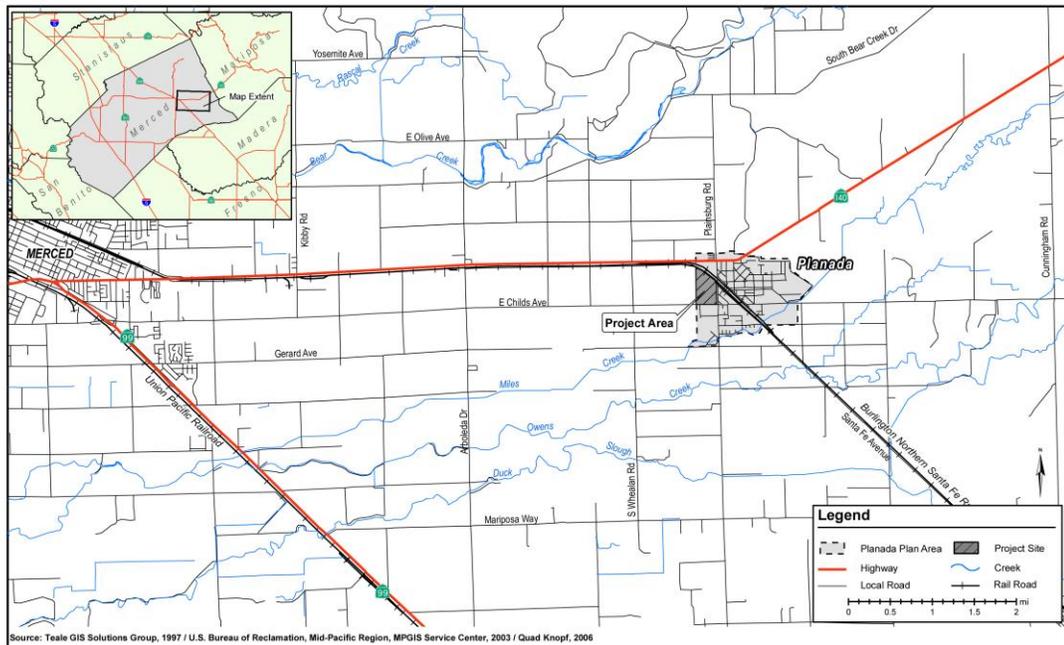


# CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS OF MERCED COUNTY FOR THE BUENA VISTA SUBDIVISION I PROJECT

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January 2014

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# CEQA FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

## Buena Vista Subdivision I

Submitted to:

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# TABLE OF CONTENTS

<b><i>I</i></b>	<b><i>Introduction</i></b> .....	1
<b><i>II</i></b>	<b><i>Terminology of Findings</i></b> .....	1
<b><i>III</i></b>	<b><i>Definitions and Acronyms</i></b> .....	2
<b><i>IV</i></b>	<b><i>Project Description</i></b> .....	2
	A Location .....	2
	B Project Description.....	2
	C Project Objectives .....	2
	D Land Use Descriptions and Zoning .....	3
<b><i>V</i></b>	<b><i>Environmental Review Process</i></b> .....	6
<b><i>VI</i></b>	<b><i>Record of Proceedings</i></b> .....	7
<b><i>VII</i></b>	<b><i>Findings Required under CEQA</i></b> .....	8
<b><i>VIII</i></b>	<b><i>Significant Effects and Mitigation Measures</i></b> .....	10
	A 3.1 Aesthetics .....	10
	B 3.2 Agricultural Resources.....	12
	C 3.3 Air Quality .....	15
	D 3.4 Biological Resources .....	17
	E 3.5 Cultural Resources .....	18
	F 3.6 Geology, Soils, and Mineral Resources .....	20
	G 3.7 Hazards and Hazardous Materials.....	21
	H 3.8 Hydrology.....	21
	I 3.10 Noise.....	25
	J 3.11 Population and Housing.....	28
	K 3.12 Public Services, Recreation, and Utilities.....	29
	L 3.13 Transportation and Traffic.....	31
	M 3.14 Global Climate Change.....	32
<b><i>IX</i></b>	<b><i>Growth Inducement</i></b> .....	35
	A Direct Growth Inducement .....	35
	B Indirect Growth Inducement.....	35
<b><i>X</i></b>	<b><i>Significant and Unavoidable and Irreversible Environmental Effects</i></b> .....	36
	A Significant and Unavoidable Effects .....	36
	B Irreversible Effects .....	37
<b><i>XI</i></b>	<b><i>Findings Regarding Recirculation of the EIR</i></b> .....	38
<b><i>XII</i></b>	<b><i>Project Alternatives</i></b> .....	40
	A Basis for Alternatives .....	40
	B Alternatives Considered but not Analyzed .....	41
	C Project Alternatives.....	41
	D Analysis of Project Alternatives.....	42
	E Environmentally Superior Alternative .....	50
<b><i>XIII</i></b>	<b><i>Statement of Overriding Considerations</i></b> .....	51

## **I.** **INTRODUCTION**

The Environmental Impact Report (EIR) prepared for the Buena Vista I Subdivision Project (Project) addresses the potential environmental effects associated with constructing the Project and its subsequent operation. Approval of a project with significant impacts requires that findings be made by the County of Merced pursuant to the California Environmental Quality Act (CEQA, California Public Resources Code sections 21000 et seq.), and State CEQA Guidelines (California Administrative Code, Title 14, Chapter 3) Section 15043, 15091, and 15093.

The information presented herein refers to the Notice of Preparation (NOP) or Final EIR (FEIR) where the materials appear in either of those documents. Otherwise, references are to the Draft EIR (DEIR).

CEQA generally requires that a lead agency take reasonable efforts to mitigate or avoid significant environmental impacts when approving a project. An EIR is often prepared to evaluate any potentially significant environmental impacts of a proposed project. The EIR is an informational document that serves to inform the Lead Agency decision-making body and the public in general of any potentially significant environmental impacts. The preparation of an EIR also serves as a medium for identifying possible methods of minimizing any significant effects and assessing and describing reasonable alternatives to the project.

The EIR for this project was prepared by the County of Merced (County) as the “Lead Agency” in accordance with CEQA to identify and assess the anticipated effects of the project. The County, as the lead agency, has the principal responsibility for approval of the project.

## **II.** **TERMINOLOGY OF FINDINGS**

CEQA requires that a lead agency make reasonable efforts to either mitigate or avoid significant environmental impacts when approving a project. Significant impacts of the Project would either: 1) be mitigated to a less-than-significant level pursuant to the mitigation measures identified in this DEIR; or 2) mitigation measures notwithstanding, have a residual significant impact that requires a Statement of Overriding Considerations.

The Lead Agency is responsible for the adequacy and objectivity of the EIR, and for final approval of the Project. The County of Merced, as Lead Agency, has subjected the Draft EIR (DEIR) and Final EIR (FEIR) to the agency's own review and analysis. The DEIR, FEIR, and the Findings of Fact reflect the independent judgment of the County of Merced.

### **III.**

## **DEFINITIONS AND ACRONYMS**

These findings use the same definitions and acronyms set forth in the DEIR (reference to list of acronyms). In addition, the term “County” refers to the County of Merced, and the term “Board” refers to the Board of Supervisors for the County of Merced.

### **IV.**

## **PROJECT DESCRIPTION**

#### **A. Location**

The proposed project site is located south of State Route 140/Yosemite Parkway and the Burlington Northern Santa Fe (BNSF) Railroad, west of Plainsburg Road, and north of Childs Avenue in the unincorporated community of Planada in eastern Merced County. The site lies within Section 28 of Township 7 South and Range 15 East, Mount Diablo Base and Meridian.

#### **B. Project Description**

The proposed development includes a 45.7-acre residential subdivision consisting of 211 single-family residential lots ranging from 5,000 to 6,000 square feet and a 2.21-acre park. Under the R-1-5000 zoning designation, one single-family dwelling would be allowed by right on each legal parcel. Thus, implementation of the project would result in the potential construction and occupancy of up to 211 single-family dwellings. The proposed project includes a rezone and subdivision map approval and the implementation of the public and private development permitted thereby. Buildings may be up to two stories in height and would range from 1,200 to 1,800 square feet of living space. The project will be developed in two stages. Additionally, a 4.3-acre portion of the site would be developed according to the Planada Community Plan designation of Business Park (BP).

Near term: The Tentative Map will be limited to development of a total of 150 single-family residential units. The applicant has secured a conditional “Can and Will Serve” letter from Planada CSD to service water and wastewater needs for up to 150 residential units (see Appendix O of the Final EIR).

Long term: The Applicant will not develop the remainder of the project (an additional 61 single-family residential units and 14.3 acre Business Park) without obtaining County approval of a further Major Subdivision. Such approval will not be possible until such time as the Planada CSD has either expanded its WWTF capacity to accommodate the project, or otherwise provided the Applicant with “Can and Will Serve” letters identifying available water and sewer capacity to serve the proposed development.

In accordance with local housing market conditions, lower income and/or smaller households would be accommodated by the smaller single story home models while moderate and above income level and/or larger households would be accommodated by the larger two-story home models.

The remaining 14.3-acre portion of the site would be developed according to the Planada Community Plan designation of Business Park (BP). This designation allows for a floor area ratio (FAR) of 0.30, or 30%, lot coverage and would result in a maximum of 186,872 square feet of office and light commercial uses. The proposed M-1 zoning designation would allow for the maximum number of development options in conformance with the Business Park land use designation.

The proposed project site would be accessed via Childs Avenue and Plainsburg Road. No offsite road improvements would be necessary to implement the project beyond minor paving necessary to connect project internal roadways with Childs Avenue and Plainsburg Road. Off-street parking for two vehicles would be provided for each residential unit, while parking lots will be developed in accordance with County standards within the Business Park portion of the site.

The project would be constructed in at least two phases: a first phase, for the residential component of the project, and a second phase for the business park component of the project.

### **C. Project Objectives**

- To create housing opportunities for various income levels within the Community of Planada
- To create a new neighborhood that blends in with the existing Community of Planada
- To create places to live that foster neighborliness and a strong sense of community and belonging within the Community of Planada
- To develop a residential area within easy walking distance of schools and parks within the Community of Planada
- To provide adequate circulation and utility infrastructure that supports the long-term sustainability of the proposed project within the Community of Planada
- To create a business park that will provide business and job opportunities within the Community of Planada

### **D. Land Use Designations and Zoning**

The project site consists of almond orchards and vacant land. Elevations on the site range from 220 feet to 223 above mean sea level (AMSL). There are no surface water features on the project site, although Miles Creek, which flows from east to west, is located south of the project site. Public water, sewer, and storm drainage infrastructure do not currently exist on the

proposed project site. The proposed project site consists of four parcels encompassing a total of approximately 60 acres.

The proposed project site is currently designated by the Planada Community Plan as Elementary School (ES), Neighborhood Park (NP), Low-Density Residential (LDR) (46± acre portion), and Business Park (BP) (14± acre portion). The Business Park designation provides for office centers, research and development facilities, warehouse and distribution centers, light manufacturing and fabrication, and other similar uses located in a low-intensity, landscaped setting. No public water, sewer, or drainage infrastructure or services are currently provided to the site. Zoning would require changes from General Agriculture (A-1) to Single-Family Residential (R-1-5,000) and Light Manufacturing (M-1).

## **E. Required Discretionary Actions**

### ***Certification of Final EIR***

The Board will need to certify the Final EIR with appropriate findings and approve the Mitigation and Monitoring Program.

### ***Major Subdivision Application***

The Project Applicant has submitted a Major Subdivision Application (MAS 03-018). The MAS is for a Vesting Tentative Subdivision Map to subdivide the proposed project site into 150 single-family residential lots. This will require approval by the County. The Applicant will not develop the remainder of the Project (an additional 61 single-family residential units and 14.3-acre Business Park until County approval of a further Major Subdivision as been finalized. This will require approval by the County.

### ***Zone Change***

A request for a Zone Change (ZC 03-019) has been submitted to the County for approval. The Zone Change proposes a rezoning of a 45.7-acre portion of the site from A-1 (General Agricultural) to R-1-5000 (Single Family Residential-Small Lot) and a rezoning of the remaining 14.3-acre portion from A-1 (General Agricultural) to M-1 (Light Manufacturing).

### ***Water and Wastewater***

The Applicant has secured a conditional “Can and Will Serve” Letter from Planada Community Service District to service water and wastewater needs for up to 150 residential units.

### ***Other Possible Actions***

The Project may also require other actions, including an Encroachment Permit, and/or a Roadway Impact Agreement.

Subsequent ministerial actions would be required for the implementation of the proposed project, including issuance of grading and building permits.

Pursuant to CEQA Guidelines § 15381 and § 15386, in addition to the County, other federal and State agencies will serve as Responsible and Trustee Agencies. The Draft EIR provides environmental information to these agencies and other public agencies, which may be required to grant approvals or coordinate with other agencies, as part of project implementation. These agencies may include, but are not limited to:

- California Department of Fish and Wildlife (CDFW)
- California Department of Natural Resources
- California Department of Transportation
- California Department of Water Resources
- Regional Water Quality Control Board (RWQCB)
- San Joaquin Valley Air Pollution Control District (SJVAPCD)
- U.S. Fish and Wildlife Service (USFWS)

Actions that are necessary to implement the project that must be taken by other agencies are:

#### ***Indirect Source Review by SJVAPCD***

An Indirect Source Review (District Rule 9510) would be filed with the SJVAPCD to determine potential mitigation, if any for NO<sub>x</sub> and PM<sub>10</sub> emissions.

#### ***National Pollutant Discharge Elimination System (NPDES)***

Compliance with RWQCB would be required for potential discharges to surface waters, as construction activities associated with the project would result in the disturbance of greater than one acre.

## **V.** **ENVIRONMENTAL REVIEW PROCESS**

An Initial Study was prepared, in accordance with CEQA Guidelines § 15060(d), and it was determined that a project-level EIR was required, as it was found that the proposed Project may have a “potentially significant impact” or “potentially significant unless mitigated impact” on the environment. The EIR was required to analyze only the effects that were found to have a potentially significant impact, and not those found in the Initial Study to have “no impact” or “less-than-significant impact.” However, the Lead Agency chose to discuss all topics identified by CEQA in full detail.

## Impacts and Mitigation

The Initial Study Checklist assessed each of the impact areas in the Checklist, and assessed whether or not the proposed Project would result in impacts. The following areas were found to require additional study under the EIR:

- Agriculture Resources
- Air Quality
- Hydrology/Water Quality
- Noise
- Public Services
- Recreation
- Transportation/Traffic
- Utilities/Service Systems
- Mandatory Findings of Significance.

The County of Merced issued a Notice of Preparation (NOP) for the proposed Project EIR on September 25, 2006. As required under CEQA, the NOP was circulated for public review and comment between September 25, 2006 and October 24, 2006 for a 30-day review. The NOP is included as Appendix A of the DEIR.

A total of 11 comment letters were received in response to the NOP, of which eight were informational in nature. A letter from the Planada Association expressed concern by the Association that the proposed Project would include residential development near the BNSF railway and north of Plainsburg Road. More specifically they were concerned with potential hazards from the railway, as well as noise and air quality concerns from railway traffic. The Department of Water Resources asked the County to determine if the proposed Project would encroach on the State Adopted Plan of Flood Control. The Merced Irrigation District (MID) requested that certain conditions be implemented as conditions of approval. These included alignments of the Lateral "B-1" and a "Crossing Agreement" for all crossings over or under MID facilities.

The University of California Agriculture and Natural Resources noted that the proposed Project would include loss of prime farmland. Other informational letters were received from: the State Clearinghouse, the Native American Heritage Commission, the Department of Toxic Substance Control, the California Public Utilities Commission, RWQCB, SJVAPCD, and the Merced County Department of Public Works.

On November 2, 2009 a Public Notice was issued for the proposed Zone Change and Major Subdivision Application (No. MAS03-018) for the proposed Project.

On November 5, 2009, the Notice of Completion (NOC) was submitted to the State Clearinghouse as official notice that the DEIR was completed and the Notice of Availability was published. The Notice of Availability (NOA) was sent to the State Clearinghouse on the same

date for circulation from November 5, 2009 through December 21, 2009, a period of 47 days, which exceeded the 45-day, statutorily-required public review period.

