

## 5.0 ENVIRONMENTAL CHECKLIST

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### INTRODUCTION

The following Checklist contains the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist form is used to describe the impacts of the proposed Community Plan. For this checklist, the following designations are used:

**Potentially Significant Impact:** An impact that could be significant, and for which no mitigation has been identified. If any potentially significant impacts are identified and no mitigation is available to reduce the impact to a less-than-significant level, an Environmental Impact Report (EIR) must be prepared. Potentially significant impacts are addressed in detail in Chapter 4 of this Draft EIR.

**Less-than-Significant Impact with Mitigation Incorporated:** Impacts that would be reduced to a less-than-significant level by feasible mitigation measures identified in this Environmental Checklist.

**Less-than-Significant Impact:** Any impact that would not be considered significant under CEQA relative to existing standards.

**No Impact:** The project would not have any impact.

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than Significant Impact	No Impact
<b>1. AESTHETICS.</b>				
Except as provided in Public Resources Code Section 21099, <i>would the project:</i>				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

- a. There are no roads or features within the Plan Area that are specifically designated as scenic resources in the Merced County General Plan. However, the General Plan does state that rural and agricultural landscapes provide the primary scenic resources in Merced County.<sup>1</sup> The primary roads for vehicles providing access to and passing through Winton are Winton Way and Santa Fe Avenue. Walnut Avenue, Olive Avenue and Almond Avenue also provide east-west access to the Plan Area and pass through farmland.

Visual Character of Winton

The visual character of the Plan Area is typical of small Central Valley communities. The main roads through the community are primarily fronted by one- and two-story commercial buildings of varying sizes. Outside of the commercial corridors, residential subdivisions predominate. Most homes are single story, although there are two-story homes interspersed throughout.

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<sup>1</sup> Merced County, *2030 Merced County General Plan*, December 10, 2013, page NR-8.

Within the community, views from the primary roads, such as Winton Way and Santa Fe Drive, alternate between agricultural fields and orchards, commercial buildings set back from the road with minimal landscaping and often large parking lots, and residential subdivisions (see Figure 4.6-1, Plan Area and Vicinity, in Section 4.6, Land Use). Retail development, such as small markets and gas stations, are visible at many intersections.

Larger commercial and business park development is concentrated along several roads, including Winton Way and Santa Fe. In these areas, buildings are typically a single story, often with a fairly large floor plate, and set back from the road with parking between the building and the street.

The only public gathering space is the community park on Olive Avenue, in the north-central portion of the Plan Area. At present, the park is surrounded by low density residential development to the east and south, very low density development to the west, including a home adjacent to the park, and farmland to the north

#### Views from Within the Plan Area

From within the community, long distance views are generally blocked by existing development. In some areas, there are views across agricultural fields in the foreground, with fences and buildings in the middle ground.

Along Santa Fe Drive, a main thoroughfare running northwest-southeast through the Plan Area, the Burlington Northern Santa Fe (BNSF) rail line is a prominent visual feature. For most of its length, the tracks are set on an elevated berm, approximately 30 to 60 feet from the edge of southbound Santa Fe Drive. The berm partially interrupts views to the west, although the upper portions of fences and buildings can be seen beyond the tracks. At rail crossings, the tracks are at grade, and are not visually prominent. Between Winton Way and Walnut Avenue, the distance between the tracks and Santa Fe Drive widens substantially, and the area between the road and the tracks is almost entirely vacant. Therefore, the tracks do not interrupt views of fields, homes and other buildings to the west in these areas.

#### Views in the Vicinity of Winton

Currently, as viewers travel toward or away from Winton, the views are primarily of agricultural lands, including fields and orchards. The exception is that the area south of the Plan Area is largely developed, and includes the City of Atwater and Atwater High School. Agricultural land is visible within the Plan Area along the community boundaries and on portions of Santa Fe Drive. There are no natural features, such as a lake, rivers or woodlands, visible from the Plan Area.

#### Impact on Views and Visual Character

Under the proposed Community Plan, views within the Plan Area would change in some areas, because residential and non-residential development would replace agricultural fields and vacant lots. In addition, buildings and related development could be added to some underdeveloped parcels. Non-residential development would be concentrated primarily along the BNSF line and Santa Fe Avenue, and would be a continuation of the existing development in these areas. The Mixed-Use designation would allow the continued mix of commercial, business, and residential uses. The Very Low, Low, Medium, and High-Density Residential areas would be an extension of existing housing areas. While this development would change the views of specific parcels, it would not

substantially alter the visual character of the Plan Area because the new development would be contiguous with existing development, and would be similar to the existing visual character. The Very Low Density Residential development proposed in the southern portion of the Plan Area would provide a visual buffer between agricultural and residential uses outside of the Plan Area and Business Professional and commercial uses within Winton.

Views from the community park would not change substantially. The farmland to the north and residential development to the south and east would be unchanged under the proposed Community Plan. The land to the west would be designated Very Low Density Residential, so some additional large-lot development could occur in this area, which would be similar to the existing residence adjacent to the park.

Chapter 9 of the proposed Community Plan, *Community Design*, establishes design guidelines for development and redevelopment within the Plan Area that “encourage traditional building material utilization, prohibit incompatible design features or elements, and promote enhanced landscaping, site planning, and building articulation.” (WCP, page 135) The Community Plan states that, while guidelines are recommendations that should be applied but are not requirements, “compliance with the intent of the guidelines should be enforced.” (WCP, page 136). New development must also comply with the applicable development standards identified in the Merced County Code (MCC).

The design guidelines in Chapter 9 of the proposed Community Plan are provided for both residential and nonresidential development. The residential guidelines address a wide range of issues, including site design, building form and massing, colors, materials, garages, landscaping, and open space. The Commercial, Business Park and Industrial design guidelines address site design, building form and massing, building elements and articulation, utility design, signage, lighting, and landscaping and screening. Commercial areas are encouraged to have a pedestrian-oriented focus, such as pedestrian scaled buildings, internal parking lots and a cohesive network of sidewalks and trails. Mixed-use buildings are to be a maximum of three stories, and wood and brick are recommended as the main construction materials. Adaptive reuse of existing unique or potentially historic buildings is encouraged. These guidelines would ensure that new buildings would be compatible with existing residential and commercial buildings, and of a scale consistent with the Winton community. Therefore, the new development would be visually compatible with the existing community.

New and expanded water, wastewater, and storm drainage facilities would be required to serve new development under the proposed Community Plan, but these facilities would not substantially degrade or alter the visual quality of the Plan Area or vicinity. Conveyance lines would be located underground, so they would not alter the visual character of the Plan Area. Detention basins would be incorporated into new development areas, and would be at or below grade, so they would not interrupt views. New groundwater wells would be constructed north of the Plan Area in agricultural land, but would be visually consistent with other agricultural infrastructure, such as pumps and irrigation canals. For these reasons, project-related utilities infrastructure would not substantially alter or degrade the scenic quality of the Plan Area and surrounding area.

In summary, new development under the proposed Community Plan would be an extension of and visually compatible with the existing community. The proposed Community Design guidelines include design and landscaping guidelines intended to ensure that commercial, business park and industrial uses are visually compatible with adjacent residential uses. Further, views of agricultural lands surrounding the Plan Area

would not be impeded or altered by new development. Therefore, this would be a **less-than-significant impact**.

- b. There are no State highways in or near Winton, and the community is not visible from the closest State facility, Highway 99 (which is not designated a scenic highway). Because, the proposed Community Plan would not alter views from any State highway, including scenic highways there would be **no impact** on scenic resources within a State scenic highway.
- d. Glare is caused by light reflections from pavement, vehicles, and building materials, such as reflective glass, polished surfaces, or metallic architectural features. During daylight hours, the amount of glare depends on the intensity and direction of sunlight. Glare can be created from reflective building materials, such as windows or metallic architectural features. The proposed Community Plan would not include the type of development that typically generates extensive glare (e.g., multistory buildings with large expanses of glass fronting roadways). Therefore, the proposed Community Plan would not substantially increase the amount of glare in the project vicinity.

Construction of the proposed Community Plan would create additional light sources such as building and street lighting. Artificial lighting from urbanized uses alters the rural landscape and, in sufficient quantity, “lights up” the nighttime sky and reduces the visibility of astronomical features, such as stars and comets. Unshielded lighting from project uses could be visible from surrounding areas. The Merced County Zoning Code includes the following performance standards for outdoor lighting (Section 18.40.070):

Exterior lighting shall be designed and maintained in a manner so that glare and reflections are contained within the boundaries of the parcel, and shall be hooded and directed downward and away from adjoining properties and public rights-of-way. The use of blinking, flashing or unusually high intensity or bright lights shall not be allowed. All lighting fixtures shall be appropriate to the use they are serving, in scale, intensity and height.<sup>2</sup>

These standards must be implemented by new development within the Plan Area, and would ensure that new development does not include light that spills over onto adjacent properties. Downward-directed light would also minimize the extent of “up-lighting” and the effect on night skies. For these reasons, impacts from light and glare would be **less than significant**.

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<sup>2</sup> Merced County, *Merced County Code*, Title 18, Zoning, Chapter 18.40.070, Outdoor Lighting.

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than Significant Impact	No Impact
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**2. AGRICULTURE AND FORESTRY RESOURCES:**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- |    |   |   |   |   |   |
|----|---|---|---|---|---|
| a. | Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program in the California Resources Agency, to non-agricultural use?   | ■ | □ | □ | □ |
| b. | Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | ■ | □ | □ | □ |
| c. | Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | □ | □ | □ | ■ |
| d. | Result in the loss of forest land or conversion of forest land to non-forest use?   | □ | □ | □ | ■ |
| e. | Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?   | ■ | □ | □ | □ |

**Discussion**

a, b.,

e. Approximately 67 percent of the Plan Area is developed. Farmland makes up approximately one-third of the Plan Area. There are approximately 283 acres of Prime Farmland in the Plan Area, which is considered Important Farmland, and 154 acres of Farmland of Local Importance, which is not Important Farmland for purposes of CEQA.

