

CHAPTER FIVE

MANDATORY CEQA SECTIONS

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5.1 Unavoidable Significant Environmental Effects

The CEQA Guidelines, Section 15126.2(b), requires a description of any significant impacts, including those which can be mitigated but not reduced to a level of insignificance. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described. The project was evaluated with respect to specific resource areas to determine whether implementation would result in significant adverse impacts. The resource areas analyzed included aesthetics; agricultural resources; air quality; biological resources; cultural resources; geology/soils; hazards/hazardous materials; hydrology and water quality; land use and planning; mineral resources; noise; population and housing; public services; recreation; transportation/traffic; utilities/service systems; and greenhouse gas emissions (global climate change). A specific significance threshold was defined for each potential impact associated with each resource area. Based on the environmental impact assessment presented in Chapter Three of this EIR, the resource areas of biological resources, cultural resources, geology/soils, hazards/hazardous materials, land use and planning, mineral resources, population and housing, recreation, public services, and utilities/services would not result in significant impacts either with or without mitigation. When such significant impacts were identified, mitigation measures were developed that would reduce impacts to below a level of significance. Most of the significant impacts identified in Chapter Three of this EIR can be mitigated to below a level of significance. The remaining resource areas (aesthetics, agricultural and forest resources, air quality, hydrology and water quality, noise, transportation/traffic, and greenhouse gas emissions) would result in some form of significant impact.

Where the decision of the public agency allows the occurrence of significant effects which are identified in the Final EIR but are not at least substantially mitigated, the Lead Agency shall state in writing the specific reasons to support its action based on the Final EIR and/or the information in the record (Section 15093(b)). This statement is called a “Statement of Overriding Consideration.” This statement will be prepared at the end of the CEQA review process, after the Final EIR for this project has been completed.

5.2 Significant Irreversible Environmental Changes

Section 15126.2(c) of the CEQA Guidelines requires an EIR to address significant irreversible environmental changes which would be involved in the proposed project should it be implemented. An example of such an irreversible commitment is the construction of a new roadway that would provide public access to previously inaccessible areas.

A project would generally result in a significant irreversible impact if:

- The project would involve a large commitment of nonrenewable resources.
- Primary and secondary impacts would commit future generations to similar uses.

- The project would involve uses in which irreversible damage could result from any potential environmental accidents associated with the project.

COMMITMENT OF RESOURCES

Development allowed under the proposed General Plan would irretrievably commit nonrenewable resources to the construction and maintenance of buildings, infrastructure and roadways. These nonrenewable resources include mining resources such as sand, gravel, lead, steel, copper and other metals. Buildout of the proposed General Plan also represents a long-term commitment to the consumption of fossil fuels, including natural gas and gasoline. Increased energy would be required for construction, lighting, cooling and heating of residences, and transportation of people within, to, and from the Planning Area. The proposed General Plan policies and standards promoting energy conservation (Transportation and Circulation Policy T-1.5, Urban Development Policy UD-2.2, Open Space, Conservation, and Recreation Policy OS-5.1, and Sustainable Development Policies SD-3.1 and SD-3.2) would result in some savings in non-renewable energy supplies.

Implementation of proposed General Plan would also result in an irreversible commitment of limited, renewable resources such as lumber and water. Policies and standards contained in the proposed General Plan that promote resource and water conservation and green building (Public Services and Facilities Policy P-3.2, Urban Development Policy UD-2.2, Open Space, Conservation, and Recreation Policy OS-5.1, and Sustainable Development Policy SD-3.2) would result in some savings of renewable resources.

CHANGES IN LAND USE THAT COMMIT FUTURE GENERATIONS

Development under the proposed General Plan would result in the conversion of agricultural and vacant land to employment generating and residential uses, and the intensification of underutilized areas. This development would constitute a long-term commitment to residential, commercial, industrial, public facility and other urban uses. The proposed General Plan Planning Area includes 12,865 additional acres of land designated for urban use beyond the existing Merced Specific Urban Development Planning (SUDP) Area (see Table 2-1).

IRREVERSIBLE DAMAGE FROM ENVIRONMENTAL ACCIDENTS

Irreversible changes to the physical environment could occur from accidental release of hazardous materials associated with development activities. However, compliance with federal and State hazardous materials regulations and proposed General Plan policies, as outlined in Section 3.7, is expected to maintain this potential impact at a less than significant level.

