

## CHAPTER 5 Other CEQA Considerations

Section 15126 of the *California Environmental Quality Act* (CEQA) Guidelines requires that all aspects of a project must be considered when evaluating its impact on the environment, including planning, acquisition, development, and operation. As part of this analysis, the Environmental Impact Report (EIR) must also identify (1) significant environmental effects of the Proposed Project, (2) significant environmental effects that cannot be avoided if the Proposed Project is implemented, (3) significant irreversible environmental changes that would result from implementation of the Proposed Project, (4) growth-inducing impacts of the Proposed Project; (5) mitigation measures proposed to minimize significant effects, and (6) alternatives to the Proposed Project.

### 5.1 SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROPOSED PROJECT

Table 2-1 (Summary of Environmental Effects and Project Requirements/Mitigation Measures), which is contained in Chapter 2 (Summary) of this EIR, and Sections 4.1 through 4.15 of this EIR provide a comprehensive identification of the Proposed Project's environmental effects, including the level of significance both before and after mitigation.

### 5.2 SIGNIFICANT ENVIRONMENTAL EFFECTS THAT CANNOT BE AVOIDED IF THE PROPOSED PROJECT IS IMPLEMENTED

Section 15126.2(b) of the CEQA Guidelines requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures. Development of the Proposed Project would result in the following significant and unavoidable project-related and/or cumulative impacts:

- Agricultural Resources
  - > Implementation of the Proposed Project would directly convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (farmland), as shown on the maps prepared pursuant to the FMMP, to nonagricultural uses
- Air Quality
  - > Operation of the Proposed Project would exceed SJVAPCD standards for ROG and NO<sub>x</sub> and would result in a projected air quality violation
  - > Operation of the Proposed Project would result in a cumulatively considerable net increase of criteria pollutants (PM<sub>10</sub>, and precursors of ozone - ROG and NO<sub>x</sub>) for which the Proposed Project region is in nonattainment under an applicable federal or state ambient air quality standard

- Cultural Resources
  - > Implementation of the Proposed Project could affect a Traditional Cultural Property, which is an area held sacred to the Native American community
- Noise
  - > Operation of the Proposed Project would generate increased local traffic volumes that would cause a substantial permanent increase in ambient noise levels in the project vicinity
- Traffic/Transportation
  - > Operation of the Proposed Project would result in all study area intersections operating at an acceptable LOS range (i.e., LOS D or better) during Cumulative (2025) conditions with or without the project. However, six intersections would require lane improvements (e.g. additional turn lanes) and a greater amount of right-of-way to accommodate the lane improvements, so that each intersection could operate at an acceptable LOS with the addition of project traffic. While mitigation measures exist that would reduce this impact to a less-than-significant level, in order to implement five of the six mitigation measures, Madera County would need to receive permission from Caltrans to construct the improvements. If such permission is not given, the significant traffic impacts addressed by five of the six mitigation measures would remain
  - > Operation of the Proposed Project would result in additional vehicular traffic volumes along study area freeway segments that would exceed established service levels on freeway segments under the jurisdiction of Caltrans. While a mitigation measure exists that would reduce this impact to a less-than-significant level, Madera County would need to receive permission from Caltrans to construct the improvements. If such permission is not given, the significant traffic impact addressed by the mitigation measure would remain

### 5.3 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL EFFECTS

Section 15126.2(c) of the CEQA Guidelines requires a discussion of any significant irreversible environmental changes that would be caused by the Proposed Project. Specifically, Section 15126.2(c) states:

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible, since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as a highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to ensure that such current consumption is justified.

Generally, a project would result in significant irreversible environmental changes if any of the following would occur:

- The primary and secondary impacts would generally commit future generations to similar uses
- The project would involve a large commitment of nonrenewable resources
- The proposed consumption of resources is not justified (e.g., the project involves the wasteful use of energy)

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

Development of the Proposed Project would result in the commitment of Madera County to commercial, industrial, and residential uses at the Project Site, including associated on-site and off-site infrastructure improvements, which would preclude any other uses for the lifespan of the project. As discussed previously, the Rio Mesa Area Plan (RMAP) identifies a long-term plan for the Specific Plan Area as one of three community cores or “villages” that would accommodate new housing and related land uses associated with anticipated future Madera County population growth. Although the proposed development would commit future generations to using the Project Site for developed rather than agricultural purposes, such a commitment is consistent with planned uses for the site as reflected by the RMAP, which was amended to the County’s General Plan.