The proposed Community Plan would result in the conversion of this farmland to urban uses. Some of the agricultural land outside of the Plan Area is under Williamson Act contract and/or preservation easements. The development of residential uses near agriculture areas could increase the potential for conflicts, because residents could find the noise, pesticide application, odors and other aspects of farming annoying or intrusive. As a result, agricultural operations could be subject to pressure to limit or relocate activities, which would reduce the agricultural productivity and viability in the vicinity of the Plan Area. The conversion of agricultural land and potential increase in conflicts between agricultural operations and urban uses is considered a ***potentially significant impact***, and is addressed in detail in Section 4.1 of Chapter 4 of the Draft EIR.

- c., d. The Plan Area does not contain any forest, so there would be ***no impact*** on forest lands.

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than Significant Impact	No Impact
<b>3. AIR QUALITY</b>				
<i>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations:</i>				
<i>Would the project:</i>				
a. Conflict with or obstruct implementation of the applicable air quality plan?	■	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	■	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations?	■	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	■	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### **Discussion**

a-c. Air quality is monitored, evaluated, and regulated by federal, State, regional, and local regulatory agencies and jurisdictions, including the United States Environmental Protection Agency (EPA), the California Air Resources Board (CARB), and the San Joaquin Valley Air Pollution Control District (SJVAPCD). The EPA, CARB, and the SJVAPCD develop rules and/or regulations to attain the goals or directives imposed by legislation. Both State and regional regulations may be more, but not less, stringent than federal regulations.

Under the proposed Community Plan, new development would be constructed throughout the Plan Area. In some cases, existing buildings and hard surfaces would need to be removed prior to construction. Development sites would need to be graded and in some cases excavated to support construction. These activities would produce air pollutants, including PM<sub>2.5</sub>, fine particulate matter, and PM<sub>10</sub>, respirable particulate matter. In addition, criteria air pollutants would be generated through the use of diesel powered construction equipment. The use of paints would generate reactive organic gases (ROG). Once constructed, the proposed Community Plan would generate air pollutant emissions due to increased traffic, heating and cooling, electrical use, and commercial operations. Emissions generated by the proposed Community Plan could be significant locally and on a regional level. This is a **potentially significant impact** and is addressed in Section 4.2 of this Draft EIR.

- d. The urban uses that exist within the current Winton community and that are proposed in the Plan Area are unlikely to generate substantial odors. However, portions of the Plan Area are located in proximity to agricultural operations, which could generate odors considered noxious to residents. Exposure to substantial odors from these activities is considered ***potentially significant***, and is evaluated in Section 4.2 of this DEIR.

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
<b>4. BIOLOGICAL RESOURCES.</b>				
<i>Would the project:</i>				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	■	□	□	□
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	■	□	□	□
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	■	□	□	□
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	■	□	□	□
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	□	□	□	■
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	□	□	□	■

**Discussion**

a-d. The Plan Area has been largely disturbed due to urban development and agricultural

activities. Nonetheless, there are areas that could provide habitat for special-status species and sensitive habitats, such as riparian habitat and wetlands. For example, the open fields and annual grasslands could provide foraging habitat for raptors and nesting habitat for burrowing owls. Buildings and trees could provide roosting habitat for certain bat species. Much of these potential habitat areas would be developed under the proposed Community Plan. These are ***potentially significant impacts*** and are addressed in Section 4.3 of this Draft EIR.

- e. New development that would be allowed under the proposed Community Plan would be consistent with all current Merced County General Plan goals and policies related to biological resources, as discussed in Section 4.3 of this Draft EIR. The County does not have any adopted ordinances or programs for protection of biological resources in the unincorporated areas of the county. Therefore, new development within the Plan Area would result in no conflicts with local policies or ordinances protecting biological resources, and ***no impact*** would occur.
- f. No adopted Habitat Conservation Plans, Natural Conservation Community Plans, or other approved local, regional, or State Habitat Conservation Plans have been adopted for the Plan Area or immediate vicinity. Therefore, new development within the Plan Area would not conflict with such plans and there would be ***no impact***.

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than Significant Impact	No Impact
<b>5. CULTURAL RESOURCES.</b>				
<i>Would the project:</i>				
a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	■	□	□	□
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	■	□	□	□
c. Disturb any human remains, including those interred outside of formal cemeteries.	■	□	□	□

**Discussion**

a.-c. Merced County is in an area that was the territory of the Penutian-speaking Northern Valley Yokuts. According to the Central California Information Center (CCIC), the Plan Area has a moderate to high sensitivity for prehistoric and historic archaeological resources and historic buildings and structures. Excavation and grading during construction could damage or destroy these archaeological resources, as well as human remains if any are present. Redevelopment of existing developed areas, particularly the mixed-use area, could result in the demolition or substantial reconfiguration of potentially historic buildings or structures. These are **potentially significant impacts** and are addressed in Section 4.4 of this Draft EIR.

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than Significant Impact	No Impact
<b>6. Energy.</b> <i>Would the project:</i>				
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

- a. Appendix F of the CEQA Guidelines requires that EIRs include a discussion of potential energy impacts, with “particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy.”<sup>3</sup>

Appendix F provides a list of environmental impacts that may be included in an EIR:

- C1. The project’s energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project’s life cycle including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials may be discussed.
- C2. The effects of the project on local and regional energy supplies and on requirements for additional capacity.
- C3. The effects of the project on peak and base period demands for electricity and other forms of energy.
- C4. The degree to which the project complies with existing energy standards.
- C5. The effects of the project on energy resources.
- C6. The project’s projected transportation energy use requirements and its overall use of efficient transportation alternatives.

As discussed below, the proposed Community Plan would not result in the wasteful or inefficient use of energy. Because the project is a community-wide plan, the focus is on community-wide construction and operations energy use.

**Energy Consumption**

As stated on page 1-1 of the Draft EIR, the proposed Community Plan EIR is a program EIR that addresses the overall impacts of the proposed Community Plan. No specific projects are currently under consideration. Therefore, the actual energy use associated

3 CEQA Guidelines, *Appendix F: Energy Conservation, I. Introduction.*

with the Community Plan buildout cannot be estimated at this time. However, assumptions and calculations used in the traffic, air quality and greenhouse gas emissions analyses can be used to estimate potential energy use. ESA, the firm that prepared the greenhouse gas and air quality analyses for the Draft EIR, used these assumptions to calculate fuel consumption, electricity use and natural gas use for the proposed Community Plan (see Appendix I). This information is compared to existing and projected energy use in the County. The policies, regulations and mitigation measures that would reduce energy use are also described.

#### Electricity and Natural Gas

The 2030 Merced County General Plan EIR reported that the largest consumers of electricity in Merced County were agriculture and water pumping (31%), followed by residential uses (27%), industry (21%), and commercial uses (18%).<sup>4</sup>

In 2018, total annual electrical use in Merced County was approximately 3,560 million kilowatt hours (kWh). Residential use was approximately 719 million kWh, about 25 percent of the total, and non-residential use was approximately 2,840 million kWh. Non-residential electrical use in the County had been decreasing in recent years, but has increased between 2015 and 2018. Between 1990 and 2018, total usage peaked in 2017 at 3979 million kWh. Residential electrical use has increased by approximately 9 percent since 2010.<sup>5</sup>

The proposed Community Plan is estimated to have a demand of approximately 24 MWh per year, or 24,000 kWh. This represents an increase of less than 1/100<sup>th</sup> percent over existing electrical use in the County.

Natural gas consumption in Merced County was approximately 120 million therms in 2018.<sup>6</sup> Similar to electricity, natural gas consumption in the county has fluctuated over the last 20 years. The peak usage was 153 million therms in 2004. Between 2009 and 2018, usage ranged from 116 million therms in 2010 to 127 million therms in 2015.<sup>7</sup>

New development under the proposed Community Plan is estimated to consume an additional approximately 48 MBTUs (0.48 therms) of natural gas per year at buildout, an increase of 0.40 percent countywide.

Merced County has adopted a number of projects and programs to reduce energy consumption within the County in all sectors.<sup>8</sup> For the largest electricity users, agriculture and water pumping, the General Plan supports development of renewable energy facilities, such as ethanol, co-generation, solar and wind facilities that support agricultural-related practices and/or use agricultural waste (Policy LU-2.7). Efforts to reduce green house gas emissions from agricultural operations, such as installation of renewable energy technologies and development of efficient structures, are encouraged

4 Merced County, *2030 Merced County General Plan Draft Program Environmental Impact Report*, November 2012, Figure 22-2.

5 California Energy Commission, Energy Consumption Database, *Electrical Consumption by County*, accessed at <http://ecdms.energy.ca.gov/gasbycounty.aspx>, accessed August 15, 2019.

6 California Energy Commission, Energy Consumption Database, *Gas Consumption by County*, accessed at <http://ecdms.energy.ca.gov/gasbycounty.aspx>, accessed August 15, 2019.

7 California Energy Commission, Energy Consumption Database, *Gas Consumption by County*, accessed at <http://ecdms.energy.ca.gov/gasbycounty.aspx>, accessed August 15, 2019.

8 Merced County, *2030 Merced County General Plan Draft Program Environmental Impact Report*, November 2012, page 22-17.

(Policy AQ-1.3), and would have the additional benefit of reducing energy use. To the extent that agricultural uses can reduce their energy use, the county's overall energy consumption will be reduced.

The County General Plan also contains numerous policies intended to reduce energy uses in residential and commercial sectors, which would be developed within the Winton community. New residential subdivision lots and new commercial, office, industrial and public buildings are required to be oriented and landscaped to enhance natural lighting and solar access (Policy LU-9.1). Green building design and technology are required of new development within Urban Communities, such as Winton (Policy LU-5B.10). The County has also committed to working with local energy providers to promote energy conservation programs and incentives to existing residential development, especially low-income households (Housing Element Policy 6.3), which could reduce existing energy use within Winton. Other policies encourage the use of sustainable building practices (Policy LU-9.2), retrofitting of existing buildings with energy and water efficient technologies (Policy LU-9.3), and use of solar, wind and other renewable energy resources, as well as water conservation and water recycling systems (which in turn reduce energy needed to treat and convey water) in residential buildings (Housing Element Policy 6.5). Programs aimed at reducing energy use include a free weatherization program sponsored by the Merced County Community Action Agency and the California HERO program, which provides assistance to lower-income groups in the unincorporated County for solar power. These Countywide policies and programs would apply to the community of Winton, including new development under the proposed Community Plan, and would should reduce the amount of energy used per capita for new development, as well as reducing existing energy use.

