

## 1.1 BACKGROUND AND PURPOSE OF THE RECIRCULATED DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT

In November 2012, Merced County (County) published the 2030 Merced County General Plan Update Draft Program Environmental Impact Report (Draft PEIR or DPEIR) that assessed the potential environmental impacts of implementing the proposed 2030 General Plan, which consists of a comprehensive update of the County's current General Plan, including the continuation of many existing policies, the modifications of others, and the addition of new policies.

The 2030 General Plan Planning Area (Planning Area) contains all land within the county outside of the six incorporated cities (Atwater, Dos Palos, Gustine, Livingston, Los Banos, and Merced). The county encompasses approximately 1.2655 million acres, of which 1.2 million acres or 95 percent is unincorporated. Approximately 24,128 acres, or 1.9 percent of the total land area, lies within one of the six incorporated cities. All lands outside the jurisdictional boundaries of the six incorporated cities comprise unincorporated Merced County, and constitute the geography of the 2030 General Plan.

The purpose of the proposed 2030 General Plan is to revise and replace the existing General Plan, including all of the elements<sup>1</sup>, the Land Use and Circulation Diagrams, and other existing goals, policies, and implementation plans as needed to reflect current law and the changing matters of public interest and concern. The 2030 General Plan establishes and implements new goals and policies for regulating development projects and for balancing population growth with infrastructure availability, agricultural preservation, and natural resource protection. Other goals and policies are directed to resource protection, ensuring the timely availability of public infrastructure and services, and encouraging a well-balanced economy. The plan will also integrate new planning concepts endorsed by the County Board of Supervisors, and translate the updated goals and policies into implementation programs (such as amendments to the County's code, zoning ordinance, and subdivision regulations) to assure that the County's vision is implemented.

The DPEIR was circulated for public review and comment for a period of 60 days that ended on January 29, 2013. At the end of the review period, comments were received on the environmental impact report (EIR). The County reviewed those comments to identify specific environmental concerns and determine whether any additional environmental analysis would be required to respond to issues raised in the comments. No issues raised by the comments on the DPEIR resulted in the addition of significant new information to the EIR. However, during review of the public comments, the County realized that the Draft PEIR assessed a version of the 2030 General Plan that had inadvertently excluded an alternative policy regarding the minimum allowable parcel size in the Foothill Pasture and Agricultural land use designations as set forth in Policy AG-2.13 of the Agricultural Element of the 2030 General Plan. As presented in the Draft 2030 General Plan released in November 2012 and as assessed in the Draft PEIR, Policy AG-2.13 reads:

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<sup>1</sup> Except for the Housing Element, which has already been revised and adopted in 2010 as a separate project in accordance with state requirements. On June 22, 2010, a Negative Declaration and the updated Housing Element were adopted by the Merced County Board of Supervisors. Because the Housing Element was updated and adopted in 2010 as a separate project, it is not part of the 2030 General Plan project being evaluated in this PEIR.

**Policy AG-2.13: Minimum Agricultural Parcel Size Requirement**

Require 40 acre minimum permitted parcel size in areas designated Agricultural to discourage land divisions for rural residential purposes and maintain parcels large enough for efficient commercial agriculture production. Require 160 acre minimum permitted parcel size in areas designated Foothill Pasture and in grassland areas.

As directed by the Board of Supervisors, a second, alternative Policy AG-2.13a should have been included in the Draft 2030 General Plan and assessed in the Draft PEIR to permit the Board to choose between the two:

**Policy AG-2.13a: Minimum Agricultural Parcel Size Requirement**

Require 20 acre minimum permitted parcel size in areas designated Agricultural to discourage land divisions for rural residential purposes and maintain parcels large enough for efficient commercial agriculture production. Require 160 acre minimum permitted parcel size in areas designated Foothill Pasture and in grassland areas.

Section 15088.5 of the California Environmental Quality Act Guidelines (State CEQA Guidelines) requires lead agencies to recirculate information in an EIR when significant new information is added to the EIR after public notice is given of the availability of the DEIR for review. Significant new information requiring recirculation includes a disclosure showing that “changes to the project or environmental setting” would:

- Result in “a new significant environmental impact ... from the project or from a new mitigation measure proposed to be implemented”
- Result in “a substantial increase in the severity of an environmental impact ... unless mitigation measures are adopted that reduce the impact to a level of insignificance,” or,
- Show that “a feasible alternative or mitigation measure considerably different from those previously identified would clearly lessen the environmental impacts of the project, but the project’s proponents (*the County*) decline to adopt it”

Section 15088.5 requires recirculation of only the significant new information, rather than the entire Draft PEIR.

