

Chapter IV

Environmental Setting

The following describes the physical environmental conditions within the UAGP planning area as they existed when the notice of preparation (NOP) was published for this master environmental impact report (Master EIR) update. The environmental setting constitutes the baseline physical conditions against which the impacts of the *Modesto Urban Area General Plan (UAGP)*, as amended, will be measured.

A. REGIONAL SETTING

Modesto is located in Stanislaus County in the central San Joaquin Valley, approximately 95 miles east of San Francisco and 80 miles south of Sacramento (see Figure III-1). The Tuolumne River runs along the southern edge of the city, and the Stanislaus River runs roughly parallel to the northern boundary of Modesto's urban area. Modesto is intersected by SR99 along a north-south alignment and SR132 east-west. In a larger context, the county is bounded by San Joaquin County to the north; Calaveras, Tuolumne, and Mariposa Counties to the east; Merced County to the south; and Santa Clara and Alameda Counties to the west.

Before 1960, most of Stanislaus County's population lived in the unincorporated areas. Today the population of the nine (9) incorporated cities is more than triple that of the unincorporated area (California Department of Finance 2015). While the County's economic base remains predominantly agricultural, its economy is diversifying. As housing prices increase, Bay Area workers seeking affordable housing continue to locate in the San Joaquin Valley. From 2002 to 2014, the population of Stanislaus County is estimated to have increased by ten percent, to approximately 526,000 residents. (California Department of Finance 2015) Because many of these new residents continue to work in the Bay Area, traffic along the county's major regional connectors and highways has increased noticeably. Stanislaus County was California's sixth most productive agricultural county, by dollar volume, each year from 2011 through 2015, inclusive. Despite the increasing pressures of urbanization, the agricultural output of the county remains steady over the long term – totaling approximately \$3.9 billion in 2015. (California Dept. of Food and Agriculture 2016)

B. LOCAL SETTING

Modesto is the Stanislaus County seat and, with an estimated January 1, 2014, population of 207,000, is the largest city in the county (California Department of Finance 2015). Modesto is a charter city organized under a council-manager structure. The City Council is comprised of six (6) members, and a separately-elected mayor, serving staggered four-year terms.

C. RELATIONSHIP TO REGIONAL AND LOCAL PLANS AND AGENCIES

The UAGP exists in the context of other regional and local plans that address the physical environment. The relationships of each to the UAGP are discussed briefly below.

1. Stanislaus County

a. General Plan

The *Stanislaus County General Plan* (County General Plan) applies to the unincorporated lands surrounding Modesto, including lands within the City of Modesto's (City's) sphere of influence. It guides Stanislaus County's (County's) land use and development decisions. The *Salida Community Plan*, adopted by the Stanislaus County Board of Supervisors in August 2007 in response to a proposed ballot initiative, establishes land use policies for the Salida area northwest of the Modesto City limits on both sides of SR99. The Salida Community Plan covers nearly 3,400 acres, including the existing community of Salida, and provides for future mixed residential, commercial, business park and planned industrial land uses. Existing land uses consist of residential subdivisions, with commercial development located along SR99. Pending the availability of financing to build the necessary infrastructure to support these uses, the Salida Community Plan proposes substantial business park and planned industrial development north of the City limits. This is similar in nature to the type of development identified in the City's Salida Community Planning District.

b. County Integrated Waste Management Plan

The County's integrated waste management plan (IWMP) is a plan for the disposal of solid waste generated within the county. The IWMP addresses recycling, source reduction, household hazardous wastes, landfill siting, and County programs aimed at meeting statewide goals for solid waste disposal. Modesto has adopted source reduction and recycling, and household hazardous waste elements contained in the IWMP.

2. Stanislaus County Local Agency Formation Commission

State law established the Stanislaus County Local Agency Formation Commission (LAFCo) to administer the local government reorganization process. This includes the incorporation of new cities, the formation of special districts, annexations to cities and special districts, and the establishment of spheres of influence for all cities and special districts. The LAFCo is responsible for the orderly provision of services and the conservation of agricultural and open-space lands. It is composed of elected officials from the County and its cities, as well as members at large. The LAFCo decides whether land is to be annexed to a city and which agency (i.e., the county, the city, or a special district) would provide services to newly annexed areas.

3. City of Ceres

The City of Ceres is located directly south of Modesto. Its sphere of influence abuts the Modesto planning area. Ceres has adopted its own general plan that guides development.

4. City of Riverbank

The City of Riverbank is located directly north of Modesto. Its sphere of influence abuts the Modesto planning area. Riverbank has adopted its own general plan to guide development.

5. San Joaquin Valley Air Pollution Control District

The San Joaquin Valley Air Pollution Control District (SJVAPCD) regulates air quality within the San Joaquin Valley, from Stockton to Bakersfield. The SJVAPCD adopts an air pollution control plan, emissions rules, and other regulations to ensure that air quality within its region will meet state and federal clean air standards. The SJVAPCD's rules affect individual businesses and activities seeking permits from the SJVAPCD, but it has no direct land-use powers. The SJVAPCD also reviews the Regional Transportation Plan for conformity with air quality standards.

6. Stanislaus Council of Governments

a. Regional Transportation Plan

The Stanislaus Council of Governments (StanCOG) is the region's transportation planning agency that is responsible for preparing the Regional Transportation Plan (RTP). The RTP is the basis for state and federal funding of transportation improvements. The RTP describes the proposed priority transportation projects, which are programmed into the State Transportation Improvement Program to receive appropriated state dollars. Stanislaus County's RTP projects include roads, mass transit, and pedestrian and bicycle facilities. The RTP also describes the region's transportation objectives and policies. It contains an action element describing the programs that will implement the plan, as well as the financial element describing the cost of plan implementation.

State law requires a congestion management program (CMP) to be prepared for each county with an urbanized area. StanCOG adopted this program in 1995. The CMP is a component of the RTP's action element, establishing programs for mitigating the traffic impacts of new development.

b. Sustainable Communities Strategy

StanCOG is also responsible for preparing the Sustainable Communities Strategy (SCS), in conjunction with the RTP. The 2014 RTP/SCS presents a strategy to accommodate the significant expected growth in the region while promoting economic vitality, providing more housing and transportation choices, promoting healthy living, and improving communities through an efficient and well-maintained transportation network.

This plan addresses new requirements, including Senate Bill 375, which calls for reductions in greenhouse gas emissions from the transportation sector. The RTP/SCS, which matches transportation investment priorities with desired land use, represents StanCOG’s vision for a more sustainable, healthy, and equitable region with multimodal transportation options available for all users.

D. OTHER REGULATORY AGENCIES

1. State Agencies

a. California Department of Fish and Wildlife

The California Department of Fish and Wildlife (CDFW) protects California plants and animals under the California Endangered Species Act (CESA) (Fish and Game Code Section 2080 et seq.). Actions that may result in the “taking” of a threatened or endangered species are banned under CESA, unless the CDFW issues an incidental take permit. The permit is based on the finding that the take will be mitigated fully. The CDFW also regulates activities that may divert, obstruct, or change a natural flow or bed of any river, stream, or lake through its Lake and Streambed Alteration Program (Fish and Game Code Section 1600 et seq.). No such activities that may substantially adversely affect existing fish or wildlife resources are allowed without a Lake or Streambed Alteration Agreement from the CDFW. State-listed species considered to inhabit the Modesto area are identified in Section V-7 of this EIR.

b. State Lands Commission

The State Lands Commission manages California’s sovereign lands, including lands beneath the beds of navigable rivers (Division 6 of the Public Resources Code [PRC]). No individual or public agency may undertake development activities below the normal low-water mark of the rivers under their jurisdiction without a permit or lease from the commission. Uses are limited to public purposes consistent with the Public Trust Doctrine, including water-dependent commerce and navigation, environmental preservation, and scientific study.

c. State Reclamation Board

The State Reclamation Board within the California Department of Water Resources regulates activities on levees and floodways that are maintained by the state or local reclamation districts along the major rivers of the Central Valley (California Water Code Sections 8534, 8608, and 8710–8723). This includes portions of the Tuolumne River. A State Reclamation Board permit is required before any development activity may take place on or near levees.

d. Central Valley Regional Water Quality Control Board

The Central Valley Regional Water Quality Control Board (Central Valley RWQCB) is responsible for protecting surface water quality within the region under authority of state and federal law. The Central Valley RWQCB has prepared a basin plan that examines water

quality within the valley and establishes water quality objectives. The basin plan is updated every three years. The Central Valley RWQCB establishes discharge requirements for point sources and regulates such discharges by administering the National Pollutant Discharge Elimination System (NPDES) program for both point and non-point sources, including stormwater runoff. The Central Valley RWQCB regulates public and private activities to minimize impacts on surface water quality. The Central Valley RWQCB also issues clean water certifications or waivers under Section 401 of the Clean Water Act (CWA).

e. California Department of Public Health

The Division of Drinking Water and Environmental Management of the California Department of Public Health (DPH) is responsible for the regulation and permitting of domestic water supply facilities. The DPH must ensure that domestic water meets state standards for quality. Modesto's water system is operated under permit from the DPH. Concentrations of nitrates and uranium have exceeded allowable levels in some City wells, requiring the wells' withdrawal from service. Because the City is pursuing future recycled water use as part of the UAGP, the DPH, along with Title 17 and Title 22 of the California Code of Regulations, will regulate the use of treated recycled water.

f. California Department of Transportation

The California Department of Transportation (Caltrans) is responsible for the planning, construction, operation, and maintenance of state highways. Caltrans' jurisdiction does not encroach upon local streets. However, Caltrans reviews many local projects as part of the California Environmental Quality Act (CEQA) process or in the event that local transportation projects will be or are funded federally through its district Local Assistance offices. Similarly, construction projects that do not involve state or federal funding but will encroach onto state or federal highways are subject to review and the issuance of encroachment permits from Caltrans. Caltrans' concern carries over to projects that would affect state highway congestion and that do not require encroachment permits. They want to ensure that improvements to mainline highways that may be needed as a result of development projects would be funded. This may include fair share impact fees. Traffic from increased net vehicle miles traveled during the planning period would affect local Caltrans facilities, including SR99, SR108, SR132, and SR219.

g. State Office of Historic Preservation

The State Historic Preservation Officer (SHPO) is responsible under state law for maintaining the California Register of Historical Resources (CRHR). The SHPO is consulted whenever a federal action may affect historical resources. The SHPO also takes part in project consultation under CEQA and comments to lead agencies on the potential impacts of proposed projects on historical resources.

2. Federal Agencies

a. Federal Emergency Management Agency

The Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program. Cities that participate in the program, such as Modesto, qualify for flood insurance within areas subject to flood hazard when they enact regulations to ensure that new development will be elevated above flood level and that other actions are taken to minimize flood damage. FEMA prepares and publishes Flood Insurance Rate Maps (FIRMs), which identify the location of 100-year floodplains (i.e., areas for which the statistical probability of flooding is 1% in any given year).

b. U.S. Army Corps of Engineers

The U.S. Army Corps of Engineers (USACE) regulates the filling of *wetlands* and *waters of the United States* by public agencies and individuals under Section 404 of the federal CWA. A permit must be obtained from the USACE before fill or discharge will be allowed. A USACE permit application also triggers review under the federal Endangered Species Act (ESA) and other sections of the CWA. A streamlined procedure for considering minor fills that conform to previously approved classes of activity exists under the nationwide permit process. Projects that do not qualify for nationwide permits will be subject to an individual permit. Individual permit applications trigger the National Environmental Policy Act as well as concurrent consultations under the ESA, the CWA, the National Historic Preservation Act and other federal regulations.

c. U.S. Fish and Wildlife Service

The U.S. Fish and Wildlife Service (USFWS) is responsible for administering and enforcing the ESA for federally listed plants, wildlife, and non-anadromous fish species. Actions that may result in the take of a threatened or endangered species or the destruction of habitat are regulated by the USFWS. The USFWS commonly requires development activities to be revised to avoid listed species and habitat or, when avoidance is infeasible, to provide compensation habitat elsewhere.

d. National Marine Fisheries Service

The National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) is responsible for administering and monitoring compliance with the ESA for federally listed anadromous fish species and conducting an analysis of essential fish habitat (EFH) for Pacific salmon, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act. Public and private activities with the potential to affect ESA-listed species and EFH are subject to review and permitting by NMFS.