In addition to complying with County policies, all development under the proposed Community Plan must comply with State building codes, which are administered at the County level. The State first adopted energy efficiency requirements in 1976. The most recent update, the 2019 CALGreen Code, requires compliance with energy efficiency standards for residential and nonresidential buildings based on a State mandate to reduce California's energy demand. The code identifies energy efficiency requirements for new buildings, additions to existing buildings and alterations to existing buildings. Required energy efficiency measures address indoor and outdoor lighting, water heating, heating and air conditioning, pool and spa systems, and appliances, including the energy impact of the building envelope such as windows, doors, skylights, wall/floor/ceiling assemblies, attics, and roofs. The most significant efficiency gains for residential development are improvements for attics, walls, water heating and lighting.<sup>9</sup> Additionally the 2019 Building Energy Efficiency Standards for Residential and Nonresidential Building, requires all new low-rise residential buildings (e.g., multifamily with three habitable stories or less and single family residences), to have a photovoltaic (PV) system. New development within the Community must comply with these standards.

Mitigation Measure 4.5-1 in Section 4.5, Greenhouse Gas Emissions and Climate Change, would further reduce energy use from new development. This measure is intended to reduce greenhouse gas emissions, which are typically due to energy consumption. Prior to approval, each new tentative map or non-residential conditional use permit must demonstrate that it will meet the identified GHG targets or reduce emissions of GHG by 9.5 percent. Many of the strategies to reduce GHG emissions

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<sup>9</sup> California Energy Commission, *Building Energy Efficiency Standards for Residential and Non Residential Buildings, Title 24, Part 6, and Associated Administrative Regulations in Part 1*, June 2015.

focus on creating more energy efficient buildings. Such measures would therefore further reduce the amount of gasoline, electricity and/or natural gas that would be consumed by new development.

### Fuel Consumption

#### *Construction*

Construction of the proposed Community Plan would require the use of fuels (primarily gasoline and diesel) for operation of construction equipment (e.g., dozers, excavators, generators, and trenchers), construction vehicles (e.g., dump and delivery trucks), and construction worker vehicles. For the construction of the proposed Community Plan, it is estimated there would be approximately 1.79 million gallons of diesel fuel through buildout. Gasoline use for construction is estimated to be a total of approximately 291,200 gallons through buildout.

Construction activities are temporary and would not result in a long-term increase in demand for fuel. As discussed below, on-road transportation is estimated to use substantially more diesel fuel and gasoline than construction activities. Similar to automobiles, diesel fuel engines, such as generators, have become more efficient due to changes in regulation. Mitigation Measure 4.2-1 in Section 4.2, Air Quality, of the Draft EIR, requires that onsite construction equipment use Tier 4-rated engines or engines with similar or more strict emissions. These engines are also likely to be more fuel-efficient.

#### *Transportation*

Operational transportation of the proposed Community Plan would require the use of fuels (primarily gasoline and diesel) for personal automobiles, delivery vehicles and multi-passenger vehicles.

According to the 2030 Merced County General Plan EIR, in 2005 gasoline use in the unincorporated county was 58,082,450 gallons per year. Diesel use was 52,859,300 gallons per year.<sup>10</sup>

The 2030 General Plan EIR also projected that fuel use would increase to 112,730,250 gallons per year of gasoline and 88,946,850 gallons per year of diesel in 2030.<sup>11</sup> The 2030 projections assumed development of the adopted Winton Community Plan.

On an annual basis, the proposed Community Plan at buildout is estimated to increase fuel consumption by approximately 1.11 million gallons of diesel fuel and 1.62 million gallons of gasoline under existing conditions.

The proposed Community Plan has a number of components that would reduce fuel use by reducing reliance on the personal automobile. As discussed in Chapter 3 of the Draft EIR, the proposed Community Plan provides for a mix of land uses within the Plan Area, which provides for more efficient transportation patterns. The proposed Community Plan provides for commercial land uses in proximity to residential development, so that residents do not need to travel outside of the Plan Area to meet their need for groceries, other household

10 Merced County, *2030 Merced County General Plan Draft Program Environmental Impact Report*, November 2012, Appendix E, page 3-4.

11 Merced County, *2030 Merced County General Plan Draft Program Environmental Impact Report*, November 2012, Appendix E, page 3-4.

goods and similar items. The industrial, business park and commercial land uses would support employment-generating opportunities. To the extent that employees of Plan Area businesses lived within or near the Plan Area, they would have relatively short commutes, and could choose to walk or bike to work. Schools would be located in proximity to residential uses as well, allowing students to walk or bike to school from much of the Plan Area. Sidewalks already exist along many residential streets within the Plan Area (see Figure 3.8, Existing and Potential Sidewalk Locations, in Chapter 3, Project Description). The proposed Community Plan proposes additional sidewalks along major roads where they are not already in place. In addition, Policy C-5.1 states that sidewalks, crosswalks, lighting and other pedestrian amenities be provided to the greatest extent practical, and Policy C-5.2 requires that certain public roadways be modified to include bicycle lanes (see Figure 3.7, Existing and Proposed Bicycle Facilities, in Chapter 3). Policies C-6.1 and C-7.1 are intended to ensure that transit routes and stops with appropriate amenities are located throughout the Plan Area. Taken together, these policies would further reduce dependence on automobiles, thereby reducing the amount of fuels used in the Plan Area.

One of the options for reducing GHG emissions is for new non-residential projects to develop a Transportation Demand Management (TDM) program for employees [Mitigation Measure 4.5-1(e)]. TDM strategies could include, among other things, carpool or vanpool programs, public transit subsidies and/or computerized rideshare matching services. Mitigation Measure 4.8-3 in Section 4.8, Transportation and Circulation, calls for a reduction in vehicle miles traveled for new projects, which could be achieved through a variety of measures such as alternative work schedules, ride sharing incentives, and shuttle services. Both of these measures are intended to reduce vehicle miles traveled, which would in turn reduce fuel consumption.

#### Effects on Utilities

Electrical and natural gas services are provided to the Plan Area by Pacific Gas & Electric (PG&E). In 2016, 32.8% of energy delivered by PG&E was from renewable resources (e.g., wind, geothermal, biomass, solar and small hydro).<sup>12</sup>

As discussed above, the proposed Community Plan would increase demand for electricity and natural gas within Merced County by less than 1 percent. While new development would require the extension of local electrical and gas facilities, such as connections to transmission lines, no major improvements or development of new supplies have been identified for either baseline or peak usage. PG&E will review major development proposals submitted to the County to determine what, if any, project-specific improvements are needed.

#### **Summary**

The proposed Community Plan would increase consumption of electricity, natural gas, and fuels. This increase would be relatively modest compared to energy use in the County as a whole, because the proposed Community Plan would accommodate a small portion of the countywide population, and because new development would be composed primarily of residential and commercial land uses. The increased energy use is largely within levels anticipated in the 2030 General Plan, because the proposed Community Plan would have similar land uses as the adopted Community Plan. The increase in energy demand is not anticipated to require large-scale improvements to increase energy supply or provide transmission lines. Local, project-specific

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<sup>12</sup> Pacific Gas & Electric, Clean Energy Solutions, accessed at [https://www.pge.com/en\\_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page](https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page), August 16, 2019.

improvements will be identified as new development proposals are submitted. The proposed Community Plan incorporates elements that would reduce vehicle fuel use, including alternative transportation modes, such as pedestrian, bicycle and transit facilities. Further, all new development would comply with the State building energy efficiency codes and General Plan policies that would reduce energy demand. For these reasons, the proposed Community Plan would not result in the wasteful, unnecessary or inefficient consumption of energy. Therefore, this impact would be ***less than significant impact***.

- b. As discussed above, the proposed Community Plan would comply with State and County energy-related policies and regulations. There are no plans at present for specific renewable resource projects in or near the Plan Area, so the proposed Community Plan would not interfere with such facilities. For these reasons, this would be a ***less-than-significant impact***.

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
<b>7. GEOLOGY AND SOILS.</b>				
<i>Would the project:</i>				
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist - Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion, or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soils, as defined in Table 18-1-13 of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

**Discussion**

a.i-iii,

- c. Like much of California, Merced County is subject to seismic activity, although the risk associated with seismic hazards is low, due to the distance between developed areas and active earthquake faults. According to the Merced County General Plan, the only fault known to be located within the county is the “Ortigalita” fault, which bisects the Coast Range in a northwesterly direction. This fault has not been active in recorded history, but it could become active again. This is the only fault identified in the county that is on the Alquist - Priolo Earthquake Fault Zoning Map.<sup>13</sup>

There are several faults outside of but near the county, including the San Andreas, 15 miles to the west of Merced County, the Hayward and Calaveras faults to the northwest, the White Wolf, Garlock and Sierra Nevada faults to the south, and the Bear Mountain Fault Zone, approximately 5 miles east of the county.<sup>14</sup>

The Plan Area is in an area with a “maximum expectable earthquake intensity” of “II: Moderate severity moderate probable damage”.<sup>15</sup> Because of the distance from known, active faults, in most earthquakes only weaker, masonry buildings would be damaged, although shaking could be felt in very infrequent earthquakes.<sup>16</sup>

Liquefaction is a phenomenon whereby granular soil (i.e., silt and sand) is transformed from a solid state into a liquid state (quicksand) as a result of an increase in pore-water pressure due to an earthquake. Liquefaction would most likely occur in water-saturated silts, and in sands and gravels having low to medium density. Due to the density of the soil and the relatively low potential for seismic shaking to occur in this area, the potential for soil liquefaction is considered low.