Because the addition of Policy AG-2.13a would revise the description of the project assessed in the PEIR, implementation of the revised 2030 General Plan could result in an increase in previously identified impacts regarding agricultural resources. Therefore, the County has decided to recirculate the Agricultural and Forestry Resources chapter of the Draft PEIR and related sections (e.g., Alternatives) for public review. These revised chapters are presented in this Recirculated Draft PEIR (RDPEIR).

Additionally, the County’s review of comments received on the Draft PEIR has resulted in minor corrections of the environmental setting, clarification of impact statements, and modification of mitigation measures for the environmental topics of air quality, biological resources, and hazards and hazardous materials. In all such cases, the changes merely clarify or expand upon the setting, impact assessments, or mitigation measures presented in the Draft PEIR, and no substantial new information is presented.

As required by Section 15088 of the State CEQA Guidelines, Merced County will evaluate and respond to all comments that have been received on the DPEIR and any new comments submitted on the RDPEIR. All comments and responses will be included in the Final PEIR (FPEIR) prepared for the 2030 General Plan.

## 1.2 CONTENT OF THE RDPEIR

Consistent with the requirements of Section 15088.5(c) of the State CEQA Guidelines, this RDPEIR contains those sections of the DPEIR in which significant new information is provided (e.g., Agricultural and Forestry Resources, and Hazards and Hazardous Materials). This information is considered significant new information based on Section 15088.5(a) of the State CEQA Guidelines; therefore, the Merced County is providing this information to the public for its review as part of this RDPEIR.

In determining the content requirements of the RDPEIR, the Merced County performed a comprehensive review of the comments received to date on the DPEIR, and evaluated whether the responses to any comments would result in any other significant changes to the analysis presented in the DPEIR. This review concluded that no issues were raised in comments on the DPEIR that raised significant new information requiring recirculation. However, as noted above, there were several DPEIR chapters where the County's responses resulted in minor corrections to the environmental setting, clarification of impact statements, or modification of mitigation measures. Though recirculation of such changes is not required by State CEQA Guidelines Section 15088.5(b), the County has chosen to provide these changes within this RDPEIR.

Therefore, the RDEIR consists of the following chapters and sections. All chapter and section numbering is consistent with the chapter and section numbering outline in the DPEIR (released November 2012). Changes to the DEIR text are identified by grey shading for additions and double strikethrough (~~strikethrough~~) for deletions. As set forth in the DPEIR, single strikethrough and underlines in mitigation measures presented in the Draft PEIR identify changes or additions to the proposed policies and implementation programs of the 2030 General Plan. This strikeout/underlining scheme within mitigation measures is maintained in this RDPEIR.

**Chapter 1, Introduction:** Chapter 1 describes the purpose and organization of the RDEIR.

**Chapter 3, Project Description:** Chapter 3 describes the project location, background, proposed actions by the applicants, lead agency, trustee and responsible agency actions, project characteristics, and project objectives. This chapter also describes project construction and regulatory requirements. Except for the addition of an alternative policy, AG-2.13a, no changes to the project description have occurred since publication of the DPEIR (November 2013).

**Chapter 6, Agricultural and Forestry Resources:** This chapter provides an analysis of the 2030 General Plan's potential impacts to agricultural and forestry resources. This chapter identifies an increase in the severity of the impact of 2030 General Plan on continued agricultural viability based on minimum parcel sizes.

**Chapter 7, Air Resources:** This chapter evaluates the potential effects of implementing the 2030 General Plan on criteria air emissions and hazardous air pollutants. The chapter is revised to modify

a previously identified mitigation measure. No new significant impacts are identified, nor is the significance of any previously identified impact modified.

**Chapter 8, Biological Resources:** This chapter evaluates the potential effects of implementing the 2030 General Plan on biological resources. The chapter is revised to make minor corrections to the environmental setting, clarify impact statements, and modify mitigation measures. No new significant impact is identified, nor is the significance of any previously identified impact modified.

**Chapter 12, Hazards and Hazardous Materials:** This chapter evaluates the potential effects of implementing the 2030 General Plan on the exposure of persons or the environment to environmental hazards. The chapter is revised to make revisions to two existing impact statements regarding the accidental release of hazardous substances based on information submitted in a comment on the Draft PEIR. No new significant impact is identified, nor is the significance of any previously identified impact modified.