The DEIR identified the following potentially significant environmental effects: Agriculture resources; aesthetic/visual; agricultural resources; air quality; biological resources; cultural resources; geology, soils and mineral resources; hazards and hazardous materials; hydrology and water quality; land use and planning; noise; population and housing; public services, recreation and utilities; transportation and traffic; and global climate change.

The following agencies submitted comment letters on the Draft EIR (SCH No. 2006091120):

- State Clearinghouse
- Merced Irrigation District
- Native American Heritage Commission
- Planada Community Service District
- San Joaquin Valley Air Pollution Control District
- Department of Conservation, Division of Land Resource Protection
- Merced County Farm Bureau

In addition to those letters submitted by agencies, three letters were received from individuals or interested parties. Although agencies and interested parties asked for clarification or additional information for various issues, and changes to text or mitigation measures were made as a result of those comments, there were no changes made to the project description.

## **VI.** **RECORD OF PROCEEDINGS**

For the purposes of CEQA, and the findings herein set forth, the administrative record for the project consists of those items listed in Public Resources Code section 21167.6, subdivision (e). The record of proceedings for the County's decision on the Project consists of the following documents, at a minimum, which are incorporated by reference and made part of the record supporting these findings:

- The NOP, dated September 25, 2006, and all other associated public notices issued by the County in conjunction with the Project;
- The DEIR for the Project and all documents relied upon or incorporated by reference;
- The NOC and Notice of Intent (NOI) for the DEIR public review period dated November 5, 2009, and all written and oral comments submitted by agencies or members of the public during the 47-day comment period on the DEIR;
- The FEIR for the Project, including the Planning Commission staff report; minutes of the Planning Commission public hearing; Errata and Conditions of Approval; resolution of the Planning Commission relating to the EIR; Board of Supervisors staff report; minutes of the Board of Supervisors public hearing; comments received on the DEIR; the

County's responses to those comments; technical appendices; and all documents relied upon or incorporated by reference;

- The mitigation monitoring and reporting program (MMRP) for the Project;
- All reports, studies, memoranda (including internal memoranda not protected by the attorney-client privilege), maps, staff reports, or other planning documents relating to the Project prepared by the County, consultants to the County, or responsible or trustee agencies with respect to the County's compliance with the requirements of CEQA; and
- All findings and resolutions adopted by the County in connection with the Project, and all documents cited or referred to therein.

Pursuant to CEQA Guidelines section 15091(e), the administrative record of these proceedings is located at, and may be obtained from, the County's Planning and Community Development Department located at 2222 M Street, Merced CA, 95340. The custodian of the materials is the Senior Planner with the County's Planning and Community Development Department.

The County has relied on all of the documents listed above in reaching its decisions on the proposed project even if not every document was formally presented to the Board of Supervisors or County Staff as part of the County files generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into one of two categories. Many of them reflect prior planning or legislative decisions of which the County was aware in approving the Project. (See *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-391; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6.) Other documents influenced the expert advice provided to County Staff or consultants, who then provided advice to the County Board of Supervisors as final decisionmakers. For that reason, such documents form part of the underlying factual basis for the County's decisions relating to approval of the Project. (See Pub. Resources Code, § 21167.6, subd. (e)(10); *Browning-Ferris Industries v. City Council of City of San Jose* (1986) 181 Cal.App.3d 852, 866; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155.)

## **VII.** **FINDINGS REQUIRED UNDER CEQA**

Public Resources Code § 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects [.]". The same statute provides that the procedures required by CEQA, "are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 goes on to provide that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

Additionally, §15091, regarding "Findings," states 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 effect 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.

(b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

These findings constitute the County's best efforts to set forth the evidentiary and policy bases for its decision to approve the project in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various mitigation measures outlined in the FEIR are feasible and

have not been modified, superseded or withdrawn, the County hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the County adopts a resolution approving the project. Each of the findings is individually sufficient to address the potential environmental impacts of the Project. (*Flanders Foundation v. City of Carmel-By-The-Sea* (2012) 202 Cal.App.4th 603.)

## **VIII.**

### **SIGNIFICANT EFFECTS AND MITIGATION MEASURES**

The Final EIR identified a number of potentially significant effects that could result from the proposed Project as identified and listed below. The Board of Supervisors finds that the inclusion of certain mitigation measures as part of the Project approval will reduce some of the potential significant effects to a less-than-significant level. Other significant, unavoidable effects cannot be substantially lessened or avoided to less than significant with the imposition of all feasible mitigation measures. For reasons set forth in Section XII, however, the County has determined that the significant, unavoidable effects of the Project are outweighed by overriding economic, social, and other considerations, as described in greater detail in Section VIII Statement of Overriding Considerations.

As required by CEQA, a Mitigation Monitoring Program (MMRP) has been prepared for the Project. The Mitigation Monitoring Program provides details on the timing and sequence of the mitigation measures identified below, the party responsible for implementing the measures, and what agency has the responsibility to monitor the implementation of the mitigation measures. A description of the significant effects and mitigation measures for the Project, with the legal finding, are presented below for those resources and issues that have the potential to be impacted by the Project.

#### **A. 3.1 Aesthetics**

***Impact 3.1-4 Create a new source of substantial light or glare that would adversely affect day or night views in the area.***

**Discussion/Conclusion:** Lighting from residences, businesses, and streetlights in the proposed subdivision has the potential to add “light pollution” to the night sky in the vicinity of the project. Light pollution occurs when nighttime views of the stars and sky are diminished by an over-abundance of light coming from the ground. Light pollution is a potential impact from the operation of any light source at night. Proper light shields, lighting design, and landscaping are commonly used to reduce light pollution generated from lighting by blocking the conveyance of light upwards. The result is that the lights are not visible from above and do not add ambient light to the nighttime sky.

Interior lighting at night has the potential to create a source of light spillage onto the adjacent development and roadways. Proper light shields, lighting design, and landscaping can be used to

reduce light spillage from project structures. The result is a reduction in the amount of light spillage that occurs from the interior of buildings.

Light reflecting off surfaces during daylight hours has the potential to create a source of glare in the vicinity of the project site. Glare-reducing materials are needed to reduce the impact of glare from reflective surfaces such as windows and other building materials. The result of these design measures is that glare is less visible from adjacent development and roadways.

Light production will occur from within and outside the residences and buildings that will be visible from adjacent areas. This impact is considered *potentially significant*.

### ***Mitigation Measures***

Implementation of the following mitigation measures will reduce the impact to a *less-than-significant* level.

#### ***Mitigation Measure 3.1-4a:***

A lighting plan shall be prepared and submitted to the Merced County Planning & Community Development Department for approval prior to approval of building permits for this proposed project site. The lighting plan shall comply with the guidelines provided by the International Dark Sky Association Model Lighting Ordinance. Night lighting shall be limited to that necessary for security, safety, and identification. Night lighting shall also be screened from adjacent residential areas and not be directed in an upward manner or beyond the boundaries of the parcel on which the buildings are located. Outdoor security lighting at businesses shall be controlled by timers.

#### ***Mitigation Measure 3.1-4b:***

All outdoor lighting on the project site shall be shielded, directed downward and away from adjoining properties and rights-of-way. Light shields shall be installed and maintained consistent with manufacturer's specifications and shall reduce the spillage of light on to adjacent properties to less than a one-foot candle standard as measured at the adjacent property line.

#### ***Mitigation Measure 3.1-4c:***

Outdoor lighting fixtures shall be designed to produce the minimum amount of light necessary for safety purposes. All parking lot pole lights and street lights shall be fully hooded and back shielded to prevent light spillage and glare.

#### ***Mitigation Measure 3.1-4d:***

The project design shall include the use of glare-reducing materials, including non reflective paints and building materials, to reduce the amount of glare created by the project structures.

***Impact 3.1-5: Cumulatively adverse affect to aesthetics***

**Discussion/Conclusion:** Cumulative impacts from implementation of the proposed project, future planned developments in the vicinity, and residential development south of Childs Avenue consist of the introduction of new urban development to a traditionally rural agricultural area of the Central Valley. There would be a cumulative visual impact in terms of loss of agricultural land as viewed from public roadways discussed in this section of the EIR.

Nighttime illumination and daytime glare would also be increased in the project vicinity as a result of cumulative project development. Although individual project developments would be responsible for incorporating mitigation to minimize their visual impacts, the net result would still be a general conversion of an area with a rural character to an urban and developed character. Some may see the loss of the area's rural character as a negative change in visual quality. This impact is considered ***potentially cumulatively considerable***.

***Mitigation Measures***

No mitigation measures are available that would fully mitigate this impact; therefore, this impact remains ***significant, cumulatively considerable, and unavoidable***.

**B. 3.2 Agricultural Resources**

***Impact 3.2-1: Conversion of Prime Farmland to Non-agricultural use***

**Discussion/Conclusion:** The proposed project site is designated for agricultural uses by the Merced County General Plan and Zoning Ordinance. In addition, the entire proposed project site is classified by the FMMP as "Prime Farmland." Implementation of the proposed project would result in the conversion of approximately 60 acres of Prime Farmland to urban uses. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Implementation of the proposed project would convert an area designated as Prime Farmland to residential and commercial, nonagricultural uses. Similar to other counties in California, Merced County has experienced a significant loss of agricultural land in the last several decades. Between 2002 and 2004, Merced County lost 7,330 acres of Prime Farmland. Because this project will result in the conversion of prime agricultural lands to nonagricultural uses, this is a ***potentially significant*** impact.

***Mitigation Measures***

Implementation of the following mitigation measure will substantially lessen the significant impact relating to the loss of Prime Farmland but will not mitigate the impact to a ***less-than-significant*** level. Therefore, the impact will remain ***significant and unavoidable***.

***Mitigation Measure 3.2-1:***

Prior to recording the final map, the project proponent shall preserve Prime Farmland of equal quality at a minimum ratio of 1:1 or 60 acres and shall protect the land for agricultural use through long-term land use restrictions such as agricultural conservation easements. An organization such as the Merced County Farmland and Open Space Trust shall be used to facilitate the establishment of the conservation easement. The purpose of the conservation easement shall be to assure that the land remains available for farming. The land shall be available as closely as possible to the proposed project site, to the satisfaction of the Zoning Administrator. The proposed conservation easement for the property shall be submitted to the County for review and approval.

***Impact 3.2-2: Indirectly convert and lose surrounding Important Farmland to nonagricultural use***

**Discussion and Conclusion:** Land to the north and west of the proposed project site is currently under agricultural production and is classified by the FMMP as “Prime Farmland.” The majority of the land directly east and southeast of the proposed project site is currently classified as “Urban and Built-Up Land,” with some areas of “Farmland of Local Importance.” Land to the west of the proposed project site is designated and zoned by the Merced County General Plan for agricultural use, and it is outside the Specific Urban Development Plan (SUDP).

Agricultural land can be incompatible with urban development by exposing the population to nuisances such as dust from soil tilling, overspray during pesticide application, noise from farm equipment, and odors from livestock. Conversely, urban development can be incompatible with agricultural land by introducing domestic pets that can harass livestock and by increasing the risk of vandalism. The agricultural land to the west of the proposed project site consists of a newly planted orchard, and standard pesticide applications are expected. There are not any concentrated animal facilities or livestock to the west of the proposed project site, so that odors will not be generated. Furthermore, the County has adopted a right-to-farm ordinance, which is meant to reduce conflicts between urban and agricultural land. The ordinance protects agricultural operations from encroaching urban development by advising nearby residents of the potential inconveniences created by agricultural operations and explaining that these inconveniences are acceptable customs and standards of such operations.

Due to the potential for future development and indirect conversion and loss of surrounding Important Farmland to nonagricultural uses, this impact is considered ***potentially significant***.

***Mitigation Measures***

Implementation of the following mitigation measure will reduce this impact to ***less than significant***.

***Mitigation Measure 3.2-2:***

- *The applicant, owner of the proposed project site and the agricultural land west of the site, shall record a 200 foot non-spray agricultural buffer easement along the entire length of the western property line of the proposed project.*
- *Use landscaping specifically designed to provide a buffer between agricultural uses to the west and residential uses to the east.*
- *Building pads for residential lots along the western portion of the proposed project site shall be oriented so as to maximize the rear yard depth and thereby buffer between residential uses and adjacent agricultural operations.*
- *Fences of a minimum 6 feet in height shall be constructed around the rear yards of all residential lots that will back up directly to existing agricultural land, providing a buffer to the agricultural land to the west.*

***Impact 3.2-3: Create inconsistencies with agricultural policies and/or implementation measures***

**Discussion and Conclusion:** The proposed project site will abut Prime Farmland that is outside the Planada Community Plan boundary to the west. Open space corridors, buffers, and/or setbacks are necessary to create a transition between the urban environment and agricultural land. This is a ***potentially significant*** impact.

***Mitigation Measures***

Implementation of Mitigation Measure 3.2-2 above will reduce this impact to ***less than significant***.

***Impact 3.2-4: Cumulatively impact agricultural resources***

**Discussion and Conclusion:** Implementation of the proposed project will result in the conversion of a significant amount of Prime Farmland (the entire site, equaling approximately 60 acres) to nonagricultural uses. Between 2002 and 2004, Merced County had a total of 276,574 acres of prime farmland; 7,330 acres were converted to other uses. Statewide, the total Prime Farmland inventoried in 2000 was 5,228,884 acres, and 5,181,712 acres were inventoried in 2002. Statewide, the total acreage of Prime Farmland that was converted to another use was 114,619. This project, in conjunction with all past, present and future development, will cumulatively impact agricultural resources in Merced County and statewide as more agricultural land is converted for urban uses. No mitigation is available to mitigate this project's permanent conversion of agricultural land so as to lessen its contribution to this cumulatively considerable impact; therefore, this impact on agricultural resources is considered ***potentially cumulatively considerable***.

### ***Mitigation Measures***

Even with adoption of Mitigation Measure 3.2-4, no mitigation measures are available to fully mitigate this project's permanent conversion of agricultural land; therefore, this impact remains ***significant, cumulatively considerable, and unavoidable***.

#### ***Mitigation Measure 3.2-4:***

Place an amount of productive farmland under permanent conservation easement that is equal to that which will be lost through this proposed development at a ratio of 1 acre protected for 1 acre lost. An in lieu fee may be paid to the County, or bona fide agricultural conservation organization, as an alternative to obtaining an easement directly. Productive agricultural land is defined by the County as including lands with soil designation as Prime, Unique, or of statewide importance by the State Farmlands Map.

### **C. 3.3 Air Quality**

#### ***Impact 3.3-2: Increase emission of particulate matter and ozone precursors during project construction***

**Discussion/Conclusion:** According to the SJVAPCD, a project's construction phase produces many types of emissions, but PM<sub>10</sub> is the pollutant of greatest concern. PM<sub>10</sub> emissions can result from a variety of construction activities, including excavation, grading, demolition, vehicle travel on paved and unpaved surfaces, and vehicle exhaust. Construction-related emissions can cause substantial increases in localized concentrations of PM<sub>10</sub>, as well as affecting PM<sub>10</sub> compliance with ambient air quality standards on a regional basis. Particulate emissions from construction activities can lead to adverse health effects as well as nuisance concerns such as reduced visibility and soiling of exposed surfaces.

Construction equipment used during the construction phase of the proposed project will emit ozone precursors including ROG and oxides of nitrogen (NO<sub>x</sub>).

The SJVAPCD's approach to CEQA analyses of construction impacts is to require implementation of effective and comprehensive control measures rather than to require detailed quantification of emissions. The SJVAPCD has determined that compliance with Regulation VIII for all sites and implementation of all other control measures indicated in the district's guidelines (as appropriate, depending on the size and location of the project site) will constitute sufficient mitigation to reduce PM<sub>10</sub> impacts to a level considered less than significant.

Prior to mitigation, construction-related air emissions represent a ***potentially significant*** impact.

### ***Mitigation Measures***

Implementation of the following mitigation measures and compliance with District Regulation VIII will reduce this impact to a ***less-than-significant*** level.