5.3 Growth-Inducing Impacts

Section 15126.2(d) of the CEQA Guidelines requires a discussion of how the potential growth-inducing impacts of the proposed project could foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. Induced growth is distinguished from the direct employment, population, or housing growth of a project. If a project has characteristics that “may encourage and facilitate other activities that

could significantly affect the environment, either individually or cumulatively,” then these aspects of the project must be discussed as well. Induced growth is any growth that exceeds planned growth and results from new development that would not have taken place in the absence of the proposed project. For example, a project could induce growth by lowering or removing barriers to growth or by creating or allowing a use such as an industrial facility that attracts new population or economic activity. CEQA Guidelines also indicate that the topic of growth should not be assumed to be either beneficial or detrimental. Negative impacts associated with growth inducement occur only where the projected growth would cause adverse environmental impacts.

Growth-inducing impacts fall into two general categories: direct and indirect. Direct growth-inducing impacts are generally associated with the provision of urban services to an undeveloped area. The provision of these services to a site, and the subsequent development, can serve to induce other landowners in the vicinity to convert their property to urban uses. Indirect, or secondary growth-inducing impacts consist of growth induced in the area by the additional demands for housing, goods, and services associated with the population increase caused by, or attracted to, a new project.

The proposed Project consists of the adoption and implementation of a General Plan Update. The primary economic effect of this project will be continued growth through the 2030 planning period due to the additional public services, utilities, and infrastructure planned for by the proposed General Plan to support predicted growth.

Although there are no specific development plans on file, adoption of the proposed Merced Vision 2030 General Plan will directly result in the rezoning of existing agricultural and vacant land to allow commercial, residential, industrial, and other land uses. This will facilitate the growth and future development of the area, resulting in a possible exceedance of predicted growth. However, the purpose of the growth management policies and standards of the proposed General Plan are to define the limits for extending City services and infrastructure so as to accommodate new development anticipated within the time frame of this General Plan. The proposed General Plan includes the proposed SUDP/Sphere of Influence boundary and an outer boundary which is called the Area of Interest (AOI).

The indirect growth inducing impacts of the project are held as potentially significant impacts according to Appendix G of the CEQA Guidelines. However, the policies of the proposed General Plan have been formulated to control such growth and to guide new development in the area in an orderly manner compatible with existing uses.

5.4 Effects Not Found to be Significant

CEQA Guidelines, Section 15128, states that “An EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR.” During the scoping process for this EIR, it was determined that only the issues found to be potentially significant in the Notice of Preparation process should be evaluated in detail; therefore, only the potentially significant effects of the project were analyzed in detail.

Results of the comprehensive environmental analysis are presented in Chapter Three of this EIR. No initial study was prepared and all potential effects were analyzed in this EIR. Consult the Notice of Preparation (NOP) comments in [Appendix A](#) for additional information on potential effects that were of particular interest to the NOP respondents.

5.5 Cumulative Impacts

CEQA requires that an EIR examine the cumulative impacts associated with a project. The range of projects to be included in the cumulative analysis encompasses “past, present, and reasonably anticipated future projects producing related or cumulative impacts, including those outside of the control of the agency.” Section 15130 requires cumulative impacts to be discussed “where they are significant.” A cumulative effect is deemed significant if the project’s incremental contribution to a cumulative impact is “considerable.” A cumulative impact is not considered significant if the impact can be mitigated to below the level of significance through mitigation, including providing improvements and/or contributing funds through fee-payment programs. The EIR must examine “reasonable options for mitigating or avoiding any significant cumulative effects of a proposed project” (CEQA, Section 15130).

The Guidelines allow for the use of two alternative methods to determine the scope of projects for the cumulative impact analysis:

- List Method – A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency (Section 15130(A)).
- General Plan Projection Method – A summary of projections contained in an adopted General Plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact (Section 15130 (B)).

The General Plan Projection Model was selected to conduct the cumulative impact analysis for this EIR. Although the City has not yet adopted the proposed Merced Vision 2030 General Plan, the Draft will be used as the basis for this analysis as it contains the most current predicted improvements and development guidelines of the City.