Resources that would be permanently and continually consumed as a result of construction and/or operation of the project include water, electricity, natural gas, and fossil fuels; however, the amount and rate of consumption of these resources would not result in significant environmental impacts related to the unnecessary, inefficient, or wasteful use of resources.

With respect to energy, new buildings in California are required to conform to energy conservation standards specified in Title 24 of the *California Code of Regulations* (CCR). The standards establish “energy budgets” for different types of residential and nonresidential buildings, with which all new buildings must comply. Energy-efficient measures would be implemented to the maximum extent feasible in all development under the Proposed Project, including low-flow plumbing fixtures and drip irrigation. In order to conform to CCR Title 24, efficient energy use in the Specific Plan Area would be required, which would ensure that energy-efficient building design and construction is followed.

Where feasible, project features would be designed to maximize solar gain and minimize heat-reflective surfaces, as well as providing landscaping, where appropriate, to reduce heat reflection on adjacent structures pursuant to the requirements of Title 24. The development would be sited and designed to maximize access to sunlight and air. The Proposed Project would utilize water-conserving plants to the greatest extent feasible in the landscape plan according to the Tesoro Viejo Water Supply Analysis, as well as reclaimed water for irrigation and other resource conservation practices. A tree nursery has also been established on the Project Site to provide mature trees for the Proposed Project, if approved. Mature trees have a higher survival rate, minimize energy consumption through shading and cooling, and require less intensive watering. Therefore, the use of energy on site would occur in an efficient manner.

Compliance with all applicable building codes, as well, as project mitigation measures and project features, would ensure that all natural resources are conserved or recycled to the maximum extent feasible. It is also possible that new technologies or systems would emerge, or would become more cost-effective or user-friendly, that would further reduce the site’s reliance upon nonrenewable natural resources; however, even with implementation of conservation measures, consumption of natural resources would generally increase with implementation of the Proposed Project.

Construction and operational activities related to the Proposed Project would result in the irretrievable commitment of nonrenewable energy resources, primarily in the form of fossil fuels (including fuel oil), natural gas, and gasoline for automobiles and construction equipment.

With respect to aspects of the project that could result in irreversible damage caused by environmental accidents, the Proposed Project would not involve uses that handle acutely hazardous materials, as discussed in Section 4.7 (Hazards and Hazardous Materials) of this EIR. The project consists of residential, commercial, and light industrial uses that would use primarily household-type cleaning materials, such as detergents, cleansers, pesticides, and herbicides. These are not considered acutely hazardous materials according to the National Institutes of Health. No acutely hazardous materials were associated with the Proposed Project in Section 4.7. There is the possibility for contaminated soil to be encountered during grading, excavation, and/or ground disturbance associated with the Proposed Project. Such contamination may have resulted from past ranching or agricultural operations on the Project Site over the last 100 years. However, the risks of accidental contamination from handling these materials or transport of these materials off site would be reduced to a less-than-significant level through compliance with the many federal, State, and local regulations regarding the handling and disposal of such materials. Thus, no irreversible damage would result from any potential environmental accidents associated with the project.

## 5.4 GROWTH-INDUCING IMPACTS

As required by the CEQA Guidelines, an EIR must include a discussion of the ways in which the Proposed Project could directly or indirectly foster economic development or population growth, or the construction of additional housing and how that growth would, in turn, affect the surrounding environment (CEQA Guidelines Section 15126.2(d)). Growth can be induced in a number of ways, by eliminating obstacles to growth or by stimulating economic activity within the region. The discussion of the removal of obstacles to growth relates directly to the removal of infrastructure limitations or regulatory constraints that could result in growth unforeseen at the time of project approval. There is no determination under CEQA of whether induced growth is beneficial, detrimental, or of little significance to the environment.

In general, a project has the potential to foster spatial, economic, or population growth in a geographic area if it meets any one of the criteria identified below:

- The project removes an impediment to growth (e.g., the establishment of an essential public service, or the provision of new access to an area)
- The project results in the urbanization of land in a remote location (leapfrog development)
- The project establishes a precedent-setting action (e.g., a change in zoning or general plan amendment approval)
- Economic expansion or growth occurs in an area in response to the project (e.g., changes in revenue base, employment expansion, etc.)

If a project meets any one of these criteria, it may be considered growth inducing. Generally, growth-inducing projects are either located in isolated, undeveloped, or underdeveloped areas, necessitating the extension of major infrastructure such as sewer and water facilities or roadways, or encourage premature or unplanned growth.