***Mitigation Measure 3.3-2a:***

Construction contracts shall require the primary construction contractor to prepare and submit a dust control plan to the SJVAPCD that incorporates all provisions of Regulation VIII and the following additional measures:

- All disturbed areas, including storage piles that are not being actively used for construction purposes shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.
- All onsite unpaved roads and offsite unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- All land-clearing, grubbing, scraping, excavation, land-leveling, grading, cut-and-fill, and demolition activities shall be effectively controlled of fugitive dust emissions by applying water or by presoaking.
- When materials are transported off site, all material shall be covered and effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)
- Following the addition of materials to or the removal of materials from the surface of outdoor storage piles, the piles shall be effectively stabilized of fugitive dust emissions using sufficient water or chemical stabilizer/suppressant.
- Traffic speeds on unpaved roads shall be limited to 15 mph and silt fencing or other erosion control measures shall be installed in accordance with best management practices as stated in the project Storm Water Pollution Prevention Plan (SWPPP) to prevent silt runoff to public roadways from sites with a slope greater than 1%.
- Wheel washers shall be installed for all exiting trucks, or all trucks and equipment leaving the site shall be washed off.
- Wind breaks shall be installed at windward side(s) of construction areas.
- Excavation and grading activities shall be suspended when winds exceed 20 mph.
- Area subject to excavation, grading, and other construction activity shall be limited at any one time.

- The use of diesel equipment with catalytic converters and particulate traps shall be maximized.
- Equipment not in use for more than ten minutes should be turned off.
- The hours of operation of heavy duty equipment and/or the amount of equipment in use shall be limited to between 7:00 a.m. and 5:00 p.m. on nonfederal holiday weekdays.
- The Construction Contractor shall ensure that construction equipment is properly sized for the task and that all construction diesel engines, which have a rating of 50 hp or more shall meet at a minimum, CARB's Tier 2 or higher certified engines for cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation, unless the AQ Manager certifies that such an engine rating is not available for a particular item of equipment. If this measure is used by the applicant to comply with SJVAPCD Rule 9510, the SJVAPCD will be responsible for ensuring compliance. Otherwise, the County of Merced will review records maintained by the Construction Contractor.

***Mitigation Measure 3.3-2b:***

To reduce the emission of ROG associated with the application of architectural coatings during building construction, the applicant shall use the following methods and materials during the application of all architectural coating materials:

- Minimize the use of paints and solvents by using precoated building materials;
- Minimize the use of paints and solvents by using naturally colored building materials;
- Use water-based or low-ROG coatings; and
- Utilize coating application equipment with high transfer efficiency rates.

**D. 3.4 Biological Resources**

***Impact 3.4-1: Substantially and adversely impact candidate, special-status, or sensitive species***

**Discussion and Conclusion:** The biotic habitat of the project site, like most of the remaining lands in the region, has been drastically altered from its original form by human-caused disturbances. Because the project site is currently a fallow field and until recently an orchard, the baseline conditions on the project site are considered low-quality habitat for plants and animals. There may be temporary occupancies of the project site by animals that are highly mobile, including migratory birds and common wild species. However, this would be considered a rarity and the stay would be temporary because of the lack of suitable habitat on the project site.

The CNDDDB search identified several documented special-status species within the region; however, there are no records of special-status species present on the project site and there were no observations of any during the biological survey.

Nesting raptors, including the Swainson's hawk, and other migratory birds, including their nests and eggs, are protected under the MBTA and Section 3503.5 of the California Fish and Game Code. The term "nesting raptor" includes all diurnal predatory birds as well as their nests and eggs. Migratory birds include all nesting species that typically make long-distance seasonal movements, especially during breeding periods. Migratory birds include most shorebirds, waterfowl, gulls, raptors, most owls, hummingbirds, warblers, flycatchers, and most species of sparrows and finches. Construction activities during the nesting season could disrupt nesting activities, causing abandonment of a nest, egg, or juvenile. No raptor nests were found within the project site; however, a few tall trees and orchard trees are present in the vicinity and may provide suitable nesting habitat for bird species. Impacts to nesting raptors and other migratory birds are considered *potentially significant*.

### ***Mitigation Measures***

Implementation of the following mitigation measure will ensure that potential impacts are reduced to a *less-than-significant* level.

#### ***Mitigation Measure 3.4-1***

Prior to approval of improvement plans, the County will require that the applicant conduct a pre-construction focused survey for nesting birds prior to construction activities scheduled to take place during the breeding season (January through August) for each phase of the project. Furthermore, prior to approval of the improvement plans and subsequent projects, the County will require that the applicant identify and protect a buffer with at least a 500-foot radius around active nests from January through August. The buffer will be free of all construction activities during the duration of the nesting season or until a qualified ornithologist identifies that the potential for nest failure is gone. Active nest sites will be identified and the construction-free zone will be flagged during pre-construction surveys.

## **E. 3.5 Cultural Resources**

### ***Impact 3.5-1: Disturb or destroy buried cultural resources (archaeological, paleontological, or human remains) within the project site***

**Discussion/Conclusion:** Impacts on cultural resources can result either directly or indirectly from preconstruction activities and construction of a proposed project. Direct impacts are those that result from the immediate disturbance of resources from vegetation removal, vehicle travel over the surface, earthmoving activities, excavation, or alteration of a resource. Indirect impacts are those that result from increased erosion due to site clearance and preparation or from inadvertent damage or outright vandalism to exposed resource materials which could occur due to improved accessibility.

A record search was conducted on the California Historical Resources Information System on November 13, 2006, by the CCIC. No prehistoric or historic archaeological resources or historic properties have been reported to the CCIC. Two surveys that were previously completed within the project area were found; however, these surveys did not record cultural resources in the project area.

There is no indication that a subsurface prehistoric cultural deposit in the project area is likely to exist or survived the past intensive agricultural use of the land. However, the possibility cannot be totally eliminated based on a records search and surface inspection. Concordant with the mandates of Section 7050.5 of the California Health and Safety Commission, if human remains are discovered during the construction phase of a development, all work must stop in the immediate vicinity of the find, and the county coroner must be notified. If the remains are determined to be Native American, the coroner will notify the NAHC, which in turn will inform a most likely descendant. The descendant will then recommend to the landowner the appropriate method for the disposition of the remains and any associated grave goods. This impact is *potentially significant*.

#### ***Mitigation Measures***

The implementation of the following mitigation measure, which is consistent with relevant Merced County Policies, will ensure that any impacts to cultural resources are reduced to a level that is *less than significant*.

##### ***Mitigation Measure 3.5-1a: Stop Work if Buried Cultural Deposits are Encountered during Construction Activities***

If buried cultural resources such as chipped or ground stone, historic debris, or building foundations, are inadvertently discovered during ground-disturbing activities, work will stop in that area and within a 100-foot radius of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop a Response Plan, with appropriate treatment measures, in consultation with the County, the State Historic Preservation Officer (SHPO), and other appropriate agencies. Preservation in place shall be the preferred treatment method per CEQA Guideline Section 15126.4(b) (avoidance, open space, capping, easement). Data recovery of important information about the resource, research, or other actions determined during consultation, is allowed if it is the only feasible treatment method.

##### ***Mitigation Measure #3.5-1b: Stop Work if Buried Paleontological Resources are Encountered during Construction Activities***

If buried paleontological resources are inadvertently discovered during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a qualified paleontologist can assess the significance of the find and, if necessary, develop responsible treatment measures in consultation with Merced County and other appropriate agencies.

***Mitigation Measure #3.5-1c: Stop Work if Human Remains are Encountered during Construction Activities***

If human skeletal remains are encountered, ground disturbing activities will stop within a 100-foot radius of the discovery. The County Coroner must be contacted immediately and is required to examine the discovery within 48 hours. If the County Coroner determines that the remains are Native American, the Coroner is required to contact the Native American Heritage Commission (NAHC) within 24 hours. A qualified archaeologist (QA) should also be contacted immediately. The Coroner is required to notify and seek out a treatment recommendation of the NAHC-designated Most Likely Descendant (MLD).

If the NAHC identifies an MLD, and the MLD makes a recommendation, and the landowner accepts the recommendation, then ground-disturbing activities may resume after the QA verifies and notifies the County that the recommendations have been completed.

If the NAHC is unable to identify the MLD, or the MLD makes no recommendation, or the landowner rejects the recommendation, and mediation per Public Resources Code (PRC) 5094.98(k) fails, then ground disturbing activities may resume, but only after the QA verifies and notifies the County that the landowner has completely reentered the human remains and items associated with Native American burials with appropriate dignity on the property, and ensures no further disturbance of the site per PRC 5097.98(e) by county recording, open space designation, or a conservation easement.

If the Coroner determines that no investigation of the cause of death is required and that the human remains are not Native American, then ground-disturbing activities may resume, after the Coroner informs the County of Merced of such determination.

**F. 3.6 Geology, Soils, and Mineral Resources**

***Impact 3.6-4: Be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating a substantial risk to life or property***

**Discussion/Conclusion:** Expansive soils are those having a shrink–swell potential resulting from the presence of clays of high plasticity. The soils contain mixed–layer clay minerals that increase and decrease in volume upon wetting and drying respectively. The presence of expansive soils can cause damage to foundations and slabs unless properly treated during construction. According to Geocon, the plasticity indexes listed for the soils on site range from 5 to 20 and the liquid limits range from 20 to 65. Based on these ranges, the soils identified onsite have a moderate to high expansive soil potential; therefore, this impact is considered ***potentially significant***.

### ***Mitigation Measures***

Implementation of the following mitigation measure will reduce impacts of expansive soils identified onsite to a level of *less than significant*.

#### ***Mitigation Measure 3.6-4:***

Prior to issuance of any building permit, the project proponent shall have a design-level geotechnical investigation performed to determine soil expansivity. Final recommendations shall be determined based on site specific testing and are not limited to the following: proper moisture conditions and compaction of subgrade and fill soils, placing a layer of low-expansive fill below buildings slabs and exterior pavements, chemical mixing such as lime-treatment, and swing post-tensioned building foundations designed to resist anticipated soil movement; however, final recommendations shall be determined based on site-specific testing. Merced County will have final approval over all building permits issued within the proposed subdivision. At the time of building permit review and approval, the County will require measures to ensure structural integrity in consideration of a design-level geotechnical investigation report.

## **G. 3.7 Hazards and Hazardous Materials**

***Impact 3.7-5: Expose people residing or working within the project area to hazards associated with past and current land uses***

**Discussion/Conclusion:** According to the Merced County Department of Agriculture, the proposed project site has historically used pesticides and herbicides. A complete list of pesticides and herbicides provided by the County is in Section 8.5.1.6 of Appendix G of the EIR. Additionally, Geocon contacted the current farm manager, Mr. Kolberg, who stated that pesticide and herbicides are currently either mixed onsite near the agricultural well or offsite approximately one mile west of the site at the Greenleaf Farms' shop. Based on this information, there is a *potentially significant* risk of exposure from agricultural chemicals used onsite.

### ***Mitigation Measures***

Implementation of the following mitigation measure will reduce this impact to a level of *less than significant*.

#### ***Mitigation Measure 3.7-5:***

The project proponent shall conduct a Phase II ESA that will include soil sampling, soil stockpile sampling, and groundwater sampling of the onsite agricultural well, for constituents outlined in Section 8.5.1.6 of Appendix G of the EIR as well as constituents determined by Merced County Environmental Health Department (MCEHD). All sampling and analysis shall be in accordance with MCEHD standards and under the direct supervision of a County Environmental Health Specialist. In the event that soil contamination is identified during the Phase II ESA, the project proponent shall coordinate with the MCEHD to determine appropriate remedial action. The California

Regional Water Quality Control Board shall be notified and provided with a complete copy of the Phase II ESA in the event that analysis of water samples collected from the onsite agricultural well are determined to contain elevated concentrations of constituents identified by the MCEHD.

## **H. 3.8 Hydrology and Water Quality**

### ***Impact 3.8-2: Degrade ground and surface water quality during project operation***

**Discussion/Conclusion:** Wastewater generated on the proposed project site will be collected via the proposed onsite sewer system and transported to the Planada Wastewater Treatment Facility (WWTF) located southwest of the community and proposed project site. Treated effluent from this facility is discharged to Miles Creeks. The Planada WWTF operates under NPDES permit CA0078950 and Waste Discharge Requirements (WDRs) Order R5-2005-0009. In 2004, a complaint was issued (Administrative Civil Liability Complaint R5-2004-0533) for acute and chronic violations of several effluent limitations of the plant's former WDRs Order (19-123) that occurred between 2000 and 2004. A compliance project has been undertaken by the Planada CSD to correct all violations within five years which will include correction of facility deficiencies, expansion to 1.0 million gallons per day (mgd) capacity, and cessation of discharge to Miles Creek. The DEIR for the plant expansion, which will also accommodate the proposed project site, went into circulation in February of 2007 and the Final EIR was released on August 30, 2007. Currently the facility has the design capacity of 820,000 gallons per day with an operational capacity of 500,000 gallons per day due to limitation placed on the facility pending completion of the compliance project. The compliance project is scheduled to be completed within the 2015 buildout of the Community Plan. Until the compliance project to expand the facility to a 1.0 million gpd capacity is completed, the addition of project wastewater to the facility will worsen the existing WDRs Order violation. This impact is ***potentially significant***. Upon completion of the of the compliance project the proposed project can receive sewer services and this impact will be ***less than significant***.

Development of the proposed project would result in the conversion of undeveloped land to residential and commercial uses, including homes and a business park. The pollutants associated with these proposed uses could affect the quality of storm water flowing into the onsite drainage system and ultimately the community drainage basin. These pollutants include greases and oils from driveways and parking areas and excess pesticides and fertilizers from public and private landscaping. This impact is ***potentially significant***.

### ***Mitigation Measures***

Implementation of the following mitigation measure will reduce this impact, but not to a level of insignificance; therefore, this impact is ***significant and unavoidable***.

#### ***Mitigation Measure 3.8-2:***

Prior to approval of any tentative subdivision maps, the project proponent shall identify all appropriate and feasible storm water runoff best management practices (BMPs) to be

implemented within the project site. These BMPs shall be selected from the California Stormwater Quality Association's *Stormwater Best Management Practice Handbook – New Development and Redevelopment*. Typical BMPs that could be used shall include, but are not limited to, catchbasin inserts, compost stormwater filters, sand filters, vegetated filter strips, biofiltration swales, oil/water separators, bioretention basins, or other equally effective measures. Other BMPs shall include, but would not be limited to, administrative controls such as signage at inlets to prevent illicit discharges into storm drains, parking lot and other pavement area sweeping, public education, and hazardous waste management and disposal programs. BMPs shall identify and implement mechanisms for the routine maintenance, inspection, and repair of pollution control mechanisms. In addition, the BMPs shall be reviewed for adequacy by the Merced County Department of Public Works.

***Impact 3.8-3: Substantially deplete groundwater supplies***

**Discussion/Conclusion:** The proposed project will be supplied domestic water by the Planada Community Services District entirely from groundwater sources (Merced Groundwater Subbasin). The estimated storage capacity of the subbasin is 21,100,000 acre-feet to a depth of 300 feet and 47,600,000 acre-feet to the base of fresh groundwater. Annual extractions from the subbasin total approximately 555,000 acre-feet. The California Department of Water Resources (DWR) has estimated that the subbasin water level has declined approximately 30 feet from 1970 to 2000, indicating that the basin is in overdraft.

According to the Water Supply Assessment (WSA) prepared for the proposed project in November 2006 and revised in February 2009 due to a revision in the proposed project design (see [Appendix H](#)), at full buildout the project will result in an increase in demand for groundwater of approximately 65.44 million gallons per year (mgy) or 200.89 acre-feet per year (afy). This represents a 0.036% increase in total subbasin extractions and is not considered significant. Current, available groundwater supplies will be sufficient to provide water to the existing community, the proposed project, and all anticipated future projects with no adverse impacts to the groundwater basin. This impact is *less than significant*.

***Mitigation Measures***

Although this impact has been determined to be less than significant and requires no mitigation, the following mitigation measure shall be implemented to further reduce this impact.

***Mitigation Measure 3.8-3:***

All residences constructed on the proposed project site shall be outfitted with lowflow toilets, faucets, and showerheads based on standards required of manufacturers through the National Energy Policy Act of 1992 (PL 102-486).

All common areas, including public rights-of-way, parking lots, landscape medians, etc., shall be landscaped using drought-tolerant plant palettes and irrigated using water efficient irrigation systems.

***Impact 3.8-6: Place housing or other structures within a 100-year flood hazard area***

**Discussion/Conclusion:** According to FEMA, the entire proposed project site is located within the AO-1 flood hazard zone. The AO zone is a 100-year flood zone defined as an area subject to a 1% or greater annual chance of shallow flooding in any given year. Zone AO-1 is further defined as an area usually subject to flooding in the form of sheet flow with an average depth of one foot.