5.6 Cumulative Setting

For the purposes of this EIR, the cumulative setting is based on a two-fold approach. For some impact issue areas (i.e., air quality, traffic), the cumulative setting is defined by specific regional boundaries (air basin, regional roadway network, etc.) or projected regional or area-wide conditions, contributing to cumulative impacts. For the remaining impact issue areas, the cumulative setting is based on development anticipated within the vicinity of the City, including surrounding cities within Merced County and the County as a whole. This analysis is based primarily on impacts contained in the existing general plan documents for these jurisdictions, including the adjacent City of Atwater and the County of Merced.

5.7 Cumulative Impacts Analysis

AESTHETICS

The proposed General Plan would result in changes to the visual character of the Merced area from a rural, agricultural base to one that is more characterized by urban uses, with increased light and glare sources. The proposed General Plan policies and standards, in conjunction with adopted City regulations, would reduce project-level aesthetic impacts to a less than significant level. However, while the proposed General Plan would not result in a project-level significant aesthetics impact, when combined with the overall growth trends in Merced County, cumulative conversion of the County's visual character from a rural, agricultural character to a more urban feel could result in a cumulative significant and unavoidable aesthetics impact. Within the timeframe of the proposed General Plan, it is unlikely that the portion of Merced County near Merced would be significantly converted from agricultural land to urban uses. Thus the cumulative impact would be *less than significant*.

AGRICULTURE AND FOREST RESOURCES

The Demographic Research Unit of the California Department of Finance forecasts that the Valley's population will more than double by the year 2040 to almost 10 million people. According to the American Farmland Trust, if the land use trends of the 1990s continue and population forecasts are accurate, the Central Valley can expect to lose another 882,000 acres of farmland to urbanization and ranchette development by the year 2040. This would represent a 111% increase, bringing the total area of developed land in the Valley to 1.68 million acres. Unless things change, a significant amount of the additional land lost to agriculture will be high quality farmland, of which there is now only 6.3 million acres in the region. The annual value of production capacity permanently lost to development will reach \$814 million by the year 2040. Between now and then, the cumulative loss of farm gate sales will be around \$17.7 billion (both figures in 2000 dollars.).

New development in conformance with the proposed General Plan would contribute to these cumulative impacts. The proposed General Plan's policies and standards described in Section 3.2 would delay, reduce and partially offset Merced's contribution to these cumulative impacts. However, even after mitigation, Merced's contribution to cumulative impacts on agricultural resources in the region would remain *cumulatively significant*.

AIR QUALITY

Cumulative air quality impacts, including greenhouse gas emissions, were considered in terms of the various land uses proposed under the proposed General Plan and the traffic projections generated by the traffic model. Due to the existing and projected air quality issues in the San Joaquin Valley Air Basin, the proposed General Plan would contribute considerably to a *significant and unavoidable cumulative* air quality impact.

BIOLOGICAL RESOURCES

Due to existing intensive urbanization and agricultural use in the proposed SUDP/SOI, and the fact that there are few natural lands in the SUDP/SOI, there is little habitat left for common species and special-status species. However, some special-status species occur in the vicinity of the SUDP/SOI. The increase in urbanization facilitated by the General Plan would contribute to the cumulative loss of biological resources. However, impacts to biological resources have been mitigated to a less than significant level by the proposed General Plan policies and standards, implementation of agency-mandated surveys and mitigation measures for special-status species. They are identified in Section 3.4, Biological Resources. As a result the *cumulative impacts to biological resources are less than significant*.

CULTURAL RESOURCES

While grading and other construction activities have the potential to impact cultural resources in Merced and the SUDP/SOI, proposed General Plan policies and compliance with federal and State regulations reduce the project-specific impact to a less than significant level. Regional development throughout the County could also affect cultural resources located in other areas of Merced County. However, development in these areas would also be subject to federal and State laws and local regulations protecting cultural resources, including historical resources. As a result, *no significant cumulative impacts* would occur.