Construction contractors are required to comply with the California Building Code (Title 24) to ensure that a project is designed and constructed to meet applicable seismic safety standards. Compliance with applicable seismic safety standards would identify appropriate features to be incorporated into project design to minimize risk of damage from liquefaction. The proposed Community Plan would be required to comply with the UBC, which contains seismic safety requirements and construction and design standards to reduce risks associated with subsidence and liquefaction. Therefore, impacts associated with seismic risk, including fault rupture, seismic ground shaking, seismic ground failure due to the liquefaction of soils, would be considered **less than significant**.

- a.iv. The Plan Area and surrounding areas are relatively flat, with a few slopes adjacent to drainages and canals. The Plan Area does not contain any steep slopes or other features that could result in landslide or mudflow hazards. Therefore, risks to people

13 Merced County, 2030 Merced County General Plan Draft Program Environmental Impact Report, November 2012, page 10-5.

14 Merced County, 2030 Merced County General Plan Draft Program Environmental Impact Report, November 2012, page 10-5.

15 Merced County, 2030 Merced County General Plan Draft Program Environmental Impact Report, November 2012, Figure 10-5.

16 California Geologic Survey, *Earthquake Shaking Potential for California*, 2008.

from landslides or mudflows would not result due to implementation of the proposed Community Plan, and **no impact** would occur.

- b. Earthdisturbing activities could result in erosion during construction. However, as discussed in Item 10(a)(ci)(d), below, new development would be required to obtain and comply with the State General Construction Activity Stormwater Permit, which requires use of Best Management Practices (BMPs) to prevent eroded soils and other contaminants from entering surface waters. Because development pursuant to the proposed Community Plan would be required to comply with erosion reduction and sediment control measures, it would not result in substantial erosion. Therefore, this is a **less-than-significant impact**.
- d. Soil characteristics, such as expansive soils, which increase and decrease in volume in response to changes in water content, could create a geologic hazard. Geologic and soil conditions can vary from site to site.

The Merced County Code (Section 16.16, Building Code) incorporates the International Building Code (IBC), as amended by the State government. The IBC contains provisions to ensure that buildings are designed and sited properly to protect against geologic and unstable soils condition. Compliance with the MCC would require that appropriate features are incorporated into building design to minimize risk of damage due to geological hazards, including expansive soils. In order to determine which measures are necessary for a particular site, a geotechnical evaluation would be conducted. Compliance with the County Building Code would ensure that risks associated with geologic and soils hazards would be minimized, so this is considered a **less-than-significant impact**.

- e. Most new development would connect to the Winton Water and Sewer District, which provides water and wastewater service to the Plan Area, rather than use septic systems. The exception is the 133 units that could be developed in the areas designated Very Low Density Residential (VLDR). Often, residential density under this land use is not dense enough to make sewer service feasible, and lots are large enough to support septic systems. All new septic systems must comply with the County's minimum design standards as set forth in the Minimum Design Standards—Operation and Maintenance Site Evaluation for Onsite Disposal Systems, which specifies standards for site size, soil characteristics, disposal field size, separation distances, and design. These standards would ensure that the septic systems were adequate to serve individual parcels, and that human health and the environment would be protected. Therefore, the impact would be **less than significant**.
- f. The Plan Area is underlain by geologic formations (Modesto and Riverbank) that have yielded only limited paleontological resources in eastern Merced County. Nonetheless, if such resources are present in the Plan Area, they could be damaged or destroyed during excavation and grading. This is a **potentially significant impact**, and is addressed in Section 4.4 of this Draft EIR.

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
<b>8. GREENHOUSE GAS EMISSIONS.</b>				
Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	■	□	□	□
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	■	□	□	□

**Discussion**

a., b. The proposed Community Plan would not generate enough greenhouse gas (GHG) emissions to influence global climate change on its own. However, the proposed Community Plan would incrementally contribute to the global impact through its GHG emissions combined with the cumulative increase of all other anthropogenic sources of GHGs. This is a **potentially significant impact** and is addressed in Section 4.5 of this Draft EIR.

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than Significant Impact	No Impact
<b>9. HAZARDS AND HAZARDOUS MATERIALS.</b>				
<i>Would the project:</i>				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

- a. Implementation of the proposed Community Plan would involve construction of a variety of buildings and facilities. Construction would require site preparation activities, such as

excavation and grading at the Plan Area. During construction, oil, diesel fuel, gasoline, hydraulic fluid, and other liquid hazardous materials would be used. If spilled, these substances could pose a risk to the environment or human health.

The predominant land use within the Plan Area, residential, would involve the use of some hazardous materials, primarily for cleaning and landscaping. However, the amounts used would be relatively small and would be unlikely to be harmful. Similarly, commercial, office and retail uses would use small amount of common cleaning and landscaping materials.

Industrial and Business Park land uses typically have businesses that are more likely to involve hazardous materials than residential, office or retail uses. For example, the Business Park land use designation allows for research and development facilities, light manufacturing and fabrication. The areas that would be designated Business Park would be located in the southern portion of the Plan Area, where residential development is less concentrated. The Industrial designation allows for light industrial and manufacturing. However, the only Industrial-designated land would nine acres located along the BNSF rail line in the center of the Plan Area (see Figure 3-3, Proposed Land Use Designations in Chapter 3, Project Description).

The design and construction of projects under the proposed Community Plan would comply with the County's Building Code, which incorporates the International Building Code as amended by the State Building Code and the California Fire Code (CFC). Laws and regulations that govern the use and storage of hazardous materials include, but are not limited to, Chapter 6.95 of the California Health and Safety Code (inventory and emergency response), Title 8 of the Code of California Regulations (CCR) (workplace safety), and Titles 22 and 26 of the CCR (hazardous waste). Delivery of hazardous materials to the site and along public roadways would be required to comply with Title 49 of the Federal Code of Federal Regulations (CFR), as monitored and enforced by the California Highway Patrol (CHP) and California Department of Transportation (Caltrans). In addition, storage of all flammable materials at construction sites would be subject to the regulations of Title 19 of the CCR and the Uniform Fire Code. In addition, as discussed in Item 8(a)(c)(f), below, contractors would have to prepare Stormwater Pollution Prevention Plans that ensure that soil and contaminants do not enter surface waters.

The proposed Community Plan Design Guidelines also address the siting and design of Business Park and Industrial land uses. For example, the Design Guidelines state that landscape buffers consisting of walls, berms, native and/or drought resistant landscape should be provided adjacent to residential units, which would reduce the potential exposure to hazardous substances by providing distance and/or barriers between industrial and residential development.

Assuming compliance with the applicable laws and regulations discussed above, potential exposure of people to hazardous materials associated with the proposed Community Plan would be a ***less-than-significant impact***.

b,d. No properties in the vicinity of Winton are on the Cortese List.<sup>17</sup> However, there are

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17 State of California, Department of Toxic Substances Control, *Hazardous Waste and Substances List (Cortese List)*, [https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site\\_type=CSITES,FUDS](https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=CSITES,FUDS)

several sites in Winton that have been subject to investigation for and/or remediation of soil or groundwater contamination. All but one of these sites is closed, so there is no longer a risk of contamination. There are no active cases of leaking underground storage tanks.<sup>18</sup> There are no past and current landfills or other waste facilities located in proximity to the project site.<sup>19</sup>

There is one site that is listed as being under active remediation. This site is an agricultural chemical retail and application facility on Winton Way south of Almond Avenue. The soil and groundwater beneath the site are polluted with nitrate, ammonium, pesticides and volatile organic compounds. The proposed Community Plan designates this area as Business Park, so residents would not be at risk of exposure to contaminants from this site. Also, remediation activities at this site are under the oversight of the Central Valley Regional Water Quality Control Board, which would ensure that such activities do not exacerbate the extent of contamination.<sup>20</sup>

Although no other contaminated or potentially contaminated sites have been identified in the records search, there could be contamination present in areas that were occupied by facilities that used hazardous materials in the past, prior to current regulatory levels. If construction workers or occupants of nearby properties are exposed to hazardous materials, their health could be affected. General Plan Policy HS-5.4 requires that new development proposals protect soils, surface water, and groundwater from hazardous materials contamination. According to the General Plan, this policy would protect residents in new development from soil, surface or groundwater contamination by avoiding site development in locations with pre-existing contamination issues or that have not been remediated.<sup>21</sup> Furthermore, it is County practice to review site plans for all development proposals on a case-by-case basis, which would further minimize the potential for siting sensitive land uses near potential hazards. State law, General Plan policy and County site plan review procedures would ensure that sensitive uses are not sited in or near sources of hazardous materials contamination. Therefore, this impact would be **less than significant**.

- c. The Winton school sites are generally surrounded by residential development, and, in some cases, commercial uses. As discussed above, these land uses would not be likely to include a facility that could result in hazardous air emissions or the handling of hazardous materials, substances or waste in sufficient amounts to adversely affect human populations that would be located adjacent to a school. There would be land designated Industrial approximately 300 feet to the south of one of the elementary school sites (see Figure 3-3, Proposed Land Use Designations, in Chapter 3, Project Description). The Industrial designation is relatively small, and largely occupied by the existing rail line, so it is not expected to support a substantial amount of Industrial

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*&status=ACT,BKLG,COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTES E%29*), accessed August 16, 2019.

- 18 State of California Water Resources Quality Control Board, GeoTracker, <http://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=winton%2C+CA>, accessed August 16, 2019.
- 19 State of California Water Resources Quality Control Board, GeoTracker, <http://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=winton%2C+CA>, accessed August 16, 2019.
- 20 State of California Water Resources Quality Control Board, GeoTracker, <http://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=winton%2C+CA>, accessed August 16, 2019.
- 21 Merced County, *2030 Merced County General Plan Draft Program Environmental Impact Report*, November 2012, page 12-17.

development. Further, the Business Park land use designation would be over 1,000 feet from the closest school. While the specific projects that could be developed are not known at this time, the uses that would be allowed in the Industrial designation could use hazardous materials. However, as discussed above, hazardous materials use would be subject to federal, State, and County regulations designed to protect human health from exposure to hazardous materials. Therefore, this would be a ***less-than-significant impact***.