All structures developed as part of the proposed project will be constructed in accordance with Section 18.34.040 *Special Flood Hazard Areas* of the Merced County Zoning Code. According to this section, the project proponent will be required to obtain a development permit from Merced County Planning in order to develop within this flood hazard area. This approval process will ensure that the project is designed to mitigate any flood hazards. This design will likely include the planned elevation of the lowest floor, including basements, of all structures to be at least one foot above the Base Flood Elevation. This impact is ***potentially significant***.

***Mitigation Measures***

Implementation of the following mitigation measure will reduce this impact to a level of ***less than significant***.

***Mitigation Measure 3.8-6:***

In accordance with Merced County Policy, the applicant shall process the subdivision through the Letter of Map Revisions (LOMR) process through the Federal Emergency Management Agency (FEMA) to change the designation of the site from that of a Special Flood Hazard Area (SFHA). Additional information regarding the LOMR process can be obtained from the FEMA website or by calling a Map Specialist in the FEMA Map Assistance Center at 1-877-FEMA MAP (1-877-336-2627).

***Impact #3.8-9: Adversely impact existing irrigation lateral***

**Discussion/Conclusion:** MID operates and maintains the Planada Lateral “B-1” located within a 20-foot wide prescriptive easement bisecting the subject property from north to south and continuing under Childs Avenue into a private pipeline. Implementation of the proposed project will interfere with the continued operation of this lateral. This impact is ***potentially significant***.

***Mitigation Measures***

Implementation of the following mitigation measures will reduce this impact to ***less than significant***.

***Mitigation Measure 3.8-9a:***

In consultation with MID staff and in accordance with MID policies and standards, the Planada Lateral “B-1” shall be realigned offsite and placed in an underground pipeline.

Additionally, all delivery points to properties being served from the existing pipeline alignment shall be maintained from the realigned pipeline. An exclusive 20-foot wide easement in the new alignment shall be dedicated to MID and access to the entire length of the new alignment shall be ensured for maintenance and repair of the pipeline.

***Mitigation Measure 3.8-9b:***

All improvements plans associated with MID facilities shall be reviewed and approved by MID prior to approval of the tentative subdivision map. A signature block shall be provided for MID on all improvement plans associated with MID facilities.

***Impact 3.8-11: Cumulatively adverse affect to groundwater supplies***

**Discussion/Conclusion:** The proposed project would increase demand for groundwater supplies by approximately 65.44 million gallons per year (mgy) or 200.89 acre-feet per year (afy). Although this does not represent an individually significant impact to the Merced subbasin, in combination with all other approved projects that will rely on this subbasin for water supply, the project will have a cumulative impact on groundwater supplies. This impact is ***potentially cumulatively considerable***.

***Mitigation Measures***

No mitigation measures are available that would fully mitigate this impact; therefore, this impact is ***significant, cumulatively considerable, and unavoidable***.

**I. 3.10 Noise**

***Impact 3.10-1: Traffic noise-level increases at existing land uses in the project area***

**Discussion/Conclusion:** To assess noise impacts due to project-related traffic increases on the existing local roadway network, traffic noise levels are predicted at a representative distance for the existing and existing + project conditions.

The FHWA traffic-noise prediction model was used to predict traffic noise levels at a representative distance of 100 feet from the project-area roadway centerlines. Appendices B of Appendix I of the DEIR provides the complete inputs and results to the FHWA model for each of the traffic scenarios. Data indicate that the proposed project would result in traffic noise-level increases exceeding 4 dB on one existing area roadway when compared to no project conditions.

On November 9, 2006, j.c. brennan & associates, Inc. conducted short-term noise-level measurements on the proposed project site in addition to concurrent counts of Plainsburg Road and Childs Road traffic. The purpose of the short-term traffic noise-level measurements is to determine the accuracy of the FHWA model in describing the noise environment on the proposed project site, while accounting for existing site conditions such as intervening structures, actual travel speeds, and roadway grade. Noise-measurement results were compared to the FHWA

model results by entering the observed traffic volume, speed, and distance as inputs to the FHWA model.

The FHWA model was found to accurately predict traffic-noise levels on the proposed project site within 1 dB; therefore, no adjustments were made to the FHWA Traffic Noise Prediction Model. Appendix C of Appendix I of the DEIR provides the complete inputs and results of the calibration procedures.

Existing residences along major roadways in the vicinity of the project area will be exposed to traffic noise increases due to the project. Data indicated that the existing traffic-noise level increases resulting from the proposed project would range from +0.2 dB to +8.1 dB Ldn, relative to no-project conditions. It should be noted that overall noise levels are still predicted to be less than the Merced County 65 dB Ldn exterior noise-level standard at the residential uses nearest to these impacted roadways; however, pursuant to the project's significance criteria, a significant increase in traffic-noise levels is defined as 4 dB. This impact is considered *potentially significant*.

### ***Mitigation Measures***

There are no mitigation measures available to reduce this impact to a less than significant level; therefore, this impact is considered *significant and unavoidable*.

### ***Impact 3.10-3: Create railroad noise impacts at future residential land uses developed within the project area***

**Discussion/Conclusion:** Future operations along the BNSF railroad lines were not available; therefore, it is difficult to estimate the future train operation noise levels along the BNSF tracks. For the purposes of this noise analysis, it was assumed that future railroad operations will be similar to those described within the DEIR. It should be noted that even a 25% increase in railroad operations would result in only an increase of approximately 1 dB in overall (Ldn) noise levels; therefore, the railroad noise-monitoring results discussed earlier in this report were used to calculate the predicted railroad noise exposure at the proposed land uses associated with the project.

The following is a discussion of railroad impacts and possible mitigation measures for the proposed land uses located near the BNSF railroad tracks.

Lots 24-60 proposed along the BNSF railroad line are predicted to be exposed to exterior noise levels of 64 dB Ldn, after construction of an 8 foot tall property line sound wall. Therefore, no additional exterior noise reduction measures would be required for these lots. However, Lot 23 would still be exposed to exterior noise levels of approximately 69 dB Ldn.

The Table 3.10-9 (see draft EIR, page 3-121) data indicate that interior noise levels are expected to exceed the Merced County 45 dB Ldn interior noise level standard by 3 dB at second floor interior spaces, even with windows closed. In order to achieve compliance with an interior noise

level not exceeding 45 dB Ldn, an exterior-to-interior noise-level reduction (NLR) of 28 dB would be required; therefore, this impact is considered *potentially significant*.

### ***Mitigation Measures***

Implementation of the following mitigation measure will reduce this impact to a level of *less than significant*.

#### ***Mitigation Measure 3.10-3:***

In order to achieve a 28 dB exterior-to-interior NLR, all second story windows with a line of site to the BNSF Railroad tracks shall be fitted with sound transmissions class (STC) 32 rated window assemblies. This requirement shall apply to the first row of residential uses, closest to the BNSF Railroad tracks.

The project proponent shall construct an eight foot block sound wall along the northerly right-of-way line of proposed Lots 24 through 60 as shown on the Tentative Subdivision Map to reduce the exterior noise-level to a level less than 65 dB Ldn at the northerly property line of Lots 24 through 60. A 6 foot block sound wall property line noise barrier shall also be constructed along the north property line of Lot 23 to reduce the exterior noise-level to a level less than 65 dB Ldn at the northerly property line of Lot 23.

#### ***Impact 3.10-5: Agricultural noise generation***

**Discussion/Conclusion:** As stated previously, existing agricultural activities are at maximum noise levels generated by farm-related tractors, which typically range from 77 to 85 dB at a distance of 50 feet from the tractor, depending on the horsepower of the tractor and the operating conditions.

Due to the seasonal nature of the agricultural industry, there are often extended periods of time when no noise is generated on properties that are actively being farmed, followed by short-term periods of intensive mechanical equipment usage and corresponding noise generation. Due to this high degree of variability of agricultural activities, it is not feasible to reliably quantify the noise generation of agricultural uses in terms of noise standards commonly used to assess impacts of other noise sources; however, these uses generate short-term periods of elevated noise during all hours of the day and night and possess the potential to generate adverse public reaction during intensive farm-related activities.

The analysis of existing agricultural noise levels takes the approach that, although agricultural noise is variable, it has the potential to exceed local noise standards and create annoyance at future residential land uses when it does occur; therefore, this impact is considered *potentially significant*.

### ***Mitigation Measures***

Implementation of the following measure will not lessen this impact to a *less-than-significant* level, but will limit the liability of surrounding agricultural landowners and operators and the County for this impact. Therefore, the impact will remain *significant and unavoidable*.

#### ***Mitigation Measure 3.10-5:***

The project applicant shall implement a buyer or lessee notification requirement to inform potential buyers and lessees of the exterior noise levels projected by the CNEL method at their property and the attachment of a noise easement to the title of all property sold in the areas affected by agricultural related noise.

#### ***Impact 3.10-6: Create construction noise impacts***

**Discussion/Conclusion:** During the construction phases of the project, noise from construction activities would add to the noise environment in the immediate project vicinity. Activities involved in construction would generate maximum noise levels ranging from 81 to 90 dB at a distance of 50 feet. Construction activities would be transient and temporary and are anticipated to occur during normal daytime working hours.

Noise would also be generated during the construction phase by increased truck traffic on area roadways. A significant project-generated noise source would include truck traffic associated with transport of heavy materials and equipment to and from construction sites. This noise increase would be of short duration and would likely occur primarily during daytime hours. This impact is considered *potentially significant*.

### ***Mitigation Measures***

Implementation of the following mitigation measure will reduce this impact to a level of *less than significant*.

#### ***Mitigation Measure 3.10-6:***

Construction activities shall be restricted to between the hours of 7 a.m. and 6 p.m., Monday through Friday, and between the hours of 8 a.m. and 5 p.m. on Saturdays. No construction activities will occur on Sundays and holidays.

## **J. 3.11 Population and Housing**

### ***Impact 3.11-1: Indirectly induce substantial population growth in the Merced area***

**Discussion/Conclusion:** Indirect growth inducement occurs when a project would extend infrastructure to undeveloped areas or otherwise remove obstacles to population growth. The proposed project may indirectly induce population growth by extending infrastructure closer to other undeveloped areas, thereby potentially facilitating their future development. Additionally,

the construction of new urban development may potentially place pressure on neighboring agricultural landowners to develop their land.

Although public water, sewer, and storm drainage infrastructure do not currently exist on the project site, the project site is located adjacent to existing transmission facilities along Plainsburg Road and Childs Avenue. Implementation of the proposed project will result in public infrastructure that could potentially be extended to undeveloped land adjacent to the project site. This extension of public infrastructure has the potential to support unplanned development and put more pressure on property owners to develop this land. Since there is the potential for implementation of the proposed project to indirectly induce unplanned growth in the vicinity of the project site, the project is considered to be growth-inducing. This impact is *potentially significant*.

#### ***Mitigation Measure***

No mitigation measures are available; therefore, this impact will remain *significant and unavoidable*.

#### ***Impact 3.11-2: Result in a cumulative impact to Planada's population and housing***

**Discussion/Conclusion:** The proposed project may indirectly induce population growth by extending infrastructure closer to other undeveloped areas, thereby potentially facilitating their future development. Additionally, the construction of a new urban development will potentially place pressure on neighboring agricultural landowners to develop their land. In conjunction with other current or future development projects in the area, this impact will become greater as the population continues to increase. This impact on population and housing is considered *potentially significant and cumulatively considerable*.

#### ***Mitigation Measure***

No mitigation measures are available that would fully mitigate this impact; therefore, this impact remains *significant, cumulatively considerable, and unavoidable*.

### **K. 3.12 Public Services, Recreation, and Utilities**

#### ***Impact 3.12-1: Expanded need for staff, vehicles, and equipment to adequately provide police protection services to the project area***

**Discussion/Conclusion:** Implementation of the proposed project will increase the population in the Community of Planada by 865 residents to a total of approximately 5,200 residents. According to the MCSD, the current staffing ratios for the county are one officer to every 750 residents. Currently there is one officer and patrol vehicle serving the Planada and Le Grand communities, which accounts for approximately 180 square miles. County staff indicated that both average and emergency response times in this area are between 12 and 15 minutes. Additionally, depending on the severity of an incident requiring police services, a single call can last up to 4 or more hours in length.

Based on communication with the MCSD regarding county staffing ratio goals, development of the proposed project would potentially require one additional officer, patrol vehicle, and associated equipment. According to MCSD staff, the estimated cost to employ one additional officer is approximately \$150,000 annually, which excludes equipment and vehicle costs. The MCSD indicated that additions to the current fleet are approximately \$25,000 per vehicle. Implementation of the proposed project will create a *potentially significant* impact on law enforcement services.

### ***Mitigation Measures***

Implementation of the following mitigation measures will reduce this impact, but not to a level of less than significant; therefore, this impact is considered *significant and unavoidable*.

#### ***Mitigation Measure 3.12-1a:***

As a condition of project approval, the project proponent shall pay developer fees for impact to law enforcement services as required by the Merced County Public Works Department.

#### ***Mitigation Measure 3.12-1b:***

As a condition of project approval, the project proponent shall pay its fair share of capital improvement costs related to law enforcement services.

#### ***Impact 3.12-6: Required construction of new wastewater facilities or expansion of existing facilities***

**Discussion/Conclusion:** The proposed project will require connection to existing offsite infrastructure with 6- to 8-inch sewer mains. According to the PCSD, the waste stream is currently gravity fed to two lift stations in Planada to the existing treatment facility south of the community. The WWTF currently has an operational capacity of 500,000 gallons of wastewater per day and is currently operating at this capacity; however, the facility has a design capacity for approximately 820,000 gallons per day. According to the Planada Community Plan, the facility will require a minimum capacity of 1 million gallons per day to accommodate buildout of the Community Plan by 2015. According to staff, the PCSD is planning expansion of the existing facility to accommodate future growth. The expansion will eliminate discharge into Miles Creek by the treatment facility. The WWTF expansion is intended to address and remedy existing wastewater discharge violations.

A compliance project has been undertaken by the PCSD to correct all violations within five years, which will include correction of facility deficiencies. The compliance project is the expansion of the WWTF to 1.0 mgd capacity and cessation of discharge to Miles Creek. The project was originally scheduled to be completed by October 2009. Although the timeline provided by the PCSD has slipped beyond at date, the WWTF expansion project has completed its environmental review and is under a Time Schedule Order (TSO) R5-2011-0043 issued by the

Central Valley Water Board to complete the necessary improvements by 2013. It should be restated that the proposed project will not be built until there is adequate capacity to serve the project.

Implementation of the proposed project will generate approximately 145,435 gallons of wastewater per day (585 gallons per day per residential lot and 10,500 to 22,000 gallons per day for the commercial portion of the proposed project site depending on the uses that develop), which accounts for approximately 17.7% of the daily waste stream to the WWTF at current design capacity of 820,000 gallons of wastewater per day. Based on the current operating capacity of the treatment facility, the combined community waste stream will account for approximately 129% of the treatment facility's current operational capacity of 500,000 gallons per day and for 79% of its current design capacity of 820,000. With proposed expansion of the WWTF facility, the proposed project will account for approximately 14% of the daily waste stream to the WWTF with a required design capacity of 1 million gallons of wastewater per day. This impact is *potentially significant*.

#### ***Mitigation Measures***

Implementation of the following mitigation measure will ensure this impact remains at a *less-than-significant* level.

#### ***Mitigation Measure 3.12-6:***

Prior to recording a Final Subdivision Map, the project applicant shall submit to Merced County a "Can and Will Serve" commitment letter from the Planada Community Services District verifying that adequate capacity exists within the wastewater treatment facility to serve this project.

#### ***Impact 3.12-8: Increase waste stream delivered to the Highway 59 Landfill***

**Discussion/Conclusion:** The proposed project will result in the construction of 211 residential units and the addition of approximately 865 new residents to the town of Planada (assuming 4.1 persons per household).

Solid waste generated by the proposed project will be transported to the Highway 59 Landfill. This facility is a Class III landfill with a maximum throughput of 1,500 tons per day. An increase of 2.95 tons of solid waste each day represents 0.197% of this maximum throughput. In consideration of the relatively low increase on landfill demand, this impact is considered *less than significant*.

#### ***Mitigation Measures***

Implementation of the following mitigation measure will ensure this impact remains at a *less than significant* level.

#### ***Mitigation Measure 3.12-8:***

Contractors shall be required to provide onsite separation of construction debris to assure a minimum 50% diversion of this material from the landfill.

