CDFW.
f) Areas adjacent to Francis Creek should avoid the use of noxious weeds or other invasive plants identified by the California Invasive Plant Council (Cal-IPC) and prioritize use of locally-appropriate native vegetation, and encourage the removal of existing invasive non-native plants.
g) The principal permitted uses of the zone where the SPA setback cannot be met may be permitted with an use permit:
    i. ~~In areas where existing development is adjacent to the creek, buffers With a Conditional Use Permit,~~ The SPA may be reduced or eliminated where the City determines, in consultation with CDFW, that the reduction will not significantly affect the riparian habitat or biological resources of the creek ~~or stream within the property~~.
    ii. When the prescribed SPA ~~buffer~~ prohibits development of the site for the primary use for which it is designated, measures shall be applied that allow development and result in the least environmentally damaging feasible project.

Revised Implementation Program LU-IP2: Zoning Code Updates: Update the zoning code as necessary for land use designation, density, intensity, and lot size consistency and to add a combining zone describing the requirements of the

Francis Creek Stream Protection Area (SPA). Consider adding affordable housing provisions ~~and a Francis Creek corridor streamside protection zone~~.

Department: Planning When: Within two years

(Delete) ~~Implementation Program LU-IP6: Stream Set Back Standards:~~ ~~Establish a 50 foot stream set back requirement for new development along designated waterways within the City including Francis Creek. The set back may be reduced if specific evidence is provided showing there will be no impact to the waterway.~~

~~Department:~~ Planning/Engineering ~~When:~~ Within 2 years

Revised Safety Element Implementation Program 2j: In consultation with CDFW, perform preventative maintenance to maintain flow capacity of Francis Creek.

Findings:

Mitigation measure BIO-1 resolves the inconsistencies between the proposed policies and implementation programs by establishing a Francis Creek Stream Protection Area (SPA) and clarifying that SPA standards would be incorporated into the Zoning Code update (LU-IP2). The proposed revisions to LU-3.2 encourage the use of native species in landscaping and avoidance of invasive species. With proposed clarifications and revisions to Land Use Element and Safety Element policies and implementation measures and continued implementation of existing federal and state regulations, impacts to species identified as candidate, sensitive, or special status species, riparian, and other sensitive habitats would be less than significant with mitigation. The City Council hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted, and based upon substantial evidence in the record, the impacts on special status species and/or riparian habitat of the project are less than significant.

Rationale for Finding:

Mitigation Measure BIO-1 modifies the Land Use Element to clarify and resolve inconsistencies between the policies and programs protecting biological resources. Implementation of Mitigation Measure BIO-1 would reduce impacts on special status species and/or riparian habitat of the project by clarifying the special status species and/or riparian habitat protection standards that apply, resulting in consistent implementation of General Plan policies and programs protecting biological resources. In combination with continued implementation of existing federal and state regulations this impact is reduced to less than significant.

3.1b. Biological Resource Impacts on State or Federally Protected Wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) Through Direct Removal, Filling, Hydrological Interruption, or Other Means.

As described on page 4.5-31 of the DEIR, Implementation of the updated Land Use and Safety Elements could result in additional development that may impact wetlands. Future development consistent with the general plan could result in removal, filling, hydrological interruption, or other impacts to wetlands depending on the manner in which future development is implemented. Alteration of wetlands could occur when undeveloped land is converted to residential, commercial, industrial, or other uses. Changes to wetlands could occur during development due to development of structures, roadways, and other infrastructure improvements.

The Land Use Element Update includes goals and policies which are protective of land planned for open space and resource production and encourage new development to infill areas. Policies and implementation programs in the Land Use Element address biological resources and are intended to protect sensitive biological communities. As mentioned earlier, Policy LU-1.4 – Residential Infill encourages the infilling and completion of residential neighborhoods to take full advantage of available public services. Placing new development within areas already developed with existing buildings will minimize the conversion of open space to developed uses thereby reducing the impact of new development on wetlands.

Mitigation Measure BIO-01 described above addresses potential impacts to the wetlands associated with Francis Creek and resolves inconsistencies between proposed policies and implementation programs. Additional feasible mitigation is proposed to better protect wetlands within the City.

Mitigation Measures:

Mitigation Measure BIO-2: New Policy – Wetland Delineation Requirement

> **LU-3.8 – Wetland Delineation Requirement:** Any application for new development involving ground disturbance on a parcel where wetlands may be present according to the National Wetland Inventory or other site-specific evidence shall include a wetland reconnaissance and delineation report prepared by a qualified professional. The site plan shall show all proposed new development is located outside of any wetlands that exist on the subject property and appropriate wetland buffers based upon analyses and recommendations in the site-specific study. New development proposed within wetlands or wetland buffer areas shall require consultation and required regulatory approvals from the U.S. Army Corps of Engineers (USACE), the North Coast Regional Water Quality Control Board (NCRWQCB), and/or California Department of Fish and Wildlife (CDFW).