- e. The Plan Area is within two miles of the Merced County Castle Airport. The entire Plan Area is within the Federal Aviation Administration (FAA) Height Notification Surface, and about half of the Plan Area is within the Airport Influence Area<sup>22</sup>. The half of the Plan Area that is east of Santa Fe Drive is in Compatibility Zone D, which is compatible with the Plan Area land uses, including residential development, schools, public services, commercial uses, light industrial uses, and research and development. There are some minimal restrictions on activities, such as prohibition of any use creating visual or electronic hazards to flight and on landfills or incinerators, neither of which are called for in the proposed Community Plan. Buildings over 100 feet tall are conditionally allowed, but the County Zoning Code limits the heights of buildings associated with the land uses within the Plan Area to 75 feet or less. For these reasons, the proposed Community Plan would not result in an air safety hazard for people residing or working in the Plan Area. Therefore, this would be a ***less-than-significant impact***.
- f. The proposed Community Plan would not close or reduce existing roadways and would expand the circulation network within the Plan Area. Therefore, it would not result in any adverse changes to existing emergency access, nor would it prevent the implementation of future emergency plans. Therefore, ***no impact*** would occur.
- g. Wildland fire hazards exist in varying degrees throughout Merced County. The foothills and large rangelands in the eastern and western portions of the county are located within State Responsibility Areas, and served by the California Department of Forestry and Fire Protection (CalFire).<sup>23</sup> The Plan Area is in a local response area, not a very high danger area.<sup>24</sup> Nonetheless, portions of the Plan Area contain grasses, and the Plan Area will continue to be in proximity to agricultural operations, which, if contain non-irrigated grasslands, can present a fire risk. Factors contributing to rapid spread of urban fires are poor building construction, lack of built-in fire protection, such as sprinklers, highly flammable contents, delay in detection and alarm, inadequate fire protection equipment and lack of sufficient water supply. All new construction under the proposed Community Plan must comply with current California Fire Code and County standards, which would minimize potential risks by requiring smoke alarms and/or sprinkler systems in all residential buildings. As discussed in Item 15a, below, the Merced County Fire Department, which maintains a station in the Plan Area, will be able to serve new development. The Plan Area is relatively flat, and has multiple routes into and out of the community, which would aid with evacuation, should it become necessary. Compliance with State and county requirements will ensure that direct and indirect fire risks are reduced to a ***less-than-significant*** level.

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22 Merced County, Castle Airport Land Use Compatibility Plan, Exhibit CAS 7A, June 21, 2012.

23 Merced County, *2030 Merced County General Plan Draft Program Environmental Impact Report*, November 2012, page 12-2 and Figure 12-1.

24 California Department of Forestry and Fire Protection, Fire Resource Assessment Program, *Fire Hazard Severity Zones in SRA*, November 7, 2007; California Department of Forestry and Fire Protection, Fire Resource Assessment Program, *Draft Fire Hazard Severity Zones in LRA*, September 21, 2007.

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
<b>10. HYDROLOGY AND WATER QUALITY</b> <i>Would the project:</i>				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces in a manner which would:				
i. Result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv. Impede or redirect flood flows?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion**

a, c, i,

d. Construction

Grading and excavation activities within the Plan Area could expose soil to increased rates of erosion during construction periods. If this results in increased turbidity in local waterways and rivers, it could have adverse effects on fish and wildlife habitat and other

established beneficial uses.

Activities associated with new development under the proposed Community Plan that would disturb more than one acre of land, would be required to obtain and comply with the State General Construction Activity Stormwater Permit. Performance standards for obtaining and complying with the General Permit are described in NPDES General Permit No. CAS000002, Waste Discharge Requirements, Order No. 2009-0009-DWQ. The General Permit is intended to ensure compliance with State water quality objectives and water protection laws and regulations, including those related to waste discharges.

General Permit applicants are required to prepare a stormwater pollution prevention plan (SWPPP), and retain it at the construction site. The stormwater quality management program addresses project construction, and specifies control measures and BMPs designed to minimize sedimentation and release of products used during construction into surface waters. The General Permit requires permittees to implement specific sampling and analytical procedures to determine whether the BMPs used at the construction site are effective. With implementation of these State requirements, construction impacts would be **less than significant**, because water quality would be protected through the permitting process.

#### Operation

The proposed Community Plan would convert approximately 438 acres of farmland to urban uses. While some of the new uses would include permeable surfaces (e.g., parks and landscaping), the conversion to urban uses would substantially increase impervious surface area, which in turn would increase runoff from roadways and other surfaces that could contain oil and grease, heavy metals and chemicals. These constituents could reach the local drainage system, and, ultimately, the San Joaquin River. Runoff from landscaped areas could contribute chemicals from fertilizers, pesticides and herbicides.

The National Pollutant Discharge Elimination System (NPDES) permit system was established in the California Water Act (CWA) to regulate municipal and industrial discharges to surface waters. The purpose of the NPDES program is to establish a comprehensive storm water quality program to manage urban storm water that minimizes pollution of the environment. As a member of the Merced Storm Water Group (MSWG), Merced County has prepared a Storm Water Management Program (SWMP) under the NPDES Phase II General Permit for small municipal separate sewer systems (MS4). SWMP programs include public education and outreach, illicit discharge detection and elimination, construction site stormwater runoff controls and development of post-construction stormwater management goals for new and redeveloped area. Specific actions to control certain regulated pollutants (per Section 303(d)) are also required. In 2013, the Phase II permit was updated to include more specific Best Management Practices (BMPs), water quality protection measures, and inspection requirements. All new development must comply with the MS4 water quality requirements, which would protect water quality in local streams and drainages and downstream receiving waters, including during flood events. Therefore, the impact on water quality of project operations would be **less than significant**.

A seiche is a periodic oscillation of a lake or other enclosed body of water typically brought about by an earthquake or wind event. There are no lakes or other enclosed water bodies in or near the Plan Area, so there is no potential for a seiche to occur there. The Plan Area is not located in an area in which a tsunami could directly or indirectly affect Plan Area development. Therefore, there would be no impact associated with tsunami or seiche events.

- b.,e. As discussed in Section 4.9 of this Draft EIR, the proposed Community Plan would not in and of itself lower the aquifer. However, the proposed Community Plan in combination with other development that draws from the Merced Groundwater Basin, could affect the aquifer, which would be a **potentially significant impact**. Please see Section 4.9 for more discussion.

As discussed in Item a., ci., above, the proposed Community Plan would comply with water quality regulations, and would therefore not conflict with a water quality control plan.

- cii-iii. The proposed Community Plan would increase impervious surface area over existing conditions, due to the construction of buildings, streets and parking lots. Approximately 86 acres of undeveloped land, which is mostly permeable surface, would be converted to urban uses, which are composed primarily of impervious surfaces, with the exception of parks and landscaped areas. If runoff from new urban areas is not controlled, then the existing drainage system could be overwhelmed, resulting in localized flooding. This would be considered a **potentially significant impact** and is discussed in Section 4.9 of this EIR.

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than Significant Impact	No Impact
<b>11. LAND USE AND PLANNING.</b> <i>Would the project:</i>				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion**

- a. The proposed Community Plan would not physically divide an established community. Additionally, there are no natural features that currently divide the Plan Area. The BNSF rail line transects the Plan Area, with at-grade crossings at Walnut Avenue and Winton Way. The proposed Community Plan would not remove any of these crossings, or otherwise create impediments to travel through the Plan Area. Therefore, **no impact** would occur under the proposed Community Plan.
- b. If approved, the proposed Community Plan would be adopted as part of the County’s General Plan. Any inconsistencies with the General Plan would be considered a **potentially significant impact**, and are evaluated in Section 4.6, Land Use, and other applicable sections of the Draft EIR.

Section 4.6 of this Draft EIR addresses land use issues related to compatibility of various land uses within proximity to one another, consistency with County General Plan land use policies, and consistency with LAFCO annexation policies as they pertain to the expansion of the Plan Area.

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than Significant Impact	No Impact
<b>12. MINERAL RESOURCES.</b> <i>Would the project:</i>				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion**

- a. The primary mineral resources in Merced County are sand and gravel. Approximately 24,320 acres of aggregate resources have been mapped within the county.<sup>25</sup> The Plan Area is designated MRZ-3a SG7, which contains fine-to coarse-grained overbank, terrace and fan deposits of the Modesto Formation<sup>26</sup>. While this zone can be mined for concrete aggregate, there is no history of mining from these formations within Merced County. No other evidence of mining in the Plan Area has been identified by the State Department of Mines and Geology.<sup>27</sup> While there could be aggregate resources in the Plan Area, it has not been a subject to mining in the past. Conversion of approximately 117 acres of land that might have aggregate resources would not substantially reduce the amount of the resource available in the County. Therefore, the proposed Community Plan would not affect the availability of a known mineral resource, and the impact would be **less than significant**.
- b. The Plan Area is not delineated as a locally-important mineral resource recovery site in the County’s General Plan.<sup>28</sup> Therefore, **no impact** would occur.

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25 Merced County, 2030 Merced County General Plan Draft Program Environmental Impact Report, November 2012, page 10-5.  
 26 California Department of Conservation, Department of Mines and Geology, *Mineral Land Classification of Merced County, California*, 1999, plate 3.  
 27 California Department of Conservation, Department of Mines and Geology, *Mineral Land Classification of Merced County, California*, 1999, page 22 and plates.  
 28 Merced County, 2030 Merced County General Plan Draft Program Environmental Impact Report, November 2012, Figure 10-3.