## **L. 3.13 Transportation and Traffic**

### ***Impact 3.13-5: Conflict with adopted policies or programs supporting alternative transportation***

**Discussion/Conclusion:** The proposed project will be served by Merced County Transit, which currently provides service to Planada. Merced County Transit Route 9 has several stops in Planada, including a new bus shelter at the intersection of SR 140/Plainsburg Road. In addition, Dial-A-Ride provides services for elderly and disabled patrons who are unable to use existing bus stops and shelters. Pedestrian walkways are also included in street design standards for the proposed project site. However, no bikeways have been included on Plainsburg Road or Childs Avenue; therefore, this impact is considered *potentially significant*.

#### ***Mitigation Measures***

Implementation of the following mitigation measures will reduce this impact to a level of *less than significant*.

##### ***Mitigation Measure 3.13-5a:***

In accordance with the Merced County General Plan Circulation Policy 2.B.6 and the Planada Community Plan Circulation Policy 3.1, the project applicant shall construct Class II bicycle lanes to connect with existing facilities and proposed facilities along Plainsburg Road and Childs Avenue.

##### ***Mitigation Measure 3.13-5b:***

The project proponent shall coordinate with Merced County Transit (MCT) to allow MCT to review the project to identify potential locations for new bus stops, park-and-rides, etc., in order to dedicate rights-of-way for any such facilities.

## **M. 3.14 Global Climate Change**

### ***Impact 3.14-1: Increased Greenhouse Gas emissions***

**Discussion/Conclusion:** When discussing global climate impacts in industrialized nations, such impacts are significantly driven by population / demand (e.g. demand for residential and commercial building arises from society's demand for the additional housing and provider of basic services). Therefore, society's increasing population is the underlying trigger to any GHG emission associated with housing construction.

The URBEMIS modeling, included in Appendix B of the EIR, provides a tool to understand the magnitude of possible pollutants a project can create. The results from this modeling illustrates that the proposed project will be producing Reactive Organic Gases (ROG's) and other Volatile Organic Compounds (VOC's) that can contribute to GHG emissions. Mitigation measures are provided to help reduce the amounts of GHGs being released into the atmosphere.

Even if it were assumed that the proposed project's contribution to global climate change was a significant environmental impact, the impact would be considered unavoidable. Because global climate change is a global issue that can only be addressed through regional, state, national, and international cooperation, project specific impacts related to global climate change have not been considered further for the purposes of this analysis. Until the SJVAPCD modifies regulations to address the emission of GHGs, specific mitigations that would address climate change locally are speculative. As the SJVAPCD modifies its plans and policies to address global warming, CEQA documents will consider those plans and policies when assessing projects. The air quality impact analysis in Section 3.3(Air Quality) of the EIR includes all feasible measures at the local level to reduce atmospheric GHG emissions in accordance with existing plans and policies, and GHG emissions and proposed project impacts on global climate change are considered *less than significant* on a project level. However, in combination with overall growth and development in the region, the proposed project impact on global climate change is considered *cumulatively significant and unavoidable*.

### ***Mitigation Measures***

At the discretion of Merced County, cumulative contribution to GHGs resulting from the proposed project may be reduced in the spirit of AB 32, but not to a less than significant cumulative level, by implementing the following suggested mitigation measures from the California Climate Action Team Strategies and the Department of Justice Attorney General.

#### ***Mitigation Measure #3.14-1a:***

The project shall utilize high albedo construction materials (Cool Paving) to increase the reflectivity of roads, driveways, and other paved surfaces. Project site plans shall indicate locations where the special paving will be installed. Standard paving materials will only be allowed in areas where technical or safety considerations (as determined by the County's Public Works Director) preclude use of the Cool Paving materials.

#### ***Mitigation Measure #3.14-1b:***

Construction plans shall provide for the installation of automated lighting and thermal controls in all non-residential facilities. The County of Merced will verify compliance

#### ***Mitigation Measure #3.14-1c:***

Construction plans shall include one or more of the following roofing technologies to reduce energy consumption:

- High albedo and low-emissive roofs;

- EPA “Energy Star” approved roofing materials; and
- “Green Roof” Technology.

***Mitigation Measure #3.14-1d:***

Construction plans shall address passive energy conservation through building orientation, use of natural ventilation and shading in a way that does not compromise the thermal integrity of the building or the implementation of Mitigation Measure #3.14-1c. The County of Merced will verify compliance during review of construction plans.

***Mitigation Measure #3.14-1e:***

Each development project within the project site shall be designed to achieve energy efficiency above 2008 Title 24 standards. Prior to issuance of building permits, the project applicant shall provide a third-party verification to the County of Merced demonstrating that the project achieves this energy efficiency goal.

***Mitigation Measure #3.14-1f:***

Site plans submitted to the County of Merced shall include sidewalks and bicycle lanes appropriately sized for anticipated future pedestrian/bicycle use on all adjacent and interior roadways. Ensure that the project will provide multiple and/or direct pedestrian and/or bicycle access to adjacent, complementary land uses and throughout the project.

***Mitigation Measure #3.14-1g:***

Large canopy trees shall be carefully selected and located to protect the buildings from energy consuming environmental conditions, and to shade 50 percent of paved areas within 15 years. This measure reduces emissions by reducing urban heat island effect, reducing ROG emissions from parked vehicles (shading reduces temperature, which reduces seepage), and creates a more walkable environment.

***Mitigation Measure #3.14-1h:***

Prior to issuance of building permits, a landscape plan shall be prepared and submitted to the County of Merced for review and approval. The landscape plan shall comply with the State mandated Water Efficient Landscape Ordinance and shall have the following components:

- At least 50 percent of installed trees and shrubs shall be low-ozone forming potential (Low-OFP) and drought-tolerant species; and
- The landscape plan shall be designed to shade 50 percent of paved surfaces within 15 years of buildout.

## **IX.**

### **GROWTH INDUCEMENT**

CEQA Guidelines Section 15126.2(d) requires a discussion of growth-inducing impacts of a proposed project. Growth inducement occurs when a project would, either directly or indirectly, foster economic or population growth, construct additional housing, remove obstacles to population growth, increase burdens on existing community service facilities to the extent that new facilities would be needed, or encourage other activities that cause significant environmental effects. Note that it must not be assumed that growth is necessarily beneficial, detrimental, or of little significance to the environment.

#### **A. Direct Growth Inducement**

Direct population growth occurs when a project would result in the construction of a substantial amount of new housing or otherwise directly cause a substantial increase in a community's population. The intent of the proposed project is to subdivide a 45.7-acre portion of the project site into 211 single-family residential lots and a 14.3-acre remainder parcel. The remainder parcel would be developed according to the *Planada Community Plan* designation of Business Park (BP). This designation would result in a maximum of 186,827 square feet of potential office and light commercial uses.

The proposed project will induce population growth by constructing approximately 211 new single-family residential lots ranging from 5,000 to 6,000 square feet in size. Development of the proposed project would provide additional housing for an estimated 865 people in Planada, assuming Planada's average of 4.1 persons per household, according to Merced County's General Plan. Overall, the proposed project is consistent with the growth projections of Merced County as it will not encourage growth that exceeds population projections. Growth inducement, as it pertains to CEQA and this document, generally denotes growth that is not planned for.

#### **B. Indirect Growth Inducement**

Indirect growth inducement occurs when a project would extend infrastructure to undeveloped areas, remove obstacles to population growth, or otherwise encourage activities that cause significant environmental effects. Public water, sewer, and storm drainage infrastructure do not currently exist on the project site; therefore, implementation of the proposed project will result in public infrastructure being added and potentially extended to undeveloped land located to the west and southwest of the project site. This addition and extension of public infrastructure has the potential to support unplanned development and put more pressure on property owners to develop this land.

Since there is the potential for implementation of the proposed project to indirectly induce unplanned growth in the vicinity of the project site, the project is considered to be significantly growth-inducing.

**X.**  
**SIGNIFICANT AND UNAVOIDABLE**  
**AND IRREVERSIBLE ENVIRONMENTAL EFFECTS**

**A. Significant and Unavoidable Effects**

Section 15126.2(b) of the CEQA Guidelines requires that the DEIR describe any significant impacts, including those that cannot be reduced to a level of insignificance. Where there are impacts that cannot be alleviated with the implementation of feasible mitigation measures, their implications and the reasons the project is being proposed, notwithstanding their effect, should be described.

The environmental impacts that will result from the proposed project are discussed in detail in Chapter 3 of the DEIR and are listed in full in **Section XIII Significant Effects and Mitigation Measures** of this document. The following is a brief review of the impacts that have been found to be significant and unavoidable.

*Aesthetics*

Impact 3.1-5      Cumulatively adverse affect to aesthetics

*Agricultural Resources*

**Impact 3.2-1:**      *Conversion of Prime Farmland to nonagricultural use*

Impact 3.2-4:      Implementation of the proposed project will result in a cumulative impact to agricultural resources.

*Hydrology and Water Quality*

Impact 3.8-2:      Degrade ground and surface water quality during project operation

Impact 3.8-11:      Cumulatively adverse affect to groundwater supplies

*Noise*

Impact 3.10-1:      Traffic noise-level increases at existing land uses in the project area

Impact 3.10-5:      Agricultural noise generation

*Population and Housing*

Impact 3.11-1:      Indirectly induce substantial population growth in the Merced area

Impact 3.11-2: Implementation of the proposed project will result in a cumulative impact to Planada's population and housing

### ***Public Services, Recreation, and Utilities***

Impact 3.12-1: Expanded need for staff, vehicles, and equipment to adequately provide police protection services to the plan area

Impact 3.12-9: Cumulatively impacting the wastewater treatment facility

### ***Global Climate Change***

Impact 3.14-1: Increased greenhouse gas emissions are cumulatively considerable

## **B. Irreversible Impacts**

Section 15126.2(c) of the CEQA Guidelines requires a discussion of significant and irreversible changes that would be caused by the proposed project if implemented. The use of nonrenewable resources during a project is irreversible when a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary and secondary impacts must also be considered, as well as the possibility of environmental accidents and commitments incurred by future generations.

### ***Aesthetics***

Current land uses within the project area consist of an almond orchard and vacant, fallow land. Adjacent properties consist of a mixture of low- to medium-density residential and agricultural uses. These land uses together give the area a rural visual character. Project implementation will degrade the visual quality of the project site. This constitutes a significant and irreversible environmental change as the existing visual quality of the project site will be irreversibly changed by development.

### ***Agricultural Resources***

The proposed project will convert farmland (approximately 60 acres of land classified as Prime Farmland) to urban uses, which will fully commit the land to a nonagricultural use. This constitutes a significant and irreversible environmental change as the farmland will be removed from agricultural use in perpetuity.

### ***Air Quality***

Implementation of the proposed project will result in increased emissions of particulate matter, ozone precursors, and carbon monoxide due to increased vehicles trips in and around the project site. This impact is considered irreversible as it will permanently expand the developed community of Planada and increase the number of residents and associated vehicle trips in the

region. Additionally, the project will develop a business park, thereby attracting new visitors from around the project site and increasing vehicles trips and related emissions.

### ***Population and Housing***

Implementation of the proposed project will result in direct population growth in the Planada area through the construction of up to 211 new single-family residential units and approximately 865 additional residents. This impact is considered irreversible since permanent residential units will be constructed.

### ***Transportation and Traffic***

Implementation of the proposed project will result in an increase in vehicle trips on the county's roadway system including Childs Avenue, Plainsburg Road, and State Route 140. This impact is considered irreversible as the project will permanently add residents to the county's population, thereby permanently increasing vehicle trips. Additionally, the project will develop a new business park, thereby attracting new visitors from around the project site and further increasing vehicles trips.

## **XI.** **FINDINGS REGARDING RECIRCULATION OF THE DEIR**

The County adopts the following findings with respect to whether to recirculate the DEIR. Under section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when "significant new information" is added to the EIR after public notice is given of the availability of the DEIR for public review but prior to certification of the FEIR. The term "information" can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "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 significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (CEQA Guidelines, § 15088.5.)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. The above standard is “not intend[ed] to promote endless rounds of revision and recirculation of EIRs.” (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal. 4th 1112, 1132.) “Recirculation was intended to be an exception, rather than the general rule.” (*Ibid.*)

The Board of Supervisors recognizes that the FEIR contains additions, clarifications, modifications, and other changes to the DEIR. Only one item of note was revised in the DEIR as noted in the FEIR Response to Comments. At the time of the Draft EIR release, the Wastewater Treatment Facility (WWTF) did not have adequate capacity to serve the project; however an expansion of the WWTF was underway. As disclosed in the Draft EIR, although this impact would have been potentially significant, absent completion of the WWTF expansion, the WWTF expansion project is underway and will provide adequate capacity to serve the project. Due to capacity limitations at the Planada Waste Water Treatment Facility (WWTF), the applicant will be restricted to the following development constraints:

Near term: The Tentative Map will be limited to development of a total of 150 single-family residential units. The applicant has secured a conditional “Can and Will Serve” letter from Planada CSD to service water and wastewater needs for up to 150 residential units (see Appendix O of the DEIR).

Long term: The Applicant will not develop the remainder of the project (an additional 61 single-family residential units and 14.3 acre Business Park) without obtaining County approval of a further Major Subdivision. Such approval will not be possible until such time as the Planada CSD has either expanded its WWTF capacity to accommodate the project, or otherwise provided the Applicant with “Can and Will Serve” letters identifying available water and sewer capacity to serve the proposed development.

The impact was properly disclosed; however, to clarify that the proposed project would not be built until after there is sufficient capacity to serve the project, a migration measure was incorporated into the project (see additional information on Mitigation Measure 3.12-6 above), which states: *Prior to recording a Final Subdivision Map, the project applicant shall submit to Merced County a “Can and Will Serve” commitment letter from the Planada Community Services District verifying that adequate capacity exists within the wastewater treatment facility to serve this project.*

With the incorporation of this mitigation measure, the impacts to wastewater facilities remain less than significant. Although the timeline provided by the PCSD has slipped beyond 2012, the WWTF expansion project has completed its environmental review and construction is scheduled to begin December 1, 2014. The proposed project will not be built until there is adequate capacity to serve the project. The project would be responsible for developing the necessary delivery system infrastructure (on and off site) and would pay connection fees to the Planada Community Service District.

CEQA case law emphasizes that “[t]he CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights

may emerge during investigation, evoking revision of the original proposal.” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736-737; see also *River Valley Preservation Project v. Metropolitan Transit Development Bd.* (1995) 37 Cal.App.4th 154, 168, fn. 11.) ”CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process.” [Citation.] In short, a project must be open for public discussion and subject to agency modification during the CEQA process.” (*Concerned Citizens of Costa Mesa, Inc. v. 33rd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 936.) Here, the changes made to the Draft EIR are exactly the kind of project modifications or improvements that the case law recognizes as legitimate and proper.

The changes described in the FEIR merely supplement or clarify the existing language in the Draft EIR. Thus, none of these changes involves “significant new information” triggering recirculation because the changes did not result in any new significant environmental effects, any substantial increase in the severity of any previously identified significant effects that could not be mitigated to less than significant, or otherwise trigger recirculation. Instead, the modifications represent the kinds of changes that commonly occur as the environmental review process works towards its conclusion. Under such circumstances, the County finds that recirculation of the EIR is not required.

## **XII.** **PROJECT ALTERNATIVES**

### **A. Basis for Alternatives**

Section 15126.6 of the CEQA Guidelines requires the EIR to describe a reasonable range of alternatives to the project or to the location of the project that would reduce or avoid significant impacts and that could feasibly accomplish the basic objectives of the proposed project, and to evaluate the comparative merits of the alternatives. Alternatives that would reduce or avoid significant impacts represent an environmentally superior alternative to the proposed project. However, if the environmentally superior alternative is the “no project” alternative, the EIR also must identify an environmentally superior alternative among the other alternatives. Based on the analysis contained and documented in this EIR, the “No Project” alternative is the environmentally superior alternative. However, under the CEQA guidelines [15126.6(e)(2)], if the No Project Alternative is identified as the environmentally superior alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. This analysis has identified the Reduced Density Alternative as the environmentally superior alternative among the other alternatives.