Findings:

Implementation of the updated Land Use and Safety Elements could result in additional development that may impact wetlands because future development consistent with the general plan could result in removal, filling, hydrological interruption, or other impacts to wetlands. Mitigation measure BIO-1 resolves the inconsistencies between the proposed policies and implementation programs by establishing a Francis Creek Stream Protection Area (SPA) and clarifying that SPA standards would be incorporated into the Zoning Code update (LU-IP2). The proposed revisions to LU-3.2 encourage the use of native species in landscaping and avoidance of invasive species. With proposed clarifications and revisions to Land Use Element and Safety Element policies and implementation measures and continued implementation of existing federal and state regulations, impacts to wetlands will be reduced. With the addition of Mitigation Measure BIO-2, impacts to wetlands would be less than significant with mitigation. The City Council hereby finds that implementation of these mitigation measures is feasible, and the measures are therefore adopted, and based upon substantial evidence in the record, the impacts of the project on wetlands are less than significant.

Rationale for Finding:

Mitigation Measure BIO-1 modifies the Land Use Element to clarify and resolve inconsistencies between the policies and programs protecting biological resources. Implementation of Mitigation Measure BIO-1 would reduce impacts on wetlands of the project by clarifying the wetland protection standards that apply, resulting in consistent implementation of General Plan policies and programs protecting biological resources. With the additional Mitigation Measure BIO-2, the Project's impacts to wetlands are further reduced because wetlands will be identified by trained professionals and the City will consult with the agencies responsible for protecting wetlands at the state and federal level to align wetland protection measures with current best practices. In combination with continued implementation of existing federal and state regulations this impact is reduced to less than significant.

3.1c. Biological Resource Impacts on the Movement of Any Native Resident or Migratory Fish or Wildlife Species or with Established Native Resident or Migratory Wildlife Corridors, or Impede the Use of Native Wildlife Nursery Sites.

As described on page 4.5-34 of the DEIR, Implementation of the updated Land Use and Safety Elements could result in additional development that may convert existing undeveloped natural habitats to developed landscapes with associated road systems, fencing, and other such infrastructure which could fragment and reduce the extent of native habitats that currently provide for wildlife movement, migration, and dispersal. Francis Creek serves as an important movement corridor for terrestrial and aquatic wildlife in the City.

The Land Use Element contains proposed policies that would reduce potential impacts to wildlife movement by encouraging infill near developed areas. As discussed in the DEIR, proposed policies LU-2.7, 3.2, 3.4, and 4.2 address development in or near wildlife corridors, including riparian habitat and other sensitive natural communities. The proposed Land Use designation change for Russ Park from PF – Public Facilities to NR – Natural Resources will continue to ensure natural resource conservation of the site and will also protect any wildlife corridors that may exist on the property.

Proposed Land Use Element policies promote infill development and are designed to encourage new development in areas that are adjacent to existing utilities and services and protect natural features and the Francis Creek corridor. However, as discussed previously in section 3.1a and 3.1b, there are inconsistencies between the policies and programs, and there is additional feasible mitigation available that could further reduce the impacts of the Project on biological resources including wildlife corridors.

Mitigation Measure BIO-01 described above addresses potential impacts to the wetlands associated with Francis Creek and resolves inconsistencies between proposed policies and implementation programs. Additional feasible mitigation is proposed in Mitigation Measure BIO-2 to better protect wetlands within the City which also serve as wildlife corridors.

Mitigation Measures

Mitigation Measure BIO-1 (see Impact 3.1a) and BIO-2 (see Impact 3.1b).

Findings:

Mitigation measure BIO-1 resolves the inconsistencies between the proposed policies and implementation programs by establishing a Francis Creek Stream Protection Area (SPA) and clarifying that SPA standards would be incorporated into the Zoning Code update (LU-IP2). The proposed revisions to LU-3.2 encourage the use of native species in landscaping and avoidance of invasive species. With proposed clarifications and revisions to Land Use Element and Safety Element policies and implementation measures and continued implementation of existing federal and state regulations, impacts to wildlife corridors will be reduced. With the addition of Mitigation Measure BIO-2, impacts to wildlife corridors would be less than significant with mitigation because . The City Council hereby finds that implementation of these mitigation measures is feasible, and the measures are therefore adopted, and based upon substantial evidence in the record, the impacts of the project on wildlife corridors are less than significant.

Rationale for Finding:

Mitigation Measure BIO-1 modifies the Land Use Element to clarify and resolve inconsistencies between the policies and programs protecting biological resources. Implementation of Mitigation Measure BIO-1 would reduce impacts on wildlife corridors of the project by clarifying the wildlife corridor protection standards that apply, resulting in consistent implementation of General Plan policies and programs protecting biological resources. With the additional Mitigation Measure BIO-2, the Project's impacts to wildlife corridors are further reduced because wetlands can act as wildlife corridors and wetlands will be protected using current best practices. In combination with continued implementation of existing federal and state regulations this impact is reduced to less than significant.

3.2 Hydrology and Water Quality

Development allowed under the Land Use and Safety Element Updates would result in impervious surfaces in the form of new structures, roadways, parking areas, and supporting infrastructure. New surfaces such as roofs; concrete or asphalt sidewalks, parking lots or roads; as well as areas of compacted soil would likely be impervious to rainwater. Stormwater moves over impervious surfaces and is directed to the City's drainage system and eventually to wetlands, streams, rivers, and waterways. Impervious surfaces increase the amount of stormwater runoff and impede or prevent the natural percolation of rainwater into the soil, which could result in higher levels of drainage entering receiving water bodies.

The Land Use Element Update's policies increase the allowable density of the existing development pattern within the City either through increases in the maximum density allowed or by encouraging infill development. As described in the DEIR, a 2006 report by the US EPA found that higher density development results in less runoff per housing unit than development occurring at lesser densities. Policies LU- 1.4, LU-2.1, LU-2.6 and LU-2.7 all encourage new development in infill areas.

