

4 INTRODUCTION TO THE ENVIRONMENTAL ANALYSIS

4.1 SCOPE OF THE EIR

On August 21, 2018 the Notice of Preparation (NOP) for this Environmental Impact Report (EIR) was filed with the Office of Planning and Research (OPR). The NOP and Initial Study were circulated to the public, local and state agencies, and other interested parties to solicit comments on the proposed project. (See Appendix A, *Notice of Preparation and Initial Study*, and Appendix B, *Comments on the Notice of Preparation*.) The following issues to be evaluated in the environmental document were identified in the NOP or raised in public and agency comments on the NOP:

- Air Quality and Odors
- Biological Resources
- Cultural Resources and Tribal Cultural Resources
- Greenhouse Gas Emissions and Energy
- Nuisance Insects
- Hydrology, Water Quality, and Soil Erosion
- Land Use Compatibility

The *2030 Merced County General Plan* (2030 General Plan) EIR comprehensively evaluated the potential environmental effects of implementing the 2030 General Plan, and from the approval of new or modified land uses. As set forth in Section 1.5 of this document, the environmental analysis for this EIR is tiered from the EIR for the 2030 General Plan. Therefore, this environmental evaluation implements, and is consistent with, mitigation measures and study protocols adopted by Merced County in its certification of the EIR for the 2030 General Plan and adoption of the General Plan. This environmental analysis also applies mitigation measures previously adopted in the in the EIR for the *Merced County Animal Confinement Ordinance Revision (ACO)*, as applicable.

4.2 PRESENTATION OF THE IMPACT ANALYSIS IN THE EIR

The environmental analysis section of this EIR (Chapters 5 through 11) is organized and carried out in accordance with the California Environmental Quality Act (CEQA) Environmental Checklist (Appendix G of the CEQA Guidelines, December 30, 2009 as updated through December 28, 2018); each section presents the setting, an assessment of the potential direct environmental impacts, and mitigation measures for each environmental issue area identified above and in Chapter 2, *Executive Summary*. Cumulative impacts are evaluated in Chapter 13, *Required CEQA Analyses*. For each resource category, the following conditions are discussed:

- **Environmental Setting.** This section provides a general overview of the environmental resource and the conditions on and adjacent to the project site. The setting is presented from site-specific, local, and regional perspectives, as appropriate for each environmental topic.
- **Regulatory Framework.** This section presents applicable laws, ordinances, regulations, and guidance for the resource, including the Merced County ACO. Where compliance with a cited regulation reduces or avoids a potential environmental effect, the relevant portions of the regulation are set forth.

- **Environmental Effects.** This section provides significance criteria with which to judge whether an environmental impact is significant, or less than significant. Significance criteria are established both by the State CEQA Guidelines and by the significance thresholds of federal, state, and local agencies. For evaluated impact categories, environmental topics evaluated in the EIR that were found to be less than significant in the Initial Study are summarized in this section. Potential environmental impacts associated with the proposed project are evaluated, the impacts' level of significance prior to mitigation is identified, and feasible mitigation measures for reducing the associated impacts are set forth. The level of significance after mitigation is then assessed.

4.3 PRESENTATION OF MITIGATION IN THE EIR

Mitigation measures identified in this report are characterized in one of two categories: (1) those necessary to reduce the identified impact below a level of significance; and, (2) those recommended to reduce the magnitude of a significant impact, but not below a level of significance. Where implementation of more than one mitigation measure is needed to reduce an impact below a level of significance, this fact is noted.

Mitigation measures in this EIR are formulated to be consistent with the strategy as set forth in State CEQA Guidelines Section 15370 as follows:

- Avoiding the impact altogether by not taking a certain action or parts of an action.
- Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- Compensating for the impact by replacing or providing substitute resources or environments.

4.4 DEVELOPMENT STANDARDS

Merced County development standards for private development projects have evolved over time to incorporate many construction requirements to lessen or eliminate environmental harm.

County procedures to minimize negative environmental effects and disruptions include analysis of existing features, responsible agency and public input to the design process, engineering and design standards, and construction controls. The activities to be implemented by the County during the project review, design, and construction phases, which serve to mitigate typical environmental impacts, are described in greater detail below. These measures are hereby incorporated into the project description.