### 5.4.1 Remove an Impediment to Growth/Precedent-Setting Action

The Proposed Project would result in a slight modification of existing Rio Mesa Area Plan (RMAP) land use designations; however, as discussed in Section 4.9 (Land Use and Planning), the land use designations in the RMAP are substantially consistent with the uses proposed in the Specific Plan. As a plan for new development that is consistent with the County's General Plan, as reflected in the RMAP, the Specific Plan would not remove an existing impediment to growth with respect to land use or zoning designations. The proposed Specific Plan would not set a precedent by allowing commercial, residential and light industrial uses in a location where they are currently prohibited.

In terms of physical improvements that could remove an impediment to growth, the Proposed Project would extend infrastructure, such as utility lines and roadways, to areas that are not currently served by infrastructure. The extension of this infrastructure would allow Specific Plan buildout. While utilities infrastructure related to stormwater, water, and sewer would be sized to meet the needs of the Proposed Project, the design of this infrastructure would not preclude “upsizing” to accommodate other approved developments. However, while the water distribution system could be upgraded to accommodate additional (and future) development, each property or proposed development would be required to secure its own water supply.

In terms of traffic infrastructure, the on-site and off-site improvements required to accommodate the Proposed Project would significantly contribute towards making the region more accessible, and would also provide most of the necessary improvements to allow development of the adjacent Morgan and Jamison parcels. As further described in Section 4.13 (Transportation/Traffic), the Proposed Project contributes approximately 90 percent of the need for the traffic improvements (with the least contribution of 83.7 percent and the greatest contribution of 93.4 percent). The remaining contribution would be attributable to the development that could occur in the Morgan and Jamison parcels. Also, by increasing the capacity of existing SR-41 to accommodate the Proposed Project, which currently provides increased freeway capacity, an impediment to growth, an obstacle to additional growth may be removed. Improved accessibility is a necessary element of Specific Plan development.

### 5.4.2 Urbanization of Land in a Remote Location

By introducing nonagricultural land uses in an area formerly dominated by agricultural uses, and by expanding the existing network of electricity, water, sewer, storm drain, communications, roadways, and other infrastructure, the Proposed Project would increase the desirability of nearby rural lands for development, resulting in possible “leapfrog” development. This project, in part, responds to nearby development that is in a more advanced state of planning, including the Village of Gateway and North

Fork developments. In other words, the Proposed Project would be influenced by previous developments as well as potentially triggering future development. The high demand for new housing in California, and in this area in particular, would likely draw a number of new residents to the project area following buildout of the Specific Plan.

The Madera County General Plan and the County's zoning policy restrict new growth to certain areas, while reserving other areas for existing land uses. The Proposed Project, along with many of the adjacent properties, fall within a designated new growth area referred to as the "Rio Mesa." The land uses allowed in the Rio Mesa area are set forth and described in the Rio Mesa Area Plan (RMAP).

The RMAP is an adopted element of the Madera County General Plan intended to provide guidance for this southeastern subarea of the County along the western edge of the San Joaquin River. It is also intended to provide a planning framework for the development of more detailed implementation plans and measures of which this Proposed Project is one. The RMAP area covers approximately 15,000 acres, and plans for about 35,000 du, commercial and light industrial uses, and open space. The Proposed Project would encompass virtually all the area designated in the RMAP as the Rio Mesa Village (also referred to as the Rio Mesa Community Village), which is one of the three designated villages in the RMAP, with the North Fork Village to the north and the Avenue 12 Village to the south.

The RMAP is intended to prevent the unplanned expansion of urban uses and, instead, provide for orderly and planned development, even if that results in urbanization of land in remote locations. While the RMAP provides a planning framework, it would result in the direct conversion of land in a remote location to urban uses.

### 5.4.3 Economic Expansion or Growth

Between 2000 and 2006, industry employment in Madera County has increased 15.5 percent, or 6,100 jobs (CEDD 2007a). With the exception of farm jobs and the information industry, all major industries increased employment over these years. Four industries increased by the largest shares of new jobs: natural resources, mining, and construction (93.3 percent), trade, transportation, and utilities (28.6 percent), financial activities (28.6 percent), and educational and health services (34.1 percent).