## **B. Alternatives Considered but Not Analyzed**

According to the CEQA Guidelines, two major provisions are necessary for an adequate alternative site analysis – feasibility and location. The EIR should consider alternate project locations if a significant project impact could be avoided or substantially lessened by moving the project to an alternate site. An alternative site for the proposed project would not be feasible for two reasons:

1. The act of moving the proposed project to an alternative site would not necessarily avoid or substantially lessen many of the significant environmental impacts associated with this proposed project site. The alternative location is not suitable in size to accommodate the proposed project land uses. The alternative location does not allow for the development of a business park of similar size within the Planada Specific Urban Develop Area (SUPD). The school district has also rejected moving a proposed school site to the alternative location on the East side of the Community of Planada. Also many of the same significant environmental impacts associated with the proposed project site would occur at an alternative site (e.g., increased traffic and air quality impacts).
2. The project proponent owns and has access to a site of similar size in the vicinity of the proposed project site that would meet the project objectives; however, this site is considered infeasible due to the property's location outside the Planada SUPD.

Therefore, a discussion of an alternative site would not be feasible, nor would it meet the “rule of reason” under CEQA. This alternative was eliminated from further consideration in this DEIR.

## **C. Project Alternatives**

The alternatives to be evaluated should include those that offer substantial environmental advantages over the proposed project and that may feasibly be accomplished considering the various economic, environmental, technological, social, and legal factors. Two such alternatives to the proposed project and the no project alternative were evaluated. Summaries of those alternatives are as follows:

### ***Alternative 1 – No Project Alternative***

This alternative is required under CEQA and will consist of describing the effects of taking no action or not receiving project approval. This alternative entails a general discussion of what can reasonably be expected to occur on the proposed project site in the foreseeable future if the proposed project is not approved, based on the existing general plan land use designations, zoning, and available infrastructure and services.

The proposed project site is currently designated by the Planada Community Plan as Business Park (BP), Elementary School (ES), Neighborhood Park (NP), and Low-Density Residential (LDR). No public water, sewer, or drainage infrastructure or services are currently provided to the site. This alternative would therefore assume the site would not be developed similar to the proposed project unless a zoning change was approved from General Agriculture (A-1) to

Single-Family Residential (R-1-5,000), and Light Manufacturing (M-1). The No Project Alternative would not achieve all of the applicant's stated project objectives.

### ***Alternative 2 – Reduced Density Alternative***

This alternative would change the zoning of the proposed project site to Agricultural Residential (A-R) with a maximum of three units per gross acre with public infrastructure. The maximum number of single-family residential units would be 75 (136 less than the proposed project) at full buildout with an approximate lot size of 14,520 square feet. All other components would remain similar to those of the proposed project. This alternative would fulfill most of the project applicant's stated objectives.

### ***Alternative 3 – Project with School Site Alternative***

Under this alternative a public school site would be located at the southeast corner of the site and would result in a total of 157 residential units, and a 12± acre school site. This alternative would result in 54 fewer residential units than proposed by the project, but would fulfill most of the project applicant's stated objectives.

## **D. Analysis of Project Alternatives**

The discussion below presents an analysis of each alternative. The discussion focuses on a comparison of the environmental impacts of the alternatives. CEQA does not require the alternatives to be analyzed at the same level of detail as the proposed project; rather, the alternatives discussion can be based on a qualitative analysis and comparative methodology to identify the environmentally superior alternative.

### ***No Project Alternative***

#### **Aesthetics**

This alternative assumes that the proposed project site would remain under the General Agriculture (A-1) designation and would not be developed for commercial, low-density residential, and neighborhood park uses. Impacts to the site's visual character and quality would not occur and new sources of light and glare would not be generated. This alternative would not result in impacts to views or visual resources within a scenic highway. Under this alternative, impacts to aesthetics are *less* compared to the proposed project.

#### **Agricultural Resources**

Under this alternative the proposed project site would not convert Prime Farmland into commercial, low-density residential and neighborhood park uses. This alternative would not result in significant and unavoidable impacts to agriculture. Under this alternative, impacts to agriculture resources are *less* compared to the proposed project.

#### **Air Quality**

This alternative assumes that the proposed project site would not be developed for commercial, low-density residential and neighborhood park uses. This alternative would not have an increase in particulate matter and ozone precursors resulting from construction related emissions. This alternative could, however, result in an increase in particulate matter and ozone precursors resulting from operating emissions, possible source of hazardous air pollution, and exposure of sensitive receptors to offensive odors resulting from agricultural operations. Neither this alternative nor the proposed project would result in a conflict with existing air quality plans. Under this alternative, impacts to air quality are *less* compared to the proposed project.

### **Biological Resources**

This alternative assumes that the proposed project site would not be developed for commercial, low-density residential and neighborhood park uses. Based on disturbances to the proposed project site, there is the potential for this alternative to result in potential impacts to candidate, special-status, or sensitive species; however, less of the proposed project site would be disturbed as a result of this alternative. Under this alternative, impacts to biological resources are *less* compared to the proposed project.

### **Cultural Resources**

Under both this alternative and the proposed project, development of the site could result in the potential disturbance or destruction of buried cultural resources. However, under this alternative less of the proposed project site would be disturbed as a result of agricultural operations than if it was developed for urban uses. Under this alternative, impacts to cultural resources are *less* compared to the proposed project.

### **Geology, Soils, and Mineral Resources**

The proposed project site is not located near any active faults and would not have a significant impact from fault rupture or seismic-related ground failure under the proposed project or this alternative. Expansive soils have been identified at the proposed project site, and development of the site under the proposed project will require mitigation to reduce impacts to structures as a result of expansive soils. Neither the proposed project nor this alternative would adversely affect the availability of a known mineral resource. Under this alternative, impacts to geology, soils, and mineral resources are *unchanged* compared to the proposed project.

### **Hazards and Hazardous Materials**

The proposed project site was not found to be within any federal, state, or local databases of known hazardous materials sites that would have an effect on development of the site. Historical use of pesticides and herbicides related to previous land uses were identified; therefore, agricultural activities under this alternative would require mitigation measures similar to those identified for the proposed project. Additional mitigation measures may be required as a result of continued pesticide and herbicide uses. Therefore, under this alternative, impacts to hazards and hazardous materials are *unchanged* compared to the proposed project.

### **Hydrology and Water Quality**

Both this alternative and the proposed project are located within a 100-year FEMA floodplain. Under both this alternative and the proposed project, disturbance of the proposed project site could result in the degradation of ground and surface water quality as a result of project operations. Neither the proposed project nor this alternative would degrade ground and surface water quality during construction operations, result in hazards from dams or levee failures, or result in the depletion of or interference with recharge and/or drainage. Under this alternative, impacts to hydrology and water quality are ***unchanged*** compared to the proposed project.

### **Land Use and Planning**

The zoning designation under this alternative is General Agriculture (A-1). Because the proposed project site would not undergo any land use changes it would remain in compliance with the A-1 zoning designation, but would not be in compliance with the land use diagram of the Planada Community Plan. Under this alternative, inconsistency with the land use designations of the Planada Community Plan makes impacts to land use and planning ***greater*** compared to the proposed project.

### **Noise**

This alternative would generate far less traffic than the proposed project. Existing noise levels from surrounding land uses would be similar and require similar mitigation to those of the proposed project. Under this alternative, noise impacts are ***less*** compared to the proposed project.

### **Population and Housing**

Under this alternative the proposed project site would not be developed. Under this alternative there would be no increase in population that could result in the displacement or replacement of housing or people. Under this alternative, impacts to population and housing are ***less*** compared to the proposed project.

### **Public Services, Recreation, and Utilities**

Under this alternative the proposed project site would not require site improvements including public services, recreation or public utilities systems. Under this alternative, impacts to public services, recreation and utilities systems are ***less*** compared to the proposed project.

### **Transportation and Traffic**

There would be no impacts to transportation systems and roadways under this alternative that would require mitigation. Under this alternative, impacts to transportation and traffic are ***less*** compared to the proposed project.

### **Global Climate Change**

This alternative assumes that the proposed project site would not be developed for commercial, low-density residential and neighborhood park uses. This alternative would not result in the generation Greenhouse Gases associated with urban development, inclusive of vehicle generated gases due to trip generation related to the development. Under this alternative, global climate change impacts associated with greenhouse gas emissions are *less* compared to the proposed project.

### ***Reduced-Density Alternative***

#### **Aesthetics**

This alternative assumes that the proposed project site would be developed similar to the proposed project but with fewer residential units at a lower density. Although this alternative proposes 136 fewer residential units, similar impacts to the site's visual character and quality would be anticipated. However, based on fewer structures, this alternative would result in the development fitting in with the surrounding visual setting better and would leave more of the natural setting undeveloped. Additionally, fewer residential homes would result in generation of less light and glare. Neither the proposed project nor this alternative would result in impacts to views or visual resources within a scenic highway. Under this alternative, impacts to aesthetics are *less* compared to the proposed project.

#### **Agricultural Resources**

This alternative assumes the conversion of Prime Farmland into commercial, residential, and neighborhood park uses. As a result, both this alternative and the proposed project would result in significant and unavoidable impacts to agriculture as a result of converting farmland to urban uses. Under this alternative, impacts to agriculture resources are *unchanged* compared to the proposed project.

#### **Air Quality**

Under this alternative, development of the site would result in less disturbance to the proposed project site during construction and would therefore result in slightly less particulate matter and ozone precursors as a result of construction related emissions. Based on fewer residential units, it is assumed that fewer vehicle trips would result in less operational emissions. Under this alternative, impacts to air quality are *less* compared to the proposed project.

#### **Biological Resources**

The proposed project site does not contain wetlands or riparian habitat and does not interfere or conflict with the movement of wildlife, any local ordinances or policies, nor is it located within a Habitat Conservation Plan (HCP). However, under this alternative development of the proposed project site will result in disturbance and potential impacts to candidate, special-status, or sensitive species. Under this alternative, impacts to biological resources are *unchanged* compared to the proposed project.

### **Cultural Resources**

Under both this alternative and the proposed project, development of the site could result in the potential disturbance or destruction of buried cultural resources. Under this alternative, impacts to cultural resources are *unchanged* compared to the proposed project.

### **Geology, Soils, and Mineral Resources**

The proposed project site is not located near any active faults and a significant impact from fault rupture or seismic-related ground failure would not result from the proposed project or this alternative. Expansive soils have been identified at the proposed project site, and development of the site under this alternative and the proposed project will require similar mitigation to reduce impacts to structures as a result of expansive soils. Neither the proposed project nor this alternative would adversely affect the availability of a known mineral resource. Under this alternative, impacts to geology, soils, and mineral resources are *unchanged* compared to the proposed project.

### **Hazards and Hazardous Materials**

The proposed project site was not identified within any federal, state, or local databases of known hazardous material sites that would impact development of the site. Historical use of pesticides and herbicides related to previous land uses were identified; therefore, this alternative would require mitigation measures similar to that identified for the proposed project. Under this alternative, impacts to hazards and hazardous materials are *unchanged* compared to the proposed project.

### **Hydrology and Water Quality**

Both this alternative and the proposed project are located within a 100-year FEMA floodplain. Under both this alternative and the proposed project, development of this site could result in the degradation of ground and surface water quality as a result of project operations. However, less of the proposed project site would be developed under this alternative, resulting in less impervious surface area, which would reduce potential impacts to water quality, recharge, and drainage. Neither the proposed project nor this alternative would deplete groundwater supplies or result in hazards from dam or levee failures. Under this alternative, impacts to hydrology and water quality are *less* compared to the proposed project.

### **Land Use and Planning**

This alternative assumes that the proposed project site would be developed for commercial and residential uses at a lower density than the site is currently designated. Because this alternative would require a General Plan amendment and rezoning, it would not comply with all applicable land use plans, policies, and regulations. Under this alternative, impacts to land use and planning are *greater* compared to the proposed project.

### **Noise**

This alternative would generate less traffic due to fewer residential units in comparison with the proposed project, thereby generating less traffic related noise. However, existing noise levels from surrounding land uses would be similar and require similar mitigation to those of the proposed project. Under this alternative, impacts to noise are *less* compared to the proposed project.

### **Population and Housing**

Under this alternative the proposed project site would be developed with fewer residential units than those of the proposed project. Development of this alternative would conflict with the existing Merced County Zoning Ordinance and would require a rezone. Under this alternative fewer residential units would be built, generating less population growth. Under this alternative, impacts to population and housing are *less* compared to the proposed project.

### **Public Services, Recreation, and Utilities**

Both this alternative and the proposed project would result in impacts to public services, recreation, and utilities systems. Impacts to law enforcement would require similar mitigation measures as the proposed project. Additionally, wastewater generation would exceed the Planada WWTF capacity under this alternative as well as the proposed project. However, demand for services and water supply would be less under this alternative due to fewer residential units. Under this alternative, impacts to public services, recreation, and utilities systems are *less* compared to the proposed project.

### **Transportation and Traffic**

This alternative would generate less traffic than the proposed project. However, any improvements to existing roadways as well as the construction of an internal roadways system would be similar to those of the proposed project. Under this alternative, impacts to transportation and traffic are *less* compared to the proposed project.

### **Global Climate Change**

Under this alternative, development of the site would result in fewer residential units and a corresponding reduction in vehicle trips. This alternative would result in a reduction of Greenhouse Gases associated with the density of urban development proposed by the proposed project. Under this alternative, global climate change impacts associated with greenhouse gas emissions are *less* compared to the proposed project.

### ***Project with School Site Alternative***

#### **Aesthetics**

Under this alternative a 12± acre elementary school site would be located at the southeast corner of the proposed project site and the number of residential units would be decreased to from 211 to 157. Similar impacts to the site's visual character and quality would be anticipated as would

the addition of new, similar sources of light and glare. Neither the proposed project nor this alternative would result in impacts to views or visual resources within a scenic highway. Under this alternative, impacts to aesthetics are ***unchanged*** compared to the proposed project.

### **Agricultural Resources**

Both this alternative and the proposed project assume the conversion of Prime Farmland to urban uses. As a result, both this alternative and the proposed project would result in significant and unavoidable impacts to agriculture as a result of converting farmland to urban uses. Under this alternative, impacts to agriculture resources are ***unchanged*** compared to the proposed project.

### **Air Quality**

Under both this alternative and the proposed project, development of the site would result in the increase of particulate matter and ozone precursor emissions as a result of construction activities. Under this alternative an increased number of vehicle trips would be generated, resulting in an increase of particulate matter and ozone precursor emissions during operation. Under this alternative, impacts to air quality are ***greater*** compared to the proposed project.

### **Biological Resources**

The proposed project site does not contain wetlands or riparian habitat and does not interfere or conflict with the movement of wildlife, any local ordinances or policies, nor is it located within a HCP. However, under both this alternative and the proposed project, development will result in disturbance and potential impacts to candidate, special-status, or sensitive species. Under this alternative, impacts to biological resources are ***unchanged*** compared to the proposed project.

### **Cultural Resources**

Under both this alternative and the proposed project, development of the site could result in the potential disturbance or destruction of buried cultural resources. Under this alternative, impacts to cultural resources are ***unchanged*** compared to the proposed project.

### **Geology, Soils, and Mineral Resources**

The proposed project site is not located near any active faults and a significant impact from fault rupture or seismic-related ground failure would not result from the proposed project or this alternative. Expansive soils have been identified at the proposed project site, and development of the site under this alternative and the proposed project will require similar mitigation to reduce impacts to structures as a result of expansive soils. Neither the proposed project nor this alternative would adversely affect the availability of a known mineral resource. Under this alternative, impacts to geology, soils, and mineral resources are ***unchanged*** compared to the proposed project.

### **Hazards and Hazardous Materials**

The proposed project site was not identified within any federal, state or local databases of hazardous material sites that would impact development of the site. Historical use of pesticides and herbicides related to previous land uses were identified; therefore this alternative would require similar mitigation measures to that identified for the proposed project. Under this alternative, impacts to hazards and hazardous materials are *unchanged* compared to the proposed project.

### **Hydrology and Water Quality**

Both this alternative and the proposed project is located within a 100-year FEMA floodplain. Under both this alternative and the proposed project, development of the proposed project, site could result in the degradation of ground and surface water quality as a result of project operations. Development of this alternative would result in increased impervious surface area which would increase potential impacts to water quality. Neither the proposed project nor this alternative would deplete groundwater supplies, interfere with recharge or drainage, or result in hazards from dams or levee failures. Under this alternative, impacts to hydrology and water quality are *unchanged* compared to the proposed project.

### **Land Use and Planning**

This alternative assumes that the proposed project site would be developed for commercial, residential and public school uses which would be in compliance with all Planada Community Plan and policies. In compliance with the Planada Community Plan , the site would be rezoned in accordance with the Community Plan Land Use designations under this alternative. Under this alternative, impacts to land use and planning are *less* compared to the proposed project.