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than Significant Impact	No Impact
<b>13. NOISE.</b> <i>Would the project result in:</i>				
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	■	□	□	□
b. Generation of excessive groundborne vibration or groundborne noise levels?	■	□	□	□
c. For a project located within the vicinity of a private airstrip an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	□	□	■	□

**Discussion**

- a. The proposed Community Plan provides for residential uses and other land uses, which would generate traffic. Therefore, the proposed Community Plan would increase traffic noise levels. In addition, the proposed Community Plan would increase the number of residents living in proximity to noise from traffic on surface streets. There are several land uses in the Community Plan that could generate stationary sources of noise, including parks and schools. Exposing sensitive receptors, such as existing residents, to such increases in noise is considered a **potentially significant impact**, and is addressed in Section 4.7 of this EIR.
- b,. During construction of the proposed Community Plan, groundborne noise and/or vibration from construction activities could disturb occupants of existing residences and other highly noise-sensitive land uses. This is considered a **potentially significant impact**, and is addressed in Section 4.7 of this EIR.
- c. The Plan Area is not located in the vicinity of a private airstrip. The Plan Area is located approximately 1 mile from Merced County Castle Airport. As discussed in Item 9e, above, a portion of the Plan area is in the airport’s Compatibility Zone D, which is compatible with the Plan Area land uses, including residential development, schools, public services, commercial uses, light industrial uses, and research and development. The 60 CNEL noise contour is located close to the airport runways, so noise levels within the Plan Area would be much lower. While airplane approaches and take-offs would be audible at times, the noise levels would be relatively low within the Plan Area. Therefore, development of residential uses would not expose people living in this area to

excessive noise levels due to proximity to the airport, and the impact would be ***less than significant***.

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
<b>14. POPULATION AND HOUSING.</b> <i>Would the project:</i>				
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

- a. The proposed Community Plan would increase both residential and non-residential development, which would also increase the community’s population. The increase in population is not, in and of itself, an environmental impact. The environmental effects of this population growth are evaluated in Chapter 4 of this DEIR and in this Checklist. For a discussion of how the proposed Community Plan could induce additional growth, please see Chapter 7, CEQA Considerations, of this EIR.
- b. The proposed Community Plan could result in the removal of some residences to accommodate new development, although such removal is not required. The proposed Community Plan provides for a substantial increase in the total number of dwelling units, far greater than the number that might be removed. Therefore, no housing would need to be constructed elsewhere simply to offset housing that is removed. Therefore, this would be a ***less-than-significant impact***.

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than Significant Impact	No Impact
<b>15. PUBLIC SERVICES</b>				
<i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>				
a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

a. The Merced County Fire Department (MCFD) provides fire, rescue, emergency services management, and emergency medical services to all unincorporated areas of Merced County, including Winton. Other services include comprehensive fire protection planning, fire prevention education, and fire law and code enforcement. Fire suppression services are provided through a contract with the California Department of Forestry and Fire Protection (CalFire), however, support staff are Merced County employees. The MCFD also provides fire protection services to the cities of Gustine, Dos Palos, and Livingston.<sup>29</sup>

The MCFD is divided into 4 battalions. Each fire station is staffed 24 hours a day by full time professional staff, which is augmented by paid on-call firefighters. The Department also includes a Fire Prevention Bureau, Mobile Equipment Management and the County Coordinator of the State Office of Emergency Services.<sup>30</sup> The MCFD also has mutual aid agreements with the fire departments of Atwater, Merced and Los Banos.

MCFD responds to calls by using all components of its network. For example, if a fire engine from the closest station is unavailable, then an engine from the next closest station will be dispatched.<sup>31</sup>

Ambulance services are provided by Riggs Ambulance, which has a staff of approximately 60 to 65 employees who are certified Emergency Medical Technicians

29 Merced County Fire Department, <https://www.co.merced.ca.us/349/About-the-Department>, accessed August 18, 2019.

30 Merced County Fire Department, <https://www.co.merced.ca.us/349/About-the-Department>, accessed August 18, 2019.

31 Merced County, *Merced County General Plan Background Report*, December 2013, page 7-58.

and paramedics.<sup>32</sup>

The proposed Community Plan would be served by Fire Station 63, which is the only fire station located within the Plan Area. Fire Station 63 is located at North Winton Way, between Gerard Avenue and Park Avenue. The fire station is staffed 24 hours a day by a full-time staff person. The station also has 20 volunteer firefighters. In 2018, the Winton Fire Station responded to a total of 1,563 incidents, over 65% of which were for medical aid.<sup>33</sup> There were 75 structure fires and 58 vegetation fires during that time period.<sup>34</sup>

The MCFD is funded through a percentage of Merced County's property tax revenues allocated specifically for fire protection, and which is separate from property taxes available to the general fund. At present, approximately 8% of the General Fund is allocated towards fire protection.<sup>35</sup> Capital improvement costs are supplemented by development fees. As these revenues fluctuate, so does the budget of the MCFD. In 2009 the County amended its Fire Facilities Impact fees to: \$673 per single family unit, \$607 per multi-family unit, and \$0.31 per square foot to \$0.72 per square foot for commercial uses, depending on density and type.<sup>36</sup>

The 1999 Merced County Fire Master Plan defines fire level of service in terms of five land use categories within Merced County. These categories are Heavy Urban, Urban, Rural, Outlying, and Basic level of service. Each land use category has its own response requirements. According to the Merced County Fire Master Plan, the Winton Community Plan Area fire level of service is characterized as Heavy Urban and Urban.<sup>37</sup> The MCFD aims to achieve the following performance objectives for these fire level of service categories, as follows:

- Heavy Urban: Apply extinguishing agent to all fires within seven minutes of dispatch; have full first alarm assignment in operation within 10 minutes; and control 90 percent of all fires with first alarm assignment.
- Urban: Apply extinguishing agent to all fires within 10 minutes of dispatch; have full first alarm assignment in operation within 15 minutes; and control 90 percent of all fires with the first alarm assignment.

The anticipated average response time for the Winton Fire Station is 7 minutes from initial dispatch.<sup>38</sup>

The Insurance Services Office (ISO) recommendation is for cities to have a first responding engine company within 1.5 miles of an urban land use.<sup>39</sup> Station 63 is within 1.5 miles of the majority of the Community Plan Area.

32 Merced County, *Merced County General Plan Background Report*, December 2013, page 7-58.

33 Merced County Fire Department, 2018 Annual Report, April 8, 2019, page 12.

34 Merced County Fire Department, 2018 Annual Report, April 8, 2019, page 16.

35 Mark Lawson, Division Chief, Merced County Fire Department, personal communication, September 7, 2018.

36 Merced County, *2016/17 Annual Report, Merced County Impact Fee Funds, Fire Fees (excludes Santa Nella), Fee Schedule (Resolution 2009-59)*.

37 Merced County, *Merced County General Plan Background Report*, December 2013, Figures 7-4 and 7-5.

38 Merced County, *SB 244 Analysis: Disadvantaged Unincorporated Communities (Administrative Review Draft)*, May 19, 2016, page 6.

39 Merced County, *Merced County General Plan Background Report*, December 2013, page 7-59.

The Plan Area is in an area considered to have a moderate, high or very high fire risk.<sup>40</sup>

The proposed Community Plan would increase the population of Winton, as well as the number of residential units and amount of commercial space. This growth would likely increase the number of emergency calls for Station 63. Additional staffing and/or fire equipment could be needed to address Community Plan growth. Funds to acquire and/or upgrade new capital facilities (such as fire trucks or fire station improvements) would be collected through the Countywide fire impact fee. Staffing would be addressed through the County's General Fund, which would be augmented by tax revenues from new development.

All new development would be constructed to California Fire Code standards, which includes requirements for automatic sprinkler systems, fire alarm systems, fire and explosion hazards, fire hydrants, hazardous materials use and storage, and other fire-safety requirements.

While equipment and staffing at the existing station could increase (funded by property taxes and development impact fees), if any expansion and/or upgrade to fire station facilities would occur at the existing station site, a new or additional fire station elsewhere in the Plan Area would not be required. Impacts associated with construction activities within the Plan Area are addressed throughout this Draft EIR. The existing station is located in an area that is designated Institutional in the proposed Community Plan. For the most part, surrounding uses would be unaffected by station operations. The station is surrounded primarily by non-residential land uses. There are areas in proximity to the station that are designated Medium Density Residential and Mixed Use, which could include residences in the future, which could be sensitive to siren noise. While the growth of the Plan Area would increase the number of times that vehicles leaving the station with their sirens on, activity levels would still be low enough that this would not be a substantial change in the noise levels at residences near the station.

The proposed implementation measures and the County fire fee would ensure fire protection services are adequate by funding additional facilities and staff. For these reasons, impacts associated with fire protection would be **less than significant**.

- b. Law enforcement for the Plan Area is provided by the Merced County Sheriff's Department (MCSO). The MCSO service area encompasses the entire unincorporated area of the County. There are three Sheriff stations in Merced County (Merced, Los Banos, and Delhi)<sup>41</sup>. The MCSO also operates the Coroner's Facility, animal shelter, the John Latorraca Correction Center, and maintains a dive team, K-9 unit, search and rescue and SWAT team<sup>42</sup>. Law enforcement duties for the Plan Area are based out of the Sheriff's Department main office located in the City of Merced. The MCSO employs approximately 101 total sworn officers and maintains 22 patrol vehicles and four unmarked non-patrol vehicles<sup>43</sup>.

MCSO response time is less than 10 minutes for emergency calls and approximately 30

40 Merced County, *Merced County General Plan Background Report*, December 2013, Figure 10-17 and Figure 10-18.

41 Merced County Sheriff's Office website, <https://www.co.merced.ca.us/358/Department-Locations>, accessed September 23, 2019.

42 Merced County Sheriff's Office website, <https://www.co.merced.ca.us/420/Special-Operation>, accessed September 23, 2019.

43 Merced County, *Merced County 2030 General Plan Background Report*, December 2013, page 7-49.

minutes for non-emergency calls. MCSD maintains a service ratio of approximately one officer per 1,000 residents in unincorporated areas.<sup>44</sup>

The California Highway Patrol (CHP) office handles all traffic enforcement and automobile accident investigations for the unincorporated parts of Merced County. The Merced CHP office is located in Atwater, approximately 2 miles south of the Plan Area. The office employs 37 patrol officers, four sergeants, one lieutenant, one captain, three clerks, one clerical supervisor, 22 dispatchers, and two dispatch supervisors. The Merced CHP coverage area is patrolled by six to 10 officers throughout the day.<sup>45</sup>

The proposed Community Plan would increase the community's population from approximately 10,067 residents to approximately 15,630 residents. These residents and the additional mixed-use and non-residential development would increase demand for law enforcement, but would not expand the MCSD service area. Based on the existing law enforcement service ratio of approximately one officer per 1,000 residents in unincorporated areas, it is anticipated that the proposed Community Plan would result in the need for approximately five additional law enforcement staff.