During the period 2000–2006, Madera's total labor force (all employable persons 16 years of age and over) posted a 15.7 percent growth, representing a gain of 8,600 persons. In 2006, the County's unemployment rate dropped 1.7 percentage points to 7.0 percent. Madera's unemployment rate has declined significantly since 2000, yet remains above California's rate which was 4.9 percent in 2006 (CEDD 2007a). More recent data collected by the California Employment Development Department for 2007 indicates an unemployment rate in Madera County of 6.1 percent, which represents a drop of 0.9 percent since 2006 (CEDD 2007b).

Of the total jobs projected for Madera County by the Rio Mesa Traffic Model V2.0 for the 2030 scenario, 8,800 jobs are attributable to the RMAP area, not including the buildout of the Tesoro Viejo Specific Plan, which would directly contribute an additional 6,518 new jobs (see Section 4.11 [Population and Housing]). Because much of the land within the RMAP area is undeveloped or devoted to

agricultural uses, current employment in the RMAP area is estimated at approximately 300 jobs.<sup>130</sup> The total projected employment for the RMAP area in 2030 would be approximately 29 times current employment levels. Development under the Proposed Project would account for approximately one of every three new jobs in the RMAP area and approximately one out of every four jobs countywide during the 2006 to 2030 period. The generation of new jobs as a result of the Proposed Project would have a beneficial or neutral effect upon the County's unemployment rate, which at 7 percent, is currently higher than the California average of 4.9 percent (based on 2006 data) (CEDD 2007c).

Some of the new jobs generated by the Proposed Project could be filled by currently unemployed residents of unincorporated Madera County as well as by unemployed residents in neighboring communities. Also, it is possible that existing, employed residents of unincorporated Madera County and/or neighboring communities could change jobs and fill the new employment opportunities offered by the proposed development, providing an additional potential labor pool. In some cases, it is possible that new jobs generated by the Proposed Project would be filled by individuals that move to Madera County from other areas.

In addition to the permanent jobs projected, construction employees would also be required to construct the Proposed Project. The number of construction employees would vary depending upon the phase of construction, but would include up to 1,000 employees during the most labor-intensive phases of construction. It is anticipated that out-of-area construction employees would commute from elsewhere in the region, rather than relocate to the RMAP area for a temporary construction assignment. In addition, due to the nature of construction activities, the employment opportunities resulting from construction-related work assignments are not considered permanent. Construction-related activities would, therefore, have a negligible impact on population and housing resources.

The combination of land uses in the Proposed Project would function to increase retail and commercial sales and activities within the County. The creation of new commercial activities would contribute to the economic vitality of the County, which would enable the continued provision of high-quality services and programs for residents and businesses and would contribute to the municipal revenue stream, as noted above. Furthermore, the Proposed Project would pay all applicable development fees for the necessary infrastructure and public services improvements, including those associated with water, park, sewer, roadways, and police, and would result in increased property tax revenues.

The positive revenue stream may result in the creation of indirect and induced jobs. Indirect jobs are those that would be created when the future owners and/or managers of the retail-commercial uses purchase goods and services from businesses in the region, and induced jobs are those that are created when wage incomes of those employed in direct and indirect jobs are spent on the purchase of goods and services in the region. Local economic impacts are primarily the result of purchases of goods and services as well as payment of taxes and salaries, which affects the regional economy of the County, and,

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<sup>130</sup> This figure assumes that approximately 0.02 full-time, nonseasonal agricultural jobs are generated per acre of agricultural production in Madera County (based on countywide agricultural job totals in Section 4.11 [Population and Housing] and agricultural acreage in Section 4.2 [Agricultural Resources]). It also assumes that all existing jobs in the RMAP area are related to the agricultural industry. The area of the RMAP is 15,000 acres.

on a more indirect basis, California. Therefore, the positive revenue stream and the resulting increased economic viability of the project site could result in indirect growth-inducing impacts.

## 5.5 MITIGATION MEASURES PROPOSED TO MINIMIZE SIGNIFICANT EFFECTS OF THE PROPOSED PROJECT

Table 2-1 (Summary of Environmental Effects and Project Requirements/Mitigation Measures), which is contained in Chapter 2 of this EIR, provides a comprehensive identification of the Proposed Project's environmental effects and proposed mitigation measures.

## 5.6 ALTERNATIVES TO THE PROPOSED PROJECT

Alternatives to the Proposed Project are presented in Chapter 6 (Alternatives to the Proposed Project) of this Draft EIR.

## 5.7 REFERENCES

California Employment Development Department (CEDDD). *Labor Market Information Division. 2007a. Madera County Industry Employment and Labor Force—by Annual Average*, March 2006 Benchmark, October 19.

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