These requirements are set forth in Performance Standards of the County Zoning Code (Merced County Code Chapter 18.41). The requirements of this Chapter are set forth below, and hereby incorporated by reference as though fully set forth herein. Copies of this document may be reviewed at Merced County, Community and Economic Development Department, 2222 M Street, Merced, California 95340.

4.4.1 STANDARD CONDITIONS FOR PRIVATE PROJECTS

Merced County has drafted standard conditions of approval for private development projects that are submitted to the County for review and approval. These standard conditions have been adopted by the Merced County Planning Commission (Resolution 97-01), are administered by the Community and Economic Development Department, and reflect the regulatory requirements of that Department, as well as the needs of the County Fire Department, Division of Environmental Health, and the Public Works Department. These standard conditions include:

Compliance with Permit Conditions: All development on the project property shall be constructed and thereafter maintained and operated in accordance with the conditions of the permit.

Regulation in General: Comply with all applicable regulations administered by the County. These regulations shall include, but not be limited to, standards administered by the County Fire, Health, Public Works, and Merced County Community and Economic Development Departments.

Disturbances: No use shall be permitted which creates vibrations, heat, glare, or electrical disturbances beyond the boundaries of the site.

Lighting: All area and security lighting shall be hooded, and directed downward and into the project area. No glare or direct light shall emanate from the project area. Field performance monitoring shall be conducted by the Merced County Community and Economic Development Department.

Cultural Resources: The applicant shall inform in writing all contractors and subcontractors for the project of the potential discovery of significant archaeological and historical resources below the ground surface in the project area. If any cultural resources are found or disturbed during project activities, all work must be halted within the area, and the Merced County Community and Economic Development Department and a qualified archaeologist must be contacted to evaluate the find.

Erosion Control: If the construction site has been disturbed (cleared, graded or excavated) and is to remain inactive for a period of three or more months, it shall be seeded with an annual grass and watered until growth is evident. If after disturbance, the site is inactive for three or more months during the dry period (June-October), as an alternative to seeding, a soil-binding dust palliative, such as Hemicellulose extract (wood molasses) solution, may be applied.

If seeded, grass shall be mowed (not disced under) to a maximum height of four inches for fire control. Grasses do not need to be maintained in a green/growing condition. Mowing should occur before the grass dries out to avoid fires that may result from blades striking rocks.

Field performance monitoring shall be conducted on a random basis by the Merced County Community and Economic Development Department.

Dust Control: During clearing, grading, earth-moving and other site preparation activities, and all construction, exposed earth surfaces shall be watered whenever needed, in order to prevent dust from leaving the project site on that phase of the project presently under development. Mud and dirt carried from the development onto adjacent roadways shall be cleaned up daily. Litter and debris

shall be cleaned up daily to prevent it from leaving the project site and littering adjacent properties. Field performance monitoring shall be conducted on a random basis by the Merced County Community and Economic Development Department.

Storm Water Runoff: All storm water runoff from the site shall be directed away from the County right-of-way and adjacent properties, and retained on-site.

Mosquito Abatement District Requirements: Compliance with all District requirements is required.

4.4.2 PROJECT-SPECIFIC CONDITIONS OF APPROVAL

As discussed in the Initial Study / Notice of Preparation (see Appendix A), the project site is in an area with rural levels/standards of fire protection. In response to this common condition in agricultural areas of the county, the Merced County Fire Department generally imposes requirements for on-site water storage for fire protection. The following condition of approval would apply:

- The project shall comply with all applicable regulations administered by the County Fire Department, Environmental Health Division, Community and Economic Development, and Public Works Departments.

In addition, the following conditions of approval would be required in regards to Merced Irrigation District (MID) facilities:

- Absolutely no drainage of any kind may be discharged to any MID facility. All wastewater must be contained on the subject property.
- MID facilities cannot be used for wheeling wastewater at any time.
- A backflow prevention device (meeting MID standards) must be installed at all MID water delivery points.
- Nothing shall be allowed on MID right-of-way without express written approval by MID.