**Chapter 21, Alternatives:** This chapter evaluates whether several alternatives to the proposed 2030 General Plan would reduce or avoid the significant and unavoidable environmental impacts identified in Chapters 5 through 20 of the Draft PEIR for the proposed 2030 General Plan. This chapter is revised to make minor corrections to reflect the changed impacts identified in Chapter 6 in this RDPEIR. The conclusions regarding the relative effectiveness of the identified alternative projects in mitigating the potential impacts of the 2030 General Plan as set forth in the Draft PEIR are unchanged by these revisions.

### 1.3 RELATIONSHIP TO THE DRAFT PEIR AND REVIEW PROCESS

Consistent with the requirements of Section 15087 of the State CEQA Guidelines, this RDPEIR is being made available on July 26, 2013 for public review for a period of 45 days. The public-review period ends on September 10, 2013. During this period, the general public, agencies, and organizations may submit written comments on the RDPEIR to Merced County, the lead agency. Pursuant to the procedures set forth in Section 15088.5(f)(2) of the State CEQA Guidelines, reviewers are requested to limit their comments to the materials contained in this RDPEIR.

As required under Sections 15087 and 15088.5(d) of the State CEQA Guidelines, Merced County has sent a notice of availability to all those who submitted comments on the Draft PEIR, to all organizations and members of the public who were on the County's distribution list for the DPEIR, and to any additional persons or organizations that have requested information about the EIR since the publication of the Draft PEIR.

Copies of this RDPEIR are available for download from the 2030 General Plan website at:

<http://www.co.merced.ca.us/index.aspx?NID=1971>.

Printed copies of the RDPEIR may be obtained or viewed during standard business hours (8:30 a.m. to 4:30 p.m.), Monday through Friday, at the Merced County Community and Economic Development Department, 2222 M Street, Merced, California 95340.

Written and emailed comments from the public and interested and responsible agencies may be submitted at any time during the comment period. Written and emailed comments should be submitted to:

<p>Bill Nicholson          Merced County          Community and Economic Development Department          2222 'M' Street, Merced, CA 95340          (209) 385-7654          bnicholson@co.merced.ca.us</p>
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For emailed comments, please include the phrase, “2030 General Plan PEIR” in the subject line.

After the close of the comment period, the County will respond in writing to all comments submitted during the comment period on the Draft PEIR and the RDPEIR. The Draft PEIR, the RDPEIR, the comments and responses, including any revisions of the Draft PEIR or RDPEIR contained therein, together with a Mitigation Monitoring and Reporting Program (MMRP), will constitute the Final PEIR that the County will evaluate for certification, based on review and consideration of the Draft PEIR and RDPEIR and other evidence presented in the public record. County staff will make recommendations to the Planning Commission and to the Board of Supervisors. The Board of Supervisors will review the PEIR<sup>2</sup> for adequacy and consider it for certification, pursuant to the requirements of Section 15090 of the State CEQA Guidelines.

Prior to certification of the PEIR, the County will prepare written findings of fact for each significant environmental impact identified in the PEIR, which in turn must be supported by substantial evidence in the administrative record. For each significant impact, the County must:

- determine that changes in the project have been made to substantially reduce the magnitude of the impact;
- determine that the changes to the project are within another agency’s jurisdiction, and have been or should be adopted; or,
- find that specific economic, social, legal, technical, or other considerations make mitigation measures or alternatives infeasible (State CEQA Guidelines Section 15091(a)).

After considering the PEIR in conjunction with making findings, if the project would result in significant environmental impacts after imposition of feasible mitigation measures, the County may approve the project if the benefits of the project outweigh the unavoidable environmental effects. Under these circumstances, a Statement of Overriding Considerations would be prepared explaining why the County is willing to accept each significant effect (State CEQA Guidelines Section 15093(c)).

CEQA requires that when a public agency makes findings based on a PEIR, the public agency must adopt a Mitigation Monitoring and Reporting Program (MMRP) based on those measures that the agency has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment (California Public Resources Code [PRC] Section 21081.6). The reporting or monitoring plan must be designed to ensure compliance with the adopted measures during project implementation (PRC Section 21081.6). The MMRP for this project will be prepared and circulated under separate cover for consideration by the County in conjunction with certification of the PEIR.

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<sup>2</sup> The PEIR to be considered by the Board for certification will consist of the Draft PEIR, Recirculated Draft PEIR, and Final PEIR.

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