

Merced County Regional Transportation Plan- Regional Transportation Impact Fee Expanded Initial Study



Section 1

Project Background/Introduction

1.0 Project Application Information:

Project Title: Regional Transportation Impact Fee

*Lead Agency Name and Address: Merced County Association of Governments
369 W. 18th Street
Merced, CA 95340*

*Contact Person & Phone Number: Marjorie Kirn, Deputy Executive Director
(209) 723-3153 (fax) 209-723-0322*

2.0 Project Location & Jurisdiction:

Merced County, consisting of approximately 2,007 square miles, is located in Central California. Merced County is bounded by Mariposa County and the Sierra Nevada Range to the east, Santa Clara and San Benito Counties, along with the Coast Range, to the west, Stanislaus County to the north and Madera County to the south.

The Merced County Association of Governments (MCAG) was established by a joint powers agreement between the incorporated Cities within Merced County and the County of Merced. The goal of MCAG is to provide and promote intra and inter-jurisdictional planning, and providing technical planning services to member jurisdictions. The project area includes Merced County, its six incorporated Cities and unincorporated urban centers (SUDPS) including the City of Atwater, the City of Dos Palos, the City of Gustine, City of Livingston, the City of Los Banos and the City of Merced. For purposes of this study, MCAG has been designated as the “Lead Agency” pursuant to CEQA and the incorporated Cities within Merced County and the County of Merced are “Responsible Agencies”.

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Exhibit “A”

Merced County RTP –Regional Transportation Impact Fee Projects

| |
|---|
| Bellevue Rd - connection to 99 - from new interchange to Atwater |
| Mission Ave. - improvement - from 59 to 99 (not adding lanes) |
| SR 59 "Castle Highway" - re-align - from 99 to Bellevue with new 99 Interchange |
| SR 59 - widen to 4 lanes - from Mission Ave. to Childs Ave. |
| SR 59 - widen to 4 lanes - from 152 to Mission Ave. |
| SR 99 - widen to 6 lanes - from Hammatt Ave. to Merced River |
| SR 99 - widen to 6 lanes - Merced River Bridge |
| SR 99 - widen to 6 lanes - Merced River to Stanislaus County |
| SR 99 "Merced Freeway" - widen to 6 lanes - from Childs to V St. |
| SR 99 "Atwater Freeway" - widen to 6 lanes - from Buhach to Westside |
| SR 140 "Bradley Overhead" - widen to 4/5 lanes - from Parsons to Santa Fe Ave. |
| SR 140 - widen to 4/5 lanes - from Santa Fe Ave. to Campus Parkway |
| SR 140/33 "Gustine Truck Route" - bypass Gustine |
| SR 152 "Los Banos Bypass" |
| SR 165 - widen to 4/5 lanes - from Hilmar to Stanislaus County |

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3.0 Brief Project Description:

The proposed project is Regional Transportation Impact Fee Program for the purpose of implementing the Regional Transportation Plan (RTP). The impact fee would help fund fifteen regionally significant transportation improvement projects that will be necessary to maintain a level of service “D” or better on the regional road network in Merced County and its communities. Total estimated cost for the fifteen projects is approximately \$884 million. Fees would pay for the portion of the project plan that is created by new growth and development. The fees will be applied to new construction throughout the County and its communities. A copy of the proposed fee plan is contained in Attachment “A” of this Initial Study.

4.0 Other Agencies Whose Approval is Required:

The County of Merced and the Cities of Atwater, Dos Palos, Gustine, Livingston, Los Banos and Merced are responsible agencies and will need to adopt the proposed Impact Fees in their respective jurisdictions.

5.0 Purpose and Legal Basis for the Initial Study:

As a public disclosure document, this Initial Study also provides local decision makers and the public with information regarding the environmental impacts associated with the Project. According to Section 15063 of the CEQA Guidelines, the purpose of an Initial Study is to:

1. Provide the Lead Agency with information to use as the basis for deciding whether to prepare an EIR or a Negative Declaration.
2. Enable an applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a Negative Declaration.
3. Assist in the preparation of an EIR, if one is required by:
 - a. Focusing the EIR on the effects determined to be significant,
 - b. Identifying the effects determined not to be significant,
 - c. Explaining the reasons for determining that potentially significant effects would not be significant, and
 - d. Identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the project’s environmental effects.
4. Facilitate environmental assessment early in the design of a project.
5. Provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment.

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6. Eliminate unnecessary EIRs.
7. Determine whether a previously prepared EIR could be used with the project.

6.0 Previous Environmental Studies

In an effort to minimize duplication and streamline the environmental review process, CEQA provides procedures that allow a lead agency to utilize previous CEQA documents in the project review process.

Tiering (*CEQA Guidelines §1515*) in CEQA is designed to promote efficiency in the environmental review process and improve compatibility of CEQA with the NEPA process. The concept of Tiering recognizes that approval of many projects will move through a series of separate public agency decisions, each of which is subject to CEQA review.

- A. Where an EIR has been prepared and certified for a program, plan, policy, or ordinance consistent with the requirements of CEQA, a lead agency for a later project pursuant to or consistent with the program, plan, policy, or ordinance would limit the EIR or negative declaration on the later project to effects which:
 1. Were not examined as significant effects on the environment in the prior EIR; or
 2. Are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, by the imposition of conditions, or other means.

Significant environmental effects have been “adequately addressed” if the lead agency determines that:

1. They have been mitigated or avoided as a result of the prior environmental impact report and findings adopted in connection with that prior environmental impact report;
2. They have been examined at a sufficient level of detail in the prior environmental impact report to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project; or
3. They cannot be mitigated to avoid or substantially lessen the significant impacts despite the projects proponent’s willingness to accept all feasible mitigation measures, and the only purpose of including analysis of such effects in another environmental impact report would be to put the agency in a position to adopt a statement of overriding considerations with respect to the effects.

Types of EIRs that may be used in a tiering situation include, but are not limited to, a general plan EIR (15166), Staged EIR (15167), Program EIR (15168) Master EIR (15175), Multi-family residential development, residential and commercial or retail mixed use developments (15179.5), redevelopment project (15180), housing, neighborhood commercial facilities in an urbanized area (15181), or projects consistent with a community plan, general plan, or zoning

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(15183). This project is a second tier review of the Merced County Regional Transportation Plan Expanded Initial Study. A copy of RTP potential Impacts Mitigation Measures is contained in Attachment “B” of this Initial Study.

7.0 Initial Environmental Checklist

Following each major category in the Initial Study are four determinations by which to judge the project's impact. These categories and their meanings are shown below:

“**No Impact**” means that it is anticipated that the project will not effect the physical environment on and around the project site. It, therefore, does not warrant mitigation measures.

“**Less than Significant Impact**” means the project is anticipated to effect the physical environment on and around the project site, however, to a less than significant degree, and therefore not warranting mitigation measures.

“**Potentially Significant Unless Mitigation Added**” applies to impacts where the incorporation of mitigation measures into a project has reduced an effect from “Potentially Significant” to “Less Than Significant”. In such cases, and with such projects, mitigation measures will be provided including a brief explanation of how they reduce the effect to a less than significant level.

“**Significant and Unavoidable Impact**” means there is substantial evidence that an effect is significant, and no mitigation is possible. In cases where a Statement of Overriding Considerations has been adopted for certain regional impacts within the City of Los Banos’ General Plan EIR, which is a first tier EIR, a discussion will be provided regarding its purpose and applicability. The identification of one or more “Significant and Unavoidable Impact” entries, for the General Plan EIR Statement of Overriding Considerations does not apply, will necessitate the preparation of an EIR.

8.0 Regional Transportation Plan (RTP) Description:

The Regional Transportation Plan (RTP) is intended to bring about a well balanced and efficient transportation system within Merced County. The RTP includes an Assessment of Existing Conditions, a Policy Element, an Action Element and a Financial Element. A listing of proposed projects is included in the Regional Transportation Plan. All projects listed in the RTP Fee Program are contained in the RTP project list.

9.0 Previous Environmental Studies, Decision & Documentation:

In 1992, The Merced County Association of Governments commissioned the preparation of a Program Environmental Impact Report (SCH#91122006) for the 1992 Regional Transportation Plan Update and the County’s Congestion Management Plan. The analysis of potential impacts, and the resulting mitigation measures, were discussed in the EIR in a very general way, because both the Regional Transportation Plan (RTP) and the Congestion Management Plan (CMP) are regional planning documents that describe projects in very

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general terms. Site specific environmental assessments of individual project that would be undertaken as a result of the either the RTP and/or CMP are done at a future time, as necessary. Subsequent environmental assessments require a more detailed level of analysis based on a more precise level of planning and project design. Subsequent project analysis results in project level Negative Declarations, Addenda, Supplemental EIRs or Subsequent EIRs in accordance with the requirement of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA).

The overall assessment of the 1992 Program EIR was reviewed as a basic source of environmental data for the preparation of the following Initial Study. While some projects have been completed and new projects added to the Regional Transportation Plan since the completion of the EIR, the overall assessment of program impacts is relatively similar. The 2001 Merced County Regional Transportation Plan Initial Study was based upon this 1992 Program EIR and also serves as a basis for this Initial Study.

It should be noted that the cities and the County general and the EIR prepared for the 10th University of California campus, address the overall regional growth issues, and the related impacts, but do not necessarily address the system improvements themselves. As a result, this study focuses on the types of project level impacts that are likely to result from system development and/or improvement.

The Regional Transportation Impact Fee Program is an implementation element for the RTP and will not have any direct physical impact on the environment. The following analysis focuses on the indirect impacts of the RTP implementation as reflected in the RTP Initial Study as supplemented by this document.

10.0 Environmental Factors Potentially Affected:

| | | | | | |
|----------|-------------------------------------|----------|---|----------|----------------------------------|
| X | <i>Biological Resources</i> | X | <i>Agriculture Resources</i> | X | <i>Geology/Soils Air Quality</i> |
| X | <i>Aesthetics</i> | X | <i>Cultural Resources</i> | X | <i>Land Use/Planning</i> |
| X | <i>Hazards & Hazardous Mat.</i> | X | <i>Hydrology/Water Quality</i> | X | <i>Population/Housing</i> |
| X | <i>Mineral Resources</i> | X | <i>Noise</i> | X | <i>Transportation/Traffic</i> |
| X | <i>Public Services</i> | X | <i>Recreation</i> | X | <i>Utilities/Service Systems</i> |
| X | <i>Other</i> | X | <i>Mandatory Findings of Significance</i> | | |

Section 2

CEQA Determination of Impact

On the basis of this initial environmental evaluation:

1. I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
2. I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.
3. I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
4. I find the proposed project MAY have a significant effect(s) on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards; and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a “potentially significant impact” or “potentially significant unless mitigated.” An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
5. I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects: (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards; and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

By Marjorie Kirn

Date: March 21, 2003

Title: Deputy Executive Director

Signature

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Section 3

ENVIRONMENTAL CHECKLIST ENVIRONMENTAL IMPACTS/NON IMPACTS

1. AESTHETICS

| <i>Would the Project:</i> | Significant Impacts? | | | |
|--|---|---|------------------------------------|--------------------------|
| | Significant & Unavoidable Impact | Potentially Significant Unless Mitigated | Less than Significant Impact | No Impact |
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| b) Substantial damage to scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | X | <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"/> | X | <input type="checkbox"/> |

Aesthetics Discussion: This environmental issue focuses on the impacts of a project on scenic vistas and the overall appearance of the project in the community context. Issues of light and glare, community view-sheds, architectural compatibility with existing development or a specific site or setting are all part of the issue of “Aesthetics” as addressed within the framework of CEQA.

Conclusions & Data:

a), b) Projects funded with impact fees will be subject to review at the time of project planning and design to determine the potential impacts to scenic vistas and scenic resources. As a result of this review, project design or other mitigation will be implemented to reduce potential impacts to a “less than significant” level in accordance with state law and local policy. c) Project planning and design typically involves public processes and review that address potential conflicts of a project with the visual character or quality of a site and its surroundings. d) New and expanded transportation infrastructure will result in new safety and security lighting. These new light sources will be located along or within public streets and roadways and are typically designed to be compatible with surrounding areas.

Persons Contacted and Information Consulted:

Merced County Association of Governments:

- 2001 Regional Transportation Plan for Merced County, Merced, California, July 2001.
- Draft & Final Impact Report-1992 Regional Transportation Plan Update for Merced County & Congestion Management Program for Merced County and the Incorporated Cities; Merced, California, December 1992.

Merced County: Merced County Year 2000 General Plan, Merced County Planning Department.

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Proposed Mitigation:

As a result of this analysis, it was determined that there are no direct significant adverse impacts to Aesthetic Resources resulting from the project beyond the potential indirect impacts identified in the environmental document for the Regional Transportation Plan (RTP) and no additional mitigation is proposed.

Mitigation Monitoring:

Not applicable beyond the Mitigation Monitoring Program of the Regional Transportation Plan.

2. AGRICULTURAL RESOURCES

| <i>Would the project:</i> | Significant Impacts? | | | |
|--|---|---|---|--------------------------|
| | Significant & Unavoidable Impact | Potentially Significant Unless Mitigated | Less than Significant Impact | No Impact |
| 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 of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| c) Involve other changes in the existing environment, which due to their location or nature, could result in conversion of farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |

General Impact Discussion/Setting: This environmental issue focuses on the impacts of a project on farmland and agricultural productivity. Environmental concerns focus on the loss of agricultural cropland as inventoried by the Farmland Mapping and Monitoring Program of the California Resources Agency as well as agricultural zoning and Williamson Act Contract lands. An additional area of concern is the potential changes resulting from a project that could lead to future conversion of agricultural lands to non-agricultural uses.

Conclusions & Data:

a) Projects funded with impact fees will be subject to the Merced County Farmland Mapping and Monitoring Program Database review, at the time of project planning and design, to determine the potential for converting farmland to non-agricultural uses. As a result of this review, project design or other mitigation will be implemented to reduce potential impacts to a “less than significant” level in accordance with state law and local policy.

b) Projects funded with impact fees will be subject to farmland zoning and Williamson Act Contract review, at the time of project planning and design, to determine the potential for converting farmland to non-agricultural uses. As a result of this review, project design or other mitigation will be implemented to reduce potential impacts to a “less than significant” level in accordance with state law and local policy.

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c) Projects funded with impact fees will be subject to review, at the time of project planning and design, to determine the potential of the project to involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland, to non-agricultural use. As a result of this review, project design or other mitigation will be implemented to reduce potential impacts to a “less than significant” level in accordance with state law and local policy.

Persons Contacted and Information Consulted:

The Merced County General Plan and Environmental Study. The files of the Farmland Mapping and Monitoring Data Base, as maintained by MCAG on the Valley-Wide GIS for Merced County, were reviewed.

Proposed Mitigation:

As a result of this analysis, it was determined that there are no direct significant adverse impacts to Agricultural Resources resulting from the project beyond the potential indirect impacts identified in the environmental document for the Regional Transportation Plan (RTP) and no additional mitigation is proposed.

Mitigation Monitoring:

Not applicable beyond the Mitigation Monitoring Program of the Regional Transportation Plan.

3. AIR QUALITY

| <i>Could The Project:</i> | Significant Impacts? | | | |
|---|---|---|-------------------------------------|--------------------------|
| | Significant & Unavoidable Impact | Potentially Significant Unless Mitigated | Less than Significant Impact | No Impact |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| c) 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 (including releasing emission, which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| d) Expose sensitive receptors to pollutant concentration? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

Air Discussion: This environmental issue focuses on the impacts of a project on air quality. Issues over project consistency with applicable air quality plans, policies and regulations, increases of any pollutant for which the area has been designated as a “non-attainment” area. Additional concerns are over the exposure of sensitive receptors, such as people, to high levels of air pollution or odors. The Federal Clean Air Act Amendments (CAAA) has placed stringent new requirements on transportation planning and programs. Under the CAAA, the RTP must analyze the impacts, if any, of the proposed actions included in this plan to air quality standards.

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The RTP contains a discussion on the relationship between the RTP and the Federal CAAA. An RTP air quality conformity analysis is included in the RTP appendices.

Conclusions & Data:

a) Projects funded with impact fees will not conflict with the implementation strategy of the San Joaquin Valley Regional Air Quality Management Plan. b) Merced County is one of eight counties within the San Joaquin Valley Air Basin that has been designated as a non-attainment area for both particulate matter (PM10) and ozone. c) As a result of growth, increased traffic and emissions from business, industry and residential uses contribute to the region's air pollution cumulatively. Projects funded with impact fees will involve site excavation but application of County dust control regulations will minimize dust and, as a result, project construction will not be a source of significant dust. d) Projects funded with impact fees will not expand localized carbon monoxide problems and will most likely contribute to their reduction. Projects funded with impact fees will not create any traffic concentrations that would result in the creation of air pollution concentrations and/or expose sensitive receptors to such concentrations. e) Projects funded with impact fees are not of the type that is likely to create an objectionable odor.

Persons Contacted and Information Consulted:

San Joaquin Valley Unified Air Pollution Control District:

Guide for Assessing Air Quality Impacts, Fresno, California.

Air Quality Guidelines for General Plans, Fresno, California.

Merced County Association of Governments Draft & Final Impact Report-1992 Regional Transportation Plan Update for Merced County & Congestion Management Program for Merced County and the Incorporated Cities; Merced, California, December 1992.

Proposed Mitigation:

As a result of this analysis, it was determined that there are no direct significant adverse impacts to Air Quality resulting from the project beyond the potential indirect impacts identified in the environmental document for the Regional Transportation Plan (RTP) and no additional mitigation is proposed.

As a result of this analysis, it was determined that there are no significant adverse impacts to beyond those identified in the environmental document for the Regional Transportation Plan (RTP) and no additional mitigation is proposed.

Mitigation Monitoring:

Not applicable beyond the Mitigation Monitoring Program of the Regional Transportation Plan.

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4. BIOLOGICAL RESOURCES

| <i>Would the project:</i> | Significant Impacts? | | | |
|--|---|---|-------------------------------------|--------------------------|
| | Significant & Unavoidable Impact | Potentially Significant Unless Mitigated | Less than Significant Impact | No Impact |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 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 native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Biological Resources Discussion: This environmental issue focuses on the impacts of a project with respect to biological resources such as sensitive plant or animal species or their habitat, or riparian habitat or interfere with the normal movements of wildlife species in the vicinity of a project. Additional concerns focus on consistency of a project with adopted plans, policies and regulations regarding wildlife, habitat conservation planning, local wildlife preservation plans and policies on wetlands.

Conclusions & Data:

a) Projects funded with impact fees will be subject to Natural Diversity Database review, at the time of project planning and design, to determine if there are any candidate, sensitive, or special status species on the improvement site or likely to be impacted as a result of development. As a result of this review, project design or other mitigation will be implemented to reduce potential impacts to a “less than significant” level.

b) Studies will be performed for projects funded with impact fees to determine if the area involved contains any important riparian habitat or contains any sensitive natural community as identified by any federal, state or regional agency with responsibilities for planning or managing

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wildlife habitat. As a result of this review, project design or other mitigation will be implemented to reduce potential impacts to a “less than significant” level.

c) Studies will be performed for projects funded with impact fees, to determine if the area involved contains any federally protected wetlands as defined by Section 404 of the Clean Water Act. As a result of these studies, project design or other mitigation will be implemented to reduce potential impacts to a “less than significant” level.

d) Studies will be performed for projects funded with impact fees to determine if the area involved contains any migratory corridors determined to be sensitive or important for the movement of wildlife in the region. In accordance with federal and state law, plans will be modified to assure that the project does not impede the use of any native wildlife nursery site.

e) A review will be conducted on projects funded with impact fees to determine if the development plans conflict with any local policies or ordinances with respect to biological resource protection. As a result of this review, project design or other mitigation will be implemented to reduce potential impacts to a “less than significant” level.

f) A review will be performed for projects funded with impact fees to determine if the area involved have an adopted Habitat Conservation Plan or Natural Community Conservation Plan or other approved local, regional, or state habitat conservation plan on or around the proposed development site. If the project is located in such a planning area, development will be consistent with the adopted plan or amendments will be made in accordance with adopted local, state and federal regulations.

Persons Contacted and Information Consulted:

California Department of Transportation, Guidance for Consultants, Procedures for Completing the Natural Environmental Study and Related Biological Reports, Sacramento, CA., April 1990.

California Department of Fish and Game Natural Diversity Data Base, Sacramento, California, Merced County Association of Governments:

2001 Regional Transportation Plan for Merced County, Merced California, July 2001.
Draft & Final Impact Report-1992 Regional Transportation Plan Update for Merced County & Congestion Management Program for Merced County and the Incorporated Cities; Merced, California, December 1992.

Proposed Mitigation:

As a result of this analysis, it was determined that there are no direct significant adverse impacts to Biological Resources resulting from the project beyond the potential indirect impacts identified in the environmental document for the Regional Transportation Plan (RTP) and no additional mitigation is proposed.

Mitigation Monitoring:

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Not applicable beyond the Mitigation Monitoring Program of the Regional Transportation Plan.

5. CULTURAL RESOURCES

| <i>Would The Project:</i> | Significant Impacts? | | | |
|---|---|---|-------------------------------------|--------------------------|
| | Significant & Unavoidable Impact | Potentially Significant Unless Mitigated | Less than Significant Impact | No Impact |
| a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Cultural Resources Discussion: This environmental issue focuses on the impacts of a project on cultural resources including, but not limited to, the adverse change to a significant historical or archaeological, resource. Other areas of concern include the potential for a project to adversely impact a unique paleontological resource or geologic feature or disturb any human remains.

Conclusions & Data:

a) Projects funded with impact fees will be reviewed, at the time of project planning and design, to determine the potential existence of any historical resource as defined in Section 15064.5 of the CEQA Guidelines. As a result of this review, project design or other mitigation will be implemented to reduce potential impacts to a “less than significant” level in accordance with state law and local policy. b) Projects funded with impact fees will be reviewed, at the time of project planning and design, to determine the potential existence of any archaeological resources as defined in Section 15064.5 of the CEQA Guidelines. As a result of this review, project design or other mitigation will be implemented to reduce potential impacts to a “less than significant” level in accordance with state law and local policy. c) Projects funded with impact fees will be reviewed, at the time of project planning and design, to determine the potential existence of any unique paleontological resource or site or a unique geologic feature. As a result of this review, project design or other mitigation will be implemented to reduce potential impacts to a “less than significant” level in accordance with state law and local policy. d) Any deep trenching or excavation is subject to state rules and regulations regarding the uncovering of cultural resource materials.

Persons Contacted and Information Consulted:

Merced County Association of Governments:

- 2001 Regional Transportation Plan for Merced County, Merced California, July 2001.
- Draft & Final Impact Report-1992 Regional Transportation Plan Update for Merced County & Congestion Management Program for Merced County and the Incorporated Cities; Merced, California, December 1992.

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Merced County: Merced County Year 2000 General Plan, Merced County Planning Department.

Proposed Mitigation:

As a result of this analysis, it was determined that there are no direct significant adverse impacts to Cultural Resources resulting from the project beyond the potential indirect impacts identified in the environmental document for the Regional Transportation Plan (RTP) and no additional mitigation is proposed.

Mitigation Monitoring:

Not applicable beyond the Mitigation Monitoring Program of the Regional Transportation Plan.

6. GEOLOGY AND SOILS

| <i>Would the project:</i> | Significant Impacts? | | | |
|--|---|---|-------------------------------------|--------------------------|
| | Significant & Unavoidable Impact | Potentially Significant Unless Mitigated | Less than Significant Impact | No Impact |
| a) Expose people or structures to 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? | <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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Result in substantial soil erosion or 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 soil, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial 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 waste water 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"/> |

Geology & Soils Discussion: This environmental issue focuses on the impacts of natural geologic or soil conditions on a project. Specific concerns include earthquakes and seismic related hazards, or unstable soils. The Seismic Safety Element of the Merced County General Plan provides the overall guidance and environmental data used for all planning in the county where geologic hazards are of concern. This element of the Merced County General Plan identifies areas within the county where potential geologic problems indicate a need for special design considerations with respect to the development of new transportation and circulation

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facilities. To the same degree, the soil mapping of the county, prepared by the U. S. Soil Conservation Service, provides baseline data for the identification of soils that are expansive or sensitive to wind and water erosion. This soil study is used by engineers and planners in the design of roadway improvements throughout the county.

Conclusions & Data:

a) Projects funded with impact fees will be reviewed, at the time of project planning and design, to determine the potential for a transportation improvement to be located within an area depicted on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist. As a result of this review, project design or other mitigation will be implemented to reduce potential impacts to a “less than significant” level in accordance with state law and local policy.

b) General building code and state standards are applied to all construction projects and these regulations minimize the potential for project construction to result in substantial soil erosion or loss of topsoil.

c) Projects funded with impact fees will be reviewed, at the time of project planning and design, to determine the potential for a transportation improvement to 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, liquefaction subject to subsidence, or collapse as identified in the County General Plan and environmental document. As a result of this review, project design or other mitigation will be implemented to reduce potential impacts to a “less than significant” level in accordance with state law and local policy.

d) Projects funded with impact fees are subject to the State Building Codes regarding expansive soil. e) Projects funded with impact fees will not involve the need to develop waste water disposal systems.

Persons Contacted and Information Consulted:

California Department of Transportation: Transportation Facilities Design Guidelines, Sacramento, CA.

County of Merced, Merced County Year 2000 General Plan, Merced County Planning Department.

United States Soil Conservation Service Soil Survey, Merced Area California, Series 1950, No. 7, Merced, California.

Proposed Mitigation:

As a result of this analysis, it was determined that there are no direct significant adverse impacts to Geology or Soils resulting from the project beyond the potential indirect impacts identified in the environmental document for the Regional Transportation Plan (RTP) and no additional mitigation is proposed.

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Mitigation Monitoring:

Not applicable beyond the Mitigation Monitoring Program of the Regional Transportation Plan.

7. HAZARDS & HAZARDOUS MATERIALS

| <i>Would the project:</i> | Significant Impacts? | | | |
|--|---|---|-------------------------------------|--------------------------|
| | Significant & Unavoidable Impact | Potentially Significant Unless Mitigated | Less than Significant Impact | No Impact |
| 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"/> | X | <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"/> | X | <input type="checkbox"/> |
| c) Emit hazardous emission 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"/> | X | <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"/> | X | <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 for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |

Hazards Discussion: This environmental issue focuses on the impacts of a project with respect to hazards. The creation of new hazardous conditions or activities that will result in people or property being exposed to existing hazards is the primary area of focus under this environmental issue. Hazards include, but are not limited to, hazardous materials, hazards associated with aircraft and airports or wildland fires. An additional concern is the consistency of a project with emergency response plans or emergency evacuation plans. Segments of the street and highway system in Merced County are designated routes for the transport of hazardous or toxic materials. Additionally, hazardous waste sites may exist along roadway alignments. Improvements along these roadways or the construction of new roadways could expose people to hazardous materials

Conclusions & Data:

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a), b), c) A Phase I environmental assessment (or environmental audit) must be completed for all transportation facilities proposed under the RTP. In the event the Phase I assessment indicates that a Phase II testing procedure or site characterization is necessary, a no Project Report, shall be completed until such time that a Phase II procedure is complete. In the event a Phase II procedure indicates that a Phase III remediation plan is necessary, no project entitlements shall be approved until a Phase II remediation plan is completed and approved. All materials used, or stored on, a project funded with fees will comply with appropriate federal, state and local Uniform Building Code (UBC) construction, Uniform Fire Code (UFC), OSHA or State Department of Health Services regulations.

d) Projects funded with impact fees will not be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 unless all remediation is completed in accordance with local, state and federal rules and regulations. e), f) Projects funded with impact fees will be consistent with any airport land use plan. g) Projects funded with impact fees will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan within the County. h) Projects funded with impact fees will not expose people or property to the hazards of wildland fires.

Persons Contacted and Information Consulted:

Merced County Association of Governments:

2001 Regional Transportation Plan for Merced County, Merced California, July 2001.

Draft & Final Impact Report-1992 Regional Transportation Plan Update for Merced County & Congestion Management Program for Merced County and the Incorporated Cities; Merced, California, December 1992.

Merced County, Merced County Year 2000 General Plan, Merced County Planning Department.

Merced County, Merced County Division of Environmental Health, list of hazardous waste sites.

Proposed Mitigation:

As a result of this analysis, it was determined that there are no direct significant adverse impacts from Hazards or Hazardous Materials resulting from the project beyond the potential indirect impacts identified in the environmental document for the Regional Transportation Plan (RTP) and no additional mitigation is proposed.

Mitigation Monitoring:

Not applicable beyond the Mitigation Monitoring Program of the Regional Transportation Plan.

8. HYDROLOGY & WATER QUALITY

Would the project:

a) Violate any water quality standards or waste discharge requirements?

| | Significant Impacts? | | | |
|--|---|---|-------------------------------------|--------------------------|
| | Significant & Unavoidable Impact | Potentially Significant Unless Mitigated | Less than Significant Impact | No Impact |
| | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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| | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | X | <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, in a manner, which would result in substantial erosion or situation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site, | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

Water Discussion: This environmental issue focuses on the impacts of a project on surface and groundwater, including compliance with water quality standards and regulation, depletion of groundwater supplies, pollution or degradation of water quality. Additional concerns include water related hazards such as flooding, mudflows and similar hazards. This area of environmental concern also addresses potential project impacts on area drainage including storm water runoff.

Conclusions & Data:

a) Projects funded with impact fees will not violate any waste discharge requirements of the Regional Water Quality Control Board or the Water Resources Control Board of the State of California. b) Projects funded with impact fees will not result in use of ground water for domestic water use. c), d), e). Projects funded with impact fees will designed so as to not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. f) Projects funded with impact fees will comply with all applicable water quality discharge standards of the Regional Water Quality Control Board and therefore not likely to result in a substantial degradation of water quality. g), h) Projects funded with impact fees will be subject to review to determine if the site is located within an 100-year flood plain area or likely to result in the

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redirection of normal flood water flows in the region. As a result of this review, project planning and design will be modified to reduce potential impacts to a level deemed to be “less than significant”. i) Projects funded with impact fees will be subject to review to determine if the project site is within a failure inundation path of a dam or reservoir. j) The County is not subject to seiche or tsunami hazards of low risk from mudflow hazards.

Persons Contacted and Information Consulted:

California Department of Transportation: Transportation Facilities Design Guidelines, Sacramento, CA.

County of Merced: Merced County Year 2000 General Plan, Merced County Planning Department.

United States Soil Conservation Service Soil Survey, Merced Area California, Series 1950, No. 7.

CHM2Hill, Merced Water Supply Plan - A Cooperative Regional Effort, Final Phase II Report, Merced City Planning Department, August 1994.

Merced County Association of Governments:

2001 Regional Transportation Plan for Merced County, Merced, California, July 2001.

Draft & Final Impact Report-1992 Regional Transportation Plan Update for Merced County & Congestion Management Program for Merced County and the Incorporated Cities; Merced, California, December 1992.

Proposed Mitigation:

As a result of this analysis, it was determined that there are no direct significant adverse impacts to Water Quality and Hydrological Resources resulting from the project beyond the potential indirect impacts identified in the environmental document for the Regional Transportation Plan (RTP) and no additional mitigation is proposed.

Mitigation Monitoring:

Not applicable beyond the Mitigation Monitoring Program of the Regional Transportation Plan.

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9. LAND USE & PLANNING

| Would the project: | Significant Impacts? | | | |
|---|----------------------------------|--|------------------------------|--------------------------|
| | Significant & Unavoidable Impact | Potentially Significant Unless Mitigated | Less than Significant Impact | No Impact |
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance adopted for the purpose of avoiding or mitigating an environmental effect)? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |

Land Use & Planning Discussion: This environmental issue focuses on the impacts of a project on adopted land use, habitat conservation or natural community conservation plans. The specific focus of this area of environmental concern is potential project conflicts with established plans and policies or the potential for the project to physically divide a community area.

Conclusions & Data:

a) Projects funded with impact fees will be reviewed, at the time of project planning and design, to determine if established communities within the vicinity of the project site would be divided as a result of project development. As a result of this review, project design or other mitigation will be implemented to reduce potential conflicts to a “less than significant” level.

b) State Planning Law places emphasis on the relationship between “land use” and “transportation/ circulation” policies. The linkage between these “local” planning documents and the Regional Transportation Plan (RTP) is direct in that the RTP reflects part of the implementation strategy for these local plans and policies. Further linkage is required by CEQA with respect to the requirements that all plans and subsequent projects must comply with both state and federal environmental laws (CEQA and NEPA).

c) Projects funded with impact fees will be subject to any local Habitat Conservation Plan or Natural Community Conservation Plan review, at the time of project planning and design, to determine if there are any conflicts with these adopted plans. As a result of this review, project design or other mitigation will be implemented to reduce potential conflicts to a “less than significant” level.

Persons Contacted and Information Consulted:

California, State of-Office of the Governor, Office of Planning and Research:
The California Environmental Quality Act,

County of Merced, Merced County Year 2000 General Plan, Merced County Planning Department.

City of Merced, Merced City Vision 2015 General Plan. Merced City Planning Department.

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City of Atwater, Atwater General Plan, Atwater City Planning Department.
 City of Dos Palos, Dos Palos General Plan, Dos Palos City Planning Department.
 City of Gustine, Gustine General Plan, Gustine City Planning Department.
 City of Livingston, Livingston General Plan, Livingston City Planning Department.
 City of Los Banos, Los Banos General Plan, Los Banos City Planning Department.

Proposed Mitigation:

As a result of this analysis, it was determined that there are no direct significant adverse impacts to Land Use and Planning resulting from the project beyond the potential indirect impacts identified in the environmental document for the Regional Transportation Plan (RTP) and no additional mitigation is proposed.

Mitigation Monitoring:

Not applicable beyond the Mitigation Monitoring Program of the Regional Transportation Plan.

10. MINERAL RESOURCES

| <i>Will the project:</i> | Significant Impacts? | | | |
|---|---|---|---|--------------------------|
| | Significant & Unavoidable Impact | Potentially Significant Unless Mitigated | Less than Significant Impact | No Impact |
| 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"/> | X | <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"/> | X | <input type="checkbox"/> |

Mineral Resources Discussion: This environmental issue focuses on the impacts of a project on known mineral resources of commercial or otherwise documented economic value.

Conclusions & Data:

a) The sites of projects funded with fees may be located on a Mineral Resource Zone identified by the California Department of Conservation-Division of Mines and Geology Mineral Land Classification Surveys. Given the fact that most of these designated sites are in river or stream beds, however, it is not likely that project development will significantly reduce the viability of these resources sites or impair their operation.

Persons Contacted and Information Consulted:

The Merced County General Plan and Environmental Study along with the City of Los Banos General Plan and EIR. The California Department of Conservation-Division of Mines and Geology Mineral Land Classification Survey.

Proposed Mitigation:

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As a result of this analysis, there are no significant adverse impacts to Mineral Resources beyond those identified in the environmental document for the Regional Transportation Plan (RTP) and no additional mitigation is proposed.

Mitigation Monitoring:

Not applicable beyond the Mitigation Monitoring Program of the Regional Transportation Plan.

11. NOISE

| <i>Would the project result in</i> | Significant Impacts? | | | |
|---|---|---|---|--------------------------|
| | Significant & Unavoidable Impact | Potentially Significant Unless Mitigated | Less than Significant Impact | No Impact |
| a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | X | <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 a public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |

Noise Discussion: This environmental issue focuses on the impacts of a project with respect to noise or ground-borne vibration. The creation of new noise or ground-borne vibration conditions or activities that will result in people or property being exposed to existing noise or vibrations is the primary area of focus under this environmental issue. Development of new or expanded transportation infrastructure will result in increased traffic volumes and noise associated with these volumes. Additionally, noise will be generated as a result of infrastructure construction. These potential infrastructure impacts are normal in the County and Cities within the County and policies and standards are widely in place to reduce these impacts to a level that is normally considered “less than significant”.

Conclusions & Data:

a) The Merced County General Plan and the six city General Plan Noise Elements, address concerns over noise with the development of special studies of potential noise impacts and the adoption of policies, programs and procedures to reduce noise impacts. Projects funded with impact fees will be required to incorporate appropriate planning and building code standards to conform to the City and County General Plans with respect to noise. b) Projects funded with impact fees are not of the type that can reasonably expected to generate ground born vibration

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or ground born noise. c) Projects funded with impact fees can be expected to result in a permanent increase in the ambient noise level of the area, however, this increase will be compatible with adjacent land uses in the areas where they will be located, improved or expanded and therefore the increase is not considered substantial.

d) Projects funded with impact fees will result in construction activities that will result in a temporary and periodic increase in ambient noise level during the construction phases of the projects. All construction will be conducted in accordance with established local policy to reduce impacts to noise sensitive uses. e), f) Projects funded with impact fees may be located adjacent to a public airport and will consistent with the applicable Airport Land Use Plan and therefore not expected to result in people being subjected to excessive airport noise levels.

Persons Contacted and Information Consulted:

Merced County Association of Governments:

- 2001 Regional Transportation Plan for Merced County, Merced California, July 1998.
- Draft & Final Impact Report-1992 Regional Transportation Plan Update for Merced County & Congestion Management Program for Merced County and the Incorporated Cities; Merced, California, December 1992.

Merced County. Merced County Year 2000 General Plan, Merced County Planning Department.

Proposed Mitigation:

As a result of this analysis, it was determined that there are no direct significant adverse impacts to the Noise environment resulting from the project beyond the potential indirect impacts identified in the environmental document for the Regional Transportation Plan (RTP) and no additional mitigation is proposed.

Mitigation Monitoring:

Not applicable beyond the Mitigation Monitoring Program of the Regional Transportation Plan.

12. POPULATION & HOUSING

| <i>Would the project:</i> | Significant Impacts? | | | |
|---|---|---|-------------------------------------|--------------------------|
| | Significant & Unavoidable Impact | Potentially Significant Unless Mitigated | Less than Significant Impact | No Impact |
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |

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Population & Housing Discussion: This environmental issue focuses on the impacts of a project on population and housing including population growth or displacement of human population and housing. Assumptions regarding population growth, housing demand and employment are the primary driving force for local governmental land use decision-making. The Merced County Association of Governments (MCAG) is responsible for developing a coordinated set of population growth assumptions for Merced County and its incorporated cities. These growth assumptions provide a basis for local planning and policy. This planning and policy in turn, shapes the distribution, location and type of land uses that affect traffic and circulation models used by MCAG to determine potential future transportation and circulation needs. Like “land use” and “transportation/circulation” planning, the coordination between local jurisdiction is somewhat regulated by state law.

Conclusions & Data:

a) Projects funded with impact fees will not result in the construction of infrastructure that will, in turn, result in substantial indirect growth. b) Projects funded with impact fees may result in the displacement of housing units that will necessitate the construction of replacement housing at another location. Development of new housing, as well as commercial and industrial development in the region, is driving the need to expanded transportation infrastructure. It is assumed that new development can accommodate any potential losses in the existing housing inventory as a result of infrastructure development. c) Projects funded with impact fees may result in the displacement of people that will necessitate the construction of replacement housing. In accordance with federal and state regulations, new housing will be identified or developed to accommodate displaced populations

Persons Contacted and Information Consulted:

Merced County Association of Governments:

2001 Regional Transportation Plan for Merced County, Merced, California, July 2001.

Draft & Final Environmental Impact Report-1992 Regional Transportation Plan Update for Merced County & Congestion Management Program for Merced County and the Incorporated Cities; Merced, California, December 1992.

County of Merced, Merced County Year 2000 General Plan, Merced County Planning Department.

City of Merced, Merced City Vision 2015 General Plan. Merced City Planning Department.

City of Atwater, Atwater General Plan, Atwater City Planning Department.

City of Dos Palos, Dos Palos General Plan, Dos Palos City Planning Department.

City of Gustine, Gustine General Plan, Gustine City Planning Department.

City of Livingston, Livingston General Plan, Livingston City Planning Department.

City of Los Banos, Los Banos General Plan, Los Banos City Planning Department.

Proposed Mitigation:

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As a result of this analysis, it was determined that there are no direct significant adverse impacts to Population and Housing resulting from the project beyond the potential indirect impacts identified in the environmental document for the Regional Transportation Plan (RTP) and no additional mitigation is proposed.

Mitigation Monitoring:

Not applicable beyond the Mitigation Monitoring Program of the Regional Transportation Plan.

13. PUBLIC SERVICES

| | Significant Impacts? | | | |
|---|---|---|------------------------------------|--------------|
| | Significant & Unavoidable Impact | Potentially Significant Unless Mitigated | Less than Significant Impact | No Impact |
| a) 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). Fire protection? | | | X | |
| ii) Police protection? | | | X | |
| iii) Schools? | | | X | |
| iv) Parks? | | | X | |
| v) Other public facilities? | | | X | |

Public Services Discussion: This environmental issue focuses on the impacts of a project on public service facility needs and the potential environmental impacts of developing and/or expanding these facilities. Facility needs can be defined by the need to maintain acceptable levels of service such as response times, or such other community service standard as may apply.

Conclusions & Data:

Projects funded with impact fees will not result in the need for new public facilities other than the regional transportation system for which the RTP has been prepared.

Persons Contacted and Information Consulted:

Merced County Association of Governments:

2001 Regional Transportation Plan for Merced County, Merced California, July 2001.

Draft & Final Impact Report-1992 Regional Transportation Plan Update for Merced County & Congestion Management Program for Merced County and the Incorporated Cities; Merced, California, December 1992.

Proposed Mitigation:

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As a result of this analysis, it was determined that there are no direct significant adverse impacts to Public Services resulting from the project beyond the potential indirect impacts identified in the environmental document for the Regional Transportation Plan (RTP) and no additional mitigation is proposed.

Mitigation Monitoring:

Not applicable beyond the Mitigation Monitoring Program of the Regional Transportation Plan.

14. RECREATION

| | Significant Impacts? | | | |
|--|---|---|------------------------------------|-------------------------------------|
| | Significant & Unavoidable Impact | Potentially Significant Unless Mitigated | Less than Significant Impact | No Impact |
| 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 type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input checked="" type="checkbox"/> |

Recreation Discussion: This environmental issue focuses on the impacts of a project on public recreation service and facility needs and the potential environmental impacts of developing and/or expanding recreation facilities. Facility needs can be defined by the need to maintain acceptable levels of community recreation service in the area and region.

Roadways and the highway system traverse some of the county’s recreational resource lands. The impacts of expanding this system must be evaluated to assure that the recreational resource value of these lands is not diminished. At the same time, access and circulation are necessary to assure adequate levels of public use and enjoyment of the recreation resources. The balance between the needs for adequate access and preservation of the recreation resource must be examined on a case-by-case basis during the preliminary planning and design phases of a project.

Conclusions & Data:

a) Projects funded with impact fees will not result in an increase in population that will, in turn, not result in an increased need for parks and recreation facilities. b) New recreation facilities constructed in the County are subject to the same laws and environmental standards as other types of development. There is no aspect of this project that can be reasonably be expected to result in the need to construct recreation facilities that could cause an adverse physical environmental impact.

Persons Contacted and Information Consulted:

Merced County Association of Governments:

2001 Regional Transportation Plan for Merced County, Merced California, July 2001.

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Merced County: Merced County Year 2000 General Plan, Merced County Planning Department.

Proposed Mitigation:

As a result of this analysis, it was determined that there are no direct significant adverse impacts to Recreation Resources resulting from the project beyond the potential indirect impacts identified in the environmental document for the Regional Transportation Plan (RTP) and no additional mitigation is proposed.

Mitigation Monitoring:

Not applicable beyond the Mitigation Monitoring Program of the Regional Transportation Plan.

15. TRANSPORTATION & TRAFFIC

| <i>Would the project:</i> | Significant Impacts? | | | |
|---|----------------------------------|--|------------------------------|--------------------------|
| | Significant & Unavoidable Impact | Potentially Significant Unless Mitigated | Less than Significant Impact | No Impact |
| a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| d) Substantial increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| f) Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

Transportation/Circulation Discussion: This environmental issue focuses on the impacts of a project on transportation systems including roads and highways, public transportation systems, pedestrian circulation and access, parking, and emergency access. Impacts can be in the form of new hazardous circulation or traffic conditions, conflict with existing plans or policies or creation of an unacceptable traffic level on a transportation system or facility.

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The purpose of the Regional Transportation Plan is to identify a strategy for resolving existing or potential future transportation or circulation system deficiencies. The strategy encompasses all modes of transportation including, but not limited to, automobile, truck, public transportation, pedestrian and bicycle travel, rail and air. The overall program must also address traffic reduction strategies that make more efficient use of existing road and highway systems and trip reduction. The impact fees are used to fund construction of identified improvements necessary to assure safe and efficient transportation infrastructure is available in the County and its communities in future years.

Conclusions & Data:

a) Projects funded with impact fees are planned to address anticipated future increases in traffic volumes and will not result in an increase in traffic system wide. b) Projects funded with fees are planned to improve the level of service (LOS) for designated roads or highways. c) Projects funded with fees will not have any adverse effect on air traffic. d) Projects funded with fees will not create any hazards or unsafe traffic conditions. e) Projects funded with fees will conform to all applicable City, County and State emergency access standards. f) Projects funded with fees will be designed to meet applicable parking standards. g) Projects funded with fees will not conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).

Persons Contacted and Information Consulted:

California Department of Transportation:

Transportation Financing Opportunities, January 2001

Guidelines-Transportation Enhancement Activities Program, Sacramento, CA., Revised June 1995.

Transportation Funding In California, Sacramento, CA., January 1995.

Merced County Association of Governments:

Los Banos Route 152 Committee Study Report, Merced, California, January 1988

Population and Employment Forecasts for Merced County, Merced, California, July 2000.

SR-99 Merced/Atwater Corridor Major Investment Study, Merced, California. June 1997

Draft SR-152 Bypass Major Investment Study; Merced, California. May 1998

2001 Regional Transportation Plan for Merced County, Merced California, July 2001.

Draft & Final Impact Report-1992 Regional Transportation Plan Update for Merced County & Congestion Management Program for Merced County and the Incorporated Cities; Merced, California, December 1992.

Census 2000 population and employment figures

Proposed Mitigation:

As a result of this analysis, it was determined that there are no direct significant adverse impacts to Transportation and Circulation resulting from the project beyond the potential indirect

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impacts identified in the environmental document for the Regional Transportation Plan (RTP) and no additional mitigation is proposed.

Mitigation Monitoring:

Not applicable beyond the Mitigation Monitoring Program of the Regional Transportation Plan.

16. UTILITIES & SERVICE SYSTEMS

| <i>Would the project:</i> | Significant Impacts? | | | |
|---|---|---|-------------------------------------|--------------------------|
| | Significant & Unavoidable Impact | Potentially Significant Unless Mitigated | Less than Significant Impact | No Impact |
| a) Exceed water treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, that construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the provider’s existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Comply with federal, state and local statutes and regulation related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Utilities & Service System Discussion: This environmental issue focuses on the impacts of a project on public utility systems or facilities such water, wastewater, storm water drainage or other utility or service systems. The project will have no direct impact on water or wastewater systems. Indirectly, projects funded with impact fees may have an impact on water and wastewater systems.

Conclusions & Data:

a) Projects funded with fees will comply with Central Valley Regional Water Quality Control Board regulations or any other federal or state water discharge standard. b) Projects funded with fees will need to mitigate any significant on-site water, and wastewater facilities adverse environmental impacts as a requirement of law. c) Projects funded with fees may result in the construction of new storm water drainage facilities or expansion of existing facilities. Such construction will be required to conform to all applicable local, state and federal regulations with respect to design and construction. d) Projects funded with fees will not require new or expanded water supplies. e) Projects funded with fees will not exceed the capacity of any

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wastewater treatment facility. f) Projects funded with fees will not result in waste generation in excess of the capacity of waste disposal facilities in the region. g) Projects funded with fees will comply with will comply with all federal, state and local regulations with respect to solid waste.

Persons Contacted and Information Consulted:

Merced County Association of Governments:

2001 Regional Transportation Plan for Merced County, Merced California, July 2001.

Draft & Final Impact Report-1992 Regional Transportation Plan Update for Merced County & Congestion Management Program for Merced County and the Incorporated Cities; Merced, California, December 1992.

Merced County: Merced County Year 2000 General Plan, Merced County Planning Department.

Proposed Mitigation:

As a result of this analysis, it was determined that there are no direct significant adverse impacts to Public Utilities resulting from the project beyond the potential indirect impacts identified in the environmental document for the Regional Transportation Plan (RTP) and no additional mitigation is proposed.

Mitigation Monitoring:

Not applicable beyond the Mitigation Monitoring Program of the Regional Transportation Plan.

Section 4

Mandatory Findings of Significance

| <i>Finding:</i> | Potentially Significant Impact | Potentially Significant Unless Mitigated | Less than Significant Impact | No Impact |
|---|--------------------------------------|---|------------------------------------|-------------------------------------|
| <p>A. Does the project have the potential to 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, 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?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

On the basis of an analysis of the project and its potential adverse physical environmental impacts, as described above, it has been determined that the project will not 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, 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.

| | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <p>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)?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

On the basis of an analysis of the project effects on the environment, it has been determined that the project will contribute to changes, such as a reduction in agricultural land use, increased storm water runoff and increased air emissions. These effects are individually limited and will not constitute a cumulatively considerable impact.

| | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <p>C. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

A review of the project proposal and its potential environmental effects have resulted in the determination that the project design, location or general characteristics are not likely to result in any substantial adverse effects on human beings either directly or indirectly.

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**Attachment “A”
Proposed
Impact Fee
Program**

Regional Transportation Impact Fee Study

DRAFT
February 2003

prepared by

Merced County Association of Governments

Background

The Merced County Association of Governments, with the assistance of the six cities and the county and participation from a stakeholders committee, has developed a comprehensive plan for improvements on the regional road network that will be required through 2025. The objective is to ensure that adequate transportation facilities will be available to meet the projected needs of Merced County as it grows and to further ensure that the facilities planned are consistent with the Regional Transportation Plan (RTP). A variety of financing mechanisms will be needed to generate the funds necessary to accomplish the required improvements.

MCAG staff, working with policy guidance from its member agencies, developed the long-range (2025) RTP for Merced County. The RTP, resulting from a one year planning effort, identified all the highway and arterial improvements which would be necessary to maintain a traffic level of service (LOS) D or better on the regional road system in Merced County for the degree of growth projected to the year 2025. The fee program and ordinance, which this report describes, are based, in part, on the results of the RTP development process.

The RTP, in addition to identifying improvement projects, also recommended a strategy for funding the projects. One of the four main goals of the RTP is to develop a Regional Transportation Impact Fee for regional improvement projects. To date, impact fees for streets and roads have been established only by individual jurisdictions. Those fee programs do not account for growth's impacts on the greater network of roads that serve multi-jurisdictional needs.

MCAG has prepared a process that will lead to the development of a fee program and ordinance to be reviewed and considered for adoption by all seven participating jurisdictions, including the City of Atwater, the City of Dos Palos, the City of Gustine, the City of Livingston, the City of Los Banos, the City of Merced, and Merced County. Emphasis will be placed on developing a fee ordinance that meets the requirements of State law, AB 1600, and that is fair and equitable.

Noting that separate administration of seven ordinances, individually adopted by each jurisdiction, might not be effective, the MCAG Governing Board, made up of Council and Board representatives from the seven participating jurisdictions, approved an amendment to the MCAG Joint Powers Agreement authorizing MCAG to administer a Regional Transportation Impact Fee program adopted by appropriate agency action by member agencies.

To oversee the ordinance development process, MCAG appointed a Regional Transportation Impact Fee (RTIF) Technical Advisory Committee composed of planning staff from all seven jurisdictions. In addition, a RTIF Stakeholder Committee was formed composed of various important interests including the Building Industry Association, Agriculture, the Chamber of Commerce, Economic Development, Realtors, private citizens, and planning staff.

The Impact Fee Concept

The essential elements of all mitigation fee ordinances are findings that show that:

- New Development creates the need for the transportation improvement.
- A rational connection (or nexus) exists between a development project and the need for additional facilities.
- The development will benefit from the improvements it is funding.
- The fee does not substitute for current revenues but will only provide funding for the new improvements.
- The new improvements can be translated into a cost per unit of new development.
- The total of new revenue generated by all fees does not exceed 100% of the cost of the projects.
- The collected funds are segregated from general revenues and earmarked to pay for specific improvements, within a reasonable time frame, and directly and primarily benefit users of the property on which the fees are imposed.

State Law Governing Impact Fees

California Law AB1600 guides the development and implementation of impact fees. The law requires any impact fee ordinance to:

- Identify the purpose of the fee.
- Identify the use for the fee and the specific facilities to be built.
- Determine a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.
- Determine a reasonable relationship between the need for the facility and the development project.
- Determine a reasonable relationship between the amount of the fee and the cost of the facility to be built.
- Deposit, invest, account for, and expend the fees according to Section 53077 of the Government Code.
- Make annual findings identifying the purpose for any funds remaining in the account longer than five years and demonstrate a reasonable relationship between the fee and the purpose for which it was charged.
- Refund to the current record owner of the development project any unexpended or uncommitted funds plus interest for which a need cannot be demonstrated.

Specific Findings

The premise supporting the development of the Regional Transportation Impact Fee is that all growth occurring in the seven jurisdictions within Merced County has significant, and currently unmitigated, impact on the regional road network. While three of the seven jurisdictions have fee programs in place, few fees are collected to help pay for growths impacts on regionally significant roads.

Traffic modeling has established that growth to the year 2025 will affect the entire regional transportation system and therefore that the area of impact for future development is appropriately all of Merced County. The following findings are made as supported by the Regional Transportation Plan:

- Population within Merced County is expected to grow by approximately 73% and employment will grow by approximately 49% by the year 2025 and would cause levels of service E and F on much of the regional transportation system.
- The Regional Transportation Plan modeled and evaluated the effect of projected growth to the year 2025 on the regional road network and found that without improvement, the transportation system would suffer severe congestion. Further, the RTP showed that the recommended transportation improvements would accommodate the traffic anticipated in the year 2025 at the desired level of service D or better.
- Existing and future sources of public revenues are insufficient to fund all the needed transportation improvements.
- The revenues generated by the RTIF will provide additional funds necessary to construct the transportation improvements and help provide additional capacity needed in the year 2025 to accommodate the traffic generated by the new growth.
- The RTIF is a fair and equitable method of distributing the cost of transportation improvements among the developments that will generate the increased traffic.

Fee Development Process

There were nine steps followed in development of the RTIF ordinance, described in the following pages:

1. Evaluate Institutional Options
2. Define the Regional Road Network
3. Identify Future Segment Failures on the regional road network
4. Prepare List of Projects and Costs
5. Identify nexus
6. Determine Amount of Project Cost to be Paid by Fee
7. Fee Determination
8. Administration
9. Approval Process

1. Establish Institutional Options

The first of the nine tasks MCAG laid out for developing a Regional Transportation Impact Fee ordinance was to establish whether a single ordinance would be adopted and instituted by MCAG through an amendment to the Joint Powers Agreement, or whether each of the seven jurisdictions would prepare, adopt and implement their own regional impact fee ordinances.

The MCAG Governing Board directed staff to present an amendment to the Joint Powers Agreement. The MCAG Governing Board and the six member cities and the County have approved the following JPA amendment, which permits MCAG to:

Administer a Regional Transportation Impact Fee program adopted by appropriate agency action by member agencies.

Record of each jurisdiction's approval can be found in Appendix_____.

2. Regional Road Network

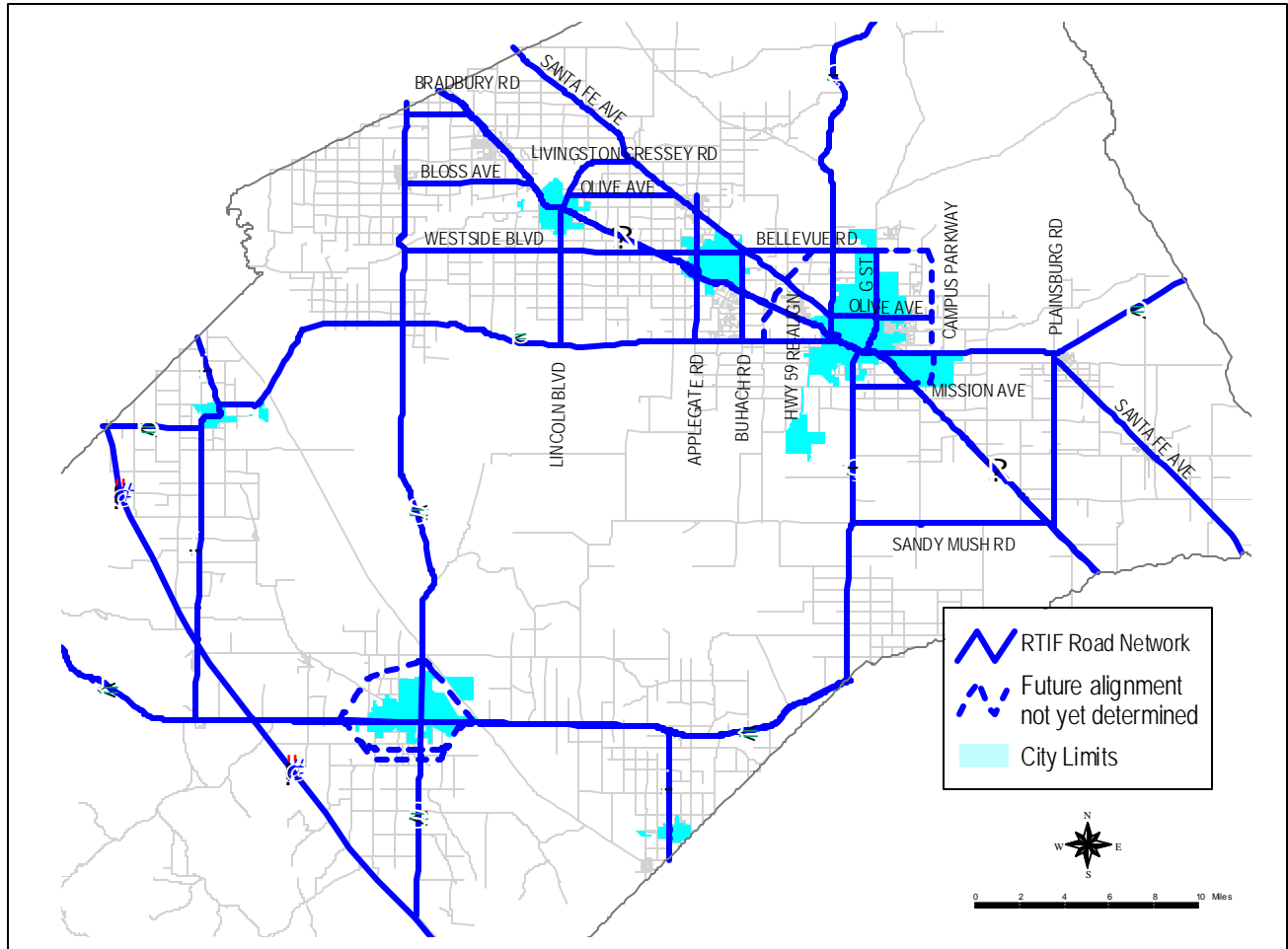
The regional road system is a fundamental component of transportation in Merced County. It provides a basic network for the movement of people and goods in the region. Regional roads are used by nearly all travel modes including automobiles, ridesharing (carpools and vanpools) transit buses, bicycles, and the local and interregional trucking industry.

The fee will apply to a limited number of projects on regionally significant roads. With that in mind, staff developed a list of potential criteria to help ascertain which roads should and should not be considered regionally significant for the sake of the fee. Roads that are of significance to two or more jurisdictions will generally qualify as regional.

To be designated regional, staff proposed that a facility meet criteria 1 or 2, or criteria 3 plus two of the other five criteria:

- 1) The facility is a state highway
- 2) The facility currently does, or is planned to provide a direct connection between an interchange on a state highway and another state highway
- 3) The facility is shown on either a city's or a county's general plan as a major arterial or greater, PLUS 2 of the following:
 - a) It is a cross-county facility going through or bordering two or more communities and jurisdictions
 - b) The facility is five miles or more in length
 - c) The ultimate cross-section is designated as a minimum four-lane facility
 - d) The facility provides a direct connection between a community and a State Highway and borders two or more jurisdictions
 - e) The facility is designated as an arterial or greater in a major investment study, and having the approval of the MCAG Governing Board

Please see the RTIF road network, Figure 1, on the following page.

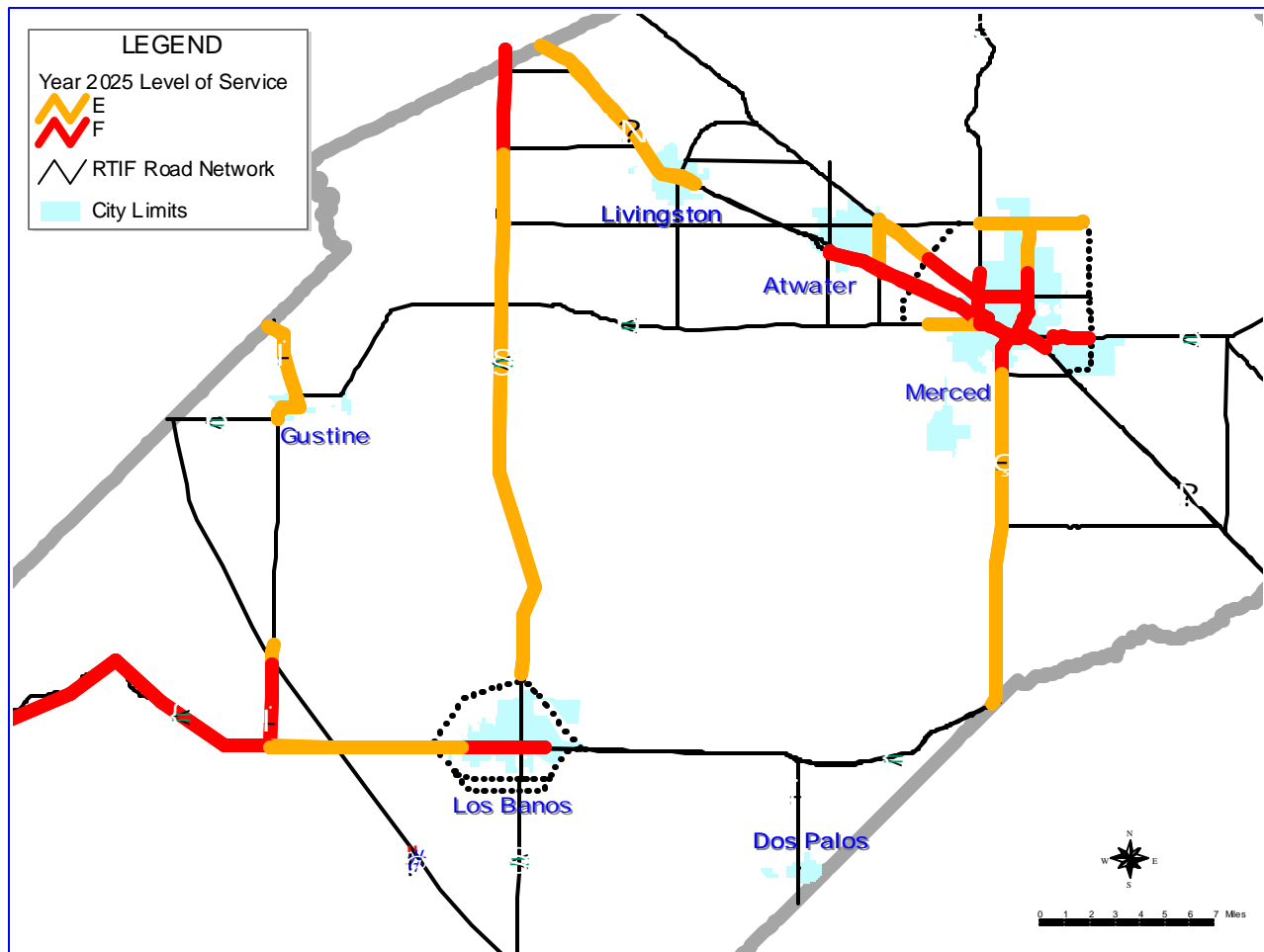


3. Future Deficiencies on the Regional Road Network.

With a Regional Road Network identified, the network was modeled to detect future deficiencies on it. A deficiency is a segment of the proposed road network that operates below the standard of a “Level of Service” (LOS) of D. LOS is calculated by comparing the capacity of a roadway, in terms of vehicles per day, to a forecast of expected future traffic in a given year. Applying a sophisticated computer simulation, called a Traffic Model, generates this forecast. The traffic model is based on current and projected population and employment densities, land use, current and future road network configuration, and average travel tendencies and characteristics.

A forecast was prepared for traffic conditions in the year 2025 on the Regional Road Network. Attached is a table, which lists future road network segments that are forecasted to have congestion at Level of Service “E” or worse by the year 2025.

A list and a map of the future deficiencies on the Regional Road Network can be seen in Figure 2 and Table 1, respectively.



4. Prepare List of Projects and Costs

Preliminary Projects List

The Regional Transportation Plan provides a current list of transportation projects that will solve the future deficiencies on the road network. From that project list, a preliminary RTIF project list was formed. Each project was evaluated by staff and committee members to identify possible funding sources, timing, and phasing possibilities. Cost estimates were developed by the jurisdiction that would be responsible for the construction of the project. In addition, MCAG staff met with member jurisdictions that have impact fee programs, to determine which improvement projects the individual jurisdiction will keep in their impact fee program or address through some other funding mechanism and which projects should be in the RTIF program. Criteria were developed to determine which projects should not be included. The committees thoroughly reviewed each project on the preliminary list and identified which projects should be included in the RTIF Program.

Criteria for Removing Projects from the RTIF

- The project is accounted for in a local fee program.
- The project is driven primarily by new growth in one jurisdiction.
- The project is not expected to be deficient within the twenty-year scope of the Fee Program.
- The project scope has been reduced.
- The project is more likely to be competitive for State Interregional Program (IIP) funds.

Final Project List

Through discussions with the jurisdictions and committee members a final recommended set of projects was derived. These projects are listed in the table below, with their total cost (in millions of dollars) and the portion of that cost that would be expected to come from the RTIF. An administration fee of 1% is also shown in this table.

| # | Project | Total Cost (\$millions) | RTIF Cost (\$millions) |
|-----|---|-------------------------|------------------------|
| 3 | Bellevue Rd - connection to 99 - from new interchange to Atwater | 5.00 | 2.15 |
| 7 | Mission Ave. - improvement - from 59 to 99 (not adding lanes) | 1.00 | 0.40 |
| 11 | SR 59 "Castle Highway" - re-align - from 99 to Bellevue with new 99 Interchange | 137.00 | 50.00 |
| 12 | SR 59 - widen to 4 lanes - from Mission Ave. to Childs Ave. | 5.00 | 5.00 |
| 13 | SR 59 - widen to 4 lanes - from 152 to Mission Ave. | 50.00 | 3.00 |
| 15 | SR 99 - widen to 6 lanes - from Hammatt Ave. to Merced River | 8.00 | 1.50 |
| 16 | SR 99 - widen to 6 lanes - Merced River Bridge | 20.00 | 2.50 |
| 17 | SR 99 - widen to 6 lanes - Merced River to Stanislaus County | 25.00 | 2.50 |
| 18 | SR 99 "Merced Freeway" - widen to 6 lanes - from Childs to V St. | 160.00 | 24.00 |
| 19 | SR 99 "Atwater Freeway" - widen to 6 lanes - from Buhach to Westside | 140.00 | 21.00 |
| 21 | SR 140 "Bradley Overhead" - widen to 4/5 lanes - from Parsons to Santa Fe Ave. | 47.67 | 9.50 |
| 22 | SR 140 - widen to 4/5 lanes - from Santa Fe Ave. to Campus Parkway | 13.50 | 5.25 |
| 23 | SR 140/33 "Gustine Truck Route" - bypass Gustine | 5.00 | 3.05 |
| 24 | SR 152 "Los Banos Bypass" | 240.60 | 25.00 |
| 26 | SR 165 - widen to 4/5 lanes - from Hilmar to Stanislaus County | 25.00 | 7.50 |
| n/a | Fee Program Administration (1% of fee) | 1.62 | 1.62 |
| | TOTAL | 884.32 | 163.97 |

5. Nexus Finding

The development process has established a regional road network, identified future deficiencies on that network, and discussed a list of improvement projects to be financed, in part, by the impact fee. AB 1600 requires that a nexus be demonstrated: a reasonable relationship between the increased travel demand associated with new development and the transportation improvements necessary to meet this demand at an acceptable level of service. This section presents an analysis of the growth-related traffic by future deficiency, which will be used in the nexus determination.

New development is not wholly responsible for future deficiencies. There is a level of existing traffic which, when combined with new growth-related traffic, results in a deficiency. Using existing traffic counts and the regional traffic model, we have calculated the current and future traffic for each identified deficiency. The following chart, Figure 3 illustrates the results of this analysis. The chart lists, for each future deficient segment on the RTIF network, what the existing level of traffic is in terms of average daily traffic (ADT) in the year 2000, as well as the future level of traffic, the 2025 ADT.

Since through traffic is a significant portion of the total traffic on some of the segments, we have identified this as well. For purposes of this analysis, through traffic is considered to be those vehicle trips that start and end outside of Merced County, not stopping within.

These ADT numbers were translated to percentages, which provide a tool for identifying how much new development can pay towards a RTIF improvement project.

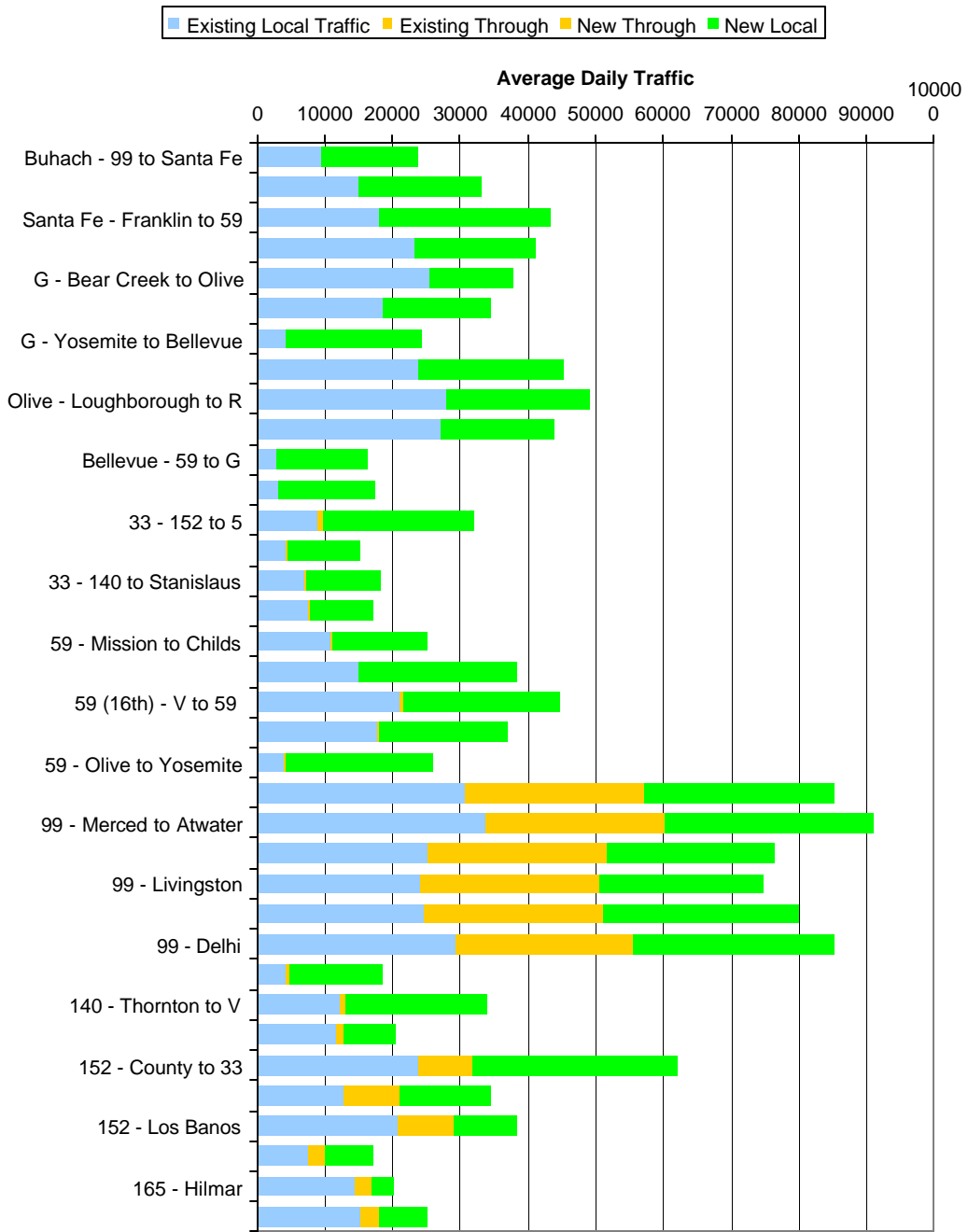
Trip Generation by Land Use Types

New Development is broken into five land use categories as each land use has varying impacts on the transportation system. “Trip Generation Rate” means the number of average weekday trips generated by a particular land use. The land use categories correspond to those used in the regional travel model maintained by MCAG. The Trip Generation Rate for each land-use category shall be the rate published by the Institute of Transportation Engineers, 5th Edition. The land use categories and trip generation rates are as follows:

| | |
|--|--|
| Residential, Single-Family (ITE Code 210): | 8.40 trips per dwelling unit |
| Residential, Multi-Family (ITE Code 220): | 5.10 trips per dwelling unit |
| Retail Commercial (ITE Codes 810-895): | 35.82 trips per 1,000 sq. ft. floor area |
| Office Commercial (ITE Codes 710-770): | 15.00 trips per 1,000 sq. ft. floor area |
| Industrial (ITE Code 110-170): | 6.33 trips per 1,000 sq. ft. floor area |

Nexus, in the context of impact fees, is the relationship between new development, deficiencies on the existing infrastructure, and improvement projects needed to correct the deficiencies. The next steps in this process are comparing the above data to the project list to determine which projects address which deficiencies and calculating what percentage of the cost can be attributed to new development.

Existing Local, Through, and New Local Traffic in 2025



6. Determine Amount of Project Cost to be Paid by Fee

To establish an equitable Regional Transportation Impact Fee, the following concepts have been incorporated:

- The fee would only partially offset the total cost of new construction and new development would pay for only a portion of the costs of the additions to the regional system.
- Public funds, in addition to those that could be generated by the sales tax would be needed.
- The fee should be based on a uniform average per-trip cost to be assigned to all new development.
- The Institute of Traffic Engineers' Trip Generation Tables are a generally accepted planning standard to determine numbers of trips attributable to any land use and will serve as MCAG's standard for establishing the regional transportation impact fee.
- The estimate of new trips will be based on average daily trips rather than peak-hour trips.
- Existing public policy exempts certain land uses from the fee.

7. Fee Calculation Method

The Fee was calculated according to the following procedure:

1. Determine the total cost of the regional transportation improvements.

TOTAL COST = \$882,770,000

2. Establish a capital improvements program. This program includes each regional transportation improvement project with its total project cost, and sources of funds to pay for the project, specifically showing the amount for each project to be funded through the Regional Transportation Impact Fee.

3. Determine the total amount to be funded by the Fee by summing the Fee shares of each project in the capital improvements program.

TOTAL RTIF FEES = \$163,970,000

4. Determine the total number of trips associated with new development, for each land use category by using the MCAG traffic model and subtracting the number of trips generated in Merced County by each category in the year 2000 from the number of trips generated by the same category in the year 2025.

TOTAL TRIPS BY LAND USE TYPE

| Land Use | New Trips |
|----------------------------|------------------|
| Residential, Single-Family | 349,592 |
| Residential, Multi-Family | 43,570 |
| Retail Commercial | 35,442 |
| Office Commercial | 286,669 |
| Industrial/Ag Processing | 58,590 |
| Total New Trips | 773,863 |

5. Determine a per-trip cost by dividing the total amount to be funded by the Fee by the total number of trips associated with new development.

COST PER TRIP = \$163,970,000 ÷ 773,863 Trips = \$212 per trip

6. Determine a cost per unit of development for each land use. This cost will be calculated by multiplying the per-trip cost by the average weekday trips per unit of development. Units of development will be dwelling units for residential land uses, and 1,000 sq. ft. of floor area for commercial, industrial, and other land uses.

COST PER UNIT OF DEVELOPMENT

| Land Use | Unit of development | Fee per unit of development |
|----------------------------|----------------------------|------------------------------------|
| Residential, Single-Family | dwelling unit | \$1,780 |
| Residential, Multi-Family | dwelling unit | \$1,081 |
| Retail Commercial | 1,000 sq. ft. floor area | \$7,590 |
| Office Commercial | 1,000 sq. ft. floor area | \$3,178 |
| Industrial/Ag Processing | 1,000 sq. ft. floor area | \$1,341 |

7. The fee for each new development will be calculated by multiplying the cost per unit of development by the number of units being developed.

8. Administration

Through the process of establishing the institutional option, the seven member jurisdictions amended Joint Powers Agreement to allow MCAG to administer a Regional Transportation Impact Fee program adopted by appropriate agency action by member agencies. MCAG will administer the RTIF program under the guidelines spelled out in the California Government Code section 66000 - 66008.

Annual Capital Improvement Plan Update

Under Section 66002 a capital improvement plan (CIP) adopted in connection with an impact fee program shall indicate the approximate location, size, time of availability, and estimates of cost for all facilities or improvements to be financed with the fees. The CIP shall be updated and adopted annually by resolution of the Regional Transportation Impact Fee Policy Board.

Annual RTIF Account Review

Section 66006 specifies that impact fees collected shall be deposited in a separate capital facilities account or fund in a manner to avoid any commingling of the fees with other revenues and funds of MCAG, except for temporary investments, and expend those fees solely for the purpose for which the fee was collected. Any interest income earned by moneys in the capital facilities account or fund shall also be deposited in that account.

Within 180 days after the last day of each fiscal year, MCAG shall make the following information available to the public:

- A brief description of the type of fee in the account
- The amount of the fee
- The beginning and ending balance of the account or fund
- The amount of the fees collected and the interest earned
- An identification of each public improvement on which fees were expended and the amount of the expenditures, including the total percentage of the cost of the improvement that was funded with fees.
- An identification of an approximate date by which the construction of the public improvement will commence if it has been determined that sufficient funds have been collected.
- A description of each interfund transfer or loan made from the account, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan.
- The amount of unexpended funds refunded to current record owners of lots or units.

The Merced County Association of Governments will administer the Regional Transportation Impact Fee Program. The MCAG Governing Board may appropriate up to 1 % of the fee for this purpose.

9. Approval Process

While there has been step by step approval of the RTIF development process by the MCAG Governing Board, it has been emphasized that, as a new program, the RTIF will be monitored carefully during its first few years with the intention of updating and revising it as necessary.

The MCAG RTIF Technical and Stakeholders Committees, Citizens Advisory Committee, Technical Planning Committee, and Technical Review Board recommended each major element of the program for approval by the Governing Board. The final task of the process will occur when the governing bodies of each member jurisdiction takes action to participate in the RTIF program by resolution, ordinance, or other appropriate action.

Conclusions

While the Regional Transportation Impact Fee ordinance concludes a major step in preparing for the anticipated growth in Merced, much work lies ahead in making the ordinance work effectively during the next 25 years. A few principles need to be clearly understood.

1. The RTIF Study is a development-fee program and singularly addresses the developer-generated portion of the total funding package for regionally significant improvement projects. It is intended to complement other funding sources, which may include state, federal, regional, and/or local public funds. However, any of these public funding sources could stand alone.
2. The RTIF Study, and the accompanying ordinance, should not be regarded as static documents. They reflect the growth projections adopted in the 2001 Regional Transportation Plan. Revised and up-dated population, housing, and employment data may result in new trip generation estimates, which could change the fee structure and possibly change the scope of the improvement projects on the regional road network.
3. While there are a small number of agencies implementing regional transportation impact fee programs similar to this, MCAG is essentially forging new ground in the Central Valley with the extent to which the RTIF program requires the coordination and cooperation of multiple jurisdictions. The implementation process will undoubtedly expose features that will need to be modified or revised.

Appendices:

Ordinance

Project Data Sheets

Resolutions

Appendix 1

Model Ordinance

**MODEL ORDINANCE
 For the Cities and County of Merced
 To establish a
 REGIONAL TRANSPORTATION IMPACT FEE**

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL/BOARD OF SUPERVISORS
 OF THE CITY/COUNTY OF _____
 ESTABLISHING A REGIONAL TRANSPORTATION IMPACT FEE**

Section 1: Intent

- (a) The City Council/Board of Supervisors of the City/County of _____ finds that future development within the City/County of _____ to the year 2025 will result in traffic volumes in excess of capacity on the regional system of arterials, highways, and freeways as designated in this Ordinance.
- (b) The City Council/Board of Supervisors of the City/County of _____ finds that failure to expand the capacity of the existing circulation system will cause unacceptable levels congestion on the arterials, highways, and freeways of the regional system.
- (c) The City Council/Board of Supervisors also finds and declares that, in the absence of this Ordinance imposing a fair-share traffic fee upon new development, existing and future sources of revenue are inadequate to fund substantial portions of the regional transportation system improvements needed to avoid unacceptable levels of congestion and related adverse impacts.

Section 2: Purpose

- (a) The City Council/Board of Supervisors of the City/County of _____ finds and determines that adoption of this Regional Transportation Impact Fee ordinance will raise additional revenues needed to construct improvements to accommodate traffic that will be generated by development of land within the Cities and County of Merced.

- (b) The City Council/Board of Supervisors also finds and declares that the *Regional Transportation Impact Fee Study* (MCAG, _____ 2003) has determined the extent to which the new development of land will generate traffic volumes impacting the roadway system and that this Ordinance establishes a fair and equitable method for distributing unfunded costs of transportation improvements necessary to accommodate traffic volumes generated by such development.

Section 3: Specific Findings

The need for regional transportation improvements and for the Regional Transportation Impact Fee established by this Ordinance are based on the finding of the *Regional Transportation Impact Fee Study* prepared by the Merced County Association of Governments whose Governing Board is composed of city council members and county supervisors from the county's six cities and the county board of supervisors. The study has established that growth to the year 2025 will affect the entire regional transportation system and therefore that the area of impact for future development is appropriately the entire County of Merced. The Study made the following additional findings:

- (a) Population and employment within the County of Merced is anticipated to increase by 73% and 49%, respectively by the year 2025 and will result in Levels of Service E and F (as defined in the 1994 Highway Capacity Manual) on existing arterials, highways, and freeways.
- (b) The *Regional Transportation Plan* (MCAG, 2001) modeled and evaluated the effect of projected growth to the year 2025 on all major arterials, highways, and freeways in Merced County and found that without expansion, the transportation system would suffer severe congestion. Further, the Plan showed that the recommended transportation improvements would accommodate the traffic anticipated in the year 2025 at the desired Level of Service D.
- (c) Existing and future sources of public revenues are insufficient to fund all the needed transportation improvements.
- (d) The revenues generated by this Regional Transportation Impact Fee will provide the additional funds necessary to construct the transportation improvements and provide the additional capacity needed in the year 2025 to accommodate the traffic generated by the development of land in the Cities and County of Merced.
- (e) The Regional Transportation Impact Fee is a fair and equitable method of distributing the cost of transportation improvements among the development which will generate the increased traffic.

Section 4: Definitions

- (a) "Merced County" means the unincorporated areas of the County of Merced and the incorporated areas of the six cities within Merced County.

- (b) “Regional System” means those street, road, and highway improvements listed in Section 15.
- (c) The “*Regional Transportation Plan*” means the document prepared and adopted by the Merced County Association of Governments on July 19, 2001.
- (d) “Average Weekday Trips” means the average number of daily vehicle trips to or from a designated land use Monday through Friday.
- (e) “Trip Generation Rate” means the number of average weekday trips generated by a particular land use. The land use categories correspond to those used in the regional travel model maintained by MCAG. The Trip Generation Rate for each land-use category shall be the rate published by the Institute of Transportation Engineers, 5th Edition. The land use categories and trip generation rates are as follows:

| | |
|--|--|
| Residential, Single-Family (ITE Code 210): | 8.40 trips per dwelling unit |
| Residential, Multi-Family (ITE Code 220): | 5.10 trips per dwelling unit |
| Retail Commercial (ITE Codes 810-895): | 35.82 trips per 1,000 sq. ft. floor area |
| Office Commercial (ITE Codes 710-770): | 15.00 trips per 1,000 sq. ft. floor area |
| Industrial (ITE Code 110-170): | 6.33 trips per 1,000 sq. ft. floor area |

- (f) “Development” means any discretionary or ministerial action by the City/County resulting in the issuance of grading, building, plumbing, mechanical, or electrical permits, conditional use permits or certificates of occupancy issued by the City/County to construct, to change the use of, a building or property.

Where development applies to a change in use of, or enlargement of an existing building, the average weekday trips shall be only the additional trips in excess of those associated with the existing use.

- (g) “Merced County Association of Governments” means the joint powers agency delegated to manage and administer the Regional Transportation Impact Fee and whose members are the incorporated Cities and the County of Merced.
- (h) “Regional Transportation Impact Fee Policy Board” (RTIF Policy Board) means those members of the MCAG Governing Board whose appointing jurisdiction has adopted this ordinance.

Section 5: Applicability

The provisions of this Ordinance shall apply only to new development and to any reconstruction of existing buildings that will change their use or will generate additional vehicular trips. The provisions of this Ordinance shall take effect on **MONTH DAY, YEAR.**

Section 6: Establishment of Regional Transportation Impact Fee

- (a) The Regional Transportation Impact Fee is not intended to be the sole source of funding for construction of the Regional System. Furthermore, the total amount of fees collected pursuant to this Ordinance shall not exceed the cost of construction of the Regional System.
- (b) The Merced County Association of Governments shall calculate the Regional Transportation Impact Fee according to the following procedure:
- (1) MCAG shall determine the total costs of the regional transportation improvements.
 - (2) MCAG shall establish a capital improvements program. This will include each regional transportation improvement project with its total project cost, and sources of funds to pay for the project, specifically showing the amount for each project to be funded through the Regional Transportation Impact Fee.
 - (3) MCAG shall determine the total amount to be funded by the Fee by summing the Fee shares of each project in the capital improvements program.
 - (4) MCAG shall determine the total number of trips associated with new development, for each land use category listed in Section 4(e) of this Ordinance, by using the MCAG traffic model and subtracting the number of trips generated in Merced County by each category in the year 2000 from the number of trips generated by the same category in the year 2025.
 - (5) MCAG shall determine a per-trip cost by dividing the total amount to be funded by the Fee by the total number of trips associated with new development.
 - (6) MCAG shall determine a cost per unit of development for the land use categories listed in Section 4(e) of this Ordinance. This cost will be calculated by multiplying the per-trip cost by the average weekday trips per unit of development. Units of development will be dwelling units for residential land uses, and 1,000 sq. ft. of floor area for commercial, industrial, and other land uses.
 - (7) The fee for each new development will be calculated by multiplying the cost per unit of development by the number of units being developed.
- (c) As shown in the *Regional Transportation Impact Fee Study*, MCAG has determined that per-trip cost is \$212.
- (d) The *Regional Transportation Impact Fee Study* has calculated the following transportation impact fee schedule for these land use categories:

Residential, Single-Family: \$1,780 per dwelling unit

| | |
|----------------------------|--------------------------------------|
| Residential, Multi-Family: | \$1,081 per dwelling unit |
| Retail Commercial: | \$7,590 per 1,000 sq. ft. floor area |
| Office Commercial: | \$3,178 per 1,000 sq. ft. floor area |
| Industrial/Ag Processing: | \$1,341 per 1,000 sq. ft. floor area |

Section 7: Exemptions

The following developments are exempted from payment of the fee required by this Ordinance:

The reconstruction of any building which has been destroyed by fire, flood, or natural disaster so as the reconstructed building both continues the prior use and generates the same or fewer trips as the original building.

Section 8: Credits

- (a) Where a developer dedicates and/or improves those regional roads, highways, or freeways identified in Section 15 of this Ordinance beyond the requirements established in Section 8(b), the developer shall receive a credit against his Regional Transportation Impact Fee. That credit shall be an amount equal to the land value of dedicated land and/or the actual engineering and construction costs incurred at the time of the development to the extent that the Merced County Association of Governments has included those costs in its estimated cost of constructing the regional system.
- (b) The fee required by this Ordinance shall be supplementary to any fees and conditions imposed upon projects under the provisions of the Subdivision Map Act, California Environmental Quality Act, and other state and local laws, ordinances, or administrative policy which may authorize the imposition of conditions or contributions on development and the developer shall not be entitled to any credits for such contributions or conditions.
- (c) If a developer constructs, or is required by the City/County to construct any portion of the regional transportation system as identified in Section 14 of this Ordinance in excess of that required to meet standard street requirements as provided by local ordinances, municipal codes, and the City's/County's General Plan, the developer shall be entitled to a credit for the cost of such construction. All such construction on the regional system must have the approval of MCAG as to plans and detailed cost estimates.
- (d) The in-lieu-of-fee credit for any land dedications shall be based on the fair market value of the land dedicated as determined by an appraisal process satisfactory to MCAG.

- (e) Should the in-lieu-of-fee credit exceed the applicant's total fee, the difference may be credited against any of the applicant's future development which would be subject to the fee.
- (f) Should a developer be required to provide improvements which benefit adjacent undeveloped land, the developer may be reimbursed for a proportionate share of the cost of such improvements under special agreements with MCAG and contingent upon future fees contributed from other benefited developments. In all cases, however, reimbursements under such special agreements must be timed to coincide with construction of the transportation project as scheduled in the Capital Improvement Plan adopted by MCAG.

Section 9: Payment of Fee

The regional transportation impact fee established by this Ordinance shall be imposed at the time the City/County gives the project discretionary approval and shall be collected at the time when the City/County routinely collects development fees.

For a change of use or other development subject to this Ordinance, that would not require a building permit, the fee shall be at the time of the issuance of a use, development, or business license permit.

Section 10: Regional Transportation Impact Fee Fund

- (a) All monies collected from payments of the Regional Transportation Impact Fee shall be deposited with the County Treasurer of Merced County in the trust fund to be known as the Merced County Association of Governments Transportation Impact Trust Fund.
- (b) All monies in the Fund shall be used solely for the delivery of the regional transportation projects identified in this Ordinance. Project delivery includes preparation of environmental and engineering documents, right-of-way acquisition, and construction. All interest or other earnings of the Fund shall be credited to the Fund.
- (c) The Merced County Association of Governments shall establish the separate and necessary accounts within the Fund, and disburse funds according to the purposes and intent of this Ordinance.
- (d) The Merced County Association of Governments shall annually prepare and update a five-year Capital Improvements Program that will establish the projects or segments of projects to be constructed with Fund revenues. The Capital Improvements Program must be adopted by no less than a 2/3 vote of all members of the Regional Transportation Impact Fee Policy Board (RTIF Policy Board).

- (e) The City/County authorizes the Merced County Association of Governments to receive up to 1% annually of the Regional Transportation Impact Fee fees as necessary monies for administering and managing the Regional Transportation Impact Fee Program. If 1% is insufficient, the RTIF Policy Board may allocate additional funds if approved by a 2/3 vote of its members.

Section 11: Appeal Process

An applicant who disputes the amount of impact fee may file a written notice of appeal with the Executive Director of the Merced County Association of Governments. Within 15 days of the appeal, the Executive Director shall provide written notification of his/her decision. If unsatisfied with the decision of the Executive Director, the applicant may resubmit a written appeal to the RTIF Policy Board. Thereafter, the RTIF Policy Board shall render its decision by a majority vote of those members present within 60 days of the filing of the appeal.

Section 12: Annual Fee and Program Review

- (a) The RTIF Policy Board shall annually review, and if necessary amend, by a two-thirds vote of its members, the Regional Transportation Impact Fee Program to ensure that it continues to be a fair and equitable method to distribute the costs of improvements necessary to accommodate traffic volumes generated by future growth. This review will coincide with the adoption of the five-year Capital Improvement Program. In adjusting the fee program, the following shall be considered:
 - (1) Adding new transportation projects that meet program criteria.
 - (2) Deleting projects that have been completed.
 - (3) Adjust the average per trip cost to reflect changes in construction costs.
 - (4) Adjust the average per-trip cost to reflect changes in land values as indicated in an annual survey of local government costs for land subject to right-of-way acquisition.
 - (5) Revise the average per-trip cost to reflect changes in the list of regional projects as that list may be amended from time to time by the RTIF Policy Board.
- (b) Unless otherwise amended by the RTIF Policy Board, the average per trip cost listed in Section 6(c) shall be adjusted on July 1 of each year based upon the Consumer Price Index (San Francisco Region).
- (c) Changes in the Regional Transportation Impact Fee resulting from the annual review will have no effect on fees already paid into the Fund.

- (d) At the time of the annual review, the RTIF Policy Board shall make findings for any fees remaining unexpended and uncommitted in the Trust Fund for five or more years after deposit demonstrating a reasonable relationship between the fee and the purpose for which it was charged. Unless a need for such fees can be demonstrated, the unexpended or uncommitted portion including interest that has accrued, shall be refunded to the current record owner of the development project on a prorated basis.

Section 13: Merced County Association of Governments

The City/County of _____ has formed in agreement with the other general purpose governments of Merced County the Merced County Association of Governments, a joint powers agency under California Government Code Title 1, Division 7, Chapter 5, Sections 6500-6517, for which one of its purposes shall be the administration and management of the Regional Transportation Impact Fee for the implementation of transportation projects on the regional transportation system.

Section 14: Severability

If any one or more of the terms, provisions, or sections of this Ordinance shall to any extent be adjudged invalid, unenforceable, or void, by a court of competent jurisdiction, each and all of the remaining terms, provisions, and sections of this Ordinance shall not be affected thereby and shall be valid and enforceable.

Section 15: List of Projects on the Regional System

The following transportation projects are those which when completed will together mitigate the traffic impacts on the regional transportation system of future growth to the year 2025 throughout Merced County. The City Council/Board of Supervisors, upon adoption of this Ordinance, shall amend the Circulation Element of the General Plan to include these regional projects and any amendments.

The Regional Transportation Impact Fee shall be solely for funding environmental clearance analysis and reports, design engineering, right-of-way acquisition, construction, and other necessary expenses for the delivery of Regional System projects and any other purpose consistent with this Ordinance. The Fee may not be used for system maintenance.

RTIF PROJECT LIST – PRELIMINARY – SUBJECT TO APPROVAL

| | |
|----|---|
| 3 | Bellevue Rd - connection to 99 - from new interchange to Atwater |
| 7 | Mission Ave. - improvement - from 59 to 99 (not adding lanes) |
| 11 | SR 59 "Castle Highway" - re-align - from 99 to Bellevue with new 99 Interchange |
| 12 | SR 59 - widen to 4 lanes - from Mission Ave. to Childs Ave. |
| 13 | SR 59 - widen to 4 lanes - from 152 to Mission Ave. |

| | |
|----|--|
| 15 | SR 99 - widen to 6 lanes - from Hammatt Ave. to Merced River |
| 16 | SR 99 - widen to 6 lanes - Merced River Bridge |
| 17 | SR 99 - widen to 6 lanes - Merced River to Stanislaus County |
| 18 | SR 99 "Merced Freeway" - widen to 6 lanes - from Childs to V St. |
| 19 | SR 99 "Atwater Freeway" - widen to 6 lanes - from Buhach to Westside |
| 21 | SR 140 "Bradley Overhead" - widen to 4/5 lanes - from Parsons to Santa Fe Ave. |
| 22 | SR 140 - widen to 4/5 lanes - from Santa Fe Ave. to Campus Parkway |
| 23 | SR 140/33 "Gustine Truck Route" - bypass Gustine |
| 24 | SR 152 "Los Banos Bypass" |
| 26 | SR 165 - widen to 4/5 lanes - from Hilmar to Stanislaus County |

Appendix 2

Project Data Sheets

| | |
|----------------------|----------------------|
| PROJECT AREA: | Bellevue Road |
|----------------------|----------------------|

PROJECT #3: Bellevue Rd. – Connection to Westside Interchange to Atwater

DESCRIPTION: Construct a 2-lane facility from the Westside interchange to Atwater City limits

NEED: Provide connection from Hwy 99 to North Atwater and North Merced

ESTMATED COST: \$5,000,000

PROJECT SPONSER: City of Atwater

PORTION RELATED TO:

| | |
|-------------------------------|-------|
| Existing Through: | 0 % |
| New Local Development: | 100 % |

PROPOSED FINANCING SOURCES: RIP
Sales Tax (\$4 M)
RTIF

Start Criteria: Prior to dropping below LOS D (2010)

| | |
|----------------------|-----------------------|
| PROJECT AREA: | Mission Avenue |
|----------------------|-----------------------|

PROJECT #7: Mission Avenue improvement – Highway 59 to Highway 99 (non-widening).

DESCRIPTION: Resurfacing and increasing shoulder width.

NEED: Once the Mission Interchange is constructed improvements on existing Mission Avenue will be necessary to accommodate the new level of traffic anticipated on the road.

ESTMATED COST: \$1,000,000

PROJECT SPONSER: City of Merced

PORTION RELATED TO:

| | |
|-------------------------------|------|
| Existing/ Through: | 59 % |
| New Local Development: | 41 % |

PROPOSED FINANCING SOURCES: RTIF
RIP

Start Criteria: Prior to opening of the Mission Interchange on Hwy 99

| | |
|----------------------|-----------------------|
| PROJECT AREA: | State Route 59 |
|----------------------|-----------------------|

PROJECT #11: State Route 59 – Castle Highway.

DESCRIPTION: Re-align State Route 59 from Highway 99 north converting the existing 2 lane conventional highway to a 2-lane expressway built on an ultimate 4-lane partial access control Right of Way. Two new interchanges are proposed one on SR 99 between the existing SR 59 and Buhach Road, and the other north of the railroad at Sante Fe Drive. Three alternative routes are under consideration.

NEED: This facility is scheduled to become deficient in 2015.

ESTMATED COST: \$121,000,000 - \$153,000,000

PROJECT SPONSER: Caltrans

PORTION RELATED TO:

| | |
|-------------------------------|------|
| Existing/ Through: | 42 % |
| New Local Development: | 58 % |

PROPOSED FINANCING SOURCES:

- IIP
- RIP
- Sales Tax Measure
- Developer Construction
- RTIF

Start Criteria: Prior to dropping below LOS D (2015)

| | |
|----------------------|-----------------------|
| PROJECT AREA: | State Route 59 |
|----------------------|-----------------------|

PROJECT #12: State Route 59 – Mission to Childs

DESCRIPTION: Widen State Route 59 to 4 lanes from Mission Avenue to Childs Avenue.

NEED: This facility is scheduled to become deficient in 2015.

ESTMATED COST: \$5,000,000

PROJECT SPONSER: Caltrans

PORTION RELATED TO:

| | |
|-------------------------------|------|
| Existing/ Through: | 45 % |
| New Local Development: | 55 % |

PROPOSED FINANCING SOURCES: Sales Tax Measure

Start Criteria: Prior to dropping below LOS D (2015)

| | |
|----------------------|-----------------------|
| PROJECT AREA: | State Route 59 |
|----------------------|-----------------------|

PROJECT #13: State Route 59 – Mission to State Route 152

DESCRIPTION: Widen State Route 59 from Mission Avenue in Merced south to State Route 152, from 2 lanes to 4 lanes with a center turn lane.

NEED: This facility is scheduled to become deficient in 2015.

ESTMATED COST: \$50,000,000

PROJECT SPONSER: Caltrans

PORTION RELATED TO:

| | |
|-------------------------------|------|
| Existing/ Through: | 45 % |
| New Local Development: | 55 % |

PROPOSED FINANCING SOURCES: RIP
SHOPP
RTIF

Start Criteria: Prior to dropping below LOS D (2015)

| | |
|----------------------|-----------------------|
| PROJECT AREA: | State Route 99 |
|----------------------|-----------------------|

PROJECT #15: State Route 99 – Widening from Hammat Ave. to Merced River.

DESCRIPTION: Widen existing 4-lane facility to 6 lanes from Hammat Ave to Merced River.

NEED: This segment is scheduled to become deficient in 2015.

ESTMATED COST: \$8,000,000

PROJECT SPONSER: Caltrans

PORTION RELATED TO:

| | |
|-------------------------------|------|
| Existing/ Through: | 68 % |
| New Local Development: | 32 % |

PROPOSED FINANCING SOURCES: IIP
RIP
RTIF

Start Criteria: Prior to dropping below LOS D (2015)

| | |
|----------------------|-----------------------|
| PROJECT AREA: | State Route 99 |
|----------------------|-----------------------|

PROJECT #16: State Route 99 – Widening of Merced River Bridge

DESCRIPTION: Widen existing bridge from 4-lane facility to 6 lanes.

NEED: This segment is scheduled to become deficient in 2015.

ESTMATED COST: \$20,000,000

PROJECT SPONSER: Caltrans

PORTION RELATED TO:

| | |
|-------------------------------|------|
| Existing/ Through: | 68 % |
| New Local Development: | 32 % |

PROPOSED FINANCING SOURCES: IIP
RIP
RTIF

Start Criteria: Prior to dropping below LOS D (2015)

| | |
|----------------------|-----------------------|
| PROJECT AREA: | State Route 99 |
|----------------------|-----------------------|

PROJECT #17: State Route 99 – Widening from Merced River to Stanislaus County.

DESCRIPTION: Widen existing 4-lane facility to 6 lanes.

NEED: This segment is scheduled to become deficient in 2015.

ESTMATED COST: \$25,000,000

PROJECT SPONSER: Caltrans

PORTION RELATED TO:

| | |
|-------------------------------|------|
| Existing/ Through: | 66 % |
| New Local Development: | 34 % |

PROPOSED FINANCING SOURCES: IIP
RIP
RTIF

Start Criteria: Prior to dropping below LOS D (2015)

| | |
|----------------------|-----------------------|
| PROJECT AREA: | State Route 99 |
|----------------------|-----------------------|

PROJECT #18: State Route 99 – Widening from Childs Avenue to “V” Street

DESCRIPTION: Widen existing 4-lane facility to 6 lanes.

NEED: This segment is scheduled to become deficient in 2015.

ESTMATED COST: \$160,000,000

PROJECT SPONSER: Caltrans

PORTION RELATED TO:

Existing/ Through: 67 %

New Local Development: 33 %

PROPOSED FINANCING SOURCES: IIP
RIP
RTIF

Start Criteria: Prior to dropping below LOS D (2015)

| | |
|----------------------|-----------------------|
| PROJECT AREA: | State Route 99 |
|----------------------|-----------------------|

PROJECT #19: State Route 99 – Widening from Buhach Road to Westside Avenue.

DESCRIPTION: Widen existing 4-lane facility to 6 lanes.

NEED: This segment is scheduled to become deficient in 2015.

ESTMATED COST: \$140,000,000

PROJECT SPONSER: Caltrans

PORTION RELATED TO:

Existing/ Through: 68 %

New Local Development: 32 %

PROPOSED FINANCING SOURCES: IIP
RIP
RTIF

Start Criteria: Prior to dropping below LOS D (2015)

| | |
|----------------------|------------------------|
| PROJECT AREA: | State Route 140 |
|----------------------|------------------------|

PROJECT #21: State Route 140 – Bridge Replacement

DESCRIPTION: Construction of a new bridge to replace the Bradley Overhead spanning the Burlington Northern Sante Fe Railroad on State Route 140, just east of the City of Merced. In addition this project will widen SR 140 to a 4-lane highway with a median lane for left turn channelization from 21st Street to 0.3 km east of Sante Fe Avenue.

NEED: This segment is scheduled to become deficient in 2015.

ESTMATED COST: \$40,000,000

PROJECT SPONSER: Caltrans

TRAFFIC PORTION RELATED TO:

| | |
|-------------------------------|------|
| Existing/ Through: | 66 % |
| New Local Development: | 38 % |

PROPOSED FINANCING SOURCES: City of Merced RDA
RTIF
Sales Tax Measure
SHOPP

Start Criteria: Prior to dropping below LOS D (2015)

| | |
|----------------------|------------------------|
| PROJECT AREA: | State Route 140 |
|----------------------|------------------------|

PROJECT #22: State Route 140 – Widening from Santa Fe Ave to Campus Parkway

DESCRIPTION: Widen the existing 2-lane facility to 4 lanes.

NEED: This segment is scheduled to become deficient in 2010.

ESTMATED COST: \$16,000,000

PROJECT SPONSER: Caltrans

**TRAFFIC PORTION
RELATED TO:**

Existing/ Through: 66 %

New Local Development: 38 %

**PROPOSED FINANCING
SOURCES:** City of Merced Fee
RIP
Sales Tax Measure
RTIF

Start Criteria: Prior to dropping below LOS D (2010)

| | |
|----------------------|---------------------------|
| PROJECT AREA: | State Route 140/33 |
|----------------------|---------------------------|

PROJECT #23: State Routes 140 and 33 – Gustine Truck Route

DESCRIPTION: Redirect truck traffic around the City of Gustine on one of three alternative alignments.

NEED:

ESTMATED COST: \$2,000,000

PROJECT SPONSER: Caltrans

TRAFFIC PORTION RELATED TO:

| | |
|-------------------------------|------|
| Existing/ Through: | 30 % |
| New Local Development: | 70 % |

PROPOSED FINANCING SOURCES: City of Gustine
Sales Tax Measure
RTIF

Start Criteria: Prior to dropping below LOS D

| | |
|----------------------|------------------------|
| PROJECT AREA: | State Route 152 |
|----------------------|------------------------|

PROJECT #24: State Route 152– Los Banos Bypass

DESCRIPTION: Construct a 4-lane freeway with initial construction of a 2-lane expressway. Four alternative alignments are under consideration.

NEED: To reduce congestion in the City of Los Banos. Existing 152 will become deficient in 2010

ESTMATED COST: \$240,600,000

PROJECT SPONSER: Caltrans

TRAFFIC PORTION RELATED TO:

| | |
|-------------------------------|------|
| Existing/ Through: | 67 % |
| New Local Development: | 33 % |

PROPOSED FINANCING SOURCES: IIP
RIP
RTIF

Start Criteria: Prior to dropping below LOS D (2010)

| | |
|----------------------|------------------------|
| PROJECT AREA: | State Route 165 |
|----------------------|------------------------|

PROJECT #26: State Route 165– Widening from Hilmar to Stanislaus County

DESCRIPTION: Widen existing 2-lane facility to 4-lanes.

NEED: This facility will become deficient in 2005.

ESTMATED COST: \$25,000,000

PROJECT SPONSER: MCAG

**TRAFFIC PORTION
RELATED TO:**

Existing/ Through: 70 %

New Local Development: 30 %

**PROPOSED FINANCING
SOURCES:** RIP
RTIF

Start Criteria: Prior to dropping below LOS D (2005)

Appendix 3

Resolutions

**Merced County RTP –
Regional Transportation Impact Fee
Expanded Initial Study**

**Attachment “B”
Regional Transportation Plan
Summary of Environmental Impacts
&
Mitigation Measures**

**Merced County RTP –
Regional Transportation Impact Fee
Expanded Initial Study**

| Significant Impacts | Mitigation Measures | Mitigation Monitoring | Comments |
|--|---|--|---|
| <p>Transportation/Circulation Deficiencies in the RTP and CMP have significant impact on the project area.</p> | <p>Local jurisdictions must prepare a Deficiency Plan for deficiencies identified in the CMP.</p> | <p>Local governments must prepare yearly CMP Progress Reports. If a deficiency is reported, the local government must prepare a Deficiency Plan. If MCAG identifies a future deficiency, the appropriate local government must prepare a Deficiency Plan. MCAG must approve a Deficiency Plan, its own CIP and each specific improvement.</p> | <p>MCAG is no longer required to implement the CMP. Improvements to address potential deficiencies are proposed within the RTP.</p> |
| <p>Earth Ground shaking, ground failure and land sliding can all cause surface transportation facilities to fail.</p> | <p>All projects included in the RTP and CMP should be designed in accordance with the Caltrans design manual and policies for federally assisted local projects and in accordance with existing environmental laws.</p> | <p>Planning documents prepared for projects included in the RTP or CMP are required to be in compliance with the Caltrans design manual and policies for federally assisted local projects and existing environmental laws.</p> | |
| <p>Water Construction activities, filling, culverting, erosion and road litter from transportation facilities can impact water resources. Flooding could impact the functioning of transportation facilities.</p> | <p>When transportation facilities to be improved as a result of the RTP or CMP are adjacent to or near water resources, planning approval documents must specify that necessary agreements have been entered into, necessary permits have been obtained and hazards have been avoided.</p> | <p>All transportation facilities to be improved as a result of the RTP and CMP should be checked to determine if the facility is within a flood-prone area. Any potential flooding must be mitigated in the planning approval document. Mitigation measures must be provided for environmental documents for improvements. Before planning approval documents are approved or adopted, specific flooding and hydrological investigations must be provided or accounted for in those documents.</p> | |
| <p>Plant Life Improvements to transportation facilities could result in the loss of endangered, rare and threatened plants.</p> | <p>Environmental documentation for planning approvals must discuss any potential loss of endangered, rare or threatened plants. Mitigation measures must be proposed to the satisfaction of the agency having jurisdiction, which may propose more detailed studies as the approvals process becomes more detailed.</p> | <p>Before planning approval, documents are approved or adopted, specific botanical and ecological investigations must be provided or accounted for in those documents.</p> | |
| <p>Animal Life Improvements to transportation facilities could result in the damage to or loss of wetland, or endangered, rare and threatened species.</p> | <p>Environmental documentation for planning approvals must discuss any potential loss of endangered, rare or threatened species. Mitigation measures must be proposed to the satisfaction of the agency having jurisdiction, which may</p> | <p>Before planning approval documents are approved or adopted, specific zoological and ecological investigations must be provided or accounted for in those documents.</p> | |

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| | propose more detailed studies as the approvals process becomes more detailed. | | |
| Noise Noise from improvements to transportation facilities will impact existing and future sensitive receptors. | Planning approval documents for projects near sensitive receptors must specify that acoustical analyses have been or will be done for proposed transportation improvements. | Before planning approval documents are approved or adopted, noise investigations must be provided or accounted for in those documents. | |

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| Significant Impacts | Mitigation Measures | Mitigation Monitoring | Comments |
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| Land Use Future general plan revisions and general plan amendments will generate a different magnitude of transportation demand than that used by MCAG for the RTP and CMP. | EIRs for “Major Projects” (e.g. general plan revisions or amendments that propose land use changes) must identify inconsistencies between the land use assumptions used for the general plan revision or amendment and those used for the RTP and CMP. | In the event that a “Major Project” constitutes a change in the jurisdictions general plan, MCAG shall notify the local government regarding the resulting inconsistency. In the process of correcting any impact on the CMP system, the jurisdiction shall petition MCAG to amend the RTP so that future land use assumptions are consistent with the proposed change. | This communication occurs during the Major Investment Planning process and during the update of the RTP. |
| Population MCAG population projections used in the RTP and CMP differ from the population projections of the local governments. | The local governments must change their General Plan population projections to conform to those used by MCAG in the mathematical model for the RTP and CMP. An alternative mitigation measure would be for MCAG to change the population projections used in the mathematical model used in the RTP and CMP to conform to the local government’s population projections. | In the event that a “Major Project” constitutes a change in that jurisdiction’s General Plan, MCAG shall notify the local government regarding the resulting inconsistency. In the process of correcting any impact on the CMP system, the jurisdiction shall petition MCAG to amend the RTP so that future population assumptions are consistent with the proposed change. | A change in population projections and coordination with local governments occurs during the Major Investment Planning process and during the update of the RTP. |
| Housing MCAG housing projections used in the RTP and CMP differ from the housing projections of the local governments. | The local governments must change their General Plan housing projections to conform to those used by MCAG in the mathematical model for the RTP and CMP. An alternative mitigation measure would be for MCAG to change the housing projections used in the mathematical model used in the RTP and CMP to conform to the local government’s housing projections. | In the event that a “Major Project” constitutes a change in that jurisdiction’s General Plan, MCAG shall notify the local government regarding the resulting inconsistency. In the process of correcting any impact on the CMP system, the jurisdiction shall petition MCAG to amend the RTP so that future population assumptions are consistent with the proposed change. | This communication occurs during the Major Investment Planning process and during the update of the RTP. |
| Public Services No significant impacts can be identified at this time. | No mitigation measures are required. | No monitoring procedures are required. | |
| Utilities No significant impacts can be identified at this time. | No mitigation measures are required. | No monitoring procedures are required. | |
| Recreation Recreation facilities in the project area may be impacted by improvements to transportation facilities under the RTP and CMP. | All transportation facility improvements in or near recreation facilities will include a Section 4(f) statement within their environmental document, if required by applicable environmental law. | At such time as the lead agency proposes a transportation facility for funding and. -Either submits an application for federal or state funding through MCAG and/or... -Requires and environmental | |

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| | | document, including a Negative Declaration, addendum, supplemental EIR or subsequent EIR. Such applications or environmental document must make written findings that the provisions of Section 4(f) are included in the application or environmental document | |
| Natural Resources No significant impact identified at this time. | No mitigation measures are required. | No monitoring procedures are required. | |
| Significant Impacts | Mitigation Measures | Mitigation Monitoring | Comments |
| Energy RTP and CMP will result in the secondary impact of increased energy consumption. | An analysis of fuel consumption must be considered during the environmental planning process for projects included in the RTP and CMP. | All planning approval documents for projects included in the RTP or CMP, are required to include the appropriate fuel consumption analysis during environmental review. | |
| Aesthetics No significance can be identified at this time. | No mitigation measures required. | No monitoring procedures required. | |
| Risk of Upset/Human Health Improvements to transportation facilities could result in the release of hazardous materials from known and unknown sources. | A Phase I environmental assessment (or environmental audit) must be completed for all transportation facilities proposed under the RTP and CMP. In the event the Phase I assessment indicates that a Phase II testing procedure or site characterization is necessary, no Project Report or rezoning or pre-zoning shall be completed until such Phase II procedure is complete. In the event a Phase II procedure indicates that a Phase III remediation plan is necessary, no project entitlements shall be approved until a Phase II remediation plan is completed and approved. | Environmental documents for transportation facility improvements in or near potential hazardous site facilities must include an environmental audit. At such time as the lead agency proposes a transportation facility for funding and. -Either submits an application for Federal or State funding through MCAG and/or. -Requires an environmental document, including a Negative Declaration, addendum, supplemental EIR or subsequent EIR. Such application or environmental document must make written findings that no potential hazardous site areas as shown in this EIR will be impacted by the proposed transportation facility. | |
| Cultural Resources Improvements to transportation facilities could result in the destruction of known or unknown cultural resources | Environmental documentation for planning approval must include a cultural resources literature search by the Central California Information Center, CA State University, Stanislaus. | Before planning approval documents are approved or adopted, specific archeological and historical investigations must be provided or accounted for in those documents. | |
| Air Quality RTP and CMP improvements will reduce congestion, thereby improving air | The San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) is | At such time that the SJVUAPCD enacts a rule requiring trip reduction | This communication occurs during the Major Investment Planning |

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| <p>quality.</p> | <p>responsible for preparing the state and federal air quality attainment plans. Once the SJVUAPCD has completed the Federal State Implementation Plan (SIP), this document will identify Transportation Control Measures and the appropriate implementing agencies.</p> | <p>ordinances by local governments, or within one year of MCAG's determination of local conformance (due in 1993), the local government shall use said rule to evaluate/mitigate the air quality impacts of each transportation facility improvement.</p> <p>In the event that the SJVUAPCD does not enact such a rule, a model ordinance should be used by the lead agency as an evaluative and mitigating (not a regulatory) technique.</p> | <p>process and during the update of the RTP.</p> |
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