The proposed policies of the Land Use Element that promote conservation of existing agricultural lands, timberlands and open space areas will help maintain these areas in their natural undisturbed condition which will also reduce the Project's impacts on drainage. Policies LU-3.1, LU-3.5, LU-4.1 and LU-4.3 described earlier in this Chapter all serve to reduce drainage impacts of the Project through open space conservation.

The Land Use and Safety Elements also contains policies and implementation programs to directly reduce drainage impacts in newly developed areas:

- Policy LU-1.7 – Planned Development is intended to address stormwater drainage for proposed development of two large vacant properties.
- Policy LU-3.2 – Improve Drainage, broadly directs the City to incorporate drainage improvements and low impact development in all areas of the City to increase onsite retention and reduce flooding.
- Policy LU-3.6 – Funding, directs the City to develop a program and pursue funding to coordinate acquisition of important open space property for drainage easements.
- Implementation Program LU-IP4: Drainage Infrastructure Funding, directs the City to fund stormwater drainage projects for erosion control, retention, and detention facilities to alleviate flooding within the City.
- Implementation Program LU-IP5: Drainage Master Plan Priorities, commits the City to review Drainage Master Plan priority projects every five years to maintain an up-to-date list for guiding drainage improvements and seeking funding opportunities.
- Safety Element Policy 2.7 requires development in areas subject to flooding to minimize or eliminate flooding hazards.
- Safety Element Policy 2.8 encourages natural landscape features of newly developed sites to reduce impervious surfaces.
- Safety Element Policy 2.9 requires new development to utilize flood control methods that are consistent with Regional Water Quality Control Board Policies and Best Management Practices.

Additional feasible mitigation is proposed to further reduce the Project's impact on hydrology by adding language to Policy 3.2 in the Land Use Element to clarify its meaning as shown below in underline text:

Mitigation Measures

Mitigation Measure HYD-01: Add the following <u>underlined</u> text to Land Use Element Policy LU-3.2:

Policy LU-3.2 – Improve Drainage: Incorporate drainage improvements and low impact development in all areas of the City to increase onsite retention and reduce flooding. <u>The quality of runoff from urban and suburban development shall be improved through use of appropriate and feasible Best Management Practices (BMPs) including, but not limited to, bioretention basins, artificial wetlands, grassy swales, oil/grit separators, with an emphasis on a Low Impact Development approach to stormwater management.</u>

a) <u>New development shall be required to minimize increases in stormwater peak flows and/or volume, to the extent feasible.</u>

b) New development projects shall be designed to minimize drainage concentrations, maximize permeable surfaces, and maintain, to the extent feasible, natural site drainage conditions.

Findings:

Development allowed under the Land Use and Safety Element Updates would result in impervious surfaces in the form of new structures, roadways, parking areas, and supporting infrastructure. This is expected to increase the amount of stormwater runoff and could result in higher levels of drainage entering receiving water bodies resulting in reduced water quality.

Mitigation Measure HYD-01 will substantially lessen the significant environmental effect on hydrology and water quality by requiring all new development use appropriate and feasible Best Management Practices (BMPs) including, but not limited to, bioretention basins, artificial wetlands, grassy swales, oil/grit separators, with an emphasis on a Low Impact Development approach to stormwater management. The City Council hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore incorporated into the Project, and based upon substantial evidence in the record, with Mitigation Measure HYD-01 the hydrology and water quality impacts of the Project are less than significant.

Rationale for Finding:

The locations of proposed new infill development, the policies listed above, and implementation of state and federal regulations would reduce the potential for the construction and operation of projects implemented under the Land Use and Safety Element Updates to create or contribute runoff that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts would be further reduced to less than significant with the implementation of mitigation measure HYD-01 requiring all new development use appropriate and feasible Best Management Practices (BMPs).

4.0 FINDINGS REGARDING IMPACTS ANALYZED IN THE EIR AND DETERMINED TO BE LESS THAN SIGNIFICANT REQUIRING NO MITIGATION OR NO IMPACT

The City determined that the project would have no impact or less than significant impacts, including direct, indirect, and cumulative impacts, for the environmental impact categories listed in Table 4-1 below. Since these impact categories were determined, based upon substantial evidence in the record, to have no impact or a less than significant impact, no other findings for these impacts are required to be made. A full evaluation of the project's impacts in each impact category may be found in the DEIR.

Table 4-1. Environmental Impact Categories with No Impact or Less Than Significant Impacts

Impact Category	Environmental Impact
4.2 Aesthetics	
Impact AES-01: Would the Project have a substantial adverse effect on a scenic vista?	Less than significant
Impact AES-02: Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	No impact
Impact AES-03: Would the Project, in non- urbanized areas, substantially degrade existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the Project is in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?	Less than significant
Impact AES-04: Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Less than significant
4.3 Agricultural and Forestry	
Impact AG-01: Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	Less than significant
Impact AG-02: Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?	Less than significant

Table 4-1. Environmental Impact Categories with No Impact or Less Than Significant Impacts