GEOLOGY AND SOILS

New development in Merced County and the Central Valley will continue to expose people and property to potential seismic hazards and adverse soil conditions. The policies contained in the proposed General Plan, along with compliance with federal, State and local regulations addressing building construction, would reduce the project-level impacts associated with geology and soils to a less than significant level. Development projects in other communities would also be subject to County and State laws and regulations, local general plan policies and planning, building and engineering regulations. Review and permitting of specific development projects, including environmental review in accordance with CEQA, would be expected to involve characterization and consideration of site-specific geologic and soils conditions, and implementation of individual project mitigations where needed. As a result, seismic and soils hazards would be a *less than significant cumulative impact*.

HAZARDS AND HAZARDOUS MATERIALS

While there would be an increase in population and employment in Merced, the proposed General Plan would not result in a significant impact related to hazards and hazardous materials due to local, regional, State and federal regulations and policies of the General Plan. Similarly, as growth occurs in the County, additional people would be exposed to the risk of hazardous materials, wastes, safety hazards near airport/airstrips, and wildland fires. However, as would occur in Merced, regional, State and federal regulations would apply to development countywide, thereby reducing the potential for cumulative impacts associated with hazards and hazardous materials to a *less than significant* level.

HYDROLOGY AND WATER QUALITY

As development proceeds within Merced and the SUDP/SOI, the amount of polluted runoff would increase, as well as the amount of stormwater, which presents a potential impact to surface and groundwater quality. A greater percentage of the population would also be exposed to the risk from flooding of the 200-year floodplain, or from dam inundation. However, project-level water quality and flooding impacts would be reduced to a less than significant level by proposed General Plan policies and existing regulations. New development within the County would also result in an increase in runoff and may locate additional population and structures within areas subject to flooding. Regional development would also be required to comply with regional, State and federal regulations addressing stormwater runoff, water quality and flooding. These regulations would reduce the potential for a cumulative hydrology and water quality impact to less than significant, so the proposed General Plan would *not contribute to a significant cumulative impact*.

Regarding groundwater depletion and recharge, Merced is within the Merced Sub-basin which is, according to the California Department of Water Resources, being subject to critical conditions of overdraft. Also, a Groundwater Impacts Analysis prepared by Brown and Caldwell for the City of Merced indicates that there is groundwater overdraft in the City's service area, and that the rate of overdraft will continue to increase with future urban development. Implementation of mitigation measures in Section 3.8 (#3.8-5a through 3.8-5h), will help to reduce this impact within Merced's Planning Area; however, it will remain a *significant cumulative impact*.

LAND USE AND PLANNING

The land use analysis in Section 3.8 of this General Plan EIR found that it would not conflict with established land uses or conflict with adopted land use or habitat plans or policies. Since the project would not result in a land use impact, the project would *not contribute to a cumulative* land use impact.

MINERAL RESOURCES

The cumulative Planning Area is not known for the presence of locally important mineral resources; therefore, *no cumulative impact* to mineral resources is anticipated.

NOISE

Increased urban development is accompanied by increased noise. The proposed General Plan contains an update to the Noise Element which has several specific development policies and standards to minimize and mitigate noise impacts. Uses that generate noise and construction noise are time restricted to minimize impacts to adjacent land uses and have performance standards for noise levels at property lines. Based on the implementation of these policies, build-out of the proposed General Plan would result in a *less than significant cumulative impact*.

POPULATION AND HOUSING

As discussed in Section 3.12, the proposed General Plan includes policies to control and direct growth in a well-planned manner, and would improve jobs and housing opportunities in the community. As a result, there would not be a significant or unavoidable project-level impact. Growth would also occur outside of Merced, in other nearby cities within Merced County. Merced County and other incorporated jurisdictions are required by State law to use the General Plan process, as well as other planning processes, such as utility master plans, specific and community plans, to plan for and control future growth. As a result, there would not be a cumulative impact associated with unplanned growth. With regards to the jobs/housing imbalance in Merced County, the proposed General Plan would contribute to a positive improvement in the jobs/housing balance with the contribution of additional employment opportunities. As a result, the proposed General Plan would ***not contribute to a significant cumulative impact.***

RECREATION

Future regional growth would result in increased demand for park and recreational facilities throughout the County. As a result, the County and other jurisdictions would need to expand and construct additional parks and recreational facilities to meet the increased demand. State law allows jurisdictions to require additional development to fund park improvements, which would ensure the provision of adequate parklands. However, as with the proposed General Plan project-level analysis, it is unknown exactly where these parks and recreational facilities would occur to support the cumulative increase in population. As specific parkland expansion or improvement projects are identified, additional project-specific, second-tier environmental analysis would be completed. As a result, ***a significant cumulative impact associated with parks and recreational facilities would not occur.***

PUBLIC SERVICES

The following provides a cumulative analysis broken down by each category of service or utility.