### **Noise**

This alternative would generate increased traffic and traffic related noise, as well as school activity generated noise, based on traffic and noise impact analysis completed for previous project designs consisting of a school site, residential and commercial uses. Existing noise levels from surrounding land uses would be similar and would require similar mitigation to those of the proposed project. Under this alternative, impacts from noise are *greater* compared to the proposed project.

### **Population and Housing**

Under this alternative the site would developed in accordance with the land use designations of the Planada Community Plan with 54 less residential units, and approximately 221 less residents compared to the proposed project Under this alternative, impacts to population and housing are *less* compared to the proposed project.

### **Public Services, Recreation, and Utilities**

Both this alternative and the proposed project would result in impacts to public services, recreation and utility systems. The addition of an elementary school within the proposed project site could result in additional impacts to law enforcement beyond those generated by residential

and commercial development alone. Additionally, wastewater generation would exceed the Planada WWTF capacity under this alternative as well as the proposed project. Under this alternative, impacts to public services, recreation and utilities systems are *greater* compared to the proposed project.

**Transportation and Traffic**

This alternative would generate more traffic compared to the proposed project based on a comparative traffic impact analysis found in Appendix J-3 of this DEIR. Improvements to existing roadways would be similar to those of the propose project as well as the construction of an internal roadway system. Under this alternative, impacts to transportation and traffic are *greater* compared to the proposed project.

**Global Climate Change**

Under both this alternative, and the proposed project, development of the site would result in an increased number of vehicle trips and increased energy usage and a corresponding increase in greenhouse gas emissions. Because this alternative would generate more traffic compared to the proposed project, based on a comparative traffic impact analysis found in Appendix J-3 of this DEIR, this alternative would result in *greater* impact on global climate change greenhouse gas emissions compared to the proposed project.

**D. Environmentally Superior Alternative**

In accordance with CEQA Guidelines Section 15126.6(d), this section compares the impacts of the four alternatives under consideration to those of the proposed project. The table below shows whether each of the thirteen impact areas are unchanged, less, or greater, compared to the proposed project.

**Summary of Impact Comparison between Proposed Project and Alternatives**

Issue	No Project Alternative	Reduced Density Alternative	Project With School Site Alternative
Aesthetics	Less	Less	Unchanged
Agricultural Resources	Less	Unchanged	Unchanged
Air Quality	Less	Less	Less
Biological Resources	Less	Unchanged	Unchanged
Cultural Resources	Less	Unchanged	Unchanged
Geology, Soils, and Mineral Resources	Unchanged	Unchanged	Unchanged
Hazards and Hazardous Materials	Unchanged	Unchanged	Unchanged
Hydrology and Water Quality	Unchanged	Less	Unchanged
Land Use and Planning	Greater	Greater	Less
Noise	Less	Less	Greater
Population and Housing	Less	Less	Less
Public Services, Recreation, and Utilities	Less	Less	Greater
Transportation and Traffic	Less	Less	Greater

Issue	No Project Alternative	Reduced Density Alternative	Project With School Site Alternative
Global Climate Change	Less	Less	Greater
Number of Impacts Reduced	9	7	3
Number of Impacts Increased	1	1	3
Number of Impacts Unchanged	3	5	7

Source: Quad Knopf, Inc., 2006

Based upon the analysis contained and documented in Chapter Three of the Draft EIR, and the analysis presented above, the No Project Alternative has been determined to be the environmentally superior alternative because it would have the fewest impacts on the existing environment. However, under CEQA guidelines [15126.6(e)(2)], if the No Project Alternative is identified as the environmentally superior alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. This analysis has identified the Reduced Density Alternative as the environmentally superior alternative among the other alternatives.

### **XIII.**

## **STATEMENT OF OVERRIDING CONSIDERATIONS**

CEQA requires decision-makers to balance the benefits of the proposed project against its unavoidable environmental risks in determining whether to approve the project under consideration. If the benefits of the project outweigh the unavoidable adverse effects, those effects may be considered "acceptable" (State CEQA Guidelines Section 15093[a]). However, CEQA requires the agency to explain, 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 EIR or elsewhere in the administrative record (State CEQA Guidelines Section 15093[b]). The agency's statement is referred to as a "Statement of Overriding Considerations".

In approving the Project which is evaluated in the Final Environmental Impact Report (FEIR), the County makes the following Statement of Overriding Considerations in support of its findings on the FEIR. The Board of Supervisors has considered the information contained in the FEIR and has fully reviewed and considered the public testimony and record in this proceeding.

The Board of Supervisors has carefully balanced the benefits of the Project against any adverse impacts identified in the EIR that could not be feasibly mitigated to a level of insignificance. Notwithstanding the identification and analysis of the impacts that are identified in the EIR as being significant and potentially significant that have not been eliminated, lessened, or mitigated to a level of insignificance, the Board of Supervisors acting pursuant to Section 15093 of the State CEQA Guidelines, hereby determines that the benefits of the Project outweigh the unmitigated adverse impacts and should be approved. The EIR describes certain environmental impacts that cannot be avoided if the Project is implemented. In addition, the EIR describes certain potential impacts, which, although substantially mitigated or lessened, are not mitigated to a point of environmental insignificance. This Statement of Overriding Considerations applies

specifically to those impacts found to be significant and unavoidable as identified in the EIR and within this document.

## **Specific Findings**

### ***Project Benefits Outweigh Unavoidable Impact***

The unavoidable significant impacts of the Project are acceptable in light of the long-term economic, fiscal, social, environmental, land-use and other benefits set forth herein.

The Project will result in unavoidable significant environmental impacts. These significant environmental impacts are outweighed by the following Project benefits:

### **Economic and Employment Considerations**

Implementation of the project would result in an economic benefit to the County of Merced through job creation and the generation of both sales and property tax revenues. In addition to construction related jobs, the project would also create retail, office, service industry and potentially other job types. According to the California Employment Development Department (October 2013), Merced County will experience job growth in all positions of 14.8% from 2010 through 2020. Executive and management jobs will increase, except in the farming/ranching segment, which is expected to decrease slightly. Business positions, including business operations, management analysts, and finance/accounting jobs will increase within the County. Other occupations are also expected to increase, with an overall increase in jobs of 14.8%. Construction jobs are expected to increase approximately 30 through 2020. Construction of the residences and construction and operation of the business park will contribute to the economic viability of the Planada community and the County as a whole. Merced County and Planada have historically experienced considerably higher rates of unemployment than most areas of California. These areas have historically been highly dependent upon agriculture and related services as a major component of economic activity. It is apparent that expansion and diversification of the area's economic base is appropriate to provide adequate resources to sustain the area's present and projected future population.

### **Housing**

The project is expected to include up to 211 new residences. In accordance with local housing market conditions, lower income and/or smaller households would be accommodated by the smaller single story home models while moderate and above income level and/or larger households would be accommodated by the larger two story home models. The project will help address the projected housing demand in the southeastern portion of the County. The population growth rate between 2009 and 2015 was expected to be approximately 15%, with an anticipated population in 2015 of 8,500. Planada's housing is characterized mostly by older single-family dwellings, with a median home age of 32 years. According to Merced County's Housing Element, Planada had 822 household units in 1990 and 1,043 housing units in 2000 (1,000 occupied: 642 owner occupied, 358 renter occupied). The annual housing unit growth rate between 2001 and 2008 for Planada has been approximately 4%.



Consistent with County of Merced's Vision and General Plan Policies

The Project would help maintain consistency with and carry out the goals, policies and objectives of the County General Plan and the Planada Community Plan. The Project is located within the Planada Community Plan Area, immediately west of the urbanized area, and is labeled in the Community Plan as a “growth opportunity.” The Community Plan has been adopted into the County General Plan, and relies on the Merced County zoning and subdivision ordinances, capital improvement plans, and a variety of special purpose ordinances and programs. All public and private actions relating to development within the Plan Area, including major subdivision maps, zoning, site specific improvements, use permits, must be consistent with the Community Plan’s goals, objectives, policies, and implementation measures.

The proposed project is a rezone and Major Subdivision Application for, and the development of, a 45.7-acre residential subdivision consisting of 211 single-family residential lots ranging from 5,000 to 6,000 square feet in size on the southern two-thirds of the site, currently listed as Low Density Residential (LDR) in the Community Plan. Under the R-1-5000 zoning designation, one single-family dwelling would be allowed by right on each legal parcel. Buildings may be up to two stories in height and would range from 1,200 to 1,800 square feet of living space.

Additionally, a 14.3-acre portion of the site would be developed according to the Planada Community Plan designation of Business Park (BP), on the northern portion of the Project site. This designation allows for a floor area ratio (FAR) of 0.30 – or 30% lot coverage and would result in a maximum of 186,872 square feet of office and light commercial uses. The proposed M-1 zoning designation would allow for the maximum number of development options in conformance with the Business Park land use designation.

As shown in Section 3.9 of the EIR, the Project will be consistent with the overall intent of the County’s General Plan and Planada Community Plan’s objectives and policies encouraging a range of services and facilities for residents in adherence to specific standards for various land uses. The Project is consistent with General Plan policies regarding water and waste water treatment, residential density, and circulation.

The proposed Project also provides an opportunity to have a “master planned” concept on the entire 60 acres, rather than a “piece-mealed” smaller development that could occur under the current General Plan designations on the site. By developing the site as a single project, the County can better control the timing and assurance of installation of appropriate infrastructure (road improvements, water, wastewater, storm drainage, alternative transportation, recreational facilities, etc.).

Based upon the objectives identified in the Project EIR and through the public review process, the Board of Supervisors has determined that the Project should be approved and that implementation of the Project would have economic and social benefits that outweigh the unavoidable adverse environmental impacts of the Project.

Based upon these land use and environmental considerations, the Board of Supervisors has determined that any significant environmental impacts caused by the Project has been minimized

to the extent feasible, and where not feasible, has been outweighed and counterbalanced by the significant economic, fiscal, social, and land-use benefits to be generated to the County.

## **SECTION FIVE MITIGATION MONITORING AND REPORTING PROGRAM**

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a public agency to adopt a reporting or monitoring program in those cases where the public agency finds that changes or alterations have been required in, or incorporated into, a project, and that those changes mitigate or avoid a significant effect on the environment. A public agency may delegate the monitoring or reporting responsibilities to another public agency or private entity that accepts the delegation, but the lead agency remains responsible for ensuring that the mitigation measures have been implemented (CEQA Guidelines § 15097).

Table 5-1 identifies each mitigation measure identified in the Draft EIR (DEIR) and Final EIR (FEIR), and identifies the monitoring or reporting program, and timing for such efforts.

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**Table 5-1  
Mitigation Monitoring and Reporting Program**

Mitigation #	Mitigation Measure	Implementation Plan & Timing	Monitoring Agencies
<b>3.1 Aesthetics</b>			
3.1-4a	A lighting plan shall be prepared and submitted to the Merced County Planning & Community Development Department for approval prior to approval of building permits for this proposed project site. The lighting plan shall comply with the guidelines provided by the International Dark Sky Association Model Lighting Ordinance. Night lighting shall be limited to that necessary for security, safety, and identification. Night lighting shall also be screened from adjacent residential areas and not be directed in an upward manner or beyond the boundaries of the parcel on which the buildings are located. Outdoor security lighting at businesses shall be controlled by timers.	Prior to issuance of building permits	MCPCDD, MCDPW
3.1-4b	All outdoor lighting on the proposed project site shall be shielded, directed downward and away from adjoining properties and rights-of-way. Light shields shall be installed and maintained consistent with manufacturer's specifications and shall reduce the spillage of light on to adjacent properties to less than a one-foot candle standard as measured at the adjacent property line.	Prior to issuance of building permits/Ongoing operations	MCPCDD, MCDPW
3.1-4c	Outdoor lighting fixtures shall be designed to produce the minimum amount of light necessary for safety purposes. All parking lot pole lights and street lights shall be fully hooded and back shielded to prevent light spillage and glare.	Prior to issuance of building permits	MCPCDD, MCDPW
3.1-4d	The project design shall include the use of glare-reducing materials, including non reflective paints and building materials, to reduce the amount of glare created by the project structures.	Prior to issuance of building permits	MCPCDD, MCDPW
<b>3.2 Agricultural Resources</b>			
3.2-1	Prior to recording the final map, the project proponent shall preserve Prime Farmland of equal quality at a minimum ratio of 1:1 or 60 acres and shall protect the land for agricultural use through long-term land use restrictions such as agricultural conservation easements. An	Prior to recording the final map	MCPCDD

Mitigation #	Mitigation Measure	Implementation Plan & Timing	Monitoring Agencies
	<p>organization such as the Merced County Farmland and Open Space Trust shall be used to facilitate the establishment of the conservation easement. The purpose of the conservation easement shall be to assure that the land remains available for farming. The land shall be available as closely as possible to the proposed project site, to the satisfaction of the Zoning Administrator. The proposed conservation easement for the property shall be submitted to the County for review and approval.</p>		
3.2-2	<ul style="list-style-type: none"> <li>• The applicant, being the owner of the proposed project site and the agricultural land west of the site, shall record a 200 foot non-spray agricultural buffer easement along the entire length of the western property line of the proposed project.</li> <li>• Use landscaping specifically designed to provide a buffer between agricultural uses to the west and residential uses to the east.</li> <li>• Building pads for residential lots along the western portion of the proposed project site shall be oriented so as to maximize the rear yard depth and thereby buffer between residential uses and adjacent agricultural operations.</li> <li>• Fences of a minimum 6 feet in height shall be constructed around the rear yards of all residential lots that will back up directly to existing agricultural land, providing a buffer to the agricultural land to the west.</li> </ul>	Prior to issuance of building permits	MCPCDD, MCDPW, Merced County Surveyor
3.2-4	<p>Place an amount of productive farmland under permanent conservation easement that is equal to that which will be lost through this proposed development at a ratio of 1 acre protected for 1 acre lost. An in lieu fee may be paid to the County, or bona fide agricultural conservation organization, as an alternative to obtaining an easement directly. Productive agricultural land is defined by the County as including lands with soil designation as Prime, Unique, or</p>	Prior to recording the final map	MCPCDD

Mitigation #	Mitigation Measure	Implementation Plan & Timing	Monitoring Agencies
	of statewide importance by the State Farmlands Map.		
<b>3.3 Air Quality</b>			
3.3-2a	<p>Construction contracts shall require the primary construction contractor to prepare and submit a dust control plan to the SJVAPCD that incorporates all provisions of Regulation VIII and the following additional measures:</p> <ul style="list-style-type: none"> <li>• All disturbed areas, including storage piles, that are not being actively used for construction purposes shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.</li> <li>• All onsite unpaved roads and offsite unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.</li> <li>• All land-clearing, grubbing, scraping, excavation, land-leveling, grading, cut-and-fill, and demolition activities shall be effectively controlled of fugitive dust emissions by applying water or by presoaking.</li> <li>• When materials are transported off site, all material shall be covered and effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.</li> <li>• All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)</li> <li>• Following the addition of materials to or the removal of materials</li> </ul>	Prior to issuance of building permits	MCPCDD, if used for SJVAPCD Rule 9510 mitigation credit, the SJVAPCD shall be the monitoring agency, MCDPW

Mitigation #	Mitigation Measure	Implementation Plan & Timing	Monitoring Agencies
	<p>from the surface of outdoor storage piles, the piles shall be effectively stabilized of fugitive dust emissions using sufficient water or chemical stabilizer/suppressant.</p> <ul style="list-style-type: none"> <li>• Traffic speeds on unpaved roads shall be limited to 15 mph and silt fencing or other erosion control measures shall be installed in accordance with best management practices as stated in the project Storm Water Pollution Prevention Plan (SWPPP) to prevent silt runoff to public roadways from sites with a slope greater than 1%.</li> <li>• Wheel washers shall be installed for all exiting trucks, or all trucks and equipment leaving the site shall be washed off.</li> <li>• Wind breaks shall be installed at windward side(s) of construction areas.</li> <li>• Excavation and grading activities shall be suspended when winds exceed 20 mph.</li> <li>• Area subject to excavation, grading, and other construction activity shall be limited at any one time.</li> <li>• The use of diesel equipment with catalytic converters and particulate traps shall be maximized.</li> <li>• <del>Construction during “Spare the Air Days” declared by SJVAPCD shall be limited.</del></li> <li>• Equipment not in use for more than ten minutes should be turned off.</li> <li>• The hours of operation of heavy duty equipment and/or the amount of equipment in use shall be limited to between 7:00 a.m.</li> </ul>		