Impact Category	Environmental Impact
Impact AG-03: Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	No impact
Impact AG-04: Would the Project result in the loss of forest land or conversion of forest land to non- forest use?	Less than significant
Impact AG-05: Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	Less than significant
4.4 Air Quality	
Impact AQ-01: Would the Project conflict with or obstruct implementation of the applicable air quality plan?	Less than significant
Impact AQ-03: Would the Project expose sensitive receptors to substantial pollutant concentrations?	Less than significant
Impact AQ-05: Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	Less than significant
4.5 Biological Resources	
Impact BIO-05: Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Less than significant
Impact BIO-06: Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	Less than significant

Table 4-1. Environmental Impact Categories with No Impact or Less Than Significant Impacts

Impact Category	Environmental Impact
4.6 Cultural Resources	
Impact CUL-01: Would the Project cause a substantial adverse change in the significance of an historical resource (pursuant to Section 15064.5)?	Less than significant
Impact CUL-02: Would the Project cause a substantial adverse change in the significance of an archaeological resource (pursuant to Section 15064.5)?	Less than significant
Impact CUL-03: Would the Project disturb any human remains, including those interred outside of dedicated cemeteries?	Less than significant
4.7 Energy	
Impact EN-01: Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?	Less than significant
Impact EN-02: Would the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	Less than significant
4.8 Geology and Soils	
Impact GEO-01: Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i) rupture of a known earthquake fault, as delineated on the most recent Alquist- Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii) strong seismic ground shaking? iii) seismic-related ground failure (including liquefaction)? iv) landslides?	Less than significant
Impact GEO-02: Would the Project result in substantial soil erosion or the loss of topsoil?	Less than significant

Table 4-1. Environmental Impact Categories with No Impact or Less Than Significant Impacts

Impact Category	Environmental Impact
Impact GEO-03: Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	Less than significant
Impact GEO-04: Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	No impact
Impact GEO-05: Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	No impact
Impact GEO-06: Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	No impact
4.10 Hazards and Hazardous Materials	
Impact HAZ-01: Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Less than significant
Impact HAZ-02: Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Less than significant
Impact HAZ-03: Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Less than significant
Impact HAZ-04: Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?	No impact
Impact HAZ-05: For a Project within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the Project area?	No impact

Table 4-1. Environmental Impact Categories with No Impact or Less Than Significant Impacts

Impact Category	Environmental Impact
Impact HAZ-06: Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	No impact
Impact HAZ-07: Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	Less than significant
4.11 Hydrology and Water Quality	
Impact HYD-01: Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	Less than significant
Impact HYD-02: Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?	Less than significant
Impact HYD-04: In flood hazard, tsunami, or seiche zones, would the Project risk release of pollutants due to Project inundation?	Less than significant
Impact HYD-05: Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	Less than significant
4.12 Land Use and Planning	
Impact LU-01: Would the Project physically divide an established community?	Less than significant
Impact LU-02: Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	Less than significant
4.13 Mineral Resources	
Impact MIN-01: Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	No impact

Table 4-1. Environmental Impact Categories with No Impact or Less Than Significant Impacts

Impact Category	Environmental Impact
Impact MIN-02: Would the Project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	No impact
4.14 Noise	
Impact NOI-01: Would the Project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Less than significant
Impact NOI-02: Would the Project result in generation of excessive groundborne vibration or groundborne noise levels?	Less than significant
Impact NOI-03: For a Project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?	No impact
4.15 Population and Housing	
Impact POP-01: Would the Project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	Less than significant
Impact POP-02: Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	Less than significant
4.16 Public Services	
Impact PS-01: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection facilities?	Less than significant

Table 4-1. Environmental Impact Categories with No Impact or Less Than Significant Impacts

Impact Category	Environmental Impact
Impact PS-02: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection facilities?	Less than significant
Impact PS-03: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for school facilities?	Less than significant
Impact PS-04: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks?	Addressed in Section 4.17; Less than significant
Impact PS-05: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities?	Less than significant
4.17 Recreation	
Impact REC-01: Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	Less than significant
Impact REC-02: Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	Less than significant

Table 4-1. Environmental Impact Categories with No Impact or Less Than Significant Impacts

Impact Category	Environmental Impact
4.18 Transportation and Circulation	
Impact TRAN-01: Would the Project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	Less than significant
Impact TRAN-03: Would the Project substantially increase hazards due to a geometric design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	Less than significant
Impact TRAN-04: Would the Project result in inadequate emergency access?	Less than significant
4.19 Tribal Cultural Resources	
Impact TCR-01: Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	Less than significant
4.20 Utilities and Service Systems	
Impact UTL-01: Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	Less than significant
Impact UTL-02: Would the Project have insufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years?	Less than significant

Table 4-1. Environmental Impact Categories with No Impact or Less Than Significant Impacts

Impact Category	Environmental Impact
Impact UTL-03: Would the Project result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?	Less than significant
Impact UTL-04: Would the Project generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	Less than significant
Impact UTL-05: Would the Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	Less than significant
4.21 Wildfire	
Impact WF-01: Would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?	Less than significant
Impact WF-02: Would the Project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose Project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	Less than significant
Impact WF-03: Would the Project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	Less than significant
Impact WF-04: Would the Project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	Less than significant

5.0 OTHER CEQA REQUIRED ANALYSIS IN THE EIR

5.1 Energy Use

Pursuant to CEQA Guidelines Appendix F, an EIR must "include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy." Impacts related to the energy consumption of the Project and the applicability of state or local plans for renewable energy and energy efficiency are discussed in Section 4.7 (Energy) of the DEIR.