The County has the option of increasing General Fund monies for the MCSD as demand for services (and tax revenue from new development) increases. For these reasons, the MCSD will be able to continue to serve the Plan Area and other areas within the County. Therefore, the impact on law enforcement would be ***less than significant***.

- c. There are four schools within the Plan Area---Winfield, Frank Sparkes and Sybil N. Crookham elementary schools and Winton Middle School. All of these schools are in the Winton School District (WSD). The District serves approximately 2,000 students, pre-school through 8<sup>th</sup> grade (see Table 5-1). Washington Elementary School has a Winton address, but is located outside of the Plan Area in the Merced River School District.

A small portion of the Plan Area is located within the Atwater Elementary School District, and students in these areas attend Peggy Heller School, which serves grades K through 8.

Generally, high-school aged students from Winton attend Atwater High School, located immediately south of the Plan Area. The high school is one of six comprehensive high schools in the Merced Union High School District (MUHSD) and serves students from three districts---Atwater Elementary School District, Winton School District and Saint Anthony's School, a private Catholic school<sup>46</sup>. Atwater High School had an enrollment of 1,826 students in the 2017-18 school year.

#### Impacts on Schools

The proposed Community Plan would increase the number of students in the Plan Area. In order to project the number of students that would result from the proposed Community Plan, the number of residential units is multiplied by the estimated number of students per unit. The WSD does not have standard generation rates, so these rates were prepared specifically for this Draft EIR based on 2010 and 2017 census data. The resulting student generation rates are shown in Table 5-1, which also includes estimates

44 Merced County, *Merced County 2030 General Plan Background Report*, December 2013, page 7-49.

45 Merced County, *Merced County 2030 General Plan Background Report*, December 2013, page 7-49.

46 Merced Union School District, *Atwater High School Self-Study Report*, February 2019, page 8.

<b>TABLE 5-1 Estimated Student Projections</b>				
	<b>Rate</b>	<b>Existing (2017-18)</b>	<b>Winton Community Plan Growth</b>	<b>Total</b>
<b>Winton Elementary School District</b>				
K-6	0.530	1513	804	2,317
Winton Middle School (7-8)	0.153	446	233	679
<b>Merced Union High School District</b>				
Atwater High School	0.213	1860	353	2,213
<b>Total Student Population— Winton Schools</b>				
	0.896	3,810	1,390	5,200
<b>Atwater Elementary School District</b>				
Peggy Heller (K-8)	0.69	573	96	669
Total New Student Population within Plan Area			1,486	
<p>Notes:</p> <ul style="list-style-type: none"> <li>Elementary school generation rates based on 2010 and 2017 census (school-age children per dwelling unit). High school rate provided by Merced Union High School District Director of Facilities and Planning (July 2019).</li> <li>Existing based on most recent data.</li> <li>Future assumes 1,517 new residential units in WSD, 139 units in AESD and 1,656 units (the entire Plan Area) in Merced Union High School District.</li> <li>Peggy Heller Elementary School is located outside of the Plan Area, and most of its service area is also outside of the Plan Area.</li> </ul> <p>Sources: 2018-2019 School Accountability Report Cards for Frank Sparkes, Sybil N. Crookham, Winfield and Peggy Heller Elementary Schools, Winton Middle School, and Atwater High School.</p>				

of the number of students that would result from buildout of the proposed Community Plan.

The current capacity of the WSD elementary schools is 1,580 students, and the middle school has a capacity of 680 students.<sup>47</sup> At buildout, it is anticipated that there would be enough elementary students within the Plan Area to warrant an additional elementary school in the WSD. Based on discussions with the WSD, it is assumed that the existing Winton Middle School would be converted to 7<sup>th</sup> and 8<sup>th</sup> grade only, and that the elementary schools would serve K through 6<sup>th</sup> students.<sup>48</sup> With this change, it is anticipated that the Winton Middle School would be able to accommodate demand at

<sup>47</sup> Randall Heller, Superintendent, Winton School District, electronic communication, June 18, 2019.

<sup>48</sup> Randall Heller, Superintendent, Winton School District, personal communication, May 29, 2019.

buildout. Ultimately, the location, size and timing of a new school would be determined by the WSD, so a specific school site is not identified within the proposed Community Plan. The WSD boundaries include most of the Plan Area, as well as extensive acreage to the north, so a school could be located within or outside of the Plan Area.

The increases in the number of Plan Area elementary students that would be within the Atwater Elementary School District would be relatively small, and would not warrant a new school. Similarly, the increase in high school enrollment would not create the need for a new school. Therefore, it is assumed that increased student enrollment in these districts would be accommodated through school expansion, reassignment and/or the use of temporary facilities. For example, the MUHSD Facilities Master Plan calls for the addition of a ten-room wing to Atwater High School, which would add permanent capacity for almost 300 students, to a 2,100 total capacity.<sup>49</sup>

School funding typically has a number of sources, such as property tax, State General Funds, special taxes, school bonds (such as the recent bond passed for Winton) and developer fees. The assessment of developer fees is regulated through the State Government Code. Proposition 1A/Senate Bill 50 (Chapter 407, Statutes of 1998) establishes the base amount that developers can be assessed per square foot of residential and non-residential development. If a district meets certain standards, the base adjustment can be adjusted upward a certain amount. Under SB 50, payment of the identified fees by a developer is deemed to be “full and complete mitigation” of impacts on schools resulting from new development.

The construction of additional facilities would be subject to CEQA review by the lead district, and the impacts of building new school buildings would be similar to the construction impacts described throughout this Draft EIR. For analysis purposes, this EIR makes different assumptions about school location based on the type of analysis being prepared. For analyses that are based on acreage, it is assumed that a new school of up to 20 acres could be located outside of the Plan Area within the WSD boundaries (see, for example, Sections 4.1, Agricultural Resources, 4.3, Biological Resources and 4.4, Cultural Resources). For traffic and utilities, it is assumed that a new elementary school would be located in the northwest portion of the Plan Area, and would displace approximately 15 acres of low-density residential development (approximately 75 units). The new school is assumed to have a capacity of 600 students.

As discussed in Sections 4.2, Air Quality, 4.3, Biological Resources, 4.4, Cultural Resources, and 4.7, Noise, and this chapter, construction impacts would be less than significant and/or could be reduced to less-than-significant levels through applicable regulations and standard mitigation. Because the proposed Community Plan would not result in the need for new school sites, and would pay school mitigation fees, potential impacts due to increased school enrollment would be ***less than significant***.

- d. There are currently three parks in the Plan Area—Winton Community Park and two small pocket parks. The 21-acre Community Park is located on the northern edge of the Plan Area, bordered on the north by Olive Avenue and on the east by North Winton Way. This park has a number of amenities, including a playground, baseball diamond, picnic tables, extensive lawns and a barbecue area. However, the Winton Community Park is in dire need of modernization. A pocket park is a small space, usually less than

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<sup>49</sup> Merced Union High School District, *Facilities Master Plan*, May 2015, page 22.

one acre, located in a neighborhood and typically providing some form of passive recreation, such as seating and picnic areas. Small recreation facilities, such as a playground or basketball court, may also be included. One of the pocket parks in the Plan Area is approximately one-half acre, and has playground equipment, picnic tables, a half-basketball court and open lawn areas. The second pocket park is approximately 0.20 acres, and has a half-basketball court, sitting area and lawn. Schools in Winton also provide recreation opportunities to residents.

The County General Plan calls for a minimum of three acres of neighborhood, community, or regional parkland per 1,000 persons (Policy RCR-1.3). County Code Section 17.44 (Local Recreational Park Land Space and/or Fee Obligation) also requires that residential subdivisions with more than five parcels dedicate a minimum of three acres of improved parkland per 1,000 persons residing in the subdivision. Subdivisions of 50 acres or fewer may pay an in lieu fee (Section 17.44.060). For purposes of calculating the park requirement, the Code specifies that there will be 3.2 persons per single-family dwelling unit and 2.0 persons per multi-family unit.

At present, there are approximately 21 acres of parkland in the Plan Area that would meet the General Plan definition of a neighborhood, community or regional park. While the proposed Community Plan Land Use Map does not include additional park acreage, the Community Plan does require that new development provide parkland at the levels identified in the General Plan (3 acres per 1,000 residents). Figure 6.2 of the proposed Community Plan identifies approximate locations for future parks within proposed residential development, designated by a floating park symbol. The proposed Community Plan anticipates approximately 23 acres of new neighborhood parks would be created, for a community-wide total of 45 acres. The proposed Community Plan also contains the following goals, policies and an implementation measure regarding parkland:

*Goal OSC-1 Existing Parks*

Maintain and improve existing parks in Winton.

*Goal OSC-2 Integration of New Parks*

Ensure that proposed parks are well integrated into the community, with connections to existing neighborhoods and landscaped areas.

*Goal OSC-4 General Plan Consistency*

Ensure parkland for all new development adheres to the standard set by the Merced County General Plan, providing a minimum of three (3) acres of parkland per 1,000 persons (Policy RCR-1.3).

*Goal OSC-5 Existing Park Maintenance*

Maintain and improve existing community parks.

*Goal OSC-6 Location*

Minimize the number of collector road crossings for pedestrians to access a park, by siting neighborhood parks within the general areas designated in Figure 6.1.

*Policy OSC-6.1 Range Of Opportunities*

A range and variety of active and passive recreational opportunities are to be provided.

*Policy OSC-6.2 Alternative Transportation*

To accommodate additional recreational opportunities, the number of required parking spaces may be lower than existing County standards to encourage increased use of non-motorized transportation.