Mitigation #	Mitigation Measure	Implementation Plan & Timing	Monitoring Agencies
	<p>and 5:00 p.m. on nonfederal holiday weekdays.</p> <ul style="list-style-type: none"> <li>• <u>The Construction Contractor shall ensure that construction equipment is properly sized for the task and that all construction diesel engines, which have a rating of 50 hp or more, shall meet at a minimum, CARB's Tier 2 or higher certified engines for cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation, unless the AQ Manager certifies that such an engine rating is not available for a particular item of equipment. If this measure is used by the applicant to comply with SJVAPCD Rule 9510, the SJVAPCD will be responsible for ensuring compliance. Otherwise, the County of Merced will review records maintained by the Construction Contractor.</u></li> </ul>		
3.3-2b	<p>To reduce the emission of ROG associated with the application of architectural coatings during building construction, the applicant shall use the following methods and materials during the application of all architectural coating materials:</p> <ul style="list-style-type: none"> <li>• Minimize the use of paints and solvents by using precoated building materials;</li> <li>• Minimize the use of paints and solvents by using naturally colored building materials;</li> <li>• Use water-based or low-ROG coatings; and</li> <li>• Utilize coating application equipment with high transfer efficiency rates.</li> </ul>	Prior to issuance of building permits	MCPCDD, MCDPW
<b>3.4 Biological Resources</b>			
3.4-1	<p>Prior to approval of improvement plans, the County will require that the applicant conduct a pre-construction focused survey for nesting birds prior to construction activities scheduled to take place during the breeding season (January through August) for each phase of the project. Furthermore, prior to approval of the improvement plans</p>	14 – 30 days prior to construction	MCPCDD

Mitigation #	Mitigation Measure	Implementation Plan & Timing	Monitoring Agencies
	and subsequent projects, the County will require that the applicant identify and protect a buffer with at least a 500-foot radius around active nests from January through August. The buffer will be free of all construction activities during the duration of the nesting season or until a qualified ornithologist identifies that the potential for nest failure is gone. Active nest sites will be identified and the construction-free zone will be flagged during pre-construction surveys.		
<b>3.5 Cultural Resources</b>			
3.5-1a	<p><b>Stop Work if Buried Cultural Deposits are Encountered during Construction Activities</b></p> <p>If buried cultural resources such as chipped or ground stone, historic debris, or building foundations, are inadvertently discovered during ground-disturbing activities, work will stop in that area and within a 100-foot radius of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop a Response Plan, with appropriate treatment measures, in consultation with the County, the State Historic Preservation Officer (SHPO), and other appropriate agencies. Preservation in place shall be the preferred treatment method per CEQA Guideline Section 15126.4(b) (avoidance, open space, capping, easement). Data recovery of important information about the resource, research, or other actions determined during consultation, is allowed if it is the only feasible treatment method.</p>	During construction	MCPCDD, MCDPW
3.5-1b	<p><b>Stop Work if Buried Paleontological Resources are Encountered during Construction Activities</b></p> <p>If buried paleontological resources are inadvertently discovered during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a qualified paleontologist can assess the significance of the find and, if necessary, develop responsible treatment measures in consultation with Merced County and other appropriate agencies.</p>	During construction	MCPCDD, MCDPW

Mitigation #	Mitigation Measure	Implementation Plan & Timing	Monitoring Agencies
3.5-1c	<p><b>Stop Work if Human Remains are Encountered during Construction Activities</b></p> <p>If human skeletal remains are encountered, ground disturbing activities will stop within a 100-foot radius of the discovery. The County Coroner must be contacted immediately and is required to examine the discovery within 48 hours. If the County Coroner determines that the remains are Native American, the Coroner is required to contact the Native American Heritage Commission (NAHC) within 24 hours. A qualified archaeologist (QA) should also be contacted immediately. The Coroner is required to notify and seek out a treatment recommendation of the NAHC-designated Most Likely Descendant (MLD).</p> <p>If the NAHC identifies an MLD, and the MLD makes a recommendation, and the landowner accepts the recommendation, then ground-disturbing activities may resume after the QA verifies and notifies the County that the recommendations have been completed.</p> <p>If the NAHC is unable to identify the MLD, or the MLD makes no recommendation, or the landowner rejects the recommendation, and mediation per Public Resources Code (PRC) 5094.98(k) fails, then ground disturbing activities may resume, but only after the QA verifies and notifies the County that the landowner has completely reinterred the human remains and items associated with Native American burials with appropriate dignity on the property, and ensures no further disturbance of the site per PRC 5097.98(e) by county recording, open space designation, or a conservation easement.</p> <p>If the coroner determines that no investigation of the cause of death is required and that the human remains are not Native American, then ground-disturbing activities may resume, after the Coroner</p>	During construction	MCPCDD, MCDPW

Mitigation #	Mitigation Measure	Implementation Plan & Timing	Monitoring Agencies
	informs the County of Merced of such determination.		
<b>3.6 Geology, Soils and Mineral Resources</b>			
3.6-4	Prior to issuance of any building permit, the project proponent shall have a design-level geotechnical investigation performed to determine soil expansivity. Final recommendations shall be determined based on site specific testing and are not limited to the following: proper moisture conditions and compaction of subgrade and fill soils, placing a layer of low-expansive fill below buildings slabs and exterior pavements, chemical mixing such as lime-treatment, and swing post-tensioned building foundations designed to resist anticipated soil movement; however, final recommendations shall be determined based on site-specific testing. Merced County will have final approval over all building permits issued within the proposed subdivision. At the time of building permit review and approval, the County will require measures to ensure structural integrity in consideration of a design-level geotechnical investigation report.	Prior to issuance of building permits	MCPCDD, MCDPW
<b>3.7 Hazards and Hazardous Materials</b>			
3.7-5	The project proponent shall conduct a Phase II ESA that will include soil sampling, soil stockpile sampling, and groundwater sampling of the onsite agricultural well, for constituents outlined in Section 8.5.1.6 of Appendix G of this EIR as well as constituents determined by Merced County Environmental Health Department (MCEHD). All sampling and analysis shall be in accordance with MCEHD standards and under the direct supervision of a County Environmental Health Specialist. In the event that soil contamination is identified during the Phase II ESA, the project proponent shall coordinate with the MCEHD to determine appropriate remedial action. The California Regional Water Quality Control Board shall be notified and provided with a complete copy of the Phase II ESA in the event that analysis of water samples collected from the onsite agricultural well are determined to contain elevated concentrations of constituents identified by the MCEHD.	Prior to issuance of building permits	MCEHD, MCPCDD, RWQCB, MCDPW

Mitigation #	Mitigation Measure	Implementation Plan & Timing	Monitoring Agencies
<b>3.8 Hydrology and Water Quality</b>			
3.8-2	<p>Prior to approval of any tentative subdivision maps, the project proponent shall identify all appropriate and feasible storm water runoff best management practices (BMPs) to be implemented within the proposed project site. These BMPs shall be selected from the California Stormwater Quality Association's Stormwater Best Management Practice Handbook – New Development and Redevelopment. Typical BMPs that could be used shall include, but are not limited to, catchbasin inserts, compost stormwater filters, sand filters, vegetated filter strips, biofiltration swales, oil/water separators, bioretention basins, or other equally effective measures. Other BMPs shall include, but would not be limited to, administrative controls such as signage at inlets to prevent illicit discharges into storm drains, parking lot and other pavement area sweeping, public education, and hazardous waste management and disposal programs. BMPs shall identify and implement mechanisms for the routine maintenance, inspection, and repair of pollution control mechanisms. In addition, the BMPs shall be reviewed for adequacy by the Merced County Department of Public Works.</p>	Prior to approval of tentative subdivision maps	MCPCDD, MCDPW
3.8-3	<ul style="list-style-type: none"> <li>• All residences constructed on the proposed project site shall be outfitted with low-flow toilets, faucets, and showerheads based on standards required of manufacturers through the National Energy Policy Act of 1992 (PL 102-486).</li> <li>• All common areas, including public rights-of-way, parking lots, landscape medians, etc., shall be landscaped using drought-tolerant plant palettes and irrigated using water efficient irrigation systems.</li> </ul>	Prior to issuance of final occupancy permits	MCPCDD
3.8-6	<p>In accordance with Merced County policy, the applicant shall process the subdivision through the Letter of Map Revisions (LOMR) process through the Federal Emergency Management Agency (FEMA) to change the designation of the site from that of a Special Flood Hazard Area (SFHA).</p>	Prior to recording the final map	MCPCDD, MCDPW, Merced County Surveyor

Mitigation #	Mitigation Measure	Implementation Plan & Timing	Monitoring Agencies
3.8-9a	In consultation with MID staff and in accordance with MID policies and standards, the Planada Lateral “B-1” shall be realigned offsite and placed in an underground pipeline. Additionally, all delivery points to properties being served from the existing pipeline alignment shall be maintained from the realigned pipeline. An exclusive 20-foot wide easement in the new alignment shall be dedicated to MID and access to the entire length of the new alignment shall be ensured for maintenance and repair of the pipeline.	Prior to issuance of grading permits	MCPCDD, MID, MCDPW, Merced County Surveyor
3.8-9b	All improvements plans associated with MID facilities shall be reviewed and approved by MID prior to approval of the tentative subdivision map. A signature block shall be provided for MID on all improvement plans associated with MID facilities.	Prior to issuance of grading permits	MCPCDD, MID, MCDPW, Merced County Surveyor
<b>3.10 Noise</b>			
3.10-3	<ul style="list-style-type: none"> <li>• In order to achieve a 28 dB exterior-to-interior NLR, all second story windows with a line of site to the BNSF Railroad tracks shall be fitted with sound transmissions class (STC) 32 rated window assemblies. This requirement shall apply to the first row of residential uses, closest to the BNSF Railroad tracks.</li> <li>• The project proponent shall construct an eight foot block sound wall along the northerly right-of-way line of proposed Lots 24 through 60 as shown on the Tentative Subdivision Map to reduce the exterior noise-level to a level less than 65 dB Ldn at the northerly property line of Lots 24 through 60. A 6 foot block sound wall property line noise barrier shall also be constructed along the north property line of Lot 23 to reduce the exterior noise-level to a level less than 65 dB Ldn at the northerly property line of Lot 23.</li> </ul>	Prior to issuance of final occupancy permits	MCPCDD, MCDPW
3.10-5	The project applicant shall implement a buyer or lessee notification requirement to inform potential buyers and lessees of the exterior noise levels projected by the CNEL method at their property and the attachment of a noise easement to the title of all property sold in the areas affected by agricultural related noise.	Prior to issuance of building permits	MCPCDD, MCDPW

Mitigation #	Mitigation Measure	Implementation Plan & Timing	Monitoring Agencies
3.10-6	Construction activities shall be restricted to between the hours of 7 a.m. and 6 p.m., Monday through Friday, and between the hours of 8 a.m. and 5 p.m. on Saturdays. No construction activities will occur on Sundays and holidays.	During construction	MCPCDD, MCDPW
<b>3.12 Public Services, Utilities and Recreation</b>			
3.12-1a	As a condition of project approval, the project proponent shall pay developer fees for impact to law enforcement services as required by the Merced County Public Works Department.	Prior to issuance of building permits	MCPCDD, MCDPW
3.12-1b	As a condition of project approval, the project proponent shall pay its fair share of capital improvement costs related to law enforcement services.	Prior to issuance of building permits	MCPCDD, MCDPW
3.12-6	<u>Prior to recording a Final Subdivision Map, the project applicant shall submit to Merced County a “Can and Will Serve” commitment letter from the Planada Community Services District verifying that adequate capacity exists within the wastewater treatment facility to serve this project.</u>	Prior to submittal of any improvement plans	MCPCDD, PCSD
3.12-8	Contractors shall be required to provide onsite separation of construction debris to assure a minimum 50% diversion of this material from the landfill.	During construction	MCPCDD, MCDPW
<b>3.13 Transportation/Traffic</b>			
3.13-5a	In accordance with the Merced County General Plan Circulation Policy 2.B.6 and the Planada Community Plan Circulation Policy 3.1, the project applicant shall construct Class II bicycle lanes to connect with existing facilities and proposed facilities along Plainsburg Road and Childs Avenue.	Prior to submittal of any improvement plans	MCPCDD, MCDPW

Mitigation #	Mitigation Measure	Implementation Plan & Timing	Monitoring Agencies
3.13-5b	The project proponent shall coordinate with Merced County Transit (MCT) to allow MCT to review the project to identify potential locations for new bus stops, park-and-rides, etc., in order to dedicate rights-of-way for any such facilities.	Prior to submittal of any improvement plans	MCPCDD
<b>3.14 Global Climate Changes</b>			
3.14-1a	<u>The project shall utilize high albedo construction materials (Cool Paving) to increase the reflectivity of roads, driveways, and other paved surfaces. Project site plans shall indicate locations where the special paving will be installed. Standard paving materials will only be allowed in areas where technical or safety considerations (as determined by the County’s Public Works Director) preclude use of the Cool Paving materials.</u>	During construction and Ongoing operations	MCPCDD, MCDPW
3.14-1b	<u>Construction plans shall provide for the installation of automated lighting and thermal controls in all non-residential facilities. The County of Merced will verify compliance during review of construction plans.</u>	Prior to issuance of building permits	MCPCDD, MCDPW
3.14-1c	<p><u>Construction plans shall include one or more of the following roofing technologies to reduce energy consumption:</u></p> <ul style="list-style-type: none"> <li>• <u>High albedo and low-emissive roofs;</u></li> <li>• <u>EPA “Energy Star” approved roofing materials; and</u></li> <li>• <u>“Green Roof” Technology.</u></li> </ul>	Prior to issuance of building permits	MCPCDD, MCDPW
3.14-1d	<u>Construction plans shall address passive energy conservation through building orientation, use of natural ventilation and shading in a way that does not compromise the thermal integrity of the building or the implementation of Mitigation Measure #3.14-1c. The County of Merced will verify compliance during review of construction plans.</u>	Prior to issuance of building permits	MCPCDD, MCDPW
3.14-1e	<u>Each development project within the project site shall be designed to achieve energy efficiency above 2008 Title 24 standards. Prior to</u>	Prior to issuance of building permits	MCPCDD, MCDPW

Mitigation #	Mitigation Measure	Implementation Plan & Timing	Monitoring Agencies
	<u>issuance of building permits, the project applicant shall provide a third-party verification to the County of Merced demonstrating that the project achieves this energy efficiency goal.</u>		
3.14-1f	<u>Site plans submitted to the County of Merced shall include sidewalks and bicycle lanes appropriately sized for anticipated future pedestrian/bicycle use on all adjacent and interior roadways. Ensure that the project will provide multiple and/or direct pedestrian and/or bicycle access to adjacent, complementary land uses and throughout the project.</u>	Prior to issuance of building permits	MCPCDD, MCDPW
3.14-1g	<u>Large canopy trees shall be carefully selected and located to protect the buildings from energy consuming environmental conditions, and to shade 50 percent of paved areas within 15 years. This measure reduces emissions by reducing urban heat island effect, reducing ROG emissions from parked vehicles (shading reduces temperature, which reduces seepage), and creates a more walkable environment.</u>	Prior to issuance of building permits	MCPCDD, MCDPW
3.14-1h	<u>Prior to issuance of building permits, a landscape plan shall be prepared and submitted to the County of Merced for review and approval. The landscape plan shall comply with the State mandated Water Efficient Landscape Ordinance and shall have the following components:</u> <ul style="list-style-type: none"> <li>• <u>At least 50 percent of installed trees and shrubs shall be low-ozone forming potential (Low-OFP) and drought-tolerant species; and</u></li> <li>• <u>The landscape plan shall be designed to shade 50 percent of paved surfaces within 15 years of buildout.</u></li> </ul>	Prior to issuance of building permits	MCPCDD, MCDPW

Notes: MCPCDD = Merced County Planning and Community Development Department, MCDEH = Merced County Division of Environmental Health, MCDPW = Merced County Department of Public Works Building and Safety Division, MID = Merced Irrigation District, PCSD = Planada Community Services District, RWQCB = Regional Water Quality Control Board, SJVAPCD = San Joaquin Valley Air Pollution Control District