Fire Protection

Future regional growth would result in increased demand for fire services throughout the City and County. As discussed in Section 3.14 Public Services in Chapter Three of this EIR, the City will implement a variety of policies designed to address the adequate provision of a variety of public services as part of the proposed project. Therefore, the General Plan ***would not contribute considerably to a significant cumulative impact*** associated with fire protection services.

Law Enforcement

Future regional growth would result in a need for expanded law enforcement service throughout the City and County. As discussed in Section 3.14 Public Services in Chapter Three of this EIR, the City will implement a variety of policies designed to address the adequate provision of a variety of public services as part of the proposed project. Therefore, the proposed General Plan

would not contribute considerably to a significant cumulative impact associated with law enforcement services.

Schools

Future regional growth would result in increased demand for schools throughout the City and County. As with the analysis for the proposed project, it is unknown exactly where these school facilities would occur to support the cumulative increase in population resulting from growth within and outside of the City. As specific school facility expansion or improvement projects are identified, additional project-specific, second-tier environmental analysis would be completed. Additionally, the payment of school impacts fees (pursuant to SB 50), is deemed as a matter of law to help mitigate these potential impacts to school facilities. Therefore, the proposed project *would not contribute considerably to a significant cumulative impact* associated with schools.

Electricity and Gas

Growth in the region will continue to require construction/expansion of utility infrastructure, and as noted in Section 3.13, without definitive plans, it cannot be determined at this time whether these potential impacts would be substantial and would therefore have to be characterized as significant and unavoidable. Similar to any other development in areas of new growth, the construction of any future required utility infrastructure could also result in a variety of environmental impacts (i.e., light/glare, noise, odors, traffic, etc.) that cannot be mitigated. Due to these uncertainties, potential impacts resulting from the construction and/or expansion of any required private utility infrastructure remain *cumulatively significant and unavoidable*.

TRANSPORTATION/TRAFFIC

Cumulative traffic impacts of the proposed General Plan are more fully described in Section 3.15 Transportation/Traffic in Chapter Three of this Draft EIR. The traffic model used considered growth under the Draft General Plan in conjunction with the projected regional growth for Merced County. Therefore, the transportation analysis of the General Plan is inherently cumulative in nature, because the implementation of the proposed project would take place over many years and would occur in conjunction with other growth and development throughout the region.

As identified in Chapter Three the proposed project would result in substantial increase in vehicular traffic on roadways in the SUDP/SOI resulting in a significant and unavoidable impact. Because this analysis was based on a cumulative model, the project's incremental contribution to traffic impacts would be *cumulatively considerable*.

UTILITIES/SERVICES

Future regional growth would result in a need for expanded utilities/service systems throughout the County. However, only growth within Merced and its SUDP/SOI would result in the need for the City to construct additional facilities to serve its population, potentially resulting in additional environmental impacts. The analysis in Section 3.16 for the Draft General Plan EIR took into consideration potential growth within the area that would be provided utility service by

Merced and only wastewater treatment capacity was identified at this first-tier level analysis as being significant and unavoidable. The proposed General Plan would *not contribute to a significant cumulative impact* associated with the provision of water infrastructure, water quality, storm drainage and solid waste.

GREENHOUSE GAS EMISSIONS (GLOBAL CLIMATE CHANGE)

Policies of the proposed General Plan will reduce global climate change impacts; however, buildout under the proposed General Plan will nonetheless result in a substantial amount of GHG emissions contributing to global climate change. Because it cannot be determined to a reasonable degree of certainty that buildout under the proposed General Plan will not result in a cumulatively considerable incremental contribution to the significant cumulative impact of global climate change, the impacts of the proposed project on global climate change are a *significant, unavoidable and cumulatively considerable* impact.