5.2 Growth Inducing Impacts

Pursuant to the CEQA Guidelines (Section 15126.2(d)), an EIR must address whether a project will directly or indirectly induce growth. This analysis explores how the Land Use and Safety Element Updates might induce growth in four ways:

- Fostering economic or population growth;
- Removing obstacles to growth;
- Precedent-setting actions; and
- Development of or encroachment upon open space.

Fostering Economic or Population Growth

The Land Use and Safety Element Update policies will guide future growth in the City into the future. Implementation of the Land Use and Safety Element Updates is not specifically intended to induce growth, but to manage and direct growth so that it maintains quality of life and achieves other important community goals. The Land Use and Safety Element Update includes policies to maintain an infill development pattern and preserve open space in and around the City.

As described in Chapter 3, Project Description, future population growth within the City is expected to remain consistent with past population trends. Low-, medium-, and high-growth scenarios are used to frame the discussion in planning for the next twenty or more years. The low-growth rate scenario uses a 0.03 percent per year annual average population growth rate (AAGR), which approximates the City's population growth over the last 50 years. Under the low-growth scenario the population of Ferndale would increase by nine persons between 2023 and 2045 climbing from 1,371 persons in 2023 to 1,380 persons by 2045 as shown in Table 3-2 and Figure 3-4 below.

Under this scenario the demand for new housing construction would be very low - only five new homes would need to be constructed during the planning period to accommodate the population growth.

The high-growth scenario on the other hand uses a 0.5 percent AAGR, and under this scenario the City's population would increase by 157 persons during planning period, reaching 1,528 persons in 2045. The demand for housing would also be relatively high - 85 new homes would need to be constructed by 2045 to accommodate the population growth. This figure exceeds recent growth rates but reflects the future housing needs anticipated in the 2019 regional housing needs plan prepared by the Humboldt County Association of Governments. And it is considerably lower than the growth rate Ferndale experienced between 1940 and 1970. The medium-growth scenario

describes a midpoint between the high- and low-growth scenarios and uses a 0.25 percent AAGR. It anticipates 78 more persons and 41 new homes in Ferndale by 2045.

The Land Use and Safety Element Update proposes no major infrastructure or public service extensions that are typically considered growth inducing. The growth that is projected is primarily infill, taking advantage of existing infrastructure and services. Therefore, the Land Use and Safety Element Update would not induce substantial economic or population growth in the surrounding areas, outside the City limits.

The proposed Land Use Element Update would directly or indirectly facilitate a small amount of construction- related employment. The amount of anticipated development is low and would likely be spread throughout the 20-year planning period, not requiring an influx of construction employment all at one time. Population growth is likely to result in an increased demand for goods and services, directly or indirectly facilitating business growth as well. This could increase the incomes of existing and new residents of the City, further increasing the demand for goods and services which could facilitate additional economic growth and business expansion in the area. City operations may need additional assistance keeping up with the increase of the City's population which could result in the hiring of additional City staff or utilizing additional contracted staffing services with private companies.

The potential increase in population and economic activity resulting from the proposed Land Use Element Update could be considered growth inducing. However, the State of California Department of Housing and Community Development identifies the regional housing needs by County. The City is required to plan for such growth and implement policies and plans as needed to accommodate growth. The State Department of Finance released population projections for California counties in July 2022; the Humboldt County population in 2045 is estimated to be 123,8921. This County population projection is a decrease of 10,402 people from the 2023 population of 134,3041. Since Ferndale has had a stable population for the past 50 years and the County population is expected to decline by roughly 7.7 percent, the adoption of the proposed Land Use Element and Safety Element Updates are not anticipated to be growth-inducing in a manner that overwhelms the City's capacity to accommodate the potential growth.

Removing Obstacles to Growth

The Land Use Element Update has a goal to "ensure Ferndale's growth will proceed in a thoughtful, orderly manner, retains its unique character, and is located where there are efficient and equitable public services available" and seeks to accomplish this goal through land use plans and policies in the Land Use Element and Safety Element Updates that prioritize infill development. New development that may result from the implementation of the Project is encouraged to occur primarily in areas where existing roads, water, sewer, electric, and other utilities are in place so as to minimize the impact on existing infrastructure and services.

The proposed Land Use Element Update includes the conversion of land use designations on several parcels in the City. These changes would allow for increased residential development in areas that limited or only permitted lower density residential housing. This aspect of the Land Use Element Update would be considered as removing obstacles to growth.

New residential development allowed under the proposed Land Use Element Update could result in the construction of streets to provide adequate access to the new development. Additionally,

infrastructure or utility service improvements could be necessary to support the new development. While substantial portions of the City are largely developed and contain adequate site-serving infrastructure, some infrastructure would have to be upgraded or expanded to accommodate infill development. In this sense, the proposed General Plan Update would induce growth by encouraging development of new infrastructure to support an orderly development pattern. Additionally, any subdivisions that may result from the implementation of the Land Use Element would require infrastructure and utility service improvements in order to support the new subdivision.

Precedent-Setting Actions

An action that is associated with the proposed Land Use Element Update that could be considered precedent setting is the changes in land use designations. By changing the land use designations of properties to allow for higher density residential designations and converting agriculturally zoned land to residential, the Land Use Element Update may be setting a precedent for the future development of vacant and agricultural land and encouragement of growth in the City. Land use designation changes could facilitate future projects, such as subdivisions and residential housing developments. The existing General Plan and Land Use Element Update and the EIR contain policies, implementation programs, and mitigations to reduce the environmental impacts of future growth. Similar policies, implementation programs and environmental documents will be needed to offset impacts of future public facilities, plans, and discretionary projects that follow.

Development of or Encroachment Upon Open Space

The Land Use Element Update and Land Use Map have been developed to avoid development or encroachment on land containing natural resources such as riparian areas, agriculture, timberlands, forestlands, or recreational resources to the extent feasible. The proposed Land Use Element policies expand protections for these areas. Ferndale and the surrounding area are rich in natural resources, specifically wetlands, riparian areas, and agriculture. Focusing development within the existing City boundary where public services and utilities are near- by prevents encroachment and development of surrounding open space and agricultural lands while ensuring current and future population growth can be accommodated.

5.3 Significant and Unavoidable Impacts of the Proposed Project

Section 15126.2(c) of the CEQA Guidelines requires that an EIR identify any significant environmental effects that cannot be avoided if the Project were implemented, including those that can be mitigated but not reduced to a level of insignificance. The following impacts would remain significant and unavoidable after feasible mitigation measures are applied:

- The Project would result in a cumulatively considerable net increase of criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard.
- The Project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- The Project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

- The Project would conflict or be inconsistent with CEQA Guidelines 15064.3, subdivision (b) because it would not go far enough to reduce Vehicle Miles Travelled (VMT) for new development below existing levels.

5.4 Significant Irreversible Environmental Changes

Section 15126.2(d) of the CEQA Guidelines requires that an EIR include a discussion of significant irreversible environmental changes that would result from project implementation.

Implementation of the proposed Land Use Element and Safety Element Updates would allow development that would result in long-term irretrievable commitments of nonrenewable resources associated with the construction of new housing units, non-residential structures, streets, and other infrastructure. The commitment of natural resources would include lumber and forest products, sand and gravel, asphalt, petrochemicals, and other construction materials. The resulting consumption of fossil fuels would incrementally reduce existing supplies of fuel oil, natural gas, and gasoline. Consumption of these resources would occur with any development in the region and are not unique to the City of Ferndale or the Land Use Element and Safety Element Updates.

An incremental increase in energy demand would also take place during construction and postconstruction activities, including lighting, plumbing, and the heating of commercial, industrial, school, and residential buildings. The Land Use Element and Safety Element Updates include policies to encourage energy conservation and reduction and the use of renewable energy systems. However, even renewable energy systems involve the use of fossil fuels and minerals in their manufacture; although these systems are designed to result in considerably less demand for fossil fuels during their lifecycle than technologies powered by fossil fuel combustion.

The development and further urbanization within the City would effectively result in irreversible environmental changes; once an area is developed into a built environment, the likelihood of 'reversing' developed areas back to an undeveloped state is highly improbable because the investment of resources and infrastructure for new development is an asset that tends to be protected over time. Therefore, such changes are considered irreversible. From a larger geographic perspective, attracting growth to the City of Ferndale, where infill development is prioritized and the footprint of the City could theoretically expand to accommodate growth thereafter, instead of allowing growth in outlying unincorporated areas of the County could reduce the scale of irreversible environmental effects for the region.

5.5 Cumulative Impacts

The California Environmental Quality Act (CEQA) defines cumulative impacts as "two or more individual actions that, when considered together, are considerable or will compound other environmental impacts". Because the Project is a comprehensive update to the General Plan Land Use and Safety Elements, cumulative impacts can be a summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect.

By its nature, a comprehensive update to the General Plan Land Use Element which defines land uses addresses cumulative impacts by considering development that could occur to accommodate projected growth within the City. For example, the transportation analysis

considers the overall change in vehicle miles travelled (VMT) due to land use changes within the City. Therefore, the analysis in the EIR considers the cumulative impacts in the City due to implementing the Land Use Element Update.

This is also true for the Safety Element which considers potentially hazardous conditions from regional sources, such as seismic activity and flooding, in addition to citywide impacts associated with increased density and growth. These cumulative effects are accounted for in the analysis of air quality, energy, greenhouse gas emissions, noise, and transportation impacts; therefore, these analyses would also be considered to evaluate cumulative impacts.

Other impacts, such as geology, soils, and cultural resources, are site specific and would not result in an overall cumulative impact from growth outside of the City. Therefore, the analysis of Project impacts in the EIR also constitutes the cumulative analysis.

6.0 FEASIBILITY OF PROJECT ALTERNATIVES

An EIR must briefly describe the rationale for selection and rejection of alternatives. The lead agency may make an initial determination as to which alternatives are feasible, and therefore, merit in-depth consideration, and which ones are infeasible.

6.1 Project Alternatives

6.1.1 Alternatives Considered but Rejected

State CEQA Guidelines Section 15126.6(c) provides that the range of potential alternatives for the project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects.

Alternatives that fail to meet the fundamental project purpose need not be addressed in detail in an EIR. In determining what alternatives should be considered in the EIR, it is important to acknowledge the objectives of the Project, the Project's significant effects, and unique Project considerations.

Rejected Alternative A: Annexation of Adjacent Lands and/or Development in Forested Hillsides.