*Goal OSC-7 Location Of Pocket Parks*

Ensure residences are within reasonable walking distance (5 minutes or a maximum of 1/4 mile) of each existing and/or proposed pocket park. Pocket parks should be accessible without it being necessary to cross a collector road. (See *Figure 5.1* Circulation Plan for those roadways identified as a 'collector').

*Policy OSC-7.1 Park Features*

Park fixture donations shall be requested from local and national businesses, individuals (including artists), and volunteer organizations.

*Policy OSC-7.2 Pocket Park Maintenance*

Additional opportunities to encourage support of pocket park creation, maintenance, and enhancement by residents shall be considered.

*Implementation Measure OSC-1*

Work with local and national businesses, individuals (including artists), and service organizations to provide donations and/or in-kind donation of park fixtures.

In order to achieve the above policies for new parkland, funding would need to be available for land acquisition and improvements. The General Plan calls for 3 acres of parkland per 1,000 residents. The proposed Community Plan would increase Winton's population by approximately 5,562 persons, resulting in a need for an additional 17 acres of parkland. The proposed Community Plan anticipates approximately 45 acres of parkland would be available by buildout, composed of the existing 21-acre community park and approximately 23 acres of new neighborhood parks. As discussed above, County Code Section 17.44 requires that residential subdivisions with more than five parcels dedicate a minimum of three acres of improved parkland per 1,000 persons residing in the subdivision or, if the subdivision has fewer than 50 lots, it may pay an in lieu fee. The in lieu fees could be used to obtain additional parkland. Because new development must provide additional parkland at levels consistent with the General Plan requirements, the proposed Community Plan would provide for adequate park resources in the Plan Area. Therefore, effects on parks and recreational facilities would be **less than significant**.

- e. Development of the proposed Community Plan would require increases in other public services as well to accommodate the buildout service population. Expanded facilities within the Plan Area are evaluated programmatically throughout this EIR. Administrative and other services would need to be expanded. Typically, such services are funded through a combination of general fund revenue and fees. New development would pay required taxes and fees, which would increase funding for public services. Therefore, this impact would be **less than significant**.

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than Significant Impact	No Impact
<b>16. RECREATION.</b>				
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion**

a,b. As stated in Item 15d, the proposed Community Plan would ensure that adequate parkland is provided for new residents. Therefore, the proposed Community Plan would not increase the use of existing parks or recreation facilities to the extent that substantial physical deterioration would occur or be accelerated. New parkland would be located in areas designated for residential land uses. Therefore, to the extent that new recreational facilities could result in adverse physical effects on the environment due to park construction and operation, such impacts are addressed throughout Chapters 4 and 5 of this Draft EIR. For these reasons, the impact on recreational facilities would be ***less than significant***.

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than Significant Impact	No Impact
<b>17. TRANSPORTATION</b> <i>Would the project:</i>				
a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	■	□	□	□
b. Would the project conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?	■	□	□	□
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	□	□	■	□
d. Result in inadequate emergency access?	□	□	■	□

**Discussion**

- a. The proposed Community Plan would increase the number of housing units and the amount of employment-generating uses in the Plan Area, and, therefore, would also increase vehicular, pedestrian and bicycle traffic in the area. The traffic generated by the proposed Community Plan could result in congestion at local intersections and local roadways. This would be considered a **potentially significant impact**, and is addressed in Section 4.8 of this Draft EIR.
- b. The proposed Community Plan would increase vehicle miles traveled within the Plan Area and surrounding region. If the VMT exceeds applicable standards, it would be a **potentially significant impact** and is addressed in Section 4.8, Transportation and Circulation of this Draft EIR
- c. The proposed Community Plan would not substantially alter the existing street system. New roadways would be constructed to County standards, which are intended to minimize design hazards. Most new roadways would have bike lanes and sidewalks. There would be some farm equipment on roads in the vicinity of the Plan Area, but agricultural traffic would typically be in the rural areas, and would use different road segments from those living within the Plan Area. For these reasons, this would be a **less-than-significant impact**.
- d. The proposed Community Plan would maintain the existing street pattern within the Plan Area, and extend streets into new development. This could improve the surrounding street system and improve emergency routes and access. Therefore, this would be a **less-than-significant impact**.

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than Significant Impact	No Impact
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**18. TRIBAL CULTURAL RESOURCES**

a ) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

**Discussion**

a., b. No tribal cultural resources as defined in Public Resources Code Section 21074 have been identified in the Plan Area.<sup>50</sup> The County has not received a request from any tribe for consultation under AB 52.<sup>51</sup> The County also notified four tribes to inform them of the proposed Community Plan, but did not receive any requests for consultation.<sup>52</sup> During preparation of the 2030 Merced County General Plan, the County did not receive any requests for consultation from any tribe, nor comments expressing concerns for sacred lands within the County.<sup>53</sup> For these reasons, it is not anticipated that tribal cultural resources are present in the project area, and the impact would be ***less than significant***.

50 Gayle Totton, M.A., PhD., Associate Governmental Program Analyst, Native American Heritage Commission, written communication to Adrienne Graham, Environmental Consultant, December 12, 2016.

51 Diana Lowrance, Planner III, Merced County Community & Economic Development Department, electronic communication to Adrienne Graham, March 14, 2019.

52 Brian Guerrero, Planner III, Merced County Community & Economic Development Department, electronic communication to Adrienne Graham, November 8, 2016.

53 Merced County, *2030 Merced County General Plan, Draft Program Environmental Impact Report*, November 2012, page 9-16.

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than-Significant Impact	No Impact
<b>19. UTILITIES AND SERVICE SYSTEMS.</b>				
<i>Would the project:</i>				
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities or the construction or relocation of which could cause significant environmental effects?	■	□	□	□
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years??	■	□	□	□
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	■	□	□	□
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	■	□	□	□
e. Comply with federal, state, and local management and reduction statutes, and regulations related to solid waste?	■	□	□	□

**Discussion**

a.-e. The proposed Community Plan would increase demand for water, wastewater treatment, and disposal of solid waste. The increased demand is considered a **potentially significant** impact, and is addressed in Section 4.9, Utilities, of this Draft EIR.

As discussed in Item 6, Energy, above, the proposed Community Plan would increase demand for electricity and natural gas within Merced County by less than 0.5 percent. While new development would require the extension of local electrical and gas facilities, such as connections to transmission lines, no major improvements or development of new supplies have been identified for either baseline or peak usage. PG&E will review development proposals as they are submitted to determine what, if any, project-specific

improvements are needed. New electric, gas and telephone/communications lines would be installed within utility trenches, which are typically adjacent to roadways. Because these facilities would be located within the Plan Area, the environmental effects of their installation are included within the evaluation of impacts in Chapter 4 and Chapter 5 of this EIR.

For a discussion of storm drainage, please see Item 8d. This would be considered a ***potentially significant impact*** and is discussed in Section 4.9 of this EIR.

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than Significant Impact	No Impact
<b>20. WILDFIRE.</b> <i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i>				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion**

a-d. The Plan Area is located in a non-wildland/non-urban fire hazard severity zone, and is not located in or near a very high severity zone. The Plan Area is also not within or near a State Responsibility Area.<sup>54</sup> Further, the Plan Area is relatively flat, and does not contain slopes or other factors that would exacerbate wildfire risks, landslides or post-fire slope instability. For these reasons, there would be **no impact**.

For a discussion of fire protection within the Plan Area, please see Items 9g and 15a, above.

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<sup>54</sup> Merced County, *Merced County General Plan Background Report*, December 2013, Figure 10-16 and Figure 10-17.

Issues	Potentially Significant Impact	Less-than-Significant Impact with Mitigation Incorporated	Less-than Significant Impact	No Impact
<b>21. MANDATORY FINDINGS OF SIGNIFICANCE.</b>				
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	■	□	□	□
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	■	□	□	□
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	■	□	□	□

**Discussion**

- a. As discussed under Item 4, Biological Resources, the Plan Area does contain some habitat for several different special-status species. The existing habitat is fragmented and occurs in relatively small segments, because so much of the Plan Area is urbanized or cultivated with crops (e.g., orchards) that do not provide habitat for special-status species. Implementation and mitigation measures identified in Section 4.3 would ensure that special-status species were not directly harmed, and that there would be compensation for habitat that was lost as a result of the proposed Community Plan. With mitigation, the habitat would not be substantially reduced, no species would be made to fall below a self-sustaining level, and the number and range of special status species would not be reduced. There are also several known potentially significant historic properties in the Plan Area, along with a number of buildings that would be

considered potentially historic based on their age (see Section 4.4, Cultural Resources, for more details). There is the potential for archeological resources to be present. Implementation measures identified in Section 4.4 would ensure that significant historic and prehistoric resources are properly identified and treated. With implementation of mitigation measures identified, impacts on biological and archaeological resources would be less than significant. However, impacts on historic resources could remain **significant** (see Section 4.4 of this Draft EIR).

- b. The proposed Community Plan would contribute to the cumulative increase in traffic, as well as the resulting degradation of air quality, generation of greenhouse gases, and increases in traffic noise (see Sections 4.2, 4.5, 4.7, and 4.8 of this Draft EIR). In addition, the proposed Community Plan would contribute to the cumulative loss of farmland (see Section 4.1). The proposed Community Plan would also contribute substantially to cumulative impacts on biological or cultural resources because these resources are relatively sparse throughout the Plan Area. Identified mitigation would result in no net loss of special-status species, and protect archeological and historic resources. The proposed Community Plan development would comply with measures, so it would not contribute to cumulative degradation of water quality, which would be protected by the use of BMPs in the Plan Area and throughout the watershed. The proposed Community Plan's contributions to cumulative impacts associated with agriculture, air quality, greenhouse gas emissions, biological resources, cultural resources, noise, and traffic are considered **potentially significant**, and are evaluated in Chapter 4 of this EIR.
- c. As discussed throughout this Checklist, potential impacts on human beings that could occur as a result of the proposed Community Plan are less than significant or could be reduced to less-than-significant levels with mitigation, except for cumulative air quality, which is a **potentially significant impact**, and is evaluated in Chapter 4 of this EIR.