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**BUTTE LOCAL AGENCY FORMATION COMMISSION (LAFCo)  
EXECUTIVE OFFICER'S REPORT**

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**TO:** Local Agency Formation Commission  
**FROM:** Shannon Costa, Local Government Planning Analyst  
**SUBJECT:** *LAFCo File 21-05 – City of Oroville – Feather Avenue Annexation #2*  
**DATE:** August 26, 2021 for the September 2, 2021 LAFCo Meeting

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**Summary**

Proposed is the annexation of two parcels (APN's 030-061-091 & 092) and street right-of-way, totaling approximately 26 acres in size, to the City of Oroville (**Exhibit A**). This annexation would allow the extension of full City of Oroville municipal services to the subject territory to support the future development of the site with 97 lots for residential development. The proposal is a reorganization because the affected territory would be detached from County Service Area 164 (Butte County Animal Control) and the Butte County Resource Conservation District. Staff recommends that the Commission retain the affected territory in the Oroville Cemetery District, Butte County Mosquito and Vector Control District, Feather River Parks and Recreation District and Thermalito Water and Sewer District. Staff recommends that the Commission adopt Resolution 07 2020/21 (**Exhibit B**) approving the annexation.

**General Information**

Application Submitted: February 20, 2021

Application Deemed Complete: June 10, 2021

100% Landowner Consent: Yes

Notice and Hearing Required: No. however, given the level of neighborhood concern, Staff did publish a notice in the newspaper

Proponent: City of Oroville City, Resolution No. 8917

Landowners: Ruddy Creek Partnership, LLC

Location: The territory is located on the southeast corner of the intersection of Feather Avenue and 18<sup>th</sup> Street in the Thermalito area of Oroville. The territory is located in Supervisorial District 4.

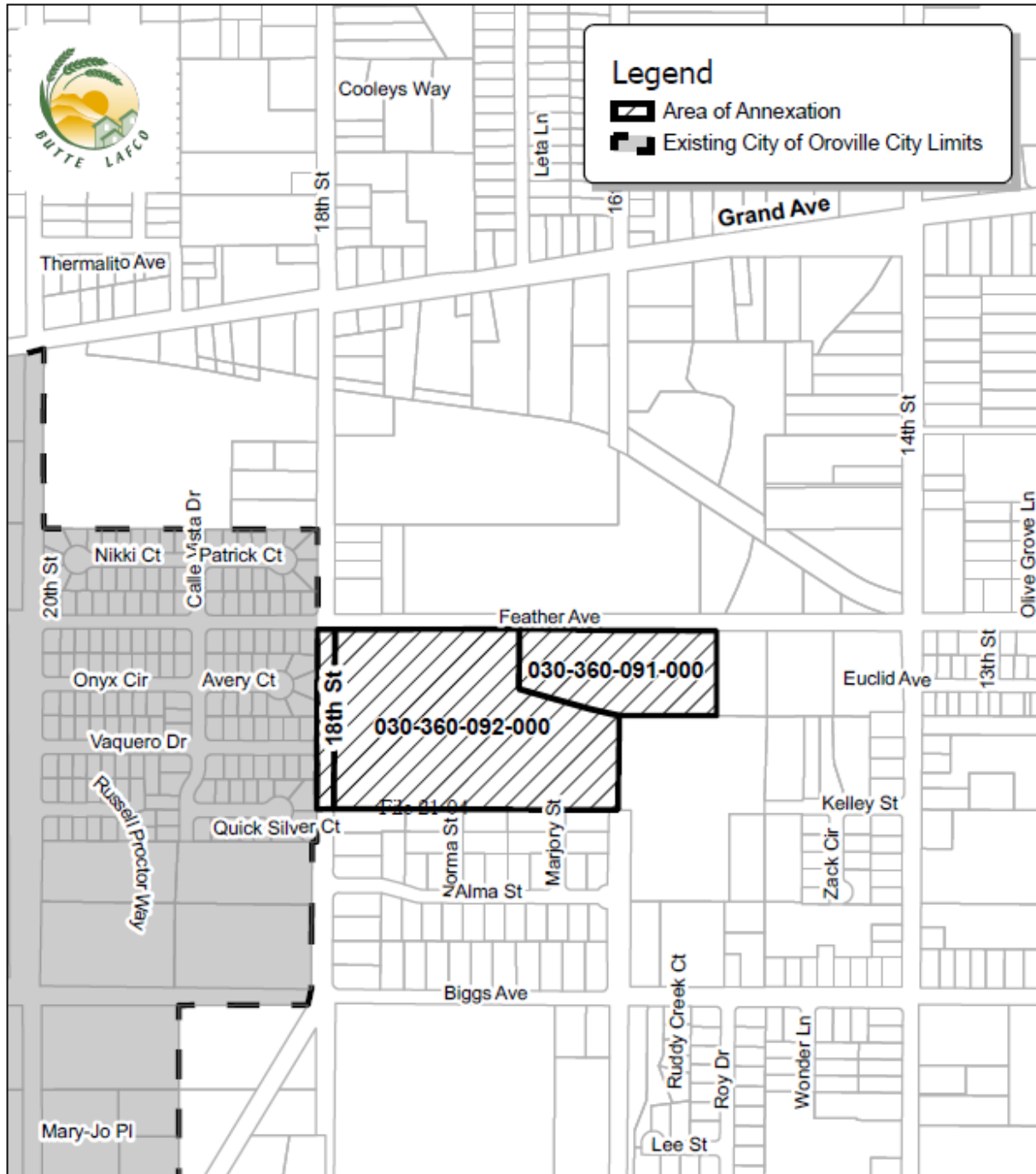
Proposal:


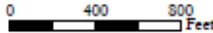
1. Annexation of 2 parcels and street right-of-way, totaling approximately 26 acres to the City of Oroville; and
2. Detachment of the subject territory from CSA 164 (Butte County Animal Control District) and the Butte County Resource Conservation District

**Requested**

**Action:** Adopt Resolution 07 2020/21 (**Exhibit B**) approving the annexation.

# Exhibit A



<b>Butte Local Agency Formation Commission</b>			 
<b>21-05 - Feather Avenue Annexation #2</b>			
Applicant: City of Oroville	Date: September 2, 2021	File: 21-05	
Map Project File: \\GIS\DEPTS\LAFCO\PROJECTS\File 21-05 CityOfOroville_FeatherAveAnnex#2\File_21-05.aprx			

## DISCUSSION AND ANALYSIS

### Background

Proposed is the annexation of a 26-acre portion of the Thermalito area into the City of Oroville. The annexation area consists of two parcels (APN's 030-061-091 & 092) and street right-of-way serving the project site. The parcels proposed for annexation are bound by Feather Avenue to the north, 18<sup>th</sup> Street to the west, Ruddy Creek (seasonal drainage) to the east, and residential development to the south. The proposed annexation would facilitate the extension of City of Oroville municipal services to the affected territory to support development of the site with 97 lots for single family residential development, and afford the future residents all other rights and privileges associated with City functions. Staff recommends the proposal be modified to include detachment from County Service Area No. 164 (Butte County Animal Control) and from the Butte County Resource Conservation District.

Following annexation:

- All of the territory will be detached from CSA No. 164 (Butte County Animal Control), as this service will be provided by the City of Oroville; and
- All of the territory will be detached from the Butte County Resource Conservation District, as this service is confined to unincorporated parcels only; and
- The territory will remain within Oroville Cemetery District, Butte County Mosquito & Vector Control District, Feather River Parks and Recreation District and Thermalito Irrigation District; and
- All remaining County portions of 18<sup>th</sup> Street between Feather Avenue and Oro Dam Boulevard and Feather Avenue adjacent to the annexation territory would be annexed to the City of Oroville.

### Project Site

With the exception of a small water well/water pumping facility operated by the Thermalito Water and Sewer District (TWSD) at the corner of 18<sup>th</sup> Street and Feather Avenue, several trash piles from illegal dumping, and the foundation of a long-abandoned dwelling, the territory is vacant and has been for long time. The site had been previously developed with a single-family dwelling unit and olive orchard. The olive orchard was removed in 2005 after having been untended for several years. Only a few non-productive olive trees and various native shrubs and trees are now found on the site.



FIGURE 1 - Northwest corner of Feather Avenue and 18<sup>th</sup> Street looking east to project site (Google Maps)

Land surrounding the project site is developed at a variety of residential densities. To the west of the annexation territory is the Calle Vista Estates subdivision, which is within Oroville city limits and developed with single-family homes on lots ranging in size from 0.15 to 0.28 acres. Development directly south of the annexation territory, the Ghianda Heights subdivision, remains under County jurisdiction and is developed with a large-lot single-family development with lots ranging in size from 0.33 to 0.64 acres in size. To the east and north of the annexation territory is rural-residential development consisting of single-family homes on larger lots with some agricultural uses such as hobby farms.

The annexation territory is adjacent to City of Oroville City limits on it's westerly boundary.



FIGURE 2 - Aerial Image of Annexation Territory – Google Earth



FIGURE 3 - 18<sup>th</sup> Street looking south – Google Earth      Feather Avenue facing east – Google Earth

The annexation territory is bound to the north by Feather Avenue and to the west by 18<sup>th</sup> Street, both of which are public roads maintained by Butte County Public Works. Feather Avenue is improved with contiguous sidewalk along the parcel frontage and 18<sup>th</sup> Street is improved with separated sidewalk, curb and gutter.

### City of Oroville Approvals

At its December 15, 2020 meeting, the Oroville City Council adopted a resolution (Resolution #8917, **Exhibit C**) approving a tentative subdivision map (The Village at Ruddy Creek) and associated environmental review in the form of an initial study/mitigated negative declaration (IS/MND) for the project (**Exhibit D**). The approval allows the development of the site with 97 lots for single-family residential development with a condition of approval that prohibits two-story development on lots that abut the neighboring residential development to the south (see image below). Average lots size for the development would be 0.15 acres and residential density would be 3.7 units/acre.

The approved subdivision has been integrated into the adjacent road network serving the existing subdivisions. Access to the site is provided by three points of ingress/egress; to the north, a single-entry point central to the subdivision is provided onto Feather Avenue. To the west, an access point is provided on 18<sup>th</sup> Street that aligns with Vaquero Drive of the Calle Vista Estates subdivision. To the south, a single entry point would allow for direct connection to Norma Street, which serves the existing residential development and provides access to Biggs Avenue. Internal to the site, roads are designed to provide circular access around the development. Standard street improvements would be constructed, such as curb, gutter and separated sidewalk with planter strips.

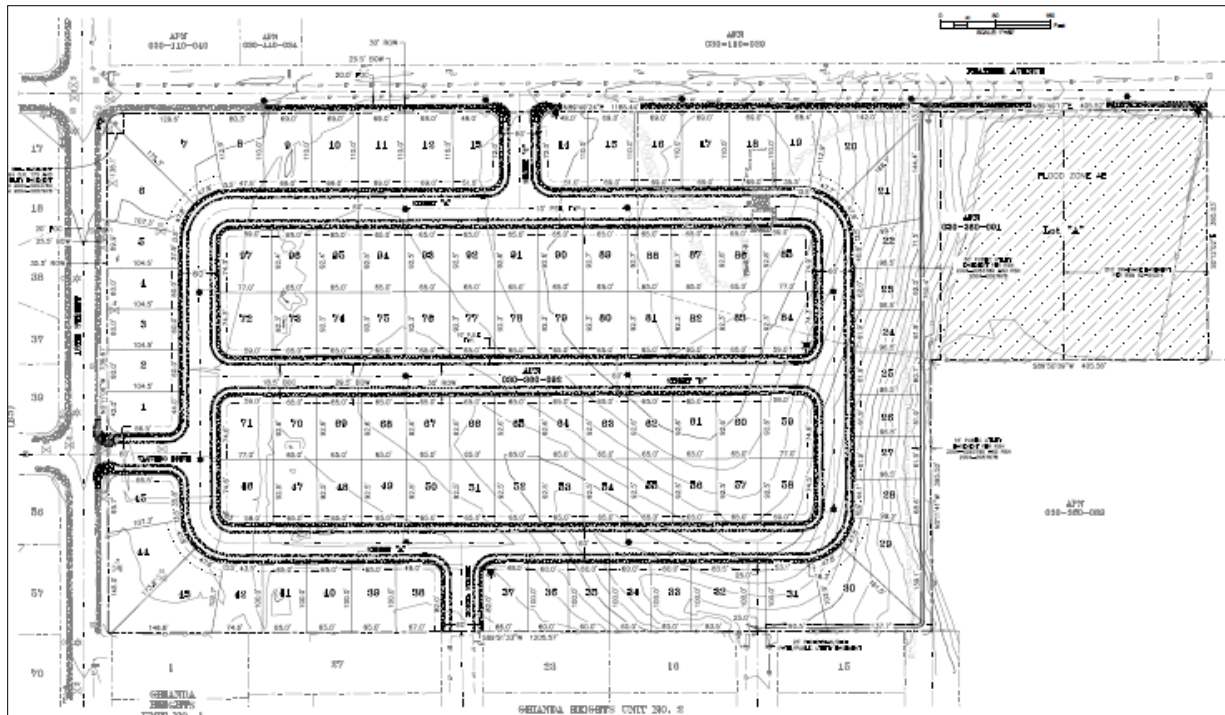


FIGURE 4 - Approved TSM for The Village at Ruddy Creek

An approximately 3.66-acre remainder lot is identified at the eastern portion of the annexation territory ("Lot A") for the purposes of conserving wetlands, possible oak tree mitigation land and providing open space for future recreational purposes. Storm-water runoff for the project would

be collected in an underground trench system and conveyed to Ruddy Creek through either a detention pond or pipe system.

Concurrent with the December 15, 2020 subdivision map approval, the Oroville City Council approved a General Plan Amendment and Zoning Code Amendment for the subject parcels. The previous General Plan land use designation (Medium High Density Residential) and pre-zoning (R-3) for the parcels would have allowed residential development of up to 14 units per acre. To accommodate the proposed project at a lesser density, and to promote compatibility with adjacent residential development, the General Plan land use designation and pre-zoning for the project site were amended to Medium Low Density Residential and R-1, respectively. With development of 97 homes occurring on approximately 23.97 acres of site, the proposed density of 3.7 units/acre falls within the allowed density range for the zoning district.

### Previously Considered Project

At its January 3, 2008 meeting, LAFCO Commissioners considered a similar proposal at the same site. The proposed reorganization would have extended full municipal services to the project site for an approved 172-lot single-family residential development (current proposal is for 97 lots). The approved map included a 2.8-acre park area along the eastern boundary, for which the developer intended to construct and offer for dedication to the City for maintenance. Several issues with the development were discussed over a series of three Commission meetings, including the density of the project, inadequate environmental review, drainage concerns, and a dispute over park fees paid to Feather River Parks and Recreation District. Ultimately, the Commission unanimously adopted a resolution to deny the project without prejudice, which would allow the City of Oroville to bring the proposal back before the Commission once a resolution was reached regarding park capacity fees paid to Feather River Parks and Recreation District. The original proposal was ultimately abandoned by the developer.

### **EFFECT OF ANNEXATION**

The annexation was initiated by the City of Oroville and the property owner in order to provide City municipal services to a 97-unit single-family development, proposed by the property owner. Following annexation, the City of Oroville will assume from the County of Butte primary responsibility for basic municipal services including, but not limited to, police/fire protection, public works, and land use planning. These services will be funded partially or wholly with additional revenues realized from sales tax, property taxes, Community Facilities District fees, and subject to the Property Tax Sharing Agreement between the City and the County. Following annexation:

- The parcels will be removed from CSA No. 164 (Animal Control), as this service will be provided by the City of Oroville; and
- The parcels will be detached from the Butte County Resource Conservation District, as this service is restricted to unincorporated parcels only; and
- The territory will remain within Oroville Cemetery District, Butte County Vector Control District, Feather River Parks and Recreation District and Thermalito Water and Sewer District.

### **Existing Service Agencies and Proposed Service Changes**

The following table shows the services that are currently provided to the territory and the changes in service providers as a result of annexation to the City of Oroville.

<b><u>Service</u></b>	<b><u>Presently Provided By</u></b>	<b><u>Proposed Provider</u></b>
Fire Protection	County of Butte	City of Oroville
Police Protection	County of Butte	City of Oroville
Code Enforcement	County of Butte	City of Oroville
Sewer Service	Thermalito Water and Sewer	No change
Domestic Water Service	Thermalito Water and Sewer	No change
Agricultural Water Service	None	None
Animal Control	County of Butte (CSA 164)	City of Oroville
Solid Waste	Private Collector	No change
Road/Street Maintenance	County of Butte	City of Oroville
Power Infrastructure	PG&E	No change
Street Lighting	None	City of Oroville
Planning & Zoning	Butte County	City of Oroville
Schools	Thermalito Union Elementary/Oroville Union High School	No change
Resource Conservation	Butte Co. Resource Conservation Dist.	None
Mosquito Abatement	Butte Co. Mosquito Abatement Dist.	No change
Parks and Recreation	Feather River Parks and Recreation	No change
Storm Water Drainage	County of Butte	No change
Cemetery	Oroville Cemetery District	No change

### *Streets and Rights-of-Way*

LAFCo policies encourage the logical allocation of streets and rights-of-way, and allow the inclusion of additional territory to assure that the city reasonably assumes the burden of providing adequate roads to the property to be annexed (LAFCo Policy 4.3.1). A typical annexation would include right-of-way adjacent to the annexation territory: comments received by Butte County Public Works for the proposed project recommended adding additional right-of-way to the annexation area, including Feather Avenue from 18<sup>th</sup> Street to 14<sup>th</sup> Street and 18<sup>th</sup> Street from Feather Avenue to Biggs Avenue. The City’s current jurisdictional boundary includes portions of land on the west side of 18<sup>th</sup> Street, and includes segmented portions of 18<sup>th</sup> Street. Discussion with City of Oroville Public Works and Planning staffs concluded that the project site would logically be served primarily by 18<sup>th</sup> Street, which connects directly to Oro Dam Boulevard, and that lesser traffic would likely utilize Feather Avenue east beyond the annexation territory. For this reason, City staff agreed to modify the annexation proposal to include all portions of 18<sup>th</sup> Street from Feather Avenue to Oro Dam Boulevard. The modified proposal would ultimately “clean-up” the gaps in jurisdiction along 18<sup>th</sup> Street.

### *Sewage Collection/Treatment*

The territory is within the boundaries of the Thermalito Water and Sewer District (TWSD). The District provides sanitary sewer collection and conveyance services for unincorporated and incorporated properties in the Thermalito area, generally northwest of the City of Oroville. It also provides domestic water services for the parcels within its boundaries. The District collects wastewater from its customers and conveys it to Sewerage Commission-Oroville Region (SC-OR) facilities for treatment and disposal. Existing sewer lines are located in Feather Avenue and 18<sup>th</sup> Street, as well as stubbed out at the ends of Norma and Marjory Streets (on the south side of the annexation area). Water lines are also located in Feather Avenue and 18<sup>th</sup> Street.

According to the Domestic Water and Wastewater Service Providers Municipal Service Review (MSR) adopted by LAFCo in 2009, the Thermalito Water and Sewer District has an adequate water supply and water storage capacity to provide domestic water to the annexation area. The initial study prepared for the annexation and associated residential subdivision states that TWSD

has issued a “Will Service” letter for the subdivision project, indicating that this agency has adequate water supplies to serve the project.

The wastewater flow from project site will flow through the City of Oroville’s system, Sewerage Commission – Oroville Region’s (SC-OR) Main Interceptor, and then to the SC-OR treatment plant. Pursuant to a 2008 agreement between SC-OR and associated JPA members, a capacity study was prepared by SC-OR to determine the plants ability to serve the proposed project (**Exhibit E**). The study concludes that the projects loading represents a range of 1.6 to 5.6 percent of available capacity for SC-OR and that the Regional Facility Rate for the developed parcels should be sufficient to mitigate the project’s impact on SC-OR’s capacity without construction of new facilities.

### *Fire Protection*

The nearest fire station to the annexation territory (Station No. 63, located at Nelson Avenue and County Center Drive) is operated by the CAL Fire/Butte County Fire Department (CAL Fire/BCFD), and would normally be the first responder to incidents in the annexation area under an existing automatic aid agreement between the City of Oroville and CAL Fire/BCFD. As the City continues to annex outlying areas that continue to be served by CAL Fire/BCFD (i.e. South Oroville, Thermalito), the imbalance with the existing auto-aid agreement continues to compound. In a series of public meetings held in 2020-2021, City of Oroville staff and councilmembers have clearly expressed the urgent need for enhanced fire protection services as the City’s population growth has outpaced current fire protection capabilities. Current staffing and service models are not adequate to provide the desired emergency response without heavy subsidization from surround agencies (CAL Fire) under automatic aid agreements.

At its July 20, 2021 meeting, the City of Oroville City Council adopted a resolution authorizing the City Administrator to request that CAL Fire initiate an application to LAFCo for Extended Fire Protection Services by Contract (GC56134). The contract, should the City pursue it, would be similar to that of other communities in the County, such as the Town of Paradise, City of Biggs and City of Gridley, in that the Oroville Fire Department would remain intact and own/operate all of its own facilities and equipment, but that CAL Fire would take over employment, training, and staffing. While the contract would not immediately increase staffing levels within the Oroville Fire Department, it would increase resources available to the City of Oroville and generate training opportunities for fire department staff, while reducing dependence on outside resources to provide fire protection services to its residents. The proposed contractual agreement, if approved by LAFCo, would not be effective until July 2022. CALFire/BCFD did not object to the subdivision annexation as it anticipates future agreements will mitigate any service disparity concerns discussed below under comments.

In addition to pursuing a fire protection contract with CAL Fire to increase fire protection services, the City of Oroville has several public safety funding mechanisms in place; in 2006, the City formed two community facilities districts (CFDs) including CFD No. 2006-1 Westside Public Safety Facilities and CFD 2006-2 Public Safety Services. The districts were formed as a funding mechanism for new public safety facilities, primarily a new fire station located near the Oroville Municipal Airport, and to fund ongoing fire, police and code-enforcement services that are needed because of additional development. All new development west of Highway 70 is required to annex into both of the districts and is subject to collection of the fees. In 2018, the citizens of City of Oroville voted to approve a one-cent sales tax (Measure U) to prevent staffing cuts and restore public safety services including street repair, park maintenance, medical response and youth/senior services. For the 2021-22 budget year, Measure U funds are earmarked to fund 26 staff members, including six police officers, three fire fighters, public works staff, community development staff, and various code enforcement positions.



### *Parks and Recreation*

The previously considered subdivision/annexation project was challenged by the Feather River Recreation and Park District (FRRPD), citing concerns over the collection of development impact fees. At the time the project was considered (2008), no mechanism was in place that would require the City of Oroville to collect impact fees for new development on behalf of FRRPD. FRRPD contended that new development would create cumulative impacts on park facilities, and repair and maintenance associated with these impacts would go unfunded if the development took place under the City's jurisdiction (as opposed to the County, who collects impact fees on behalf of FRRPD). The Commission's motion to deny the project included that further analysis of cumulative impacts to FRRPD facilities was necessary and a solution to the collection of impact fees should be in place prior to further consideration of the project. In 2009, the City of Oroville adopted an ordinance that gave FRRPD the means necessary to collect Park Development Impact Fees for all new development within the City's jurisdiction, reducing impacts associated with new development on FRRPD facilities. The FRRPD had no issues with the current subdivision.

### **INDIVIDUAL FACTORS FOR CONSIDERATION**

Government Code Section 56668 identifies a number of factors that are to be considered by LAFCO in reviewing a proposal. The factors are intended to provide the Commission with information about certain topics that are often relevant to annexations. No single factor is determinative. An evaluation of these factors as it relates to the proposed boundary change follows.

**(a) Population; land use; topography; proximity to other populated areas; the likelihood of significant growth in the area.**

*The territory is located in a mixed semi-rural/developed portion (see Figure 3 above) of the unincorporated Thermalito area of Oroville. With the exception of a small water well/water pumping facility operated by the Thermalito Irrigation District (TID) at the corner of 18<sup>th</sup> Street and Feather Avenue, several trash piles from illegal dumping, and the foundation of a long-abandoned dwelling, the territory is undeveloped. The buildable area of the project site is relatively flat, sloping gently from west to east. The eastern-most portion of the site drops significantly in elevation and is bound to the east by a seasonal drainage (Ruddy Creek).*

*The site is bound to the west and south by residential development; the Calle Vista subdivision to the west is within city limits and developed at a similar density as the proposed project. Development to the south consists of rural, large-lot single-family development under County jurisdiction.*

*The proposal would allow development of the site consistent with the City of Oroville General Plan and 2009 Municipal Service Review/Sphere of Influence Map, which encompasses all of the Thermalito area. Slightly less population growth within the territory would occur under the County's jurisdiction because parcels in the area are identified for rural residential development, which is intended for large-lot single-family development and small farmsteads.*

**(b) The need for organized community services; probable effect of the proposed annexation on the cost and adequacy of services and controls in the area and adjacent areas.**

*The need for organized community services in the territory is to support future residential development consistent with the City of Oroville General Plan. The present cost and adequacy of governmental services and controls in the area are the County's responsibility. If the annexation is approved, the territory would then be served by the City, which is geared primarily toward providing urban level services. The affected territory will be integrated into*

*the City's overall service provision scheme and will increase the City's responsibilities and costs to deliver services. It is acknowledged that this will create an additional burden on the City, however, the adequacy and parity of services delivered within the City is a decision of the City Council when setting service level and delivery priorities.*

**(c) The effect of the proposed action and of alternative actions.**

*The area would be removed from the County's unincorporated area and be within the City of Oroville's incorporated service area. The proposed annexation would allow the City of Oroville provide a full range of municipal services to the territory, including those served through contracts and agreements and allow for the full development of the territory for much needed housing. Impact to local government is nominal. Slightly less population growth within the territory would occur under the County's jurisdiction because parcels in the area are identified for rural residential development, which is intended for large-lot single-family development and small farmsteads.*

**(d) The conformity of the proposal with the adopted commission policies on providing planned, orderly, efficient patterns of urban development.**

*The annexation of the subject territory to the City of Oroville is consistent with the planned, orderly, and efficient patterns of urban development within the adopted Sphere of Influence of the City of Oroville. The annexation will result in more effective, efficient, and logical jurisdictional boundaries and will provide more effective and efficient services to future residents of the area. The inclusion of additional road right-of-way encourages the logical allocation of streets and assures that the City assumes the burden of providing adequate roads to the annexation territory while cleaning up gaps in roadway jurisdiction created by past annexations.*

**(e) The effect of the proposal on agricultural lands.**

*The territory is not identified as Prime Agricultural land. The annexation territory had been previously developed with olive trees, but the grove was removed sometime around 2005. Since that time, the trees were unattended and non-producing. The remaining trees would be removed to support development of the site with single-family homes. Annexation of the subject territory would not contribute to the loss of agricultural lands.*

**(f) Boundaries of the territory.**

*The subject territory is parcel or road specific, with definite and certain boundaries. There are no conflicts with lines of assessment or ownership. The proposed annexation would not result in the creation of islands, corridors, peninsulas or other characteristics that lead to service inefficiencies or potential land use conflicts. The subject territory is contiguous with to the City of Oroville.*

**(g) A regional transportation plan adopted pursuant to Section 65080.**

*The proposed annexation does not conflict with the 2020 Butte County Association of Governments Regional Transportation Plan.*

**(h) Consistency with city or county general and specific plans.**

*The site is designated by Oroville's General Plan Land Use Diagram as Medium High Density Residential with Airport Influence Area Zone "C" overlay. The pre-zoning designation is R-1-AIA "C" (Single Family Residential with Airport Influence Area Zone C) allowing residential development of between four and six units per acre and requiring noticing to future residents of aircraft overflight. With development of 97 homes occurring on approximately 23.97 acres of site, the proposed density of 3.7 units/acre falls within the allowed density range for the zoning district.*

**(i) The sphere of influence of any local agency, which may be applicable to the proposal being reviewed.**

*The proposed annexation is consistent with the Sphere of Influence for the City of Oroville. The territory is within County Service Area No. 164 (Butte County Animal Control) and the territory will be detached from this district, as this service will be provided by the City of Oroville. The territory is within the boundaries of the Butte County Resource Conservation District and the territory will be detached from this district as the services provided by this district are confined to the unincorporated areas of Butte County.*

*The territory is located with the jurisdictional boundaries of Oroville Cemetery District, Oroville Mosquito Abatement District, Feather River Parks and Recreation District and Thermalito Water and Sewer District and will remain within these districts.*

**(j) The comments of any affected local agency.**

*On March 3, 2021, LAFCo staff circulated the proposal for review and comment from local public agencies. The following table lists the agencies that responded to LAFCo's request for comments and their response.*

<b><u>Agency</u></b>	<b><u>Comment</u></b>
<i>Butte Co. Environmental Health Division</i>	<p><i>APN 030-360-091 has a well destruction permit that was finalized on 06/03/2011. APN 030-360-092 has a well destruction permit that was issued on 10/07/2009.</i></p> <p><i>Future development will require will-serve letter from Thermalito Sewer and Water District and any discovered wells or septic systems to be destroyed via permit with Butte County Public Health Department, Environmental Health Division.</i></p> <p><b>Staff Response:</b> <i>A will-serve letter was provided by TWSD to the City of Oroville on July 30, 2020.</i></p>
<i>Butte Co. Elections Office</i>	<p><i>There are 0 registered voters in the territory.</i></p>
<i>Butte Co. Planning Division</i>	<p><i>Records show a conditional use permit, UP 98-27, for an 88 unit MH Park, approved on June 26, 2000, although never developed.</i></p> <p><b>Staff Response:</b> <i>No action needed.</i></p>
<i>Butte Co. Public Works – Land Development Division</i>	<p><i>The function of an annexation is to provide areas with certain services and resources. One of those resources is roads. In review of this annexation, it is apparent that the application does not include an adjacent roadway for which this project is frontage for over half of the road, nor does it include a similar subdivision to the south with adjoining roadways. The annexation boundary specifically excludes all roadway infrastructure liability instead of following the proposed right-of-way; please refer to page 3 of 3 where the proposed boundary is at the back of the sidewalk. The proposed area only includes</i></p>

*interior roadways for a new subdivision and only includes a short (and arguably ineffective and inefficient portion of 18th street). Cherry-picking annexations without including the surrounding infrastructure is poor practice. Feather Avenue is a primary route for the subdivision that adjoins over half of the length of that roadway.*

*The recommended annexation should include the full width of Feather Avenue from 18th street east to 14th street, which includes the bridge over Ruddy Creek, and should include the subdivision immediately to the south and the portion of Biggs Avenue, which is contiguous with that subdivision (from 18th Street to 16th street). The annexation should also include the southerly portion of 18th street that is already contiguous with the City limit, from Biggs Avenue north to Feather Avenue.*

**Staff Response:** *The annexation request has been modified to include all portions of 18<sup>th</sup> Street from Feather Avenue to Oro Dam Boulevard.*

*CAL Fire/ Butte County Fire Dept.*

*BCFD/CALFIRE will continue to provide services to the proposed annexation area. The Department has been in contact with Oroville City administration regarding the auto-aid agreement. The City is willing to explore adjustment to the agreement in order to satisfy our departments concerns. Those exact changes have not been identify yet. I am fully confident that by the time the property is developed and our department is impacted by any increase of services, BCFD and Oroville City will have resolved the auto-aid imbalance. With these recent discussions, BCFD can support the annexation*

**Staff response:** *At its July 20, 2021 meeting, the City of Oroville City Council adopted a resolution authorizing the City Administrator to request that CAL Fire initiate an application to LAFCo for Extended Fire Protection Services by Contract (GC56134). The proposed contractual agreement, if approved by LAFCo, would not be effective until July 2022. CALFire/BCFD did not object to the subdivision annexation as it anticipates future agreements will mitigate any service disparity concerns discussed below under comments.*

*The following agencies were also sent a request for comments, but either did not respond or responded “no comment”:*

*Butte Co. Assessor’s office; Butte Co. Auditor’s Office; Butte Co. Sheriff’s Office; Butte Co. Resource Conservation District; Feather River Recreation & Park District; Butte-Glenn Community College District; Oroville Union High School District; Thermalito School District; Butte County Mosquito and Vector Control District; Butte Co. Ag Commissioner; Butte Co. Animal Control; CALTrans; and Sewerage Commission – Oroville Region.*

**(k) The ability of the receiving entity to provide the services.**

*The City of Oroville provides general administration, community development, public works, sewer, police, fire protection, and other services within its incorporated area. The City of Oroville, through its resolution of application, attests to its ability to extend municipal services to the territory without impact to existing City residents. The City of Oroville’s financial difficulties have significantly improved over the last few years and the proposed annexation is not expected to have any positive or negative impact on the City’s ability to provide adequate municipal services to the territory.*

*The City of Oroville continues to examine and negotiate an enhanced fire service model to better serve its current and future residents. The City Council’s recent direction to pursue services by contract with CAL Fire/BCFD will allow for reliable, consistent fire protection service that can grow to meet the City’s needs. This particular project will not cause further detriment to services provided by the City or by CAL Fire/BCFD in the future.*

**(l) Availability of adequate water supplies.**

*The Thermalito Water and Sewer District (TWSD) provides domestic water to the annexation territory. The project will be serviced by a domestic water line along Feather Avenue, provided by the TWSD. The extension of the water line will be completed by the project applicant. A looped water line will be installed within the project site with fire hydrants sized and spaced according to current fire code requirements. Maintenance of the water lines and fire hydrants will be performed by the TWSD. The TWSD has rights to 8,200 acre-feet per year (AFY) and obtains its surface water from the Concow Reservoir. TWSD also has five groundwater wells that are used as a backup water source. TWSD will provide water services to the project site for the 97 new homes and all landscaped corridors along Feather Avenue and 18th Street.*

**(m) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs.**

*The annexation and the subsequent development of the territory with a 97-unit single-family development will contribute towards the Regional Housing Needs Allocation for the City of Oroville.*

**(n) Any information or comments from the landowner or owners, voters, or residents of the affected territory.**

*The affected parcel is under single ownership and has 100% support. Landowners and registered voters within 300 feet of the territory were notified by mail of this annexation. While not required by law, Staff did cause a notice to be published in the local newspaper on August 12, 2021 to further ensure interested parties were informed. Several adjacent landowners have provided comments as discussed below.*

**(o) Any information relating to existing land use designations.**

*The City of Oroville General Plan designates the subject territory as Medium Low Density Residential and the City has pre-zoned the territory accordingly. The City’s land use designation and pre-zoning for the territory are compatible with existing surrounding development.*

**(p) The extent to which the proposal will promote environmental justice.**

*The proposed reorganization is not expected to promote or discourage the fair treatment of minority or economically disadvantaged groups. Residents in the territory patronize commercial uses (with the City receiving the resident's sales tax dollars) and many residents work at businesses within the city. However, as citizens of the unincorporated area, residents within the territory are not permitted to participate in City of Oroville municipal affairs, such as voting in city elections, and they cannot run for city office or serve on city commissions or boards. Annexation of the territory to the City of Oroville will provide residents the opportunity to participate fully in City of Oroville municipal affairs, have a voice in city affairs, and be a full part of the City of Oroville.*

Based upon the above responses, the proposal appears to be consistent with all of the above listed factors.

**Applicable Butte LAFCo Policies**

Section 2.0 (LAFCo General Policies and Standards) and Section 4.0 (Annexation and Detachments) of Butte LAFCo Policies and Procedures provides the Commission with general standards for annexation proposals. The relevant policies for consideration and guidance for this proposal include:

- Consistency of the proposal with the General Plan of the applicable planning jurisdiction. (2.10.1)
- The creation of logical boundaries and the elimination of previously existing island or other illogical boundaries. (2.11.2)
- That a need for service exists and whether a lack of the service creates a demonstrated threat to the public health and safety. (2.14.1)
- Consistency of a proposal with the Sphere of Influence and Municipal Service Review of the affected jurisdiction(s). (4.1.1)
- Contiguity of a proposed annexation area to the jurisdictional boundaries of the annexing city. (4.1.3)
- Logical allocation of streets and rights-of-way (4.3.1)
- Determination of the most efficient service provider. (4.2)

The proposal is substantially consistent with the above policies in that it:

- Is an integral part of the social and economic interests of the City of Oroville as a whole;
- Will result in orderly and logical jurisdictional boundaries and provide for the delivery of more effective and efficient public municipal services;
- Will allow future area residents to participate in City of Oroville municipal affairs.

**ADDITIONAL INFORMATION**

Support/Protest

The City of Oroville City Council held a publicly noticed hearing on the proposed annexation on February 3, 2021, and approved Resolution No. 8917 authorizing the annexation application. As this proposal is an uninhabited annexation (less than twelve registered voters), has 100% support of the affected property owners, and has no opposition from a subject agency, the Commission may waive the Protest Proceedings pursuant to Government Code §56662(d).

Prior to the Oroville City Council hearing and submittal of the annexation application to LAFCO, City of Oroville staff and LAFCO staff received a letter of opposition from Mr. Mark Brackett of the Thermalito area. Mr. Brackett expresses concern about potential flooding and drainage issues and that the project is not adequately designed to mitigate storm-water runoff as described in the Thermalito Master Drainage Plan. Since publishing the public hearing notice for this meeting, LAFCo staff has received several comments from Ms. Kathy Brazil regarding flooding/drainage issues along the Ruddy Creek watershed. Further comment was received by Ms. Sam Abshier regarding increased traffic and transparency issues with the City of Oroville. Letters received by the publishing date of this report are included as **Exhibit F** of this report.

*Staff response re: Drainage:* The County has prepared a master drainage plan for the entire Thermalito drainage basin in anticipation of urbanized development. In conjunction with the improvements called for in the County's Master Drainage Plan, the City requires that individual on-site drainage detention be developed to mitigate storm water runoff to pre-development levels. Storm water trenches and conveyance systems would be designed to attenuate peak flow runoff to pre-development levels. The drainage plans for the Village at Ruddy Creek Subdivision must be prepared by a licensed civil engineer, and reviewed and approved by the City of Oroville.

#### Property Tax Agreement

In accordance with provisions of Revenue and Taxation Code §99, an Amended Master Property Tax Exchange Agreement was executed between the City of Oroville and the Butte County Board of Supervisors on February 5, 1980. The agreement provides for the County to receive 42% of the property tax revenues and the City to receive 58%.

#### Conducting Authority Proceedings

The proposed annexation has 100% consent of the property owner and the subject territory is uninhabited. No subject agency has provided written opposition to a waiver of protest proceedings. Accordingly, conducting authority proceedings may be waived pursuant to California Government Code §56662(d) if the Commission approves the annexation.

### **ENVIRONMENTAL REVIEW**

The City of Oroville, as lead agency, prepared an Initial Study/Mitigated Negative Declaration for the annexation proposal and the proposed residential subdivision (the Village at Ruddy Creek Subdivision), which addressed issues related to the effect of urban development and the impacts to public services. The Initial Study/Mitigated Negative Declaration did not identify any significant impacts associated with the project that would not support the requested annexation. Staff has reviewed the Initial Study/Mitigated Negative Declaration and finds no compelling grounds to require supplementing the environmental documents prepared by the City of Oroville. Staff concurs with this environmental review in that the annexation will not directly result in any substantial impact to the environment. The Notice of Determination/Initial Study/Mitigated Negative Declaration is included as **Exhibit D**.

### **CONCLUSION**

The proposed annexation represents a reasonably logical extension of the City's boundaries and services and the City has demonstrated its ability to adequately serve the site. The proposal will also develop the affected territory at a greater density than the County would allowing considerably more housing which is in desperate need.

The annexation territory is within the Thermalito area of the City's Spheres of Influence, which the City has indicated its strong desire to annex in the future. While this particular project has the support of the affected landowner, Staff recognizes that the greater Thermalito population has shared its dislike for annexation to the City. And while in this instance the project will not cause further detriment to services provided by the City or by CAL Fire/Butte County Fire, further annexation of the Thermalito area should involve a more comprehensive analysis and include extensive community outreach and involvement to assure that Thermalito residents are well informed. The Commission may consider directing staff to communicate with the City the Commission's concerns.

The annexation proposal substantially conforms to LAFCo policy and the Executive Officer recommends approval of this proposal.

### **ALTERNATIVES FOR COMMISSION ACTION**

After reviewing this report and any testimony or materials that are presented, the Commission can take one of the following actions:

OPTION 1 – APPROVE the proposal as submitted by the City of Oroville:

- A. Adopt the Mitigated Negative Declaration/Mitigation Monitoring Program prepared and adopted by the City of Oroville for the proposed annexation of the subject territory.
- B. Adopt Resolution 07 2020/2021 making determinations approving the proposed *City of Oroville – Feather Avenue Annexation No. 2*
- C. Find: 1) the subject territory is uninhabited, 2) all affected landowners have given written consent to the annexation, and 3) the annexing agency has given written consent to the waiver of conducting authority proceedings.
- D. Waive the conducting authority proceedings and direct staff to complete the proceeding.

OPTION 2 - DENY the proposal.

OPTION 3 - CONTINUE this proposal to a future meeting

### **ACTION REQUESTED:**

Approve OPTION 1.

Respectfully submitted,

*Shannon Costa*

Shannon Costa  
Local Government Planning Analyst



Attachments:

Exhibit A: Map Exhibit (Page 2)

Exhibit B: Draft Resolution No. 07 2020/21

Exhibit C: City of Oroville Resolution #8917

Exhibit D: Notice of Determination/Initial Study/MND for the Village at Ruddy Creek

Exhibit E: SC-OR Capacity Study

Exhibit F: Public Comments Received

**RESOLUTION NO. 07 2020/21**

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION  
OF THE COUNTY OF BUTTE  
MAKING DETERMINATIONS AND ORDERING THE ANNEXATION OF  
TERRITORY DESIGNATED AS 21-05  
CITY OF OROVILLE FEATHER AVENUE ANNEXATION NO. 2**

**RESOLVED**, by the Local Agency Formation Commission of the County of Butte, State of California, that

**WHEREAS**, a proposal for the annexation of two parcels and road right-of-way totaling approximately 26 acres in size to the City of Oroville in the County of Butte was heretofore submitted by the City of Oroville, which was accepted for filing on June 10, 2021, by the Executive Officer of this Local Agency Formation Commission pursuant to Title 5, Division 3, commencing with Section 56000 of the Government Code; and

**WHEREAS**, the Executive Officer, pursuant to Government Code Section 56658, set September 2, 2021, as the hearing date on this proposal and gave the required notice of public hearing; and

**WHEREAS**, the Executive Officer, pursuant to Government Code Section 56665, has reviewed this proposal and prepared a report, including recommendations thereon, and has furnished a copy of this report to each person entitled to a copy; and

**WHEREAS**, this Commission called for and held a hearing on September 2, 2021, and at the hearing this Commission heard and received all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this proposal and the report of the Executive Officer; and

**WHEREAS**, this Commission considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government Code Section 56668; and

**NOW, THEREFORE**, the Local Agency Formation Commission of the County of Butte **DOES HEREBY RESOLVE, DETERMINE AND ORDER** as follows:

**Section 1.** Environmental Action:

- A. The City of Oroville, as lead agency, prepared an Initial Study/Mitigated Negative Declaration for the annexation proposal and the proposed residential subdivision (The Village at Ruddy Creek Subdivision), which addressed issues related to the effect of urban development and the impacts to public services. The Initial Study/Mitigated Negative Declaration did not identify any significant impacts associated with the project that would not support the requested annexation. A Notice of Determination was filed by the City of Oroville on January 14, 2021.
- B. As a "Responsible Agency" under CEQA Guidelines, prior to approving the proposed annexation, the Commission is required to consider the information in the Initial Study/Mitigate Negative Declaration for the project on which the Lead Agency based its Notice of Determination.

- C. The Commission finds that the Lead Agency's Initial Study/Mitigated Negative Declaration was prepared in accordance with the requirements of CEQA Guidelines and is consistent with State law and that the City's environmental document prepared for this annexation is determined to be legally adequate pursuant to CEQA Guidelines Section 15063(2).

**Section 2.** General Terms and/or Conditions:

- A. The Commission has considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to, Butte LAFCo Policies and Procedures, Sphere of Influence and General Plan consistency, the City of Oroville Municipal Service Review, the Domestic Water and Wastewater Service Providers Municipal Service Review, the City of Oroville 2030 General Plan and 2030 General Plan EIR, the City of Oroville Zoning Ordinance, and other factors specified in Government Code Section 56668 and as described in the staff report dated August 25, 2021 for the September 2, 2021 meeting.
- B. The subject territory is uninhabited, all affected landowners have given written consent to the annexation, and the annexing agency has given written consent to the waiver of conducting authority proceedings pursuant to Government Code Section 56662.
- C. The annexation area consists of two parcels and road right-of-ways, totaling approximately 26 acres, as submitted by the City of Oroville and as described in Exhibit "A".
- D. The subject area is found to be uninhabited, and is assigned the following short form designation: 21-05 - City of Oroville – Feather Avenue Annexation No. 2.
- E. The exchange of property tax revenues between the County of Butte and the City of Oroville will be performed in accordance with the Master Tax Exchange Agreement approved by the City of Oroville (Resolution No. 3514 on February 4, 1980) and by the County of Butte (Resolution No. 80-15 on January 22, 1980).
- F. The purpose of the annexation is to support orderly jurisdictional boundaries, to provide for logical, efficient, and effective jurisdictional boundaries, and for the provision of City of Oroville municipal services for existing and future development within the territory.
- G. The territory is not considered to be prime agricultural land pursuant to Butte LAFCO Policy 2.13.5.
- K. The parcels proposed for annexation will be detached from the following districts:  
1. County Service Area No. 164 (Butte County Animal Control District); and  
2. Butte County Resource Conservation District.
- N. Sewer collection and conveyance services will continue to be provided to the territory by the Thermalito Water and Sewer District.

**Section 3.** Conditions adopted by LAFCo:

- A. All LAFCo, County of Butte, and State of California fees must be paid in full prior to filing the Certificate of Completion.

- B. The legal description and map, if amended by action of the Commission, will be revised at the expense of the applicant, prior to filing the Certificate of Completion.
- C. The map and legal description shall comply with the State Board of Equalization requirement and if rejected by the State Board of Equalization, will be revised at the expense of the applicant.

**Section 4.** The boundaries, as set forth in the proposal or as amended by action of the Commission, are hereby approved as submitted and are as described in Exhibit "A" attached hereto and by this reference incorporated herein.

**Section 5.** The Executive Officer is hereby authorized and directed to mail certified copies of this Resolution as provided in Section 56882 of the Government Code.

**PASSED AND ADOPTED** by this Local Agency Formation Commission of the County of Butte, on the 2<sup>nd</sup> day of September 2021, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINS:**

**ATTEST:**

---

Clerk of the Commission

---

**CARL LEVERENZ**, Chair  
Butte Local Agency Formation Commission

**RESOLUTION NO. 8917**  
**A RESOLUTION OF THE OROVILLE CITY COUNCIL CONDITIONALLY**  
**APPROVING REVISED TENTATIVE SUBDIVISION MAP TSM 20-01 FOR A NEW 97-**  
**UNIT SUBDIVISION OF APPROXIMATELY 23.91 ACRES OF UNDEVELOPED**  
**PROPERTY AT THE SOUTHEAST CORNER OF 18<sup>TH</sup> STREET AND FEATHER**  
**AVENUE**  
**(THE VILLAGE AT RUDDY CREEK SUBDIVISION)**

WHEREAS, the City of Oroville has received an application from Subdivider to subdivide portions of two contiguous parcels totaling 23.97 acres (Property) into 97 lots for single-family homes; and

WHEREAS, the Property abuts the Oroville City limits; and

WHEREAS, the design of the proposed subdivision is illustrated on the revised tentative subdivision map, received by the City on November 10, 2020, which Map has been assigned the file number of TSM No. 20-01, and a copy of which is attached to this resolution as Exhibit "A"; and

WHEREAS, the proposed Map will also create a 3.66-acre remainder Lot A for purposes of conserving wetlands, as possible oak tree mitigation land, and providing open space for future recreational uses; and

WHEREAS, the Property is designated by Oroville's General Plan Diagram as *Medium High Density Residential I Airport Influence Area Zone "C,"* and the Zoning Map designation of this area is proposed to be *Single-Family Residential (R-1) I AJA "C,"* and these combined land use designations allow residential development at a density not less than four and not more than six homes per acre; and

WHEREAS, the area of property to be developed in The Village at Ruddy Creek subdivision is 23.97 acres, with a resulting density of 4.05 homes per acre; and

WHEREAS, *Oroville Municipal Code 17.44.050 AIA-O zoning regulations require that approval of new development must provide a notice about overflight and regarding potential noise from airport operations;* and

WHEREAS, In September 2006, the City of Oroville formed two community facilities districts: 1) CFO No. 2006-1 Westside Public Safety Facilities; and 2) CFO 2006-2 Public Safety Services. CFO 2006-1 was formed to provide a funding mechanism for new public safety facilities, primarily a new fire station to be located in the vicinity of the Oroville Municipal Airport, which will include within it a small police substation. CFO 2006-2 was formed to fund on-going fire, police, and code enforcement services that are needed as a result of additional development. To mitigate cumulative impacts, all new development west of Highway 70 will be required to annex into both of these districts and will be subject to the collection of fees and revenues to fund additional public safety facilities and services; and

7800 (PART 2) (2/1/2014)

WHEREAS, Calle Vista residents, Vista Del Oro, Linkside Place and many other subdivisions are subject to assessments for the City's Landscape, Lighting and Maintenance Assessment District (LLMAD), and the annexed properties would be included. In addition, part of Calle Vista, Vista Del Oro and Linkside Place Phase 1 are also in the Oroville Community Benefit Assessment District (CBAD), and the annexed properties would be included; and

WHEREAS, pursuant to State law, the Butte County Local Agency Formation Commission requires that lands utilized to provide services to development within a city should be annexed to that city to promote orderly development of government services, and the boundaries of lands being annexed are logical extensions of municipal boundaries. Annexation of the Subdivision lands would therefore include that portion of 18<sup>th</sup> Street fronting the subdivision so that the subdivision is contiguous with and connected to the City's territory; and

WHEREAS, the Engineers report has recommended approval of revised TSM 20-01, with the recommended conditions attached as Exhibit B; and

WHEREAS, there will be no public street access to the Property until Subdivider has fulfilled the terms of an agreement with the City, in exchange for which the City will accept the streets. Therefore, the conditions of approval described in this resolution specify that no final map shall be recorded until the terms of the agreement have been implemented and the City has accepted the streets within the subdivision; and

WHEREAS, a draft Mitigated Negative Declaration has been prepared for TSM 20-01, with the proposed Mitigation Measures and Mitigation Monitoring Program; and

WHEREAS, a noticed public comment period was conducted for the draft Mitigated Negative Declaration from August 11, 2020 to September 14, 2020, and said comments have either been incorporated into the conditions for the project or addressed in the initial study and no new significant impacts were identified; and

WHEREAS, the Planning Commission and City Council both considered at a noticed public hearings the comments and concerns of public agencies and property owners who are potentially affected by approval of the Map described herein, and also considered City staffs report regarding the Map.

NOW, THEREFORE, BE IT RESOLVED BY THE OROVILLE CITY COUNCIL AS FOLLOWS:

1. Based upon the evidence in the record before it, the City Council acting for the Planning Commission must approve the map if none of the following findings are made that require disapproval. The City Council finds on behalf of the Planning Commission that none of the findings below will require disapproval:
  - a. The proposed subdivision is inconsistent with the general plan or applicable

specific plans. If GPA20-01 and ZC20-02 are approved by the City Council, the subdivision will be consistent with the General Plan and the Airport Land Use Compatibility Plan.

- b. The site is not physically suitable for the proposed density or type of development, or for the physical infrastructure required to support that development. The site was determined in 2007 to be physically suitable for a denser development and is suitable today for the proposed 97 homes.
  - c. The design of the land division or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The MND, with accompanying mitigation measures, has shown that the subdivision and its subsequent development will not cause substantial environmental impacts.
  - d. The design of the subdivision or the type of improvement is likely to cause serious public health problems. The design of the subdivision is similar in scope and nature to the two long-extant adjacent subdivisions, neither of which has caused serious health problems.
  - e. A preliminary soils report or geological hazard report indicates adverse soil or geological conditions, and the subdivider has failed to demonstrate to the satisfaction of the city engineer and planning commission that the conditions can be corrected. The City Engineer is comfortable that the reports investigating the site show it is buildable as proposed.
  - f. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. However, the planning commission may approve an application if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction. There are no conflicting public easements.
  - g. The proposed subdivision violates the provisions of this chapter and no exception has been granted. The proposal does not violate any provisions of this chapter, and there are no known exceptions.
  - h. The proposed subdivision violates any provision of the zoning code and no variance has been granted. If GPA20-01 and ZC20-02 are approved by the City Council, the subdivision will be consistent.
  - i. The proposed subdivision would violate any other city ordinance or any city code provision. No known violations exist.
  - j. The discharge of waste from the proposed subdivision into a community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code). The Thermalito Sewer and Water Agency is not operating under any corrective action or compliance orders, and has issued a conditional will-serve letter.
2. TSM 20-01, as described herein, is conditionally approved with the conditions listed in

the Engineer's report (Attachment B), and subject to the City Council adopting the Mitigated Negative Declaration, the Mitigation Monitoring Program, General Plan Amendment GPA20-01, Zoning Code Amendment ZC20-02, the initiation of the Annexation application, and subject to the Annexation being approved by the Butte County Local Agency Formation Commission.

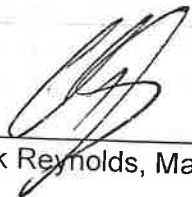
3. Subject to approval by the Butte County Local Agency Formation Commission, Annexation of the subject properties into CFO No. 2006-1 Westside Public Safety Facilities, CFO 2006-2 Public Safety Services, the Landscape, Lighting and Maintenance Assessment District (LLMAD), and also the Oroville Community Benefit Assessment District (CBAD) are hereby approved;
4. The Director of Community Development is designated as custodian of the documents and other materials which constitute the record of proceedings upon which the decision of the Council is based, and this record shall be maintained at Oroville City Hall, 1735 Montgomery Street, Oroville.

Exhibit A: TSM 20-01 received on November 10, 2020

Exhibit B: Engineer's Report

**PASSED AND ADOPTED** by the City Council of the City of Oroville at a regular meeting on December 15, 2020, by the following vote:


AYES: Smith, Pittman, Goodson, Draper, Reynolds  
NOES: None  
ABSTAIN: None  
ABSENT: Hatley, Thomson (Both Recused)

  
\_\_\_\_\_  
Chuck Reynolds, Mayor

APPROVED AS TO FORM:

ATTEST:

  
\_\_\_\_\_  
Scott E. Huber, City Attorney

  
\_\_\_\_\_  
Jackie Glover, Assistant City Clerk



# Notice of Determination

## Appendix D

**To:**

Office of Planning and Research  
 U.S. Mail: Street Address:  
 P.O. Box 3044 1400 Tenth St., Rm 113  
 Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk  
 County of: Butte  
 Address: 155 Nelson Ave  
Oroville, CA 95965

**From:**

Public Agency: City of Oroville  
 Address: 1735 Montgomery Street  
Oroville, CA 95965  
 Contact: Wes Ervin  
 Phone: 530-538-2408

Lead Agency (if different from above):  
 Address: \_\_\_\_\_  
 Contact: \_\_\_\_\_  
 Phone: \_\_\_\_\_

***SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.***

State Clearinghouse Number (if submitted to State Clearinghouse): SCH 2020080198

Project Title: The Village at Ruddy Creek Tentative Subdivision Map

Project Applicant: Charles LaFlamme

Project Location (include county): SE Corner of 18th Ave. and Feather St., Thermalito, Butte County

Project Description:

The property owner desires to put 97 single family lots on two vacant parcels previously approved for a 172-unit subdivision. Planned lot sizes of 6,000-12,000 s.f. The project is adjacent on two sides to existing SFR subdivisions. A 1.3 acre parcel in the floodplain of Ruddy Creek will remain parkland. Direct access to State Highway 162 via 18th Avenue.

This is to advise that the City of Oroville has approved the above  
 Lead Agency or  Responsible Agency)

described project on Dec. 15, 2020 and has made the following determinations regarding the above  
 (date)  
 described project.

1. The project [ will  will not] have a significant effect on the environment.
2.  An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [ were  were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [ was  was not] adopted for this project.
5. A statement of Overriding Considerations [ was  was not] adopted for this project.
6. Findings [ were  were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

Oroville City Hall, 1735 Montgomery Street, Oroville, CA 95965

Signature (Public Agency):  Title: City Planner

Date: December 22, 2020 Date Received for filing at OPR: \_\_\_\_\_

## Exhibit D



CITY OF OROVILLE  
COMMUNITY DEVELOPMENT DEPARTMENT

INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION  
for  
The Village at Ruddy Creek Subdivision

Corner of Feather Avenue and 18<sup>th</sup> Street (APN: 030-360-091 &-092)

**TENTATIVE SUBDIVISION MAP NO. TSM-2003-001**

**August 11, 2020**

**State Clearinghouse #** 2020080199

**Exhibit D**

# TABLE OF CONTENTS

<b>I.</b>	<b>Project Description and Background .....</b>	<b>3</b>
<b>II.</b>	<b>Determination .....</b>	<b>13</b>
<b>III.</b>	<b>Environmental Factors Potentially Affected.....</b>	<b>14</b>
<b>IV.</b>	<b>Environmental Impacts .....</b>	<b>16</b>
1.	AESTHETICS:.....	16
2.	AGRICULTURE RESOURCES .....	18
3.	AIR QUALITY.....	21
4.	BIOLOGICAL RESOURCES.....	28
5.	CULTURAL RESOURCES.....	37
6.	ENERGY .....	40
7.	GEOLOGY AND SOILS .....	41
8.	GREENHOUSE GAS EMISSIONS. ....	47
9.	HAZARDS AND HAZARDOUS MATERIALS.....	49
10.	HYDROLOGY AND WATER QUALITY.....	55
11.	LAND USE AND PLANNING.....	64
12.	MINERAL RESOURCES.....	65
13.	NOISE .....	66
14.	POPULATION AND HOUSING.....	69
15.	PUBLIC SERVICES .....	71
16.	RECREATION.....	76
17.	TRANSPORTATION/TRAFFIC.....	77
18.	TRIBAL CULTURAL RESOURCES.....	81
19.	UTILITIES AND SERVICE SYSTEMS. Would the project: .....	82
20.	WILDFIRE .....	84
21.	MANDATORY FINDINGS OF SIGNIFICANCE .....	85
<b>V.</b>	<b>Project Data and Maps .....</b>	<b>87</b>

## I. PROJECT DESCRIPTION AND BACKGROUND

1. **Project Title:** Village at Ruddy Creek Subdivision
2. **Applicant Name and Address:** Ruddy Creek Partnership  
4575 6<sup>th</sup> Ave  
Corning, CA 96021
3. **Representative Name and Address:** Charles Laflamme, (530) 680-1154
4. **Type of Project:** Annexation, General Plan Amendment, Prezone, Tentative Subdivision Map and Tree Removal for 97 single family units
5. **General Plan Designation:** County: Medium Density Residential and Rural Residential (current)  
City: Medium Low Density Residential (current)
6. **Zoning:** Medium Density Residential and Rural Residential (RR-5) (current)  
City (Pre-zoning): Medium Density Multiple-Family Residential (proposed)
7. **Project Location:** 28.26 acres of land located at the southeast corner of Feather Avenue and 18<sup>th</sup> Street
8. **Assessor's Parcel Numbers:** 030-360-091 and -092 (including also the adjacent street frontages along 18<sup>th</sup> St. and Feather Ave.

## 9. PROJECT DESCRIPTION:

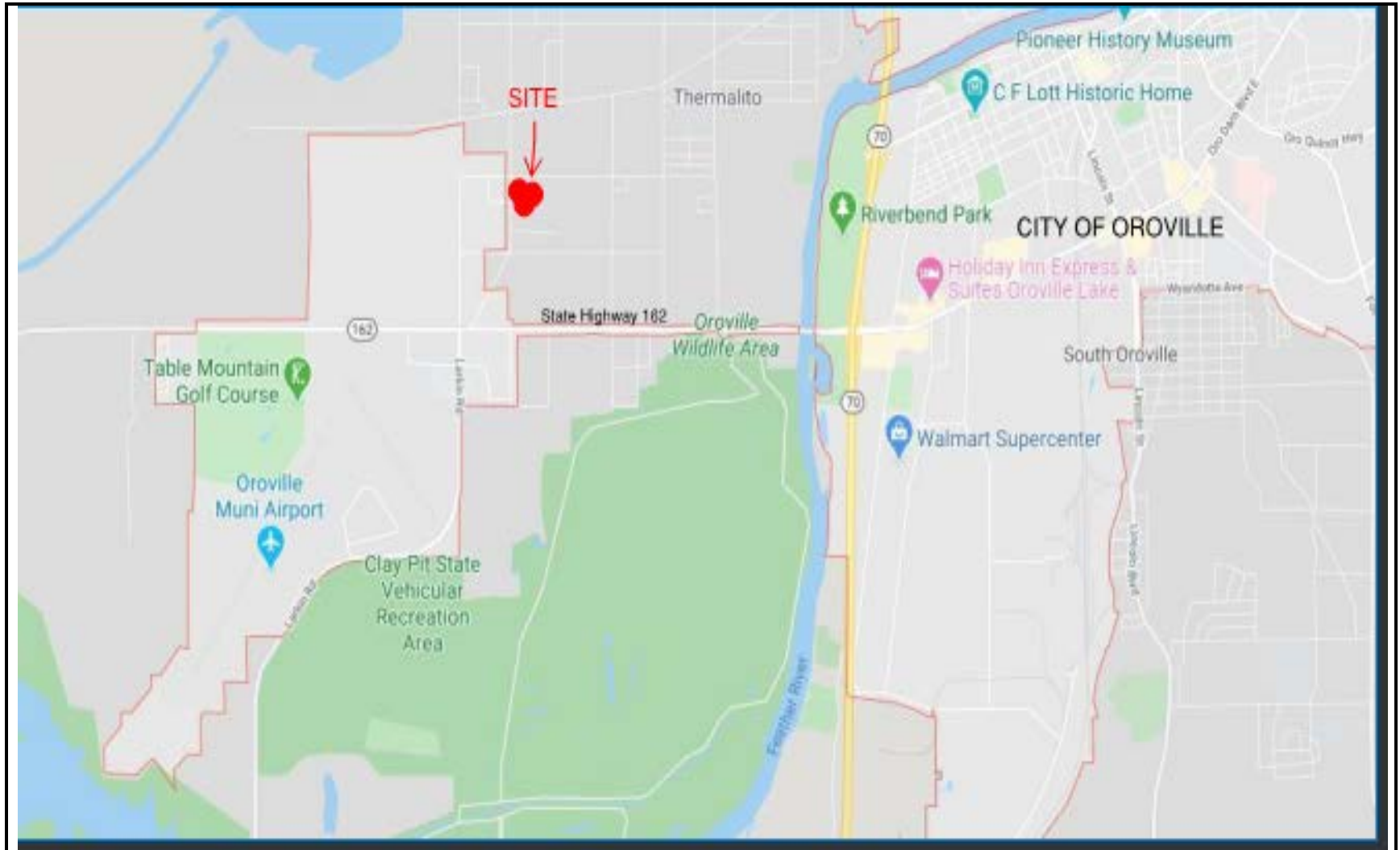
The property owner desires to move forward with a new project to develop 97 single-family units, which reflects a reduction of density from the present General Plan land use. Therefore, the City of Oroville is processing the following applications received from the current property owner to accomplish the request:

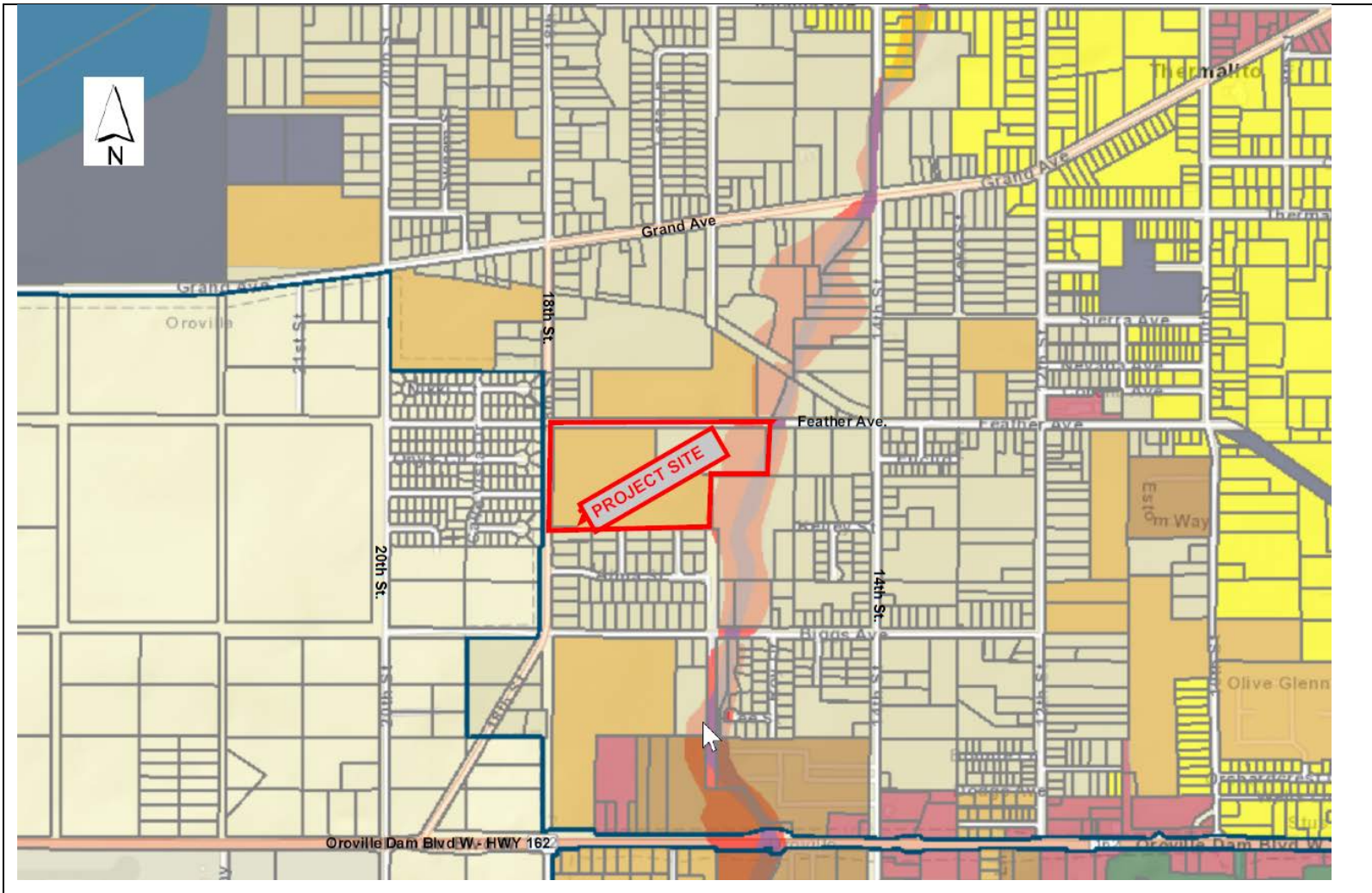
1. An annexation of 28.26 acres at the southeast corner of 18<sup>th</sup> St. and Feather Ave, which includes APNs 030-360-091 and 092 and the adjacent roadways fronting the project site. A detachment of the same area from several districts is also requested to avoid the duplication of public services.
2. A General Plan Amendment to change the land use designation on the project site as shown in the City's 2030 General Plan from High Medium Density Residential to Medium Low Density Residential to reflect the reduction of units in the current project.
3. A Pre-zone to change the zoning from Butte County's current zoning classification of Medium Density Residential and Rural Residential to the City of Oroville, R-1 (Single Family Residential), which would become effective upon annexation. and,
4. A Tentative Subdivision Map and Tree Removal to subdivide 23.97 acres (2 existing parcels) into 97 single family lots and Lot A, which would function as a detention basin for the subdivision.

A similar project with higher density was approved by the City in September 2007, also known as Ruddy Creek. The earlier project was approved for a 172-parcel tentative subdivision map, which included an Annexation/Reorganization, a General Plan Amendment, and a Prezone change. The tentative map and

mitigated negative declaration were approved for this project by the City of Oroville Planning Commission on May 14, 2007 (Reso P2007-07). The City Council approved the General Plan Amendment, Zone Change, Annexation and mitigated negative declaration on May 14, 2007 and extended it several times until May 14, 2012 when it expired. When the recession hit, the annexation process was never completed. Presently, the General Plan Land Use remains as Medium High Density Residential Land Use (6-14 units per acre). This project and its impacts were subsequently included in the City's General Plan 2030 in 2008 and its update in 2015.

FIGURE I. RUDDY CREEK VICINITY MAP





**Figure 2 – Project Location Map**

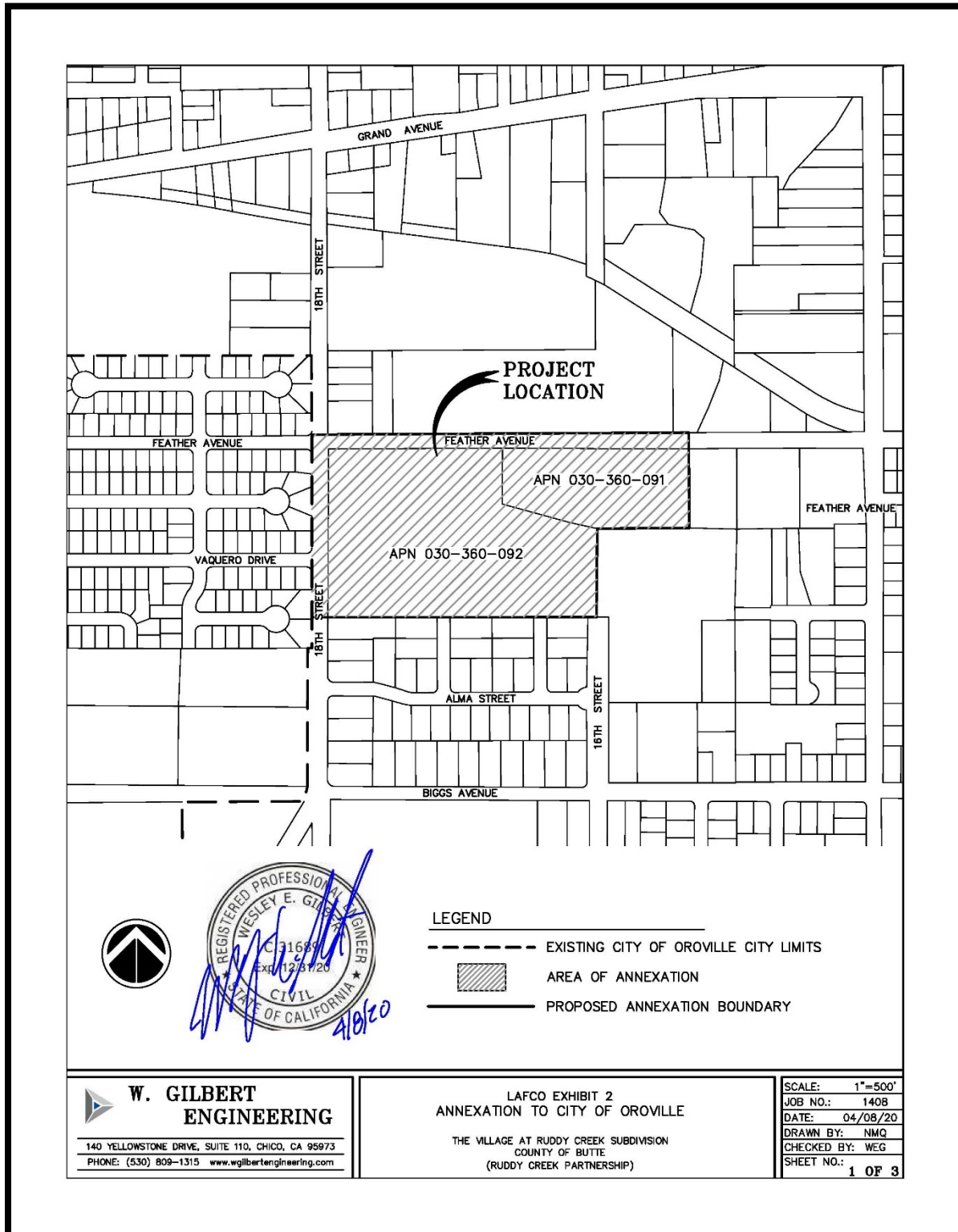


Figure 3 – Annexation Exhibit Map



THE VILLAGE AT RUDDY CREEK SUBDIVISION

BOUNDARY DESCRIPTION FOR PROPOSED FORMATION AREA

The land referred to herein is situated in the unincorporated area of the County of Butte, State of California, described as follows:

Being all of Parcels 1 and 2 as shown on that certain parcel map recorded in the Office of the County Recorder of the County of Butte, State of California in Book 82 of Maps, at Page 13, a portion of Feather Avenue and a portion of 18<sup>th</sup> Street, more particularly described as follows:

BEGINNING at the intersection of the northerly right of way line of said Feather Avenue and the westerly right of way line of said 18<sup>th</sup> Street, said point being on the Present City Limits;

Course 1 – THENCE from said POINT OF BEGINNING, leaving said Present City Limits and along said northerly right of way line of said Feather Avenue North 89° 49' 24" East a distance of 1,270.95 feet;

Course 2 – THENCE continuing along said northerly right of way line of said Feather Avenue North 89° 49' 17" East a distance of 405.49 feet;

Course 3 – THENCE leaving said northerly right of way line of said Feather Avenue South 00° 12' 04" East a distance of 435.03 feet;

Course 4 – THENCE South 89° 50' 09" West a distance of 405.56 feet;

Course 5 – THENCE South 00° 11' 41" East a distance of 395.50 feet;

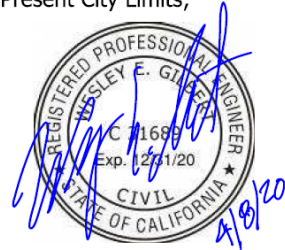
Course 6 – THENCE South 89° 51' 33" West a distance of 1,271.07 feet to a point on said westerly right of way line of said 18<sup>th</sup> Street and a point on the Present City Limits;

Course 7 – THENCE along said westerly right of way line of said 18<sup>th</sup> Street and said Present City Limits North 00° 11' 06" West a distance of 829.63 feet to the POINT OF BEGINNING.

Containing 28.268 acres, more or less.

END OF DESCRIPTION

The property described above is all of Assessor's Parcel Numbers 030-360-091 and 092.



**Figure 4 – Annexation Legal Description**

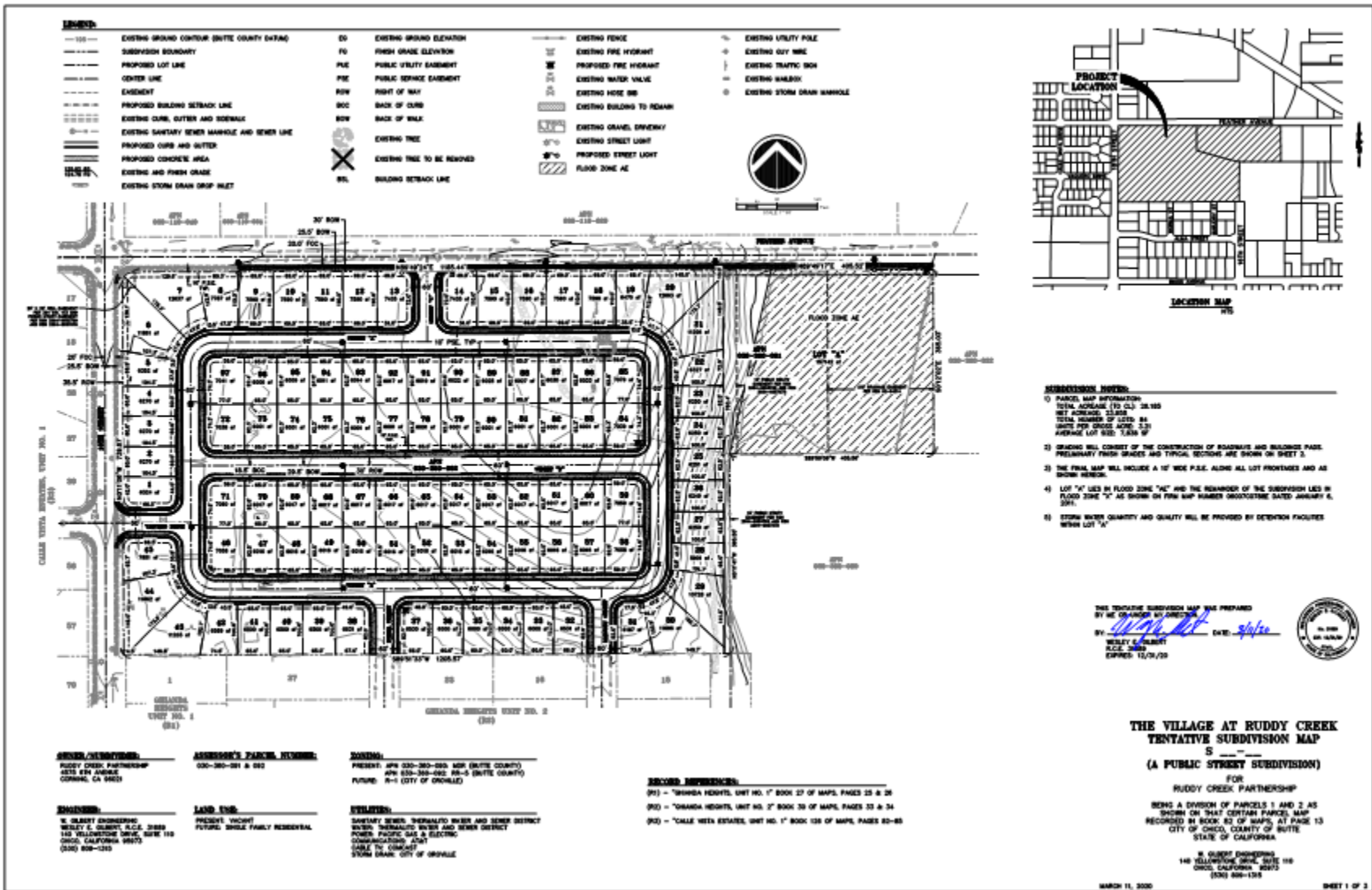


FIGURE 5 – PROPOSED TENTATIVE PARCEL MAP OF MARCH 11, 2020

## **10. OTHER AGENCY APPROVALS:**

*U.S. Army Corp of Engineers (USACE):* A wetland delineation was performed for the site and no wetlands other than Ruddy Creek were identified. The creek represents approximately 0.08 acres of intermittent drainage.

*U.S. Fish and Wildlife Service (USFWS):* Consultation for endangered species and possible take permits, if needed.

*Federal Emergency Management Agency (FEMA) –* A Letter of Map Revision (LOMAR) may be required to remove the detention basin area out of the AE Flood Zone as shown in the most recent FEMA Flood Maps.

*California Regional Water Quality Control Board (RWQCB):* The applicant must obtain an NPDES Construction Activities Stormwater General Permit. The permit requires that the project applicant prepare a Stormwater Pollution Prevention Plan (SWPPP) prior to any construction activities. Pursuant to Section 401 of the Clean Water Act, the applicant may be required to obtain a Water Quality Certification for discharge of the detained storm water to Ruddy Creek.

*California Department of Fish and Wildlife (CDFW):* CDFW will review the application for matters pertaining to fish and wildlife resources, which normally includes but may not be limited to a Streambed Alteration Agreement (a.k.a., a §1602 Agreement) for work near and within Ruddy Creek.

*Butte County Air Quality Management District (BCAQMD):* The project applicant must incorporate all feasible Standard Construction Mitigation Measures into the project in addition to applicable Supplemental Mitigation Measures that BCAQMD may require.

*Butte County LAFCo (BCLAFCo):* BCLAFCo is responsible for hearing and acting upon an annexation (i.e., reorganization) request received from the City of Oroville.

*Butte County Airport Land Use Commission (BCALUC):* The site is located with an area regulated by the BCALUC. The BCALUC will determine if the project is consistent with the current Airport Land Use Plan for the City of Oroville Airport.

*Butte County Animal Control District (BCACD):* BCACD will review and act on the request to detach from its district (CSA No. 164) and annex into the City of Oroville.

*Butte County Mosquito Abatement District (BCMAD):* The BCMAD will review and act upon the request to detach from its district and annex into the City of Oroville Mosquito Abatement District (COMAD).

*Butte County:* The County will be asked to confirm its current revenue sharing agreement with the City of Oroville and comment on the requested annexation into the City of Oroville. Also consulted will be Butte County Planning and Public Works Departments.

*Butte County Resource Conservation District:* The District will be asked to consider and act upon a detachment from the district resulting from the site annexation into the City of Oroville.

*Thermalito Water and Sewer District (TWSD):* The Thermalito Water and Sewer District serves the project area. The District will have authority to approve services to the project and approve and accept related infrastructure improvements adjacent to and within the project site. A water service line has already been installed that can serve. Both water and sewer facilities are adjacent to the site in both 18<sup>th</sup> Street and Feather Avenue to serve the proposed 97-lot subdivision. TWSD must issue a “will serve” letter prior to

recording of the final map demonstrating the adequate capacity exists for water and sewer for the sale of future lots.

*Feather River Parks and Recreation District* –Project approval will be conditioned on impact fees to cover future services by the District, and by the City.

*Wyandotte Creek Groundwater Sustainability Agency*: Email: WyandotteGSA@gmail.com  
Phone: (530) 552-3591 Address: 308 Nelson Ave. Oroville, CA 95965 The agency is responsible for sustainable groundwater within its region and will be asked to comment on the environmental document.

*Thermalito Elementary School District* – Educational services for students of the project. The district will collect impacts fees for school facilities when building permits are issued based upon the project's impacts to local school facilities.

*Oroville High School District* – Educational services for students of the project. The district will collect impacts fees for school facilities when building permits are issued based upon the project's impacts to local school facilities.

*Pacific Gas and Electric* – Will provide electric and natural gas services to the project.

*AT&T* – Will provide telephone cable and internet cable services to the site.

*Sewerage Commission Oroville Region* – Sewer collection and treatment services for TSWD and City of Oroville.

*City of Oroville*: General Plan Amendment, Prezone, Annexation (reorganization); Tentative Subdivision Map and related Improvement Plans, Tree Removal, Architectural Review for Home Designs, Grading, Encroachment Permits, Building Permits, Landscape Plans,

## **II. ENVIRONMENTAL SETTING:**

The 28-acre (+/-) site is located at the southeast corner of 18<sup>th</sup> St and Feather Avenue in the Thermalito area of western Oroville. The project area includes two parcels, both owned by the project applicant. The project area also includes adjacent developed roadways, which are owned and maintained by Butte County. Elevations on-site range from approximately 202 feet above mean sea level, near the intersection of 18<sup>th</sup> St. and Feather Avenue, to approximately 162 feet above sea level, near Ruddy Creek. The site topography slopes approximately 2-3% across most of site, except that slopes up to 25% are found along an embankment that forms the floodway for Ruddy Creek along the eastern portion of the site. The site contains grasslands, oak woodlands, and wetlands reflective of this area. The site was used as an olive orchard and had been graded and planted for the crop prior; the site now remains unused since 1994. The site also contained remnants of a previous home, which has since burned in the 1980's. Some grading activities had occurred across the site prior to 2007 for a previously approved Mobile Home Park, The Mobile Home Park was never developed and all previous approvals for the Mobile Home Park have expired.

According to the updated biological assessment, soils on-site are primarily Thompsonflat-Oroville, 0 to 9 percent slopes; moderately well-drained, sandy loam with a deep restrictive layer of more than 80 inches in depth. This soil occurs in a larger rectangular area of the western section of the project site. A smaller square area at the eastern end of the site consists of Wilsoncreek-trainer loams, 0 to 2 percent slopes, occasionally flooded; moderately well-drained loam with a deep restrictive layer of more than 80 inches in depth.

A portion of the northeastern edge of the site contains Ruddy Creek. According to the Butte County GIS mapping system, the site contains areas recognized by FEMA as having an AE flood designations for Ruddy Creek. The project had previously obtained a Letter of Determination from the USACOE recognizing the site having .08 acres of wetlands (Ruddy Creek). The applicant has requested an updated letter from the USACOE reconfirming the previous determination in order to obtain a N26 Permit.

The average annual precipitation for the area is 28.69 inches and the average temperature is 61.9° F (Western Regional Climate Center 2020). The City has a current population of 19,895 persons and has an average growth rate of 1%. The City has an incorporated area of 17.1 square miles.

Previous environmental studies and their related archeological resources, cultural resources, biological resources, geotechnical studies, traffic studies, and utility capacity studies are hereby incorporated into this environmental review document. Also, a current Biological Site Assessment and Tree Report have been completed to document current biological setting and trees on-site subject to the City's Tree Removal Permit. These studies in their most current form are referred to in the appropriate sections of this document and are hereby incorporated into the Initial Study document. These documents are cited below and include previous State Clearinghouse Numbers.

Pursuant to AB52, the City of Oroville has provided formal notification of the project to traditionally and culturally affiliated California Native American tribes of the area (PRC §21080.3.1(d) ). A complete list of the tribes contacted is attached herein. Responses to the letters sent have also been attached to the Initial Study.

## II. DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- 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 **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that 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.
- 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. No further action is required.

Prepared by: Michael Wixon, Contract Planner

_____ Signature	_____ Date
_____ Printed Name	_____ Planner Title
Reviewed by:	
_____ Signature	_____ Date
_____ Leonardo DePaola Printed Name	_____ Director of Community Development Title

### III. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below could be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” or “Less Than Significant With Mitigation Incorporated” as indicated by the environmental checklist in this document.

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Aesthetics                      | <input checked="" type="checkbox"/> Greenhouse Gas Emissions    | <input checked="" type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Agricultural Resources          | <input checked="" type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Recreation                                    |
| <input checked="" type="checkbox"/> Air Quality          | <input checked="" type="checkbox"/> Hydrology/Water Quality     | <input checked="" type="checkbox"/> Transportation/Circulation         |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Land Use/Planning           | <input type="checkbox"/> Tribal/Cultural Resources                     |
| <input type="checkbox"/> Cultural Resources              | <input type="checkbox"/> Mineral Resources                      | <input checked="" type="checkbox"/> Utilities/Service Systems          |
| <input type="checkbox"/> Energy                          | <input checked="" type="checkbox"/> Noise                       | <input type="checkbox"/> Wildfire                                      |
| <input type="checkbox"/> Geology and Soils               | <input type="checkbox"/> Population and Housing                 | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

#### i. EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is given for all answers except “No Impact” answers as they are adequately supported by the information sources cited in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved. A “No Impact” answer is explained where it is based on project-specific factors as well as general standards.
- 2) All answers take account of the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once it is determined that a particular physical impact may occur, the checklist answers indicate whether the impact is potentially significant, less than significant with mitigation incorporated, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect or remaining effect after mitigation is incorporated may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of a mitigation measure has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact”. The mitigation measures are described, and a brief explanation follows on how the mitigation measures reduce the effect to a less than significant level (mitigation measures from earlier analyses are cross-referenced).
- 5) Earlier analyses are used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion will identify the following:
  - a) Earlier Analysis Used. Identify and state where analyses are available for review.

Previous documents which remain current for the evaluation of potential environmental impacts resulting from the project changes include:

1. The City of Oroville 2030 General Plan Update Supplemental EIR – The City Council certified the SEIR on March 31, 2015 (SCH #2014052001) as a programmatic

document to update and assess impacts not previously assessed in the City of Oroville 2030 General Plan EIR. This document is hereafter referred as the 2015 SEIR.

2. The City of Oroville 2030 General Plan EIR - The City Council certified the Oroville 2030 General Plan EIR on June 2, 2009 as a programmatic document (SCH#20080022024). This document is hereafter referred to as the 2009 EIR.
3. The Ruddy Creek Village Initial Study and Mitigated Negative Declaration – SCH#200732104. This document was adopted by the City Council on July 3, 2007 to assess the impacts Tentative Subdivision Map to create 172 single family lots ranging in size from 3,150 square feet to 4,500 square feet. The project includes approximately 4.3 acres of open space (approximately 3 acres as a neighborhood park and a 1.3 acres storm water detention facility). The project also required Annexation, a General Plan Amendment and a Zoning Amendment (Prezoning) for Planned Development Overlay. The previous environmental document is hereafter referred to as the 2007 Ruddy Village MND.
  - b) Impacts Adequately Addressed: Effects from the environmental checklist are identified within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards. Effects are addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures: For effects that are “Less Than Significant With Mitigation Measures Incorporated”, the response will describe the mitigation measures, which were incorporated or refined from the earlier document, and the extent to which they address site-specific conditions for the project.
- 6) The checklist responses will incorporate references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list is attached in Section VI, References. Sources used, individuals contacted, and other outside supporting sources of information are cited throughout the discussion.



**IV. ENVIRONMENTAL IMPACTS**

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	--------------

<b>I. AESTHETICS. WOULD THE PROJECT:</b>
--

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

**DISCUSSION OF IMPACTS - AESTHETICS**

**1.a Would the project have a substantial adverse effect on a scenic vista?**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

The 2015 SEIR and 2009 EIR concluded that any development envisioned in the General Plan would also be required to be consistent with the goals, policies, actions, and design guidelines of the General Plan protecting scenic views to Table Mountain and surrounding foothills, as well as views to six (6) specific preserves (none which can be viewed from the project site). The documents concluded impacts would, therefore, be less than significant.

PREVIOUS 2007 RUDDY VILLAGE MND – Less Than Significant

The project site was not considered to be consistent with the General Plan policies and design guidelines and did not have any particular or unique scenic value, including views of Table Mountain. It was determined also that the site contained no unique features. Therefore, project impacts were determined to be a less than significant impact.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

The project site is not considered to have any particular scenic value as there is nothing unique about the property that makes it different from other land in the area. Table Mountain can be seen from the site as it can be seen from most of the Oroville area and will remain visible from 18<sup>th</sup> St and Feather Avenue. The development of the site will not significantly impair the views of Table Mountain because it will be developed in a manner consistent with the General Plan policies, and because these views are not unique to this site. Further, the project will reduce the density of development on site from 172 to 97 single family homes, which could slightly improve views to surrounding areas. Therefore, the project will have a **less than significant impact**.

**1.b Would the project substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?**

PREVIOUS 2009 EIR AND 2015 SEIR – Less than significant

The 2015 SEIR and 2009 EIR concluded that there were no State-designated scenic highways in or through Oroville. Therefore, development would result in no impact to visual resources within a State-designated scenic highway.

PREVIOUS 2008 RUDDY VILLAGE MND – No Impact

The project site was not considered to have any particular scenic value nor contain any unique scenic resource with regards to other land in the Thermalito area.

**PROJECT IMPACTS: NO IMPACT**

There are currently no State-designated scenic highways within the Oroville Planning Area. The pattern of development proposed will not change the impacts examined in the previous environmental documents, except that the project would reduce the overall density of development on site. Therefore, the project would have no impact.

***1.c In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?***

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

The previous EIR documents acknowledged that the 2030 General Plan goals, policies, and actions will ensure that new development supports high quality urban design and architecture, and will preserve and improve the visual quality of Oroville. It recognized that development standards would reduce potential visual impacts, incentivize the development of blighted areas and properties, establish oak tree loss and mitigation standards. The 2015 SEIR also acknowledged that the Design Guidelines, CAP, and Balanced Mode Circulation Plan would improve landscape design. Both documents concluded these potential impacts would be less than significant.

PREVIOUS 2007 RUDDY VILLAGE MND – Less Than Significant

The project site was not thought to contain unique scenic vistas or visual characteristics, and it acknowledged development of a residential subdivision will change the character of the site to development similar in visual character to the existing subdivisions in the area.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

The General Plan EIR and General Plan Update EIR both recognize the development of areas within its Sphere of Influence and corporate City limits, and these impacts were determined to be less than significant. Previous EIRs acknowledge that the goals, policies and processes referred to in the General Plan adequately support high quality urban design and architecture and can improve visual quality.

The project site nor its surroundings contain any unique visual character or quality of public views which could be substantially degraded. The site did at one time contain a potential historic resource, but the structure burned down many years ago and no longer exists (see more discussion under Cultural Resources). The site also contains some oak woodlands and Ruddy Creek, but these are not considered significant visual resources by the City in current General Plan or other City documents. Further, the overall impacts of the resulting development of the area was considered by the previous EIR documents, including views to Table Mountain and surrounding foothills, and these impacts were less than significant. The proposed project lessens the proposed density of the levels of development anticipated in the current General Plan and is, therefore, slightly reducing any previously anticipated impacts. The proposed development will also be similar in visual character to the existing subdivisions in the area. Although the development of a residential subdivision will change the character of the existing site from undeveloped, unkempt vegetation to one of a developed residential site with landscaping and single family residential structures, per City requirements, it will enhance the area and improve visual quality.

Therefore, any project impacts which may cause a degradation of the existing visual character or quality of public views of the site and its surroundings are **less than significant**.

**1.d Would the project create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

The previous EIRs acknowledged the potential to increase light or glare resulting from new development consistent with the adopted General Plan. Both documents also acknowledged the 2030 General Plan includes policies and actions to protect views of the night sky, minimize the effects of light pollution, and reduce day-time glare. Additionally, the more recent Balanced Mode Circulation Plan encouraged pedestrian lighting to be oriented towards the ground to minimize glare and preserve views of the night sky. The previous EIRs determined that the resulting potential impacts were less than significant.

PREVIOUS 2007 RUDDY VILLAGE MND – Less Than Significant

The previous MND determined that street lighting, properly installed, will not constitute a significant source of light or glare. Therefore, the potential impacts were considered less than significant Impact.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

The project consists of a 97-unit residential development, a lesser density than the present General Plan permits. The proposed project will result in construction of structures that are mainly composed of wood, concrete fiberboard, and stucco that have small, segregated reflective surfaces, primarily glass windows which will not create a significant amount of reflective surface. Building heights will not exceed the proposed R-1-6 Zoning standards and will be reviewed by the City to comply with its design guidelines. Streetlight locations and fixture types must be submitted to the City of Oroville as part of the improvement design process. Street lighting is required by the City and once properly installed, streetlights will not constitute a significant source of light or glare. Therefore, the project impact is **less than significant**.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

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

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2. DISCUSSION OF IMPACTS – AGRICULTURAL RESOURCES

**2.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?**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

PREVIOUS 2007 RUDDY VILLAGE MND – No Impact

The site was not located in an area designated as Prime Farmland, Unique Farmland, or Farmland of Statewide importance and there were no existing agricultural uses or activities on the site. It was determined that reintroducing an agricultural crop to the site would not be feasible or economically viable. Therefore, there was no impact.

**PROJECT IMPACTS: NO IMPACT**

The project site is not located in an area designated as having Prime Farmland, Unique Farmland, or Farmlands of Statewide importance. There are no existing agricultural uses or activities on the site. According to the Butte County Important Farmland Map of 2016, the land is designated as “Other Lands.” Also, the site is also recognized as “Other Lands” and surrounding parcels are recognized as “Urban Use” or “Rural Residential Use” on the 2020 State Department of Conservation Important Farmland GIS Map. At one point in the past the property was cultivated with an olive orchard, but all trees have been removed and the site has no longer been used for agriculture since 1998. Reintroducing an agricultural crop to the site would not be feasible or economically viable given the parcel sizes, the surrounding development which has occurred. Therefore, the impact is **less than significant**.

**2.b Would the project conflict with existing zoning for agriculture use, or a Williamson Act contract?**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

PREVIOUS 2008 RUDDY VILLAGE MND – No Impact

It was determined that the County zoning on the site was Agricultural Residential, which did allow agricultural uses with residential densities of up to 6 dwelling units per acre. The remnants of an olive orchard exist just to the northeast of the project, but the orchard was unmaintained and was not zoned for continuing agriculture. Additionally, there were no lands within the Thermalito area that were subject to a Williamson Act contract; the closest Williamson Act lands were 1.6 miles to the north. It was determine the proposed project would have no impacts.

**PROJECT IMPACTS: NO IMPACT**

There are no parcels within or adjacent to the project area that are used or primarily zoned for agricultural uses. The existing Butte County Zoning classification on Parcel 1 (030-360-091) is Rural Residential (RR-5), which does allow limited agricultural uses and one dwelling unit per 5 acres. Parcel 2 (030-360-092) has a zoning classification of Medium Density Residential (MDR) with a permitted residential density of 6 dwelling units per acre, and certain agriculture uses are allowed. As noted above, the site has not been used for any agricultural uses since 1998. Further, the remnants of an olive orchard to the north of the project site are also not maintained as such. Additionally, there are no nearby lands subject to a Williamson Act contract; the closest Williamson Act lands remain approximately 1.6 miles north of the project site. Therefore, the project has **no impacts**.

***2.c Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code)?***

PREVIOUS 2009 EIR AND 2015 SEIR – Not Applicable (this question was not included in the CEQA checklist at the time the environmental document was prepared).

PREVIOUS 2008 RUDDY VILLAGE MND – Not Applicable

**PROJECT IMPACTS: NO IMPACT**

**There is no forest or timberland in the project area, nor has the County designated the Zoning of the site for forestry or timberland. Therefore, the project has no impacts.**

***2.d Result in the loss of forest land or conversion of forest land to non-forest use?***

PREVIOUS 2009 EIR AND 2015 SEIR – Not Applicable

PREVIOUS 2008 RUDDY VILLAGE MND – Not Applicable

**PROJECT IMPACTS: NO IMPACT**

There is no forest or timberland in the project area. Therefore, the project has no impacts.

***2.e Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?***

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

PREVIOUS 2008 RUDDY VILLAGE MND – No Impact

The MND stated there were no parcels within or adjacent to the project that were actively used or primarily zoned for agricultural uses.

**PROJECT IMPACTS: NO IMPACT**

The project site is recognized as grassland/oak woodland and not zoned for agricultural uses according to the Butte County GIS Sustainable Agricultural and Land Conservation Map. The nearest Williamson Act property is located north of the Thermalito Forebay. No parcels immediately adjacent to the site are used or zoned for agricultural uses. Remnants of an olive orchard exist on-site and on the property to the north, but neither are currently managed or harvested for agricultural purposes. Additionally, areas immediately south and west of the property have been developed into single-family residential subdivisions. Therefore, the project would have **no impact**.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**3. AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- |   |                          |                                     |                                     |                                     |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Expose sensitive receptors to substantial pollutant concentrations?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

3. DISCUSSION OF IMPACTS – AIR QUALITY

**3.a Conflict with or obstruct implementation of the applicable air quality plan**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

The documents conclude that the General Plan (and supplemental plans adopted with the 2030 General Plan in 2015) would not change the impact related to consistency with applicable air quality plans. The 2015 SEIR Update indicated that the revised Open Space, Natural Resources, and Conservation Element, CAP, Design Guidelines Updates, and Balanced Mode Circulation Plan would reduce VMT and associated mobile source emissions relative to what was analyzed in the 2008 Draft EIR. Accordingly, the 2015 SEIR did not conflict with the current 2012 AQAP and impacts would remain less than significant.

PREVIOUS 2007 RUDDY VILLAGE MND – Less Than Significant With Mitigation

The project was reviewed against the Butte County Air Quality Management District (BCAQMD) North Sacramento Valley Air Basin 2003 Air Quality Attainment Plan. Also, the 1997 Indirect Source Review Guidelines and implementation of all the Standard Mitigation Measures were to be required for the project. The City of Oroville assisted the District with monitoring construction activities, and required developers to adhere to construction and development mitigation measure to reduce project emissions and conflicts with the Air Quality Attainment Plan to a level that is considered less than significant with mitigation incorporated.

- Use adequate fugitive dust control measures for all construction activities during all phases of construction.
- Use EPA Phase II certified wood burning devices or District approved fireplaces. Provide energy-efficient lighting (includes controls) and process systems such as water heaters, furnaces, and boiler units.
- Use adequate fugitive dust control measures for all construction activities during all phases of construction.
- Use alternatives to open burning of vegetative material on the project site.
- Use temporary traffic control as appropriate at all stages of construction.
- Schedule construction activities that direct traffic flow to off-peak hours as much as practicable.
- Paved streets adjacent to the development site should be swept or washed at the end of each day as necessary to remove excessive accumulations of silt and/or mud which may have accumulated as a result of activities on the development site.

- Construction equipment exhaust emissions shall not exceed BCAQMD Rule 201 Visible Emission limitations.
- Land clearing, grading, earthmoving or excavation activities suspended when winds exceed 20 miles per hour.
- Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours. The telephone number of the District shall also be visible to ensure compliance with District Rule 200 & 205 (Nuisance and Fugitive Dust Emissions).

**PROJECT IMPACTS: LESS THAN SIGNIFICANT WITH MITIGATION**

The 2008 EIR 2015 SEIR considered overall impacts to and potential conflicts with existing air quality plans and concluded impacts were less than significant with mitigation measures. The project is consistent with existing air quality plans because it will reduce residential land use densities anticipated in the previous 2015 SEIR, and those densities used to model air quality attainment in the most recently updated 2017 Air Quality Plan. Further, project level mitigation measures will be used consistent with the Butte County Air Quality Management District (BCAQMD) CEQA Handbook to reduce the exposure of sensitive receptors to criteria pollutants and GHG precursor emissions (see section 3.c below). Therefore, the potential environmental impact to conflict with or obstruct the implementation of the applicable air quality plan is less than significant.

***3.b Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?***  
**PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant**

The 2008 EIR and 2015 SEIR considered the cumulatively considerable net increase of any criteria pollutant for which the project region was nonattainment under an applicable federal or State ambient air quality standard. The 2015 SEIR acknowledged strategies and policies outlined in the revised Open Space, Natural Resources, and Conservation Element, CAP, Design Guidelines Update, and Balanced Mode Circulation Plan would likely contribute to long-term emissions reductions from mobile and non-mobile sources when compared to the 2009 EIR.

**PREVIOUS 2007 RUDDY VILLAGE MND – Less Than Significant**

The 2008 MND acknowledged that the project was for 172 dwelling units and could add approximate 70-75 dwellings than would be expected under the General Plan in effect at that time. It also went on to state that, cumulatively, the project was a small portion of the new dwelling units which were under construction or in the planning stages in the Oroville area and the northern Sacramento Valley Air basin at that time. It concluded that the project impact was less than significant because of the mitigation incorporated under the evaluation of Item 3.a)

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

In 2017, the region's Air Quality Attainment Plan was approved (i.e., updated) by the State Air Resources Board and the EPA to acknowledge the air basin as being in attainment for PM2.5 as a federal designation (Source: BCAQMD: 2017 Chico, CA/Butte County PM2.5 Redesignation Request and Maintenance Plan).

The BCAQMD determines air quality impacts using complex models which incorporate, among many other factors, traffic model data generated from land uses shown in the General Plans of local jurisdictions in the air basin. The current state and federal attainment status for criteria pollutants is shown in the table below.

Butte County – State and Federal Ambient Air Quality Attainment Status :		
Pollutant	State Designation	Federal Designation
1-hour ozone	<b>Nonattainment</b>	—
8-hour ozone	<b>Nonattainment</b>	<b>Nonattainment</b>
Carbon monoxide	Attainment	Attainment
Nitrogen Dioxide	Attainment	Attainment
Sulfur Dioxide	Attainment	Attainment
24-Hour PM10	<b>Nonattainment</b>	Attainment
24-Hour PM2.5	No Standard	Attainment
Annual PM10	Attainment	No Standard
Annual PM2.5	<b>Nonattainment</b>	Attainment

Source: Butte County AQMD, 2018

The project proposes to reduce the densities currently in the City of Oroville General Plan 2030 by 75 units (from 172 units to 97 units). Trip generation rates and VMT resulting from the project would also be expected to drop approximately 43.6%. Therefore, the project will reduce residential land use densities as anticipated in the City’s previous 2015 SEIR and 2008 EIR.

The project will incorporate policies from the 2030 City of Oroville General Plan, the Climate Action Plan, the Balanced Mode Circulation Plan and the City’s Design Guidelines. The project will enhance pedestrian and bicycle circulation and connections, and access to the nearest transit stop, the B-Line stop at 14<sup>th</sup> Street and Grand Avenue. Both 18<sup>th</sup> Street and Feather Avenue will have pedestrian walkways and function as local bikeways, and the project will provide pedestrian, bicycle and vehicle connections to existing neighborhoods to the south and west. Further, recommended mitigation measures and best management practices are incorporated into the project as mitigation in accordance with the BCAQMD CEQA Handbook as described in Item 3.c below.

Therefore, the project will have a less than significant impact and will not 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.

**3.c. Expose sensitive receptors to substantial pollutant concentrations?**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

**3.c.1 CARBON MONOXIDE HOT SPOTS** - The 2008 EIR and the 2015 SEIR concluded that potential impacts resulting from the exposure of sensitive receptors to Carbon Monoxide Hot-Spots from Vehicle Exhaust from traffic was less than significant. The 2015 SEIR noted that strategies in the CAP and Balanced Mode Circulation Plan that encourage alternative transportation would also reduce VMT in 2020 by over 3.5 million miles, which would achieve corresponding reductions in on road fuel combustion and TACs. Additionally, reductions in ozone precursors (reactive organic gases and nitrogen oxides) would reduce the formation of smog.

PREVIOUS 2007 RUDDY VILLAGE MND – Less Than Significant

For the reasons cited above in the previous section, and the inclusion of mitigation measures, the project impacts of all criteria pollutant were less than significant. However, it is not clear that Carbon Monoxide Hot Spots were evaluated, since it preceded the 2015 SEIR Update.



**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

The project could be expected to generate 970 vehicle trips per day, of which approximately 97 trips would occur in the a.m. peak hour and 97 trips would occur in the p.m. peak hour. These trips would be further divided along local road systems during the peak hours, primarily to and from the north and east on 18th St. and Feather Avenue. The project will generate fewer carbon emissions than previous assessments due to lower residential densities proposed. Therefore, the project is considered to have a **less than significant impact** to the exposure of receptors to carbon monoxide hot spots from vehicle exhaust due to traffic.

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

**3.c.2 LONG-TERM OPERATIONAL HAZARDS** -- The 2008 EIR and 2015 SEIR concluded that the potential impacts resulting from Long-Term Operational Hazards was less than significant.

PREVIOUS 2007 RUDDY VILLAGE MND – Less Than Significant

For the reasons cited above in the previous section, and the inclusion of mitigation measures, the project impacts of all criteria pollutant were less than significant. However, it is not clear that long-term operational hazards were evaluated, since it preceded the 2015 SEIR Update.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

The new Ruddy Creek Village project proposes to construct a 97-unit single-family residential subdivision near uses that primarily are residential. There are no nearby land uses which would expose new residents to other uses known to be operational hazards, nor would residential uses proposed and permitted under the City’s General Plan and Zoning Code be expected to create a long-term operational hazard. **Therefore, the project impact is considered less than significant.**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

**3.c.3 SHORT-TERM CONSTRUCTION HAZARDS** -- The 2015 SEIR concluded that the Short-Term or Temporary Construction Hazards (LTS) resulting from project impacts were less than significant. The 2015 SEIR document acknowledged diesel-powered construction equipment could generate increased diesel exhaust and other TACs. The SEIR document went on to say that diesel powered construction equipment would not result in increased health risk because cancer health risks because such risks are typically associated with chronic exposure, often defined as a 70-year exposure period. Shorter timeframes of exposure associated with typical construction activities would not result in increased health risk. The 2015 SEIR also acknowledged the implementation of the CAP strategy, which would pursue the use of Electric-Powered Construction Equipment and DPMs for generators, on-road trucks and off-road trucks and heavy-duty construction equipment.

PREVIOUS 2007 RUDDY VILLAGE MND – Less Than Significant

For the reasons cited above in the previous section, and the inclusion of mitigation measures, the project impacts of all criteria pollutant were less than significant.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT WITH MITIGATION**

**Construction Activities and Equipment Emissions** – During construction activities for the project, heavy-duty on and off-road diesel construction equipment will be used. Construction activities include, but are not limited to, rough grading, final and pad grading, installation of utilities and drainage improvements on and off-site, home construction, street construction and paving on and off-site. Heavy-duty diesel construction equipment would contribute temporarily to slight increases vehicle emissions, which include ozone precursor emissions (reactive organic gases (ROG) and nitrogen oxides (NOx), and fine particulate matter ten microns or less). The BCAQMD CEQA Handbook recommends mitigation measures for vehicle exhaust and engine idling of diesel equipment (on and off road) during construction. These measures have been incorporated into the project as mitigation. The BCAQMD has also established threshold criteria to evaluate the level of significance of a project

for emissions occurring during construction. The CalEMOD was used to calculate the level of emissions which could be expected during construction. The emissions of ROG, NOx, and fine particulate matter all fall under the BCAQMD threshold levels of significance.

**Fugitive Dust Emissions** -- The effects of construction activities would also include increased dust and locally elevated levels of particulates downwind of construction activity (ie., fugitive dust emissions). Construction activities include, but are not limited to, rough grading, final and pad grading, installation of utilities and drainage improvements on and off-site, home construction, street construction and paving on and off-site. Regarding fugitive dust from these activities, the majority of the particulate generated is anticipated to settle quickly. The BCAQMD CEQA Handbook includes a series of measures to reduce fugitive dust impacts, which are also considered to be Best Management Practices (BMPs). These measures are incorporated into the project as mitigation.

The project will have a **less than significant impact with the mitigation measures below** for short-term construction activities and equipment emissions and fugitive dust emission.

**Mitigation Measures:**

**MM AQ 3.C**

In order to ensure that air quality impacts remain less than significant during construction, the following mitigation measures are required when feasible as a condition of project approval to reduce these impacts to a level below significant.

**Diesel PM Exhaust from Construction Equipment**

- All on- and off-road diesel equipment shall not idle for more than five minutes. Signs shall be posted in the designated queuing areas and/or job sites to remind drivers and operators of the five-minute idling limit.
- Idling, staging and queuing of diesel equipment shall as easterly on-site and not within 300-ft of sensitive receptors (residential uses) to the north, south and west or flood zone area.
- All construction equipment shall be maintained in proper tune according to the manufacturer's specifications. Equipment must be checked by a certified mechanic and determined to be running in proper condition before the start of work.
- All construction equipment and diesel vehicles operated on-site shall provide evidence of having diesel particulate filters or other CARB-verified diesel emission control strategies.
- To the extent feasible, truck trips off-site to and from the site shall be scheduled during non-peak hours to reduce peak hour emissions. Peak hours are 7 a.m. to 8 a.m. and 5 p.m. to 6 p.m.

**Idling Restrictions for On-Road Vehicles**

- Section 2485 of Title 13 California Code of Regulations applies to California and non-California based and diesel-fueled commercial motor vehicles operating in the State with gross vehicular weight ratings of greater than 10,000 pounds and licensed for operation on highways. In general, the regulation specifies that drivers of said vehicles:
  - a. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
  - b. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.

- Signs shall be posted at each job site entrance and at each designated queuing areas to remind drivers of the 5 minute idling limit. The specific requirements and exceptions in the regulation can be reviewed at the following web site: [www.arb.ca.gov/msprog/truck-idling/2485.pdf](http://www.arb.ca.gov/msprog/truck-idling/2485.pdf).

#### **Idling Restrictions for Off-Road Equipment**

- Off-road diesel equipment shall comply with the 5-minute idling restriction identified in Section 2449(d)(3) of the California Air Resources Board’s In-Use Off-Road Diesel regulation: [www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf](http://www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf).
- Signs shall be posted at each job site entrance to remind drivers of the 5-minute idling limit.

#### **Fugitive Dust**

Fugitive dust complaints could result in a violation of the BCAQMD "Nuisance" and "Fugitive Dust" Rules 200 and 205, respectively. The following is a list of measures that shall be required throughout the duration of all construction activities:

- The project shall reduce the amount of the disturbed where feasible in final design.
- The project shall include use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and at least 2 times per day. An adequate water supply source must be identified on all plans. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- All dirt stockpile areas actively used shall be sprayed daily, as needed, and all non-active stockpile areas shall be covered, or a District approved alternative method will approved by the BCAQMD and City for use.
- Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities.
- Exposed ground areas that will be reworked at dates greater than one month after initial grading shall be sown with a fast-germinating non-invasive grass seed and watered until vegetation is established to control dust.
- All disturbed soil areas not subject to re-vegetation shall be stabilized using approved chemical soil binders and jute netting. Other methods may be approved in advance by the the BCAQMD and the City.
- All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Vehicle speed for all construction vehicles shall not exceed 10 mph on any unpaved surface at the construction site.
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with local regulations.
- Install and maintain a washer area for vehicle tires where vehicles enter and exit unpaved roads onto streets or wash off trucks and equipment leaving the site.
- Project shall sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads, and more frequently if needed. Water sweepers with reclaimed water shall be used where feasible.

- Post a sign in a prominent location visible to the public at each construction site entrance with the telephone numbers of the contractor (designated person) and District for any questions or concerns about dust from the project. Corrective action shall be taken within 24 hours by the contractor. The contractor shall maintain a record of all complaints and corrective measures taken for each phase of the project until work has been accepted by City and/or other responsible utility.
- All fugitive dust mitigation measures required above shall be shown on grading, improvement and building plans. In addition, the contractor or builder shall designate a person or persons to implement and monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. The duties of the designated person shall include holidays and weekend periods or other times when work may not be in progress. The name and telephone number of the designated persons shall be provided to the City Building Official and the BCAQMD prior to land clearance and for any and all related work for final map recordation and finished grading of the area.
- Violations of BCAQMD Regulations are enforceable under the provisions of California Health and Safety Code Section 42400, which provides for civil or criminal penalties of up to \$25,000 per violation.

#### **GHG Construction Equipment Emission Reductions**

- Maintain all construction equipment in proper tune according to manufacturer's specifications;
- Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
- Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
- All on- and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and/or job sites to remind drivers and operators of the 5 minute idling limit;
- Diesel idling within 1,000 feet of sensitive receptors is prohibited;
- Staging and queuing areas shall not be located within 300 feet of western and southern property lines;
- Electrify equipment when feasible;
- Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and
- Use alternatively fueled construction equipment on site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

#### ***3.d Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?***

##### PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

The previous 2008 EIR and 2015 SEIR considered the creation of objectionable odors affecting a substantial number of people to be less than significant on a programmatic level. Odors are only considered to be significant if they are a nuisance. The 2015 SIER acknowledged that changes to

animal keeping restrictions in the Municipal Code may increase the number of animals kept on public and private properties. And while these animals may generate some minor odors, all applicants would be required to secure a use permit. that establishes conditions for odor management. In addition, BCAQMD Rule 200 would prohibits the discharge of air contaminants or other material that may cause nuisance or annoyance to any considerable number of people.

**PREVIOUS 2007 RUDDY VILLAGE MND – No Impact**

The 2008 MND acknowledged the project site would consist entirely of residential development, not a use typically associated with generation of objectionable odors. Further, unusual objectionable odors affecting the project area would fall under the control of local nuisance ordinances. Therefore, it found there was no project impact.

**PROJECT IMPACTS: NO IMPACT**

The new single-family residential subdivision for 97-units will not itself generate potentially significant odors. The BCAQMD identifies screening distances for nuisance odors generated by wastewater treatment plants, landfills, waste transfer stations, composting facilities, asphalt batch plants, chemical manufacturing, fiberglass manufacturing, painting/coating operations, rendering plants, large coffee roasters, food processing facilities, and confined animal facilities. There are no nearby operations such as those listed above and, therefore, no exposure to nuisance odors would occur to new residents from such uses. The project is considered to have no impact.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>4. BIOLOGICAL RESOURCES.</b> Would the project:				
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 Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 Wildlife 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 state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removing, filling, or 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 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 checked="" type="checkbox"/>	<input 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"/>

## 4 DISCUSSION OF IMPACTS – BIOLOGICAL RESOURCES

### **4.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 Wildlife or U.S. Fish and Wildlife Service?**

#### PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

The 2015 SEIR included a discussion of California black rail, which had been added as a new threatened wildlife species and was not previously addressed in the 2009 EIR. The 2015 SEIR and 2009 EIR concluded that land use change impacts on special-status plant or wildlife species would remain less than significant based upon the 2030 General Plan policies (Pages 4.3-23 and 4.3-28 to 4.3-29 of the Draft EIR) and project-level mitigation resulting from CEQA review. The 2015 SEIR also noted the preservation of oak trees resulting from the Oak Tree Loss Mitigation Ordinance could benefit special-status species that depend on oak tree habitat. The 2015 SEIR also acknowledged that construction activities (grading and excavation) associated with new development could result in the direct removal of California black rail habitat and/or in mortality and/or injury of California black rail adults, juveniles, nestlings, and eggs, and other construction activities (e.g. noise and lighting) could also result in direct impacts on California black rail by disrupting normal behaviors, including nesting, and could indirectly impact California black rail habitat by altering the hydrology that supports adjacent freshwater marsh habitat (e.g. removing contour ditches, disrupting subsurface hydrology, or redirecting flows). Once constructed, newly developed areas could also indirectly impact California black rail where these areas occur adjacent to occupied or potential habitat through the introduction of pets, noise, and lighting. The impacts on California black rail were found to be significant and were overridden in the Statements of Overriding Consideration certified by the City Council for the 2015 SEIR.

#### PREVIOUS 2008 RUDDY VILLAGE MND – No Impact

In 2007, the CNDDDB showed no occurrences of any special status species or habitats on the project site. However, a number of species occur within a 5-mile radius: Ahart's Dwarf Rush; Butte County Golden Clover; Butte County Meadowfoam; Greene's tuctoria; pink creamsacs, slender Orcutt grass; northern harrier; Swainson's hawk; western burrowing owl; white-tailed kite; valley elderberry longhorn beetle; vernal pool fairy shrimp; and western spadefoot toad. Of these species the site only has potentially suitable habitat for Butte County Golden Clover, pink creamsacs, northern harrier, Swainson's hawk, white-tailed kite, and western burrowing owl.

At the time, the Swainson's hawk was a State-listed Threatened species (California Department of Fish and Game, State and Federally Listed Endangered, Threatened, and Rare Plants of California, April 2003). It also found that the site was potential habitat for other species and pre-construction surveys were to be conducted for plants (Butte County Golden Clover, pink creamsacs) during April or May. A preconstruction raptor survey was to be performed to assess the presence of ground-nesting raptors (northern harrier and California burrowing owl) and for tree nesting species in the vicinity. With mitigation, impacts to candidate, sensitive, or special status species were found to be less than significant with the following mitigation measure:

- MM 4.1 - A pre-construction raptor survey must be conducted, preferably in April or May, prior to construction activities, in order to determine whether nesting raptors are present within the proposed project area. If construction occurs between 1 March and 15 September, a qualified biologist will survey the project site and all areas within 250 ft of the project site for nesting raptors and migratory birds. The survey shall be conducted no more than 30 days prior to the initiation of construction. If grading and tree removal is proposed between 16 September and 28 February, no survey is required. If an active nest is located within 250 ft of the project site, a biologist will monitor the nest weekly during construction to evaluate potential nesting disturbance caused by construction activities. The biological monitor will have the authority to stop construction if construction appears to be resulting in nest abandonment or forced fledging.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT WITH MITIGATION**

Although the project area includes existing road right of way and improvements and undeveloped land which has been modified due to previous agricultural activities. The western 4 acres of the project area has also been previously graded as part of a previously approved tentative parcel map by Butte County. The project site contains barren, riverine, grassland and oak woodland (deciduous orchard/blue oak/foothill pine) habitat areas.

UPDATE Wildlife BSA AND TREE REPORT An biological resource assessment (BRA) survey was performed for the project site by Gallaway Enterprises in April 2020 to determine any 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 Wildlife or U.S. Fish and Wildlife Service. The April 2020 Gallaway Report is incorporated into the Initial Study and is attached to the back of the IS. Also, a Tree Report prepared by Gallaway, dated July 10, 2020, has also been prepared for the project area and is incorporated into the Initial Study.

The Biological Resource Assessment (BRA) identified no critical habitat area or sensitive natural communities occur within the biological study area (BSA). The study identifies the potential for occurrence within the BSA of special-status species using the USFWS IPaC and CNDDDB species lists, the CNPS list of rare and endangered plants within the Oroville, Shippee, Biggs, and Palermo USGS 7.5 minute quadrangle, reviews of database queries from federal and state agencies, and performing surveys, and evaluating habitat characteristics.

In summary the BRA identified several common and special-status species and their potential to occur on the project site. Of five potential Sensitive Natural Communities, none are identified for the project. Of fifteen (15) plant special status species having the potential for occurrence in the area, none were found on-site. Of four (4) invertebrate special status species having the potential for occurrence in the area, none were discovered on-site (an elderberry shrub was discovered on-site, but no exit wounds were discovered and it is located towards the western half of the site, well distanced from the Ruddy Creek). Of three (3) fish special status species having the potential for occurrence in the area, none were found on-site. Of six (6) herptile special status species having the potential for occurrence in the area, none were discovered on-site, but two (2) have a moderate probability for occurrence on-site (Western spadefoot and Western pond turtle) and one (1) has a low potential for occurrence on-site (Coast horned lizard). Of nine (9) bird special status species having the potential for occurrence in the area, none were discovered on-site, but three (3) have a moderate possibility of occurring on-site (Loggerhead Shrike, Northern Harrier and the Swainson's Hawk), and two (2) have a low probability for occurrence on-site (Tri-colored Blackbird and the Burrowing Owl). And lastly, there were no mammals which fall under the special status species that were found to be in the area. Further, there is potential habitat on-site for several migratory birds protected under the federal Migratory Birds Treaty Act (MBTA) and the State of California Fish and Game Code (CFGC).

Therefore, the project may have potentially significant environmental impacts to these special status species and several migratory birds protected under the MBTA and the CFGC. With the incorporation of the following mitigation measures into the project approval, these impacts would be **less than significant**:

**Mitigation Measure:**

**MM 4.A**

Prior to any activity on-site intended to facilitate the development of the approved project, the applicant shall contract with the appropriate qualified biologist each of the following measures below to protect these special status species and their habitats. It is acknowledged that these measures may be amended or superseded by the project-specific permits issued by the regulatory agencies. Any amendments to these measures shall be made known immediately to the Community Development Director by the developer/applicant after the issuance of said permit(s).

The developer/applicant shall contact the Community Development Director to inform him/her of the start and end of each survey below. A written summary of the each survey method and result shall be delivered to the Director within three (3) calendar days of completion of each survey. Any actions taken to preserve any species listed herein shall be cause for the developer/applicant to immediately contact the Community Development Director with actions being taken to preserve special status species and with a written summary of the resulting outcomes within three (3) calendar days of these actions when ended.

#### **Valley Elderberry Longhorn Beetle**

No mitigation required for removal of the shrub - Per USFWS, the elderberry shrub present within the BSA is not suitable habitat for VELB.

#### **Coast Horned Lizard**

To minimize impacts to coast horned lizard, the following avoidance and minimization measures shall be implemented:

- A preconstruction survey for coast horned lizard shall be conducted prior to the initiation of ground-disturbing activities. Should any life stages of coast horned lizard be found, they will be relocated to appropriate habitat by a qualified biologist.

#### **Western Pond Turtle**

To minimize impacts to western pond turtle, the following avoidance and minimization measures are To be implemented:

- Immediately prior to conducting work within 200 feet of suitable aquatic habitat, a qualified biologist shall conduct a western pond turtle clearance survey.
- A qualified biologist shall be onsite during all vegetation removal within 200 feet of suitable aquatic habitat and during the installation or removal of water diversions.
- If western pond turtles are identified in an area where they will be impacted by Project activities, then the biologist will relocate the turtles outside of the work area or create a species protection buffer (determined by the biologist) until the turtles have left the work area.
- Before initiating any ground disturbances, restrictive silt fencing will be installed between Ruddy Creek and construction area to prevent western pond turtle from entering the construction site from the adjacent aquatic settings and to prevent construction equipment and personnel from entering sensitive habitat from the construction site. Appropriate signs shall also be placed every 200-feet on said fence to help prevent equipment and personnel from disrupting of the area.

#### **Western Spadefoot**

To minimize impacts to western spadefoot, the following avoidance and minimization measures shall be implemented:

- Clearance surveys which shall be conducted by a qualified biologist immediately prior to the initiation of work when water is present within the approved project boundary. Should any life stages of western spadefoot be found, they will be relocated to appropriate habitat by a qualified biologist.

#### **Burrowing Owl**

To minimize impacts to burrowing owl, the following avoidance and minimization measures shall be implemented and followed:

- Construction activities should occur outside of the western burrowing owl nesting season (February 1 – August 31). If construction cannot be conducted outside of the nesting season then the following avoidance and minimization measures shall be implemented.
- For construction occurring during the breeding season (February 1 – August 31), prior to any ground disturbing activities within the project site, a pre-construction survey for western burrowing owls shall be conducted by a qualified biologist within 14 days of ground disturbing activities per the recommendations described in the Burrowing Owl Survey Protocol and Mitigation Guidelines (California Burrowing Owl Consortium 1993). If an active burrowing owl nest is observed within 250-



feet of the project footprint, then a 250-foot buffer shall be established and CDFW contacted for further consultation.

### **Swainson's Hawk**

In order to minimize and mitigate impacts to Swainson's hawks and their habitat, the following avoidance and minimization measures shall be implemented:

- A protocol-level nesting raptor survey shall be conducted within seven (7) days prior to the initiation of Project activities to determine the presence or absence of active Swainson's hawk nests within the BSA or within 500 feet of the Project boundary, where feasible. If an active Swainson's hawk nest is found, no work should occur within 500 feet of the active nest and CDFW shall be consulted.
- Per the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California (CDFW 1994), projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree shall provide 0.5 acres of Habitat Management land for each acre of urban development authorized (0.5:1 ratio). There is 8.1 acres of suitable Swainson's hawk foraging habitat present within the project site; therefore, depending on the final site plan and conversion of suitable foraging habitat, Habitat Management land credits shall be purchased consistent with Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California from a CDFW-approved conservation bank that services the Project area. A preliminary search did not identify any conservation banks with available Swainson's hawk foraging habitat credits that service the Project area. Dolan Ranch Mitigation Bank, which does service the Project area, has only 0.177 Swainson's hawk foraging habitat credits remaining. The Staff Report Regarding Mitigation indicates that Habitat Management lands protected under this requirement may be protected through fee title acquisition or a conservation easement on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk; however, the high cost of purchasing land along with the small scope of this Project makes this mitigation method infeasible. Meridian Ranch Mitigation Bank, Bryte Ranch Conservation Bank, and Van Vleck Mitigation Bank are three nearby mitigation banks that provide Swainson's hawk foraging habitat credits that may be utilized for Project mitigation at the lead agency's discretion.
- At the time of preparation of this document, there is one (1) Swainson's hawk nest within 10 miles of the BSA that is considered active (i.e. used during 1 or more of the last 5 years) (CNDDDB #1530, July 16, 2015). Prior to land-clearing activities, it is recommended that the status of the active nest tree and CNDDDB be evaluated by a biologist to determine the status of the nest and whether or not compensatory mitigation is required based on the mitigation requirements. If the nest is considered active at the time of land-clearing activities, mitigation shall be implemented consistent with the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California (CDFW 1994), as described above.

### **Tricolored Blackbird**

To avoid impacts to tricolored blackbird, the following avoidance and minimization measures are included:

- Project activities including site grubbing and vegetation removal shall be initiated outside of the tricolored blackbird nesting season (March 15 – July 31).
- If Project activities cannot be initiated outside of the tricolored blackbird nesting season, then the following will occur:
  - If construction is initiated in the project work area during the tricolored blackbird nesting season, three (3) surveys shall be conducted within 15 days prior to the construction activity, with one of the surveys within 3 days prior to the start of the construction.
  - During the nesting season, a qualified biologist will conduct two (2) surveys of foraging habitat within 3 miles of a known colony site. The qualified biologist will survey the project site to determine whether foraging habitat is being actively used by tricolored blackbird. The surveys will

be conducted approximately one week apart, with the second survey occurring no more than two (2) calendar days prior to ground-disturbing activities. The qualified biologist will survey foraging habitat on the Project site and a minimum 300-foot radius around the project site for foraging tricolored blackbirds by observing and listening from accessible vantage points that provide views of the entire survey area. Each survey shall last 4 hours, and begin no later than 8:00 AM. If such vantage points are not available, the qualified biologist will survey from multiple vantage points to ensure that the entire survey area is covered.

- If an active tricolored blackbird nesting colony is observed within the project site or in an area adjacent to the site where impacts could occur, then consultation with CDFW will be required.

#### **Loggerhead Shrike, Northern Harrier, and Migratory Birds and Raptors**

To avoid impacts to loggerhead shrike, northern harrier, and avian species protected under the MBTA and the CFGC, the following avoidance and minimization measures are recommended:

- Project activities including site grubbing and vegetation removal shall be initiated outside of the bird nesting season (February 1 – August 31).
- If Project activities cannot be initiated outside of the bird nesting season, then the following will occur:
  - A qualified biologist shall conduct a pre-construction survey within 250 feet of the BSA, where accessible, within 7 days prior to the start of Project activities.
  - If an active nest (i.e. containing egg[s] or young) is observed within the BSA or in an area adjacent to the BSA where impacts could occur, then a species protection buffer will be established. The species protection buffer will be defined by the qualified biologist based on the species, nest type and tolerance to disturbance. Construction activity shall be prohibited within the buffer zones until the young have fledged or the nest fails. Nests shall be monitored by a qualified biologist once per week and a report submitted to the City of Oroville Community Development Director weekly.

**Timing and Implementation:** To be implemented before prior to any activity on-site intended to facilitate the development of the approved project.

**Monitoring:** USFWS, CDFW, City of Oroville

#### **4.b Have a substantial adverse effect on any riparian habitats or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service**

##### PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

The previous EIRs acknowledged potentially adverse effects on riparian habitat and other sensitive natural communities within the SOI and General Plan area. Both documents went on to acknowledge also that with existing 2030 General Plan policies and required project level CEQA review, would insure potential impacts were reduced to a less-than-significant level. The 2015 SIER also stated a benefit to sensitive natural communities adjacent to development areas would occur through implementation of Design Guidelines because they ban the use of invasive plant species in landscaping, which would avoid introduction of and prevent the spread of invasive plant species into adjacent natural areas. The 2015 SEIR also stated that the preservation of oak trees as a result of the proposed Oak Tree Loss Mitigation Ordinance could benefit sensitive natural communities that include oak trees. As such, both EIR documents acknowledged the impact on riparian habitat or other sensitive natural communities would be less than significant.

##### PREVIOUS 2007 RUDDY VILLAGE MND – No Impact

The previous MND state the site does not support significant wildlife, having been under cultivation as an olive orchard for decades. It also went on to note that the eastern portion of the site is subject to a drainage easement in favor of Butte County which will not allow any buildings within approximately 160 feet of the

watercourse. A previous verification letter acknowledging the site contained 0.008 acres of wetland (Ruddy Creek) had been received from the USACOE for further permitting. The MND concluded that no changes were proposed to the creek itself, with the exception of one drainage outfall structure, and obtaining the required state and federal permits, project impacts to the riparian vegetation, natural communities and wildlife movement/corridors along the river would be less than significant impact. Following project approval from the City of Oroville, a NW26 Permit from the USACOE was obtained for the project. However, since the project site did not receive LAFCO approval and not annexed into the City of Oroville, the NW26 Permit was not exercised.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

Ruddy Creek is a seasonal watercourse that runs along the eastern portion of the project area. The project contains approximately 0.07 acres of seasonal wetlands (ephemeral and intermittent) in Ruddy Creek. The small amount of wetlands are regulated by the USACOE and the CDFW, and, as such, the project will be required to comply with the Clean Water Act, the Endangered Species Act, and §1600 of the California Fish and Game Code. The project will construct nearby road improvements along Feather Avenue and will construct and operate a single outfall structure from the detention basin to the flow line of Ruddy Creek. Thus, the project will have impacts to the wetlands in Ruddy Creek. The City's General Plan does not show Ruddy Creek as being a riparian corridor or having any riparian corridor significance. The BSA for the site performed by Gallaway in April 2020 also confirms the site contains no significant riparian vegetation. Any project which has activities within the ordinary high-water mark and/or resulting in fill or discharge to any waters of the United States, such as Ruddy Creek, must:

- Obtain authorization under a Nationwide Permit or Individual Permit from the USACOE (Clean Water Act §404). For fill requiring a Corps permit, a water quality certification from the Regional Water Quality Board (Clean Water Act §401) shall also be obtained prior to discharge of dredged or fill material; and,
- Prior to any activities that would obstruct the flow of or alter the bed, channel, or bank of any perennial, intermittent or ephemeral creeks, such as Ruddy Creek, submit a notification of streambed alteration to the CDFW, and, if required, a Lake and Streambed Alteration Agreement (CFGC §1602) shall be obtained.

The project contains no significant riparian habitats or other significant sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Mitigation for impacts associated with special status species is included in Section 4.a of this Initial Study (see above). Moreover, the project will be reviewed against the City's Design Guidelines to ban the use of invasive plant species in landscaping, and will provide mitigation for the loss of oak trees as required in the City's Oak Tree Loss Mitigation Ordinance. And, prior to the commencement of construction activity on site a developer/applicant/owner must obtain legally required permits from the USACOE and CDFW. Therefore, the project impacts will be **less than significant**.

***4.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 wetlands, etc.), through direct removal, filling, hydrological interruption or other means?***

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

Previous EIR documents acknowledged the development proposed under the City's 2030 General Plan and other supporting documents would potentially have adverse effects on federally protected wetlands. However the documents went on to state that based upon the policies with the 2030 General Plan, the legal requirements for permits from regulatory agencies, such as the ACOE for implementing Clean Water Act §404 and CDFW for §1600 Stream and or Lake Alteration Agreements, and the project level CEQA review of individual projects, potential impacts were less-than-significant.

PREVIOUS 2007 RUDDY VILLAGE MND – Less Than Significant

A wetland delineation was performed on the site by Foothill Associates in August of 2006 and later confirmed by the ACOE to be .07 acres of intermittent, ephemeral wetlands. Mitigation for impacts to these wetlands was subject to an Army Corp permit. It was anticipated that the outfall would come under a Nationwide

Permit 7 and would require approval from the USACOE, the CDFW and State Regional Water Quality Control Board. Thus, these permits resulted in the project impacts being less than significant.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

The applicant has contacted the District Office of the USACOE and confirmed a need to reissue the previous wetland verification letter, which would then be used to obtain the appropriate permits under the Clean Water Act. The project proposes the installation and operation of a stormwater outfall structure for site drainage to Ruddy Creek, similar to the previously approved project. Mitigation for impacts associated with special status species is included in Section 4.a of this Initial Study (see above). Moreover, the project will be reviewed against the City's Design Guidelines to ban the use of invasive plant species in landscaping, and will provide mitigation for the loss of oak trees as required in the City's Oak Tree Loss Mitigation Ordinance. And, prior to the commencement of construction activity on site a developer/applicant/owner must obtain legally required permits from the USACOE, CDFW and the State Regional Water Quality Control Board. Therefore, the potential for the proposed project to create substantial adverse effects on federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.), through direct removal, filling, or hydrological interruption are **less than significant**.

**4.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?***

**PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant**

The previous EIR documents discussed potential impacts to the movement of wildlife species from the construction and operation of new land uses, pedestrian and bike paths and increased amounts of paved surfaces. However, projects that follow the 2030 General Plan policies, including Goal OPS-9, would ensure that wildlife corridors are not substantially impacted. Therefore, the EIRs concluded the impacts on the movement of native resident or migratory fish or wildlife species were less than significant.

**PREVIOUS 2007 RUDDY VILLAGE MND – Less Than Significant With Mitigation**

The previous MND stated there are no known migratory fish or wildlife species that utilized the site as a migratory corridor or wildlife nursery, but migratory raptors could be present on the site at some point in the future before construction starts. Therefore, a measure was added to mitigate the potential impact by requiring a pre-construction survey for raptors. With mitigation, the City concluded project impacts were less than significant.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT WITH MITIGATION**

The project site is bounded by Feather Avenue to the north, 18<sup>th</sup> Street to the West and is generally located within a developing urban area with residential uses surrounding the project site at varying distances. According to the BSA prepared by Gallaway and Associates, Ruddy Creek, which runs through the eastern boundary of the property, has intermittent flow patterns without a hydrologic connection to the Feather River and does not support anadromous fishes. The BSA indicates that no special status fish species are known to use Ruddy Creek. The BSA cited several special-status species and potential impacts to migratory wildlife corridors. Mitigation for these potential impacts are already added in Section 4.a (see above) to reduce potential impacts to less than significant. The BSA also did not find any native wildlife nursery sites on site or nearby. Therefore, with the inclusion of the mitigation from Section 4.a. above into the project, the impact of development of the site on wildlife movement/corridors along the river will be **less than significant with mitigation**.

**4.e *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?***

**PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant**

The previous environmental documents acknowledged that the 2030 General Plan includes numerous policies to protect biological resources that are regulated under those federal, State, and local policies and regulations, and the proposed Oak Tree Loss Mitigation Ordinance would have a beneficial effect on

oak trees by requiring replacement plantings for removed oak trees. Because new development would need to comply and not conflict with the City's local policies protecting biological resources, development expected from the 2030 General Plan would no impact.

PREVIOUS 2007 RUDDY VILLAGE MND – Less Than Significant

The previous MND stated that a significant oak woodland is considered to be a site of 1 acre or larger with an oak tree canopy cover greater than 20%, or any portion of a site greater than one acre with 20% oak canopy cover that is a contiguous part of a larger woodland area. The document also stated a site visit was performed and determined that the project did not meet the definition of a significant oak woodland habitat (the oak tree canopy was significantly less than 5%. It also cited existing entitlements for development of the site for an 82-space mobile home park, which allowed for the removal of the oak trees on site. Based the existing entitlements, the environmental document concluded the project would not generate further impacts. The project, therefore, had a less than significant impact.

PROJECT IMPACTS: **LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

The City of Oroville General Plan contains policies for preserving oak woodland habitat and pursuant to the Oroville Municipal Code, heritage trees/protected trees are defined as a tree with a 42 inch or greater diameter and their removal is regulated. A tree survey was performed and it was determined that this property does meet the definition of an oak woodland habitat in that the oak tree canopy is just over 10%. There are old entitlements to develop the property with an 82 space mobile home park, and the previous Ruddy Creek subdivision, but both have expired.

Since the last site activity, volunteer oaks and other species have populated the site. The July 2020 tree report by Gallaway Enterprises identified 58 oak trees with a diameter equal or greater than 6" dbh with a health of 3 or better. Total tree diameter is 672". Oroville's Oak Tree Loss Mitigation Ordinance (OMC 17.12.065) requires 2" to be replanted for every inch removed. Thus, a total of 1,344" will need to be planted on-site or nearby. This requirement will be a condition of the final map.

There are two Heritage oaks larger than 24 inches on site, but their health has deteriorated significantly. Staff recommend they be removed, and have concluded they do not need replacing.

**MM 4-E**

The removal of any oak trees six inches or larger in diameter breast height shall be replaced by two inches of plantings on site or nearby, subject to the approval of the Community Development Director.

**4.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?**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

The 2015 SEIR acknowledged the existence of the Draft Butte Resource Conservation Plan. It indicated that, although the City would be a participant in and covered by the BCRP, the plan had not been adopted and, therefore, the plan would not conflict with any approved habitat conservation plans or natural community conservation plans. It also stated that any activities within the BCRP would be mitigated through the City's participation in the BCRP. However, until the BCRP was approved, it concluded that impacts would remain less than significant, similar to the 2009 EIR findings.

PREVIOUS 2007 RUDDY VILLAGE MND – No Impact

The Draft BCRP had not been prepared at this time and no Habitat Conservation Plans, Natural Community Conservation Plans, or similar plans applied to the proposed project area. Therefore, there was no project impact.

PROJECT IMPACTS: **LESS THAN SIGNIFICANT**

After a series of public workshops and preparation of draft plans and environmental documents, a final environmental document (EIR/EIS) and plan was approved by the Butte County Association of Governments (BCAG), which were submitted to USFWS, NMFS and CDFW on June 28, 2019 for final inspection and publication in the federal register. The plan accounts for the development of areas within

the City's 2030 General Plan, which includes the project site. The BCRP and its corresponding EIR/EIS was analyzed in anticipation of the project site developing at a residential density of 6-24 units per acre, as previously approved by the City of Oroville in 2008. The proposed project would reduce the residential density, if approved, to 4-6 units per acre and 97 total units. The project will not conflict with the BCRP for the following reasons: The project would result in lower residential densities and fewer potential impacts; the project site was anticipated for development at residential densities up to 20 units per acre in the BCRP; the BCRP has been submitted to federal agencies for approval, but the documents have not yet been published in the federal register or adopted by the City of Oroville; and the project has incorporated mitigation for biological resources to protect special status species and migratory birds in Section 4.a of this discussion (see above). Therefore, the project will have a less than significant impact.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**5. CULTURAL RESOURCES.** Would the project:

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?      | <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 § 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Disturb any human remains, including those interred outside of dedicated cemeteries?                        | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

DISCUSSION OF IMPACTS – CULTURAL RESOURCES

**5.a Would the project cause a substantial adverse change in the significance of a historic resource or archaeological resource pursuant to § 15064.5?**

*Please note, a question previously asked in an Initial Study Checklist is no longer used to determine project impacts. The question was: "Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?"*

**5.b Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?**

**5.c Disturb any human remains, including those interred outside of dedicated cemeteries?**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

The programmatic 2015 SEIR and 2009 EIR assessed the framework and existing conditions of historical, archaeological, and paleontological resources (all being cultural resources). As described in these documents, development allowed by the General Plan could lead to physical demolition, destruction, relocation, or alteration of potential historical resources. Given that new buildings could qualify as historic resources as more time passes, further studies at the time a development project is proposed would be required to determine the level of significance of this impact for individual projects. The documents concluded that, by implementing the policies of the 2030 General Plan, impacts were determined to be less than significant. The documents also concluded that no cumulative impacts would occur to these resources.

PREVIOUS 2007 RUDDY VILLAGE MND – Less Than Significant

The previous MND provided a background of the historical and archeological resources which may be considered by CEQA and those which may occur on-site.

The MND indicated that, other than the TID pumping station located on-site, there were no other standing structures on the project site, but there were remnants of an old farm house located on site near Feather Avenue on the eastern 1/3 of the site. The MND referred to a previous archaeological survey prepared for an earlier mobile home project on-site, but no historic or prehistoric resources were observed (Archaeological Inventory Survey, Proposed Ruddy Creek Estates Mobile Home Park, c. 23 AC, Thermalito, Butte County, California, Jensen & Associates, June 23, 1992).

The MND included a measure for the potential discovery of archeological resources In accordance with the City's General Plan Policy 6.15d, which required that, if historic or prehistoric archaeological resources are uncovered during the course of project development and construction, the uncovered site must be examined by a qualified archaeologist for appropriate protection and preservation. The impacts on historic and prehistoric resources were found to be less than significant.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

Cultural resources include prehistoric and historic period archaeological sites; historical features, such as rock walls, water ditches and flumes, and cemeteries; and architectural features. Cultural resources consist of any human-made site, object (i.e., artifact), or feature that defines and illuminates our past. Often such sites are found in foothill areas, areas with high bluffs, rock outcroppings, areas overlooking deer migratory corridors, or near bodies of water.

The project is in the lower foothills of Butte County and it includes a short segment of Ruddy Creek, which may have been utilized by Native American Indians. The Thermalito area was one of the first land colony real estate developments in Butte County and commercial orange groves were planted in the late 1800s. The Thermalito area at one time contained numerous homesteads and farm-related features.

The project site was at one time used to produce wine and in the early 1900's a home was constructed, ultimately to become a 3-story building. The building was completely destroyed by fire in previous decades and only remnants of the structure remain on-site as portions of an old concrete foundation.

Two previous archaeological and cultural resources surveys were prepared for this site: 1) *Archaeological Inventory Survey, Proposed Ruddy Creek Estates Mobile Home Park, c. 23 AC, Thermalito, Butte County, California*, Jensen & Associates, June 23, 1992; and the more recently 2) *A Cultural Resources Inventory of the Village at Ruddy Creek Parcel, Thermalito, California, URS Corp July 23, 2007*. Both documents performed record searches and on-site fields surveys. Both documents concluded:

- i. There was no evidence on-site of paleontological resources;
- ii. There was no evidence on-site to indicate the presence of any Native American cultural resources or known burial sites; and,
- iii. The remains of the previously destroyed home which once occupied the site did not warrant further consideration for federal or statewide historic preservation.

Both studies did conclude that there was a possibility that during construction potential cultural resources could be uncovered, which could warrant preservation.

in accordance with the City's General Plan, Chapter 7 - Open Space, Natural Resources and Conservation Policies 14.3 and 14.7, the City of Oroville requires if historic or prehistoric archaeological resources are uncovered during the course of construction then the uncovered site must be examined by a qualified archaeologist to assess their significance and develop an appropriate protection and preservation plan. Also, Policy P14.8 requires that projects be conditioned to protect human remains which may be unearthed during project development and construction in accordance with the provisions of California Health and Safety Code and California Public Resources Code Section 5097.98.

The implementation of these policies will be completed as conditions of approval similar to those shown below for any future discretionary projects, e.g., the tentative subdivision map, to ensure potential impacts to these resources are reduced to **less than significant**.

- 1) A note shall be placed on all grading and construction plans and contract documents which informs the contractor and their employees and sub-contractors that if any bones, pottery fragments or other potential cultural resources are encountered during construction the developer and/or contractor shall:
  - a. Immediately cease all work within 100-feet of the area of the find and notify the City of Oroville Community Development Director at 530-538-2428.
  - b. Immediately notify all local tribes on the consultation list maintained by the State of California Native American Heritage Commission (NAHC), to provide local tribes the opportunity to monitor evaluation of the site.
  - c. Contract with a professional archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology and who is familiar with the archaeological record of Butte County, to prepare report which evaluates the significance of the find.
  - d. Not resume site work until the archaeologist conducts sufficient research, testing and analysis of the archaeological evidence to make a determination that the resource is either not cultural in origin or not potentially significant. If a potentially significant resource is encountered, the archaeologist shall prepare a mitigation plan for review and approval by the Community Development Director, including recommendations for total data recovery, Tribal monitoring, disposition protocol, or avoidance, if applicable. All measures determined by the Community Development Director to be appropriate shall be implemented pursuant to the terms of the archaeologist's report.

The preceding language shall be incorporated into all grading and construction plans and contract documents to ensure all contractors, employees and subcontractors have knowledge of and responsibility for proper implementation of this protocol.

- 2) If human remains are discovered, all work must immediately cease, and the local coroner shall be contacted. Procedures for the discovery of human remains will be followed in accordance with provisions of the Public Health and Safety Code, Sections 7052 and 7050.5 and the State Public Resources Code Sections 5097.9 to 5097.99. If remains are determined to be prehistoric, the coroner shall contact the NAHC, which will determine and notify a most likely descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery, and must complete the inspection within 24-hours of notification by the NAHC. The MLD will have the opportunity to make recommendations to the NAHC on the disposition of the remains.

The preceding language shall be incorporated into all grading and construction plans and contract documents to ensure all contractors, employees and subcontractors have knowledge of and responsibility for proper implementation of this protocol



Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**6. ENERGY.** Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**6. DISCUSSION OF IMPACTS - ENERGY**

*6.a Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

PREVIOUS 2009 EIR AND 2015 SEIR – N.A.

No discussion because the questions were not part of the Initial Study Checklist at the time.

PREVIOUS 2008 RUDDY VILLAGE MND – N.A.

No discussion because the questions were not part of the Initial Study Checklist at the time.

**PROJECT IMPACTS: NO IMPACTS**

No discussion necessary, the project will have no significant impacts to energy resources.

***6.b Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?***

PREVIOUS 2009 EIR AND 2015 SEIR – N.A.

No discussion because the questions were not part of the Initial Study Checklist at the time.

PREVIOUS 2008 RUDDY VILLAGE MND – No Impact

No discussion because the questions were not part of the Initial Study Checklist at the time.

**PROJECT IMPACTS: NO IMPACTS**

The project will be consistent with the City's General Plan 2030 and CAP, and must comply with current Building Code Requirements for energy efficiency. No further discussion is necessary because conformance with the General Plan and CAP will ensure the project does not conflict with state or local plans for renewable energy or energy efficiency. The project will have no impact.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**7. GEOLOGY AND SOILS.** Would the project:

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| 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? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| ii) Strong seismic ground shaking?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iii) Seismic-related ground failure, including liquefaction?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iv) Landslides?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), 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 wastewater disposal systems where sewers are not available for the disposal of wastewater?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) 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"/>            |

7. GEOLOGY AND SOILS - DISCUSSION OF IMPACTS

**7.a Would the project 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? Refer to Division of Mines and Geology Special Publication 42.**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

Both EIR documents indicated the area is not within an Alquist-Priolo Zone, but recognized that there is still a risk that expected development could expose more people to risks from primary and

secondary seismic hazards. Both documents also indicated that, by following policies of the 2030 General Plan, impacts would be less than significant. 2030 General Plan policies would include, but not be limited to, the following:

- Safety Element Policy P1.1 requires new residential development to be grouped and located in such a way as to avoid areas of geologic hazard, including steep slopes and areas of unstable soils.
- Safety Element Policy P1.2 requires all new developments to be subjected to a geotechnical study prior to development approval and to mitigate any identified hazards to a level of insignificance.

**PREVIOUS 2007 RUDDY VILLAGE MND – Less Than Significant**

The previous MND determined the probability of significant ground shaking for the project site was low, because the project did not propose the addition of significant structures that would be at risk to seismic activity, and because structures that would be built during resulting from the project would be designed and installed in accordance with Uniform Building Code standards for the appropriate Seismic Hazard Zone. Therefore, the MND concluded potential geologic impacts were less than significant.

**PROJECT IMPACTS -- LESS THAN SIGNIFICANT**

All of Butte County is in Moderate Earthquake Intensity Zone VIII. All of the City of Oroville and its General Plan and Sphere of Influence areas are outside of an Alquist-Priolo Earthquake fault zone, and is not within an aftershock epicenter region (Butte County GIS Epicenter Regions theme). The only known active fault in Butte County is the Cleveland Hill fault zone, located approximately 8 miles to the east of the project site, where activity on August 1, 1975 resulted in the Oroville earthquake. This earthquake has a Richter magnitude of 5.7 and resulted in approximately 2.2 miles of ground rupture along the western flank of Cleveland Hill. In the northwest corner of Butte County near Chico, there are a series of short, north-northwest trending faults similar to the Cleveland Hill fault. These faults appear to be an extension of the Bar Mountain Fault or Foothills Shear Zone. Minor seismic activity has occurred in these short faults; however, other geologic evidence indicated these faults are not active.

Historically, a moderate earthquake occurred on the afternoon of Friday, August 10, 2001, centered about nine miles west of Portola, California, and about 55 miles northeast of the project site. Very little damage occurred as a result of this earthquake, which had a magnitude of 5.5, but brief ground shaking was felt in Chico during the earthquake and the aftershocks. This earthquake occurred in the Mohawk Valley Fault Zone, and this area of California experiences a magnitude five or higher earthquake approximately every 20 years, according to the University of California, Berkeley Seismological Laboratory. Other historical events in the area include:

<b>Historical Seismic Events Within 70 Miles of Oroville, CA</b>		
<b>Year</b>	<b>Magnitude</b>	<b>Location</b>
01/25/1855	6.0	65km to the E near Mohawk Valley
01/07/1881	5.0	42 km NW near Los Molinos
04/29/1888	6.2	45 km to the NE near Blairsden
06/23/1909	5.6	40 km to the ESE near Verdi
04/15/1928	5.9	28 km E near Yuba River
02/08/1940	5.7	34 km N East of Chico
07/07/1946	5.0	69 km N Lassen Peak
03/20/1950	5.5	65 km N Lassen Peak
08/01/1975	5.7	5 km SE Oroville
08/10/2001	5.5	70 km NE Portola Valley

*Source: Seismic Shaking Hazard Maps of California, Map Sheet 48, prepared by CDMG in 2000*

The current 2020 State Department of Conservation GIS Viewer, Seismic Hazards Program: Alquist-Priolo Fault Traces Map, confirms the data above and makes no further changes. With the evidence gathered above and implementation of the 2030 General Plan policies, the California Building Code and the geotechnical report required for project development, impacts would be **less than significant**.

**7.a. ii) Strong seismic ground shaking?**

PREVIOUS 2009 EIR AND 2015 SEIR – less than significant

Both documents indicate the area is not within an Alquist-Priolo Zone, but recognized that there is still a risk that expected development could expose more people to risks from primary and secondary seismic hazards. Both documents also indicated that, by following General Plan Safety Element policies P1.1 and P1.2, impacts would be less than significant.

PREVIOUS 2007 RUDDY VILLAGE MND – Less Than Significant

The previous MND determined the probability of significant ground shaking for the project site was low, because the project did not propose the addition of significant structures that would be at risk to seismic activity, and because structures that would be built during resulting from the project would be designed and installed in accordance with Uniform Building Code standards for the appropriate Seismic Hazard Zone. Therefore, the MND concluded potential geologic impacts were less than significant.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

A Geotechnical Report was prepared for the site in January 2007 by Berlogar Geotechnical Consultants, Inc. The report indicates the site is not within a State of California designated earthquake fault zone. As noted above, this remains consistent with the current 2020 State Department of Conservation GIS Viewer, Seismic Hazards Program: Alquist-Priolo Fault Traces Map. With the evidence gathered above and implementation of the 2030 General Plan policies, the California Building Code and the geotechnical report required for project development, impacts would be **less than significant**.

**7.a.iii) Seismic-related ground failure, including liquefaction?**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

Previous EIR documents indicated that there could be development in areas that are susceptible to unstable soils from lateral spreading, subsidence, and compaction, which could expose more people to associated risks. The EIR documents also maintained that the 2030 General Plan policies limit development on areas of unstable soils and require soils reports for new development, and all development occurring must comply with the current building code, which contains specific requirements for building safety. General Plan Safety Element policies P1.1 and P1.2 are presented above. The previous EIR documents concluded that the impacts related to potential seismic related ground failure and potentially resulting unstable soils were, therefore, less than significant.

PREVIOUS 2007 RUDDY VILLAGE MND – Less Than Significant

The previous MND determined the probability of significant ground shaking for the project site was low, because the project did not propose the addition of significant structures that would be at risk to seismic activity, and because structures that would be built during resulting from the project would be designed and installed in accordance with Uniform Building Code standards for the appropriate Seismic Hazard Zone. Therefore, the MND concluded potential geologic impacts were less than significant.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

Ground prone to failure/liquefaction may typically possess the following characteristics:

- Unconsolidated sandy alluvium/poorly compacted fill
- Shallow ground water
- Seismic zone 3 or 4.

Areas outside the floodplain of the Feather River are not considered exposed to liquefaction, as they do not meet criterion “i” listed above. The project site is not within the floodplain of the Feather River (*General Plan Figure 8-A*).

According to the *Geotechnical Investigation Report* prepared for the project site in January 2007, the risk for liquefaction occurring on site is low due to the lack of historic liquefaction evidence and of the earth encountered during site inspection. With the evidence gathered above and implementation of the 2030 General Plan policies, the California Building Code and a geotechnical report required for project development, impacts would be **less than significant**.

#### **7.a. iv) Landslides?**

PREVIOUS 2009 EIR AND 2015 SEIR 2030: less than significant

Both documents concluded that, because new projects must complete a geotechnical study prior to development approval and to mitigate any identified hazards to a level of insignificance, and that all development occurring must comply with the CBC, which contains specific requirements for building safety, the impact related to landslides, mudslides, or similar hazards would be less than significant.

PREVIOUS 2007 RUDDY VILLAGE MND – No Impact

The 2007 MND indicated the site contained a transition area in the eastern portion of the site where the topography of the property drops approximately 20 feet over a 100 foot distance, with a resulting slope of approximately 20%. It also indicate there was no evidence of any landslide activity along this transitional area. After considering project impacts of grading for this portion of the property and the process by which improvement plans for grading and drainage must follow in the State of California and the City of Oroville, the potential for landslides or soil/slope failure(s) as a result of the project were less than significant.

#### **PROJECT IMPACTS: LESS THAN SIGNIFICANT**

A Geotechnical Report was prepared for the site in January 2007 by Berlogar Getechnical Consultants, Inc. The project site is generally flat, with no dramatic or excessively steep topography. There is one transition area in the eastern portion of the site where the topography of the property drops more than 20-feet over on an embankment on the east portion of the site, with resulting slopes greater than 25%. However, there remains no evidence of landslide activity along this transitional area. Grading and soil disturbance activities for new single family homes, roads, utilities and drainage facilities proposed throughout the site and will include cut, fills, installation of roads, utilities, drainage facilities as well as new homes. To insure the continued stability of this sloped area, all earthwork must be designed by a licensed civil engineer following a geotechnical report, and the City of Oroville requires the submittal of detailed grading plans prior to any soil disrupting activities. With the submittal and approval of grading plans and the utilization of accepted civil and geotechnical engineering practices in the earthwork done on-site, the potential for landslides or soil/slope failure will be **less than significant**.

#### **7. b) c) and d) *Would the project result in substantial soil erosion or the loss of topsoil, located on a geologic unit or topsoil 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 or would the project be located on expansive soil?***

PREVIOUS 2009 EIR AND 2015 SEIR 2030: Less Than Significant

The previous EIR documents stated that the 2030 General Plan and Update would increase the development potential in the city, and, therefore, it could increase associated soil erosion impacts. The documents state also that the policies of the 2030 General Plan address potential erosion, including Safety Element Policy P1.2, which requires new development to prepare a geotechnical study prior to development approval and to mitigate any identified hazards to a level of insignificance. Additionally, the EIR documents acknowledge all development occurring must comply with the CBC, which contains specific regulations for erosion control. Therefore, any impacts related to soil erosion was deemed less than significant.

The previous EIR documents concluded that, while the development anticipated by the General Plan could expose more people to risks from seismic ground shaking, local, State, and federal policies and regulations would ensure that impacts would remain less than significant.

The previous EIR documents concluded that, because the development anticipated from the General Plan would increase and include areas that are susceptible to landslides and mudslides, it would expose more people to associated risks. However, the documents also indicated that the 2030 General Plan policies addressed potential hazards associated with landslides, mudslides, and other unstable soil conditions because new development would require a geotechnical study prior to development approval, and appropriate mitigation would reduce any identified hazard(s) to a level of insignificance. Additionally, the documents noted that all development must comply with the CBC, which contains specific requirements for building safety. Therefore, the documents concluded that impacts related to landslides, mudslides, or similar hazards were less than significant.

The previous EIR documents noted the development of the General Plan area would increase the number of people and structures to expansive soils. However, the documents also noted that the 2030 General Plan policies for new development on steep slopes and areas of unstable soils would require soils reports. Also, that all development occurring must comply with the CBC, which contains specific requirements for building safety. As a result, impacts related to expansive soils were deemed less than significant.

#### PREVIOUS 2008 RUDDY VILLAGE MND – Less Than Significant

The previous MND noted that erosion potential was low. It stated that grading and construction from project activities would remove vegetation and disturb the soils over a majority of the property. However, it noted that these were temporary impacts resulting from construction activities. It also noted that because the majority of the property was level and the annual rainfall in the area was moderate, the erosion potential was not expected to be excessive. It also noted the City's grading permit processes would require plans for the disposition of surface runoff and erosion control. It also noted the BCAQMD Standard Mitigation Measures were incorporated into permits to mitigate erosion caused by wind. It went on to state construction activities were also subject to the requirements identified in the Regional Water Quality Control Board NPDES construction permit, typically requiring measures to control erosion. Incorporation of these measures reduced potential erosion impacts to less than significant.

#### **PROJECT IMPACTS: LESS THAN SIGNIFICANT**

According to the Biological Assessment prepared in April 2020, the larger majority of soils on-site are Thompsonflat-Oroville, 0 to 9 percent slopes, slopes; moderately well-drained, sandy loam with a deep restrictive layer of more than 80 inches in depth. Also, a smaller area at the northeast corner of the site consists of Wilsoncreek-trainer loams, 0 to 2 percent slopes, occasionally flooded; moderately well drained loam with a deep restrictive layer of more than 80 inches in depth. Annual rainfall is just over 28-inches per year, which is considered moderate.

Short-term project activities for construction would remove on-site vegetation and disturb the soils throughout the site, excepting those portions of the site in the AE flood zone. Construction activities include scarification and other cut and fill activities for utilities, roads, detention basin areas, drainage facilities, landscaping, building pads and the construction of homes. Following construction, new single family homes (complete with landscaped yards), landscaped street corridors, streets and drainage facilities will cover the large majority of the site.

The short-term potential for soil erosion by wind or water will increase once the soil is disturbed. Mitigation measures incorporated into the project for air quality will reduce these impacts to a less than significant level for wind erosion. Also, project requirements for grading plans and storm water discharge into Ruddy Creek during construction will be regulated by both the City of Oroville and the Regional Water Quality Control Board. The City of Oroville requires erosion control plans for storm water runoff with the submittal of grading plans before construction activities begin, and the plans must be followed throughout construction. These same plans will be most likely be used to obtain a storm water discharge permit during construction from the Regional Water Quality Control Board. Therefore, short term soil erosion impacts resulting from air or water are less than significant.

When comparing existing long term soil erosion on-site in its undeveloped state with the developed conditions of the site as proposed, the new development will likely reduce erosion potential from air and water due to new pavement, landscaping, roads and homesite development. Moreover, storm water discharge permit requirements from the Regional Water Quality Control Board will further reduce any potential soil erosion runoff impacts from water to Ruddy Creek for the operation of the detention basin long-term. Therefore, long term soil erosion due to wind and water are less than significant.

According to the 2007 Geotechnical Report performed for the site, the known soils and earthquake maps and studies prepared by governmental agencies which include the project site, the site is not known to contain any potential area that might result in liquefaction or collapse, lateral spreading, subsidence or landslide with or without the project. The site does contain areas having expansive soils. However, by following the recommendations of the geotechnical report, which must be submitted as part of the construction of any new residential project, accepted civil engineering practices in California, the standard infrastructure design and construction standards approved by the City of Oroville, and the California Building Code (as adopted by the City of Oroville), potential impacts resulting from the development of the project are less than significant.

***7.e Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?***

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

The previous environmental documents acknowledged that all new septic or alternative wastewater systems would conform with Policy 7.12 in Public Facilities and Services Element of the General Plan, which requires that on-site wastewater disposal systems be in compliance with Chapter 4.5 (commencing with Section 13290) to Division 7 of the California Water Code (AB 885) and with the requirements of the Regional Water Quality Control Board. All new, rehabilitated, or septic systems in disrepair must adopt minimum operating requirements that may include siting, construction, and performance requirements built on suitable soils. Therefore, impacts were considered less-than-significant soils impact.

PREVIOUS 2008 RUDDY VILLAGE MND – No Impact

**PROJECT IMPACTS: NO IMPACT**

The project would not require the use of septic tanks nor alternative wastewater disposal systems as the subdivision is proposed to connect to a regional sewer system (and domestic water system) provided by the Thermalito Water and Sewer District. Therefore there will be **no impact**.

***7.f Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?***

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

As stated by the previous EIRs, future construction activities and development allowed by the General Plan could impact paleontological resources or unique geologic features through ground disturbing activities or attracting people to such resources, resulting in illicit collection of fossils, prospecting, or damage to a unique geologic feature. Both documents also acknowledged that the 2030 General Plan Open Space, Natural Resources and Conservation Element policies adequately protect paleontological Resources (Policies OPS14.5 and 14.7). Therefore, both documents concluded that potential impacts to paleontological resources from development anticipated from the 2030 General Plan would be less-than significant.

PREVIOUS 2008 RUDDY VILLAGE MND – Less Than Significant

The previous cultural resources studies performed for the project site did not find any potential paleontological resources on-site or in the immediate area. Based upon the implementation of the General Plan policies to protect cultural resources, which included paleontological resources, the MND concluded the project would have a less than significant impact.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

The previous cultural resources studies for the project site concluded that there were no observed or otherwise know paleontological resources on-site or know in the immediate area. Further, the site does not contain a significant geological feature recognized by the City General Plan (or otherwise). The project will be conditioned in accordance with the 2030 General Plan Open Space, Natural Resources and Conservation policies 14.5 and 14.7 to protect cultural and paleontological resources if discovered during construction activities. Therefore, the project will have a less than significant impact.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**8. GREENHOUSE GAS EMISSIONS.** Would the project:

- |  |                          |                                     |                          |                                     |
|--|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?      | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

8. DISCUSSION OF IMPACTS – GREENHOUSE GAS EMISSIONS

**8.a Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

The 2009 EIR determined that even with implementation of General Plan policies to reduce GHGs, GHG emissions would result in a significant and unavoidable GHG impact. The 2009 EIR did include the Ruddy Creek Project as it was approved at that time.

The 2015 SEIR acknowledged that while CAP strategies to reduce GHG emissions would be implemented and the CAP committed to future development of a post-2020 reduction plan, it would be premature to assume the character of future strategies and/or their effectiveness. It went on to say, AB 32 had a horizon of 2020, with no mandated requirements in 2030 other than keeping to the 2020 target levels. Implementation of the CAP would reduce 2020 emissions by 17 percent below 2010 levels. The CAP has not been implemented as of 2020, so without the CAP in place or adoption of the City’s post-2020 goals, it would not be known whether the project would reduce 2030 emissions consistent with statewide objectives. The 2015 SEIR included the 2007 Ruddy Creek Project, so emissions from the new smaller project will be less, thus positively contributing to GHG reductions.

PREVIOUS 2008 RUDDY VILLAGE MND – No discussion.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT WITH MITIGATION**

As noted above, the project area is within the City’s SOI and was therefore included in the previous 2015 and 2008 EIRs. Therefore, cumulative impacts need not be further evaluated. The proposed project would reduce the current residential density by 75 units, from 172 units to 97 units. The project will be reviewed against the City of Oroville CAP and it will implement policies determined to be feasible. The current California Building Code (CBC) adopted by the City of Oroville requires all homes to install solar panels, electric vehicle chargers, and energy and water efficient appliances and lighting. Further, all project landscaping must meet the WELO requirements which the City has adopted and is included in the CBC, and the applicant has indicated that all street lighting will use LED light sources. In terms of



transportation, the proposed project will reduce traffic impacts previously analyzed by 43%, from approximately 1,651 average daily trips (ADT) to approximately 931 ADT. These trips are expected to travel similar distances and to similar destinations as a percentage of all trips included in previous models used to determine GHG emissions and impacts. Further, the new roads proposed as part of the project will provide both pedestrian and bicycle connections to adjacent neighborhoods to the south and west, and will create bicycle connections along 18<sup>th</sup> Street and Feather Avenue to transit and nearby Class II and Class I bikeway facilities. Lastly, measures are included in this project for Air Quality Impacts that would help reduce construction (short term) and operational (long term) precursor air emissions. As such, the project impact is less than significant.

**8.b *Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases?***

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

In the General Plan horizon year of 2030, the 2009 EIR determined that even with implementation of General Plan policies to reduce GHGs, GHG emissions would result in a significant and unavoidable GHG impact. The 2015 SEIR determined that the implementation of the General Plan would be consistent with State measures to reduce GHG emissions, including AB 32 and the AB 32 Scoping Plan. Therefore, the General Plan was not in conflict with any plans or policies regarding the reduction of GHGs and had a less-than-significant impact.

PREVIOUS 2008 RUDDY VILLAGE MND – No discussion.

**PROJECT IMPACTS: NO IMPACT**

The project area was included in the 2030 General Plan and the cumulative analysis of the 2015 SEIR. The project will be reviewed by the City for consistency with the Climate Action Plan (CAP), which will ensure that all applicable and feasible plans, policