

Chapter II

Implementation and Use of the Master Environmental Impact Report

This chapter describes the requirements for a master environmental impact report (Master EIR) under state law, how this Master EIR meets those requirements, and the application of the Master EIR to the analysis of subsequent projects.

A. REQUIRED CONTENTS OF A MASTER ENVIRONMENTAL IMPACT REPORT

Public Resources Code (PRC) Section 21157 states that a Master EIR may be prepared for any of a variety of projects, including, as in this case, a general plan. PRC Section 21157(b) describes the required contents of a Master EIR. This Master EIR complies with the requirements of PRC Section 21157(b) as follows.

1. Public Resources Code 21157(b)(1)

a. Requirement

PRC Section 21157(b)(1) states that a Master EIR prepared by a lead agency must include a “detailed statement as required by Section 21100.”

b. How this Master Environmental Impact Report Implements the Requirement

PRC Section 21100 describes the minimum contents of an environmental impact report (EIR). The Master EIR contains all required components, including a summary, a project description, an analysis of environmental impacts, the identification of feasible mitigation measures, and the identification of a reasonable range of alternatives.

2. Public Resources Code 21157(b)(2)

a. Requirement

PRC Section 21157(b)(1) states that a Master EIR prepared by a lead agency must include:

A description of anticipated subsequent projects that would be within the scope of the master environmental impact report, that contains sufficient information with regard to the kind, size, intensity, and location of the subsequent projects, including, but not limited to, all of the following:

- (A) The specific type of project anticipated to be undertaken.

- (B) The maximum and minimum intensity of any anticipated subsequent project, such as the number of residences in a residential development, and, with regard to a public works facility, its anticipated capacity and service area.
- (C) The anticipated location and alternative locations for any development projects.
- (D) A capital outlay or capital improvement program, or other scheduling or implementing device that governs the submission and approval of subsequent projects.

These requirements have been clarified by Section 15176(d) of the State California Environmental Quality Act (CEQA) Guidelines. That section provides that, with respect to items A–C above, where the project is a general plan or general plan update, the anticipated subsequent projects are described adequately when the general plan identifies the land use designations and the permissible densities and intensities of use. Further, with respect to item D above, a Master EIR may explain why practical planning considerations render it impractical to identify a capital improvements program or other scheduling device at the time the Master EIR is prepared.

b. How this Master Environmental Impact Report Implements the Requirement

The anticipated subsequent projects for this Master EIR are private development projects, such as subdivisions and conditional use permits; public development projects, such as capital improvements programs and wastewater master plans; and projects, such as comprehensive plans, that enable future private projects. The types of anticipated subsequent projects are identified later in this chapter and in Chapter VIII of the *City of Modesto Urban Area General Plan (UAGP)*.

Referencing the UAGP, the Master EIR identifies permissible densities and intensities of use for each land use designation. Proposed amendments to the UAGP are discussed in Chapter III, *Project Description*. The UAGP is incorporated by reference, with the exception of those portions proposed for amendment, in Chapter III.

The UAGP provides for the phasing of future development of the Planned Urbanizing Area through the adoption of individual comprehensive plans. This fulfills the requirements of subdivision D of PRC Section 21157(b)(2). The timing of the individual comprehensive plans depends on market demand and the approval of sewer trunk line extensions.

3. Public Resources Code Section 21157(b)(3)

a. Requirement

PRC Section 21157(b)(3) states that a Master EIR must include:

A description of potential impacts of anticipated subsequent projects for which there is not sufficient information reasonably available to support a full assessment of potential impacts in the master environmental impact report. This description shall not be construed as a limitation on the impacts which may be considered in a focused environmental impact report.

b. How This Master Environmental Impact Report Implements the Requirement

Each of the discussions of individual environmental issues in Chapter V (e.g., traffic, air quality, et al.) discloses the potential impacts for which sufficient information to support a full assessment is currently unavailable. In addition, the Master EIR establishes the assumptions for determining whether a subsequent project is within the scope of the Master EIR and whether the Master EIR is considered current at the time that project is considered.

B. CITY OF MODESTO URBAN AREA GENERAL PLAN GROWTH STRATEGY AND ANTICIPATED SUBSEQUENT PROJECTS

The UAGP's Growth Strategy Diagram identifies three subareas within the overall Modesto planning area: the Redevelopment Area, the Baseline Developed Area, and the Planned Urbanizing Area. These are illustrated in Figure II-1. The application of the Master EIR's analysis and mitigation measures varies between these areas. The City's procedures are described as follows.

1. Redevelopment Area

On October 9, 2007, the Redevelopment Agency (RDA) adopted a new Master Plan, of which a key component is the revised Land Use Strategy Map. Concurrent with the General Plan Amendment and by separate action, the *Amended Redevelopment Plan for the Modesto redevelopment Project* is being amended to include the Land Use Strategy Map. The *Amended Redevelopment Plan for the Modesto Redevelopment Project*, adopted in November 1991, and as subsequently amended, and the *Modesto Redevelopment Master Plan*, adopted by the Redevelopment Agency in October 2007, or as subsequently amended, are incorporated by reference into the UAGP. The Redevelopment Area will develop in the future according to the adopted *Redevelopment Master Plan* and existing zoning. If a subsequent project within the Redevelopment Area conforms to the *Redevelopment Master Plan* and general plan designation, the initial study for the project will find it to be within the scope of this Master EIR unless there is a project-specific impact that was not analyzed in the Master EIR. All feasible mitigation measures appropriate to the project (as identified in this Master EIR and the Program EIR certified for the *Redevelopment Master Plan*) will be incorporated into the project, and public notice will be provided indicating that the City of Modesto (City) intends to use the Master EIR for the project. When the project is approved, the City will file a notice of determination. (PRC Section 21157.1.)

2. Baseline Developed Area

Within the Baseline Developed Area, the UAGP reflects existing zoning. As a result, this area generally will be developed according to the existing zoning designations. If a subsequent project within this area conforms to the proposed UAGP, the initial study for the project will find it to be within the scope of this Master EIR unless there is a project-specific impact that was not analyzed in the Master EIR. No further environmental review will be required.

All feasible mitigation measures appropriate to the project (as identified in this Master EIR) will be incorporated into the project, and public notice indicating that the City intends to use the Master

EIR for the project will be provided. When the project is approved, the City will file a notice of determination. (PRC Section 21157.1.)

3. Planned Urbanizing Area

The Planned Urbanizing Area encompasses the Comprehensive Planning Districts (CPDs) identified in Chapter III of the UAGP. This area is intended to contain most of the City's growth through 2025. So that development proceeds in an orderly fashion, development in each of the CPDs is restricted until a comprehensive plan for that district has been adopted by the City. The comprehensive plan will implement the UAGP policies identified in Chapter III of the UAGP and establish development policies specific to that district. This includes the policies requiring adoption of one or more specific plans to specify the intensity and location of development within the district.

A focused EIR, as defined in PRC Section 21158, will be required prior to development in each CPD as specific plans are proposed. As long as development allowed by the proposed comprehensive plan does not exceed the intensities allowed by the UAGP (reflected in the total number of dwelling units and acres of employment land uses specified in the *Community Development Policies* section of the UAGP), no analysis of cumulative impacts, growth-inducing impacts, or irreversible significant impacts on the environment will be required in the focused EIR. The issue-specific environmental analyses in Chapter V of this Master EIR serve to further define the analyses that would be required for each focused EIR.

Future focused EIRs will modify this Master EIR to keep it up-to-date as required under PRC Section 21157.6.

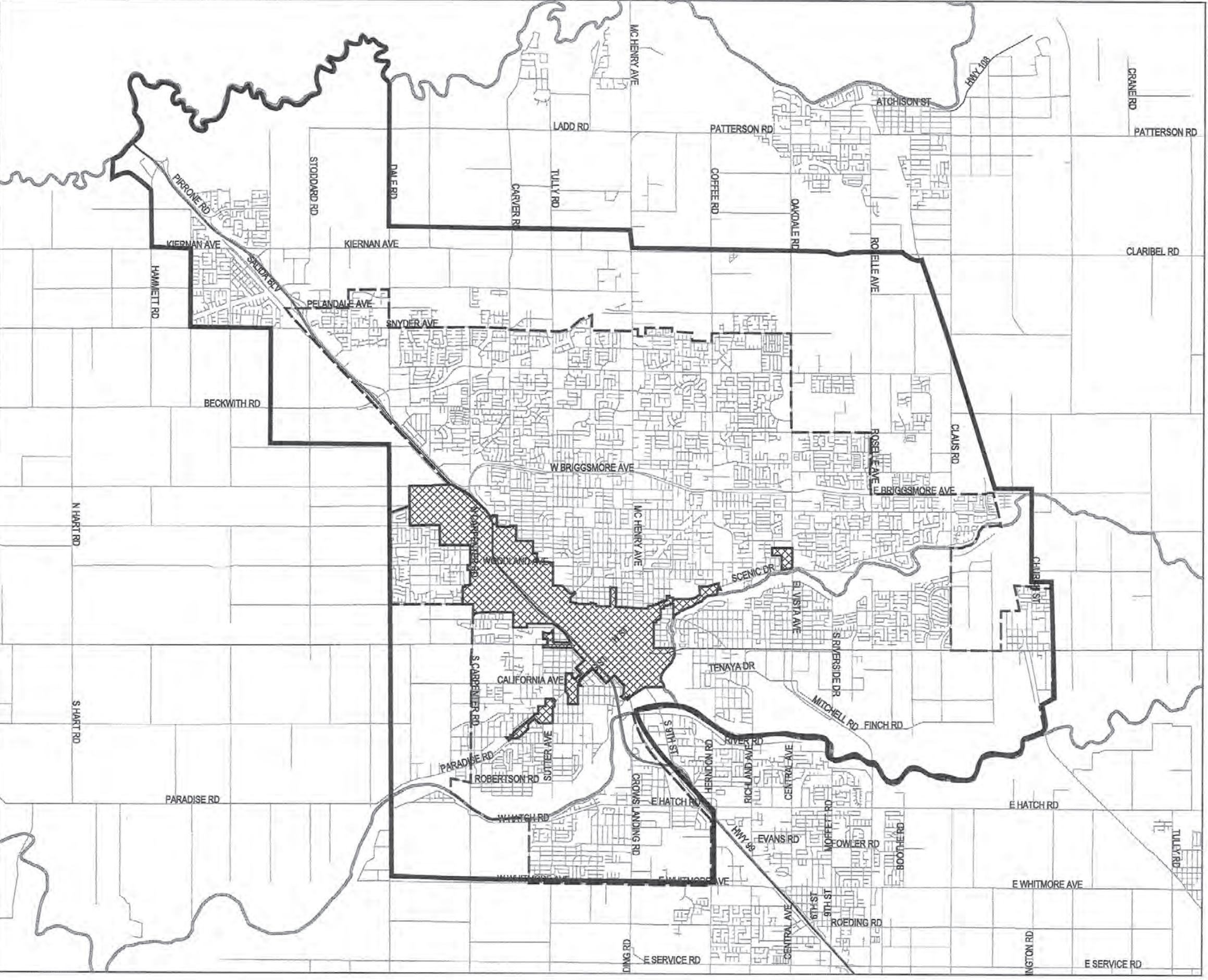
C. ANTICIPATED SUBSEQUENT PROJECTS




With one exception, certification of a Master EIR streamlines the analysis of subsequent projects that are within the scope of that Master EIR. The mitigation measures identified in the Master EIR, in conjunction with the policies of the UAGP, will be applied to those subsequent projects as conditions of approval.

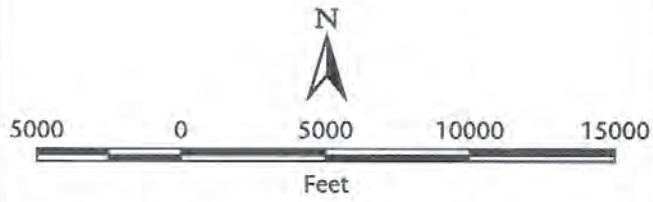
In order to be considered for streamlined environmental review, "anticipated subsequent projects" must be identified in the Master EIR. Eighteen types of subsequent projects are hereby declared to be "within the scope of the Master EIR," as defined in PRC Section 21157.1. Unless otherwise stated, the City will be the lead agency for each of these subsequent projects.

Except as may be described in Chapter III, *Project Description*, none of these subsequent projects is being considered in conjunction with the UAGP Amendment being analyzed as part of this Master EIR. At such time as they are considered, these subsequent projects will be subject to the preparation of an initial study that will determine whether they are "within the scope of the Master EIR." The initial study also will determine whether they have been adequately described in the Master EIR or whether a mitigated negative declaration or focused EIR must be prepared.

Figure II-1
Growth Strategy Diagram



- Legend**
-  Redevelopment Areas
 -  Baseline Developed Areas
 -  Planned Urbanizing Area



Source: City of Modesto 2002.

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The Master EIR's use in analyzing subsequent projects is limited once the Master EIR is 5 years old or if a new project brings to light information that would affect the adequacy of the Master EIR's analyses. These conditions are described in PRC Section 21157.6(a) as follows.

- (1) The certification of the master environmental impact report occurred more than five years prior to the filing of an application for the subsequent project.
- (2) The filing of an application for the subsequent project occurs following the certification of the master environmental impact report, and the approval of a project that was not described in the master environmental impact report, may affect the adequacy of the environmental review in the master environmental impact report for any subsequent project.

PRC Section 21157.6 explains how this limitation can be avoided.

- (b) A master environmental impact report that was certified more than five years prior to the filing of an application for the subsequent project may be used for purposes of this chapter to review a subsequent project that was described in the master environmental impact report if the lead agency reviews the adequacy of the master environmental impact report and does either of the following:
 - (1) Finds that no substantial changes have occurred with respect to the circumstances under which the master environmental impact report was certified or that no new information, which was not known and could not have been known at the time that the master environmental impact report was certified as complete, has become available.
 - (2) Prepares an Initial Study and, pursuant to the findings of the Initial Study, does either of the following:
 - (A) Certifies a subsequent or supplemental environmental impact report that has been either incorporated into the previously certified master environmental impact report or references any deletions, additions, or any other modifications to the previously certified master environmental impact report.
 - (B) Approves a mitigated negative declaration that addresses substantial changes that have occurred with respect to the circumstances under which the master environmental impact report was certified or the new information that was not known and could not have been known at the time the master environmental impact report was certified.

1. Sphere-of-Influence Amendment

The City's sphere of influence delineates the probable physical boundaries and service area established by the Stanislaus County (County) Local Agency Formation Commission (LAFCo) pursuant to Government Code Section 56425(e). The LAFCo, in determining the sphere of influence, must consider each of the following issues.

- (1) The present and planned land uses in the area, including agricultural and open-space lands.
- (2) The present and probable need for public facilities and services in the area.
- (3) The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
- (4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

Government Code Sections 56426 and 56426.5 limit the extension of a sphere of influence to lands that are subject to either a Williamson Act or “Super Williamson Act” agricultural land conservation contract.

The UAGP covers an area larger than the incorporated limits of the city and its current sphere of influence. In order to eventually annex those adjoining lands, the City must apply to the LAFCo for amendments to its sphere of influence. Upon annexation to the City, development would occur as outlined in the UAGP.

The provisions of the Planned Urbanizing Area would apply to the City’s review of proposed amendments to its sphere of influence.

2. Annexation

Annexation is the inclusion, attachment, or addition of territory to a city (Government Code Section 56017). Like the establishment of a sphere of influence, annexation is subject to review and approval by the LAFCo. Annexation may be initiated by the City or by a petition of property owners, in accordance with the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code Section 56000 et seq.) and LAFCo policy. Annexation to the City brings the affected land under the land-use controls of the City, in addition to bringing it within the City’s service area.

Government Code Section 56301 sets out the following philosophy for LAFCo actions.

Among the purposes of a commission are discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances. One of the objects of the commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local agencies in each county and to shape the development of local agencies so as to advantageously provide for the present and future needs of each county and its communities.

Government Code Section 56668 requires the LAFCo to consider the following factors in determining whether to approve an annexation proposal.

- (a) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas, during the next 10 years.
- (b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. “Services” ... refers to governmental services whether or not the services are services that would be provided by local agencies subject to [LAFCo regulation] and includes the public facilities necessary to provide those services.
- (c) The effect of the proposed action and of alternative actions on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.

- (d) The conformity of the proposal and its anticipated effects [with the LAFCo’s adopted policies regarding] planned, orderly, efficient patterns of urban development and the [state policies and priorities discouraging the conversion of agricultural land and the conversion of open-space land prior to utilization of land within the City or its sphere.]
- (e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands.
- (f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.
- (g) Consistency with city or county general and specific plans.
- (h) The sphere of influence of any local agency which may be applicable to the proposal.
- (i) The comments of any affected local agency.
- (j) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for such services following the proposed boundary change.
- (k) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.
- (l) The extent to which the proposal will [assist the receiving entity in achieving its fair share] of the regional housing needs as determined by the appropriate council of governments.
- (m) Any information or comments from the landowner or owners, voters, or residents of the affected territory.
- (n) Any information relating to existing land use designations.
- (o) The extent to which the proposal will promote environmental justice. As used in this subdivision, “environmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

The City will pursue the eventual annexation of all those lands within the Modesto planning area, including unincorporated “islands” that are currently surrounded by the city limits. This course of action will involve making a number of annexation requests to LAFCo. The provisions of the Planned Urbanizing Area would apply to the City’s review of proposed annexations.

3. Comprehensive Plans

A comprehensive plan is a policy document that serves to implement the CPD concept promulgated by Section III-D of the UAGP. A comprehensive plan would implement the UAGP by creating a bridge between UAGP policies and the more specific policies that will be applied to individual developments. Ideally, a comprehensive plan would direct all facets of future development within the CPD, including the distribution of land uses, the location and sizing of supporting infrastructure, methods of financing public improvements, and standards of development.

Modesto eventually will adopt comprehensive plans for all 25 of the CPDs identified in the UAGP. Development under an adopted comprehensive plan—whether it is a conditional use permit, subdivision, or rezoning—will be required to conform to the policies and planning diagrams of that plan. Each comprehensive plan would conform to the policies of the UAGP. The UAGP explains

that one or more specific plans will be adopted within each CPD. That specific plan or plans will constitute the comprehensive plan for that CPD.

As discussed above, adoption of a comprehensive plan will require a focused EIR that examines the CPD-specific issues that were not fully analyzed in the Master EIR for the UAGP.

4. Specific Plans

The City may use specific plans, as defined under Government Code Section 65450, to meet the requirement for preparation of comprehensive plans. Specific plans also will require a focused EIR.

5. Zoning

The City's zoning ordinance is Title X of the Modesto Municipal Code. Zoning regulates the use of buildings, structures, and land for residences, business, industry, open space, and public uses. It is one means by which the UAGP is implemented. Whereas a general plan establishes policies to guide development, zoning is one of the regulatory methods by which a city puts those policies into action.

Under the City's zoning ordinance, each parcel of land is assigned a zoning designation (e.g., Low Density Residential [R-1], Medium Density Residential [R-2], and Professional Office [P-O]) that describes the allowable uses and development standards applicable to that parcel.

The City may undertake rezonings at the request of private applicants or on its own for the purpose of implementing the UAGP. Rezonings in the Baseline Developed Area, Redevelopment Area, and Planned Urbanizing Area are within the scope of the UAGP's Master EIR if they are consistent with the UAGP or an approved comprehensive plan. The City will determine whether further environmental analysis is needed after preparation of an initial study.

6. Miscellaneous Land Use Permits

The City processes a variety of permits that facilitate development. Examples include the following.

a. Conditional Use Permits (Authorized under Section 10-2.2503 of the Modesto Municipal Code)

These are discretionary permits through which the City considers whether to approve a particular use of land and what conditions to place on an approval. The range of possible conditional uses is established under the zoning ordinance, as are the requirements for public notice and hearing.

Each year the City considers many conditional use permit applications, submitted primarily by private applicants.

b. Variances (Authorized under Section 10-2.2501 of the Modesto Municipal Code)

A variance is a limited exception from the standards normally applicable under the zoning ordinance for which special circumstances exist such that the affected property does not enjoy the same benefits as nearby properties in the same zone. The standards by which to judge the validity of a variance request, as well as the requirements for public notice and hearing, are established by the zoning ordinance.

Each year the City considers many variance requests, submitted primarily by private applicants.

c. Building Permits (Authorized under Title 9 of the Modesto Municipal Code)

With few exceptions, before construction can be started, a building permit must be obtained from the City. The permit establishes that construction is taking place in accordance with accepted building codes. Building permits are issued routinely and require no public notice or hearing.

7. Subdivisions

The division of land for sale, lease, or financing is governed by the state Subdivision Map Act (Government Code Section 66410, et seq.), as administered by the City's subdivision regulations (Section 4-4.4101 et seq. of the Modesto Municipal Code). The creation of four or fewer lots is a minor, or parcel map, subdivision. The creation of five or more lots is a major subdivision and generally subject to more intensive development standards. Subdivisions are another means of implementing the UAGP and cannot be approved unless consistent with the UAGP.

The City approves numerous subdivisions each year for residential, commercial, and industrial projects. The Modesto Municipal Code sets forth requirements for subdivision applications, such as the requirements for public notice and hearings. Subdivisions will be subject to review in all of the three subareas, as discussed in Section B above.

8. Development Agreements

A development agreement is a contract between the City and a developer that establishes vested rights to develop property in a particular manner under the rules in existence at the time the agreement is entered into. Development agreements are voluntary, so in most cases the City only enters into an agreement if the developer agrees to certain concessions. A development agreement is effective for the period of time established in the agreement (usually 10 to 20 years). Government Code Section 65865 et seq. establishes the rules for these agreements.

A development agreement must be consistent with the UAGP and thereby implements the UAGP. Such an agreement must be heard by the Planning Commission and Modesto City Council before approval may be granted. Development agreements may be considered in any of the three subareas but are expected to be most prevalent in the Planned Urbanizing Area.

9. Capital Improvement Program

The City's Capital Improvement Program (CIP) guides the funding and construction of all public improvements constructed by the City, including roads, wastewater treatment facilities, water lines, and parks. Government Code Section 65401 provides that public works projects must be reviewed by the City for conformity with the UAGP. The CIP embodies this review. The CIP will address subsequent projects in all three subareas.

10. Redevelopment Plan

The Community Redevelopment Act (Health and Safety Code Section 33000 et seq.) enables a city to establish a redevelopment agency for the purpose of eliminating urban blight. The act gives the redevelopment agency certain fundamental tools, including:

- a. the authority to buy real property, including the power to use eminent domain for redevelopment purposes;
- b. the authority to sell property without bidding;
- c. the authority to relocate persons and the obligation to provide relocation assistance; and
- d. the authority to impose land use and development controls pursuant to a comprehensive plan of redevelopment.

Redevelopment activities will be confined to the Redevelopment Area.

The Modesto City Council serves as the board of directors for the Redevelopment Agency. It holds joint public hearings over redevelopment activities. The City typically makes many decisions related to Redevelopment Agency activities each year. The *Redevelopment Master Plan* was adopted in 2007 and is consistent with the UAGP. A minor amendment to the Redevelopment Plan has been proposed to ensure continued consistency between the Redevelopment Plan and the General Plan. The Redevelopment Plan Amendment will be concurrently considered by Planning Commission and City Council with the General Plan Amendment.

11. Parks Facilities Plans

The City Parks, Recreation and Neighborhoods Department is responsible for constructing and maintaining public parks and recreation facilities throughout Modesto. To guide development of these facilities, the City uses a variety of tools, including park master plans and design development reports for neighborhood, community, and regional parks; *Modesto Non-Motorized Transportation Master Plan*; *Tuolumne River Regional Park Master Plan*; and the *City of Modesto Design Standards for Dual Use Flood Control/Recreation Facilities* manual. As is the case with the CIP,

parks facilities plans are subject to review for consistency with the UAGP pursuant to Government Code Section 65401.

Parks facilities plans may be adopted in any of the three subareas but are expected to be most prevalent in the Planned Urbanizing Area. When a comprehensive plan has been adopted, parks facilities plans also will be required to reflect the pertinent mitigation measures identified in the focused EIR for the comprehensive plan.

12. Stanislaus County Airport Land Use Plan

The County Airport Land Use Commission (ALUC) is authorized under Section 21670 of the Public Utilities Code to adopt comprehensive airport land use plans for general use airports in the county “that will provide for the orderly growth of each public airport and the area surrounding each public airport.” The UAGP and County General Plan must be consistent with the airport land use plan. In formulating the airport land use plan, the ALUC may establish height restrictions on buildings, specify the uses of land, and determine building standards within the airport planning area. The airport land use plan cannot control airport operations, however.

The County airport land use plan was adopted in 1978. It may be amended from time to time and may necessitate related amendments to the UAGP if inconsistencies arise. The Modesto City-County Airport is located within the Baseline Developed Area.

13. Household Hazardous Waste Element

Under the California Integrated Waste Management Act, the City is required to adopt a household hazardous waste element. This is not a UAGP element, but rather an element of the County’s integrated waste management plan (IWMP). This element identifies a program for the safe collection, recycling, treatment, and disposal of hazardous wastes that are generated by City households and should be separated from the solid waste stream. PRC Section 41500 requires the Modesto City Council to submit its household hazardous waste element to the County.

The household hazardous waste element applies citywide and affects all three planning subareas.

14. Source Reduction and Recycling Element

The Integrated Waste Management Act also requires the City to adopt a source reduction and recycling element (SRRE) to show the methods by which the City will reduce the amount of solid waste being disposed of by city residents. This is also an element of the County’s IWMP and must be submitted to the County for inclusion in the plan.

The SRRE applies citywide and would affect all three subareas.

15. Wastewater Master Plan

Modesto adopted the *Wastewater Master Plan* in 2007 in order to construct, operate, and maintain various wastewater collection and treatment facilities. The purpose of the *Wastewater Master Plan* is to implement the wastewater policies of the UAGP. Accordingly, the plan will allow the City to meet the wastewater collection and treatment needs projected at UAGP buildout in 2025.

A Master EIR was prepared for the *Wastewater Master Plan*. That document will form the basis, pursuant to PRC Section 21157.1, for CEQA compliance as each component of the *Wastewater Master Plan* is proposed for construction.

16. Urban Water Management Plan

The joint *Urban Water Management Plan* (UWMP) was adopted in 2007. It describes the City's long-term water supplies, as well as its management program to ensure that customers will be adequately served. The purpose of the UWMP is to implement the water policies established in Section V-C of the UAGP.

Future amendment of the UWMP shall be considered an anticipated subsequent project in the context of PRC Section 21157. However, because the specific facilities covered by future UWMPs are not determined at this time, a focused EIR or subsequent mitigated negative declaration will be required prior to the adoption of these plans.

17. Storm Water Facilities Plans

Storm water drainage facilities may be constructed, operated, maintained, and replaced in a manner that will provide the best possible service to the public, given the financial abilities and constraints of the City and the private sector. In developing implementation plans, consideration may be given to rehabilitation of existing facilities, remediation of developed areas with inadequate levels of drainage service, and timely expansion of the system for future development. The purpose of these facilities is to implement the policies of Section V-E of the UAGP.

The City adopted a *Storm Drainage Master Plan* in 2007. Each of these facilities' plans shall be considered "an anticipated subsequent project" in the context of PRC Section 21157. However, because the specific facilities covered by these plans are not determined at this time, a focused EIR or subsequent mitigated negative declaration will be required prior to the adoption of these plans.

18. Public Facilities Financing Plans

Local governments have a number of options available for financing public facilities such as streets, sewers, water, drainage, schools, parks, fire and police stations, and public utilities. Examples of these options currently used or contemplated by the City include: Mello-Roos community facilities districts, Landscaping and Lighting Act and other assessment districts, Capital Facilities Fees programs, Area of Benefit procedures, and a long-range financial plan.

Virtually all of these public facilities are or will be programmed for construction under a policy document such as a master plan or the capital improvements program mentioned in Section C-9 above. Because the environmental review for these facilities will be undertaken with the policy documents, which describe the physical change resulting from the facilities, the financing of these facilities will not trigger subsequent environmental review. The financing is outside the definition of “project” under PRC Section 21065.

D. RESPONSIBLE AGENCIES

Pursuant to PRC Section 21157.1(a), a responsible agency may become the lead agency for a subsequent project under the Master EIR. The following are considered responsible agencies for the purposes of this Master EIR (typical permits or actions that qualify the following as responsible agencies are listed in parentheses):

1. the County LAFCo (sphere of influence amendment and annexation);
2. the County (airport land use plan, IWMP, rezoning, County General Plan, or community plan amendment);
3. the California Department of Fish and Game (streambed alteration agreement and incidental “take” permit);
4. the California Department of Public Health (water supply permits);
5. the California Department of Transportation (road widenings, highway encroachment permits, and airport expansion);
6. the State Lands Commission (lease of public trust lands);
7. the State Water Resources Control Board (biosolids permits);
8. the state Department of Water Resources, Reclamation Board (floodplain and levee encroachment permits);
9. the Regional Water Quality Control Board (waste discharge requirements, National Pollutant Discharge Elimination System permits, and Clean Water Act certifications);
10. the California Public Utilities Commission (construction or alteration of a railroad crossing); and
11. the Modesto Irrigation District.