The potential impact to agricultural and forest resources is greater when implementing development goals that do not prioritize infill development, such as urban sprawl. The forested slopes south of Ferndale constitute a significant ecological, recreational, and economic resource for residents and the surrounding region. Lands outside of City limits are currently utilized for and are highly suitable for agricultural production and would potentially be threatened by sprawl development. This alternative would be inconsistent with the intent of the Land Use Element policies, impair agricultural production, promote sprawl, and extend traffic into currently lesser- developed areas. Accordingly, this alternative was rejected.

Rejected Alternative B: Agricultural Sites

There are approximately 133 acres of agricultural lands zoned Agricultural Exclusive (A-E)

inside the City boundaries. A little less than half of it (58 acres) has wetlands according to the NWI. The remainder of A-E zoned land, 75 acres, represents an area that could be developed if the land use designations were changed, satisfying the City's projected housing needs for decades. However, the City and the community have strong policies focusing on agricultural preservation. This alternative was rejected because it conflicts with these policies.

Rejected Alternative C: Develop Mixed Uses on the Fairgrounds

A portion of the 60-acre County Fairgrounds site in the City could be redeveloped with a mixture of commercial and housing to accommodate future population and economic growth in the City. If mixed use development occurred in portion of the Fairgrounds site, it could be somewhat integrated with the commercial development to the northeast to continue the City's infill development pattern. This alternative was rejected because of the Fairgrounds' high recreational value to residents of Humboldt County and Ferndale and the costs of purchasing the land and preparing the site for mixed-use development.

6.1.2 Alternatives Considered

- **Alternative 1: Reduced Housing Density**
- **Alternative 2: No Project**

CEQA Guidelines Section 15126.6, subdivision (c), provides that the factors that may be used to eliminate an alternative include: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental effects of the project.

As indicated below, project alternatives vary in their ability to meet the project objectives, feasibility, and ability to avoid significant environmental effects. However, significant and unavoidable air quality and transportation impacts would remain with each alternative.

Table 6-1: Comparison of Project Alternatives

Impact Category	Impacts of Proposed Project	Impacts of Reduced Density Alternative 1	Impacts of No Project Alternative 2
Aesthetics	Less than significant	=	=
Agricultural and Forestry Resources	Less than significant	=	=
Air Quality	Significant and unavoidable	=	+
Biological Resources	Less than significant with mitigation	–	+
Cultural Resources	Less than significant	=	=
Energy	Less than significant	=	+
Geology and Soils	Less than significant	=	=
Greenhouse Gas Emissions	Significant and unavoidable	+	+

Table 6-1: Comparison of Project Alternatives

Impact Category	Impacts of Proposed Project	Impacts of Reduced Density Alternative 1	Impacts of No Project Alternative 2
Hazards and Hazardous Materials	Less than significant	=	=
Hydrology and Water Quality	Less than significant	_	=
Land Use and Planning	Less than significant	=	+
Mineral Resources	No impact	=	=
Noise	Less than significant	=	=
Population and Housing	Less than significant	=	=
Public Services	Less than significant	=	=
Recreation	Less than significant	=	=
Transportation Circulation	Significant and unavoidable	=	=
Tribal Cultural Resources	Less than significant	=	=
Utilities and Service Systems	Less than significant	=	=
Wildfire	Less than significant	=	+

Notes: "-" indicates an impact that is less than the proposed Project
"+" indicates an impact that is greater than the proposed Project
"=" indicates and impact is equal to the proposed Project

Alternative 1 – Reduced Housing Density

This alternative reduces the development potential of the Land Use Element. Under this Alternative, the Project's proposed changes to the Land Use Map would be implemented, however the proposed residential density increases would not occur. For example, the existing General Plan R2 designation allows up to 14 dwelling units per acre (du/ac) and the proposed Project would allow a density of up to 18 du/ac; similarly the existing R1 designation allows up to 7 du/ac and the proposed Project would allow up to 9 du/ac; and the existing R3 designation allows up to 14 du/ac and the proposed Project would allow up to 18 du/acre. Both the proposed Project and Alternative 1 would apply new and/or existing General Plan Land Use to lands within the city. The mitigation measures presented in this Draft EIR would be active under this alternative.

Findings:

Alternative 1 would reduce impacts to biological resources due to the reduction in overall development. However, Alternative 1 has a greater impact than the proposed Project in relation to greenhouse gas, land use and planning, population and housing, and transportation because the development pattern is more dispersed. Thus, it is rejected since it would not reduce significant and unavoidable impacts to less than significant nor would it meet project objectives to the extent of the proposed Project.

Alternative 2 - No Project

This is the only EIR alternative that is specifically required by the CEQA Guidelines (Section 15126.6[e]). The No Project alternative does not represent a no-development or no change scenario as the City has an existing General Plan. This alternative would focus on the potential result of not updating the General Plan to include changes to state law that have occurred since the adoption of the current plan.

Findings:

The No Project Alternative has a greater impact than the proposed project in relation to air quality, biological resources, greenhouse gas impacts, land use and planning, and wildfire. This alternative is rejected because it would not meet any of the project's objectives. The No Project Alternative has a greater impact than the proposed project in relation to greenhouse gas impacts, biological resources, energy, greenhouse gas emissions, land use and planning and wildfire. The No Project Alternative would not reduce any significant impacts in any impact category.

6.2 Environmentally Superior Alternative

Alternative 1 (Reduced Housing Density) is the least environmentally impactful alternative. The Reduced Density Alternative would result in less potential impacts to biological resources, greenhouse gas emissions, and hydrology and water quality because the Project would result in less development. Pursuant to CEQA requirements, the Reduced Density Alternative would be considered the environmentally superior alternative.

However, the proposed Project would offer benefits that would not be achieved by the Reduced Density Alternative, primarily more diverse infill housing opportunities with a compact development form in an area where public water and sewer service is available. Compared to the proposed Project, Alternative 1 would not fulfill the Project objectives as well. This is because the proposed Project would offer more housing opportunities and a diversity of land uses for future residents.

7.0 STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires decision makers to balance the benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the proposed project. If, in the opinion of the City Council, the benefits of the proposed project outweigh the unavoidable adverse effects, those effects may be considered "acceptable" (State CEQA Guidelines § 15093[a]). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Such reasons must be based on substantial evidence in the FEIR or elsewhere in the administrative record (State CEQA Guidelines § 15093 [b]). The agency's statement is referred to as a Statement of Overriding Considerations.

Implementation of the project would enable the City to achieve the project objectives, as established in the proposed General Plan, while avoiding significant environmental effects to the extent possible through feasible mitigation measures as described previously herein and balancing the benefits of the proposed project against its potential unavoidable adverse impacts. Given the imperative for future growth in the City, the following statements identify the reasons why, in the City Council's judgment, based on substantial evidence, the benefits of the project outweigh the significant and unavoidable effects. The substantial evidence supporting the benefits of the project can be found in the preceding findings, which are herein incorporated by reference; in the project itself; and in the record of proceedings.

In accordance with the requirements of CEQA and the CEQA Guidelines, the City Council finds that the mitigation measures identified in the FEIR and the Mitigation Monitoring and Reporting Program, when implemented, will avoid, or substantially lessen the significant effects identified in the FEIR for the Project. However, certain significant impacts of the project are unavoidable even after incorporation of all feasible mitigation measures. Significant unavoidable impacts that would result from the proposed project are associated with air quality, greenhouse gas emissions and transportation and circulation as discussed in Chapter 6.3 of the DEIR.

The City Council finds that all feasible mitigation measures identified in the FEIR under the purview of the City will be implemented with the project, and that the remaining significant unavoidable effects are outweighed and are found to be acceptable due to the following specific overriding economic, legal, social, technological, and other benefits based upon the facts set forth above, the FEIR, and the record, as follows:

- The Project addresses the City's housing needs of existing and future residents through a variety of housing types and designs including infill development, multifamily, and mixed-use projects.
- The Project provides a strategic framework to accommodate a reasonable share of projected regional population growth at intensities that are appropriate with respect to existing development, environmental resources, community character, available services, and available infrastructure.
- The Project promotes sustainable development through goals and policies that balance the need for adequate infrastructure, housing, and economic vitality with the need for resource management, environmental protection, and preservation of quality of life for residents in the City.

- The Project concentrates development in areas served by public infrastructure surrounded by areas of lesser intensity, thereby avoiding urban sprawl and minimizing land consumption while maintaining open space, habitat, recreation areas, and agriculture and timberlands, and other uses associated with rural areas.
- The Project provides a realistic land use map that accounts for existing development, physical constraints, hazards, and incompatible uses and assigns densities and use types accordingly to ensure that communities and neighborhoods remain safe and livable.
- The Project promotes mobility through enhanced connectivity and supports the goals of adopted regional transportation plans.
- The Project directs the preservation and environmental stewardship of the City's natural, cultural and historic resources that uniquely define the character and ecological importance of the City.
- The Project addresses adverse environmental effects associated with global climate change by facilitating sustainable development and promoting energy efficiency.
- The Project improves public safety by establishing goals and policies that minimize hazards and threats to personal safety and property.

Findings:

Based on the whole record, this Council finds that the EIR has identified and discussed significant effects that may occur as a result of the proposed Project. With the implementation of the mitigation measures discussed in the EIR, these effects can be mitigated to a level of less than significant except for unavoidable significant impacts to Air Quality, Greenhouse Gases, and Transportation. The Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the proposed Project.

The Council further finds that except for the proposed Project, all other alternatives set forth in the EIR are infeasible because they would prevent the realization of the proposed Project's objectives. The Council also finds that specific economic, social, and other benefits of the proposed Project outweigh the environmental benefits of the alternatives and the environmental impacts of the proposed Project.

For the foregoing reasons, the Council hereby declares that the benefits provided to the public through approval and implementation of the proposed Project outweigh any significant adverse environmental impacts of the proposed Project. The Council finds that each of the Project benefits outweighs the adverse environmental effects identified in the EIR, and therefore finds those impacts to be acceptable. The substantial evidence demonstrating the benefits of the proposed Project are found in these findings, and therefore the Council adopts this Statement of Overriding Considerations.

This Statement of Overriding Considerations shall be included in the record of Project approval, and its adoption shall be identified in the Notice of Determination for the Project.

8.0 ADOPTION OF A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CEQA MITIGATION MEASURES

Section 21081.6 of the Public Resources Code requires this City Council to adopt a monitoring or reporting program regarding changes in the project and mitigation measures imposed to lessen or avoid significant effects on the environment. The Mitigation Monitoring and Reporting Program (MMRP), included in the FEIR, is adopted because it fulfills the CEQA mitigation monitoring requirements:

- The MMRP is designed to ensure compliance with the changes in the Project and mitigation measures imposed on the Project during Project implementation; and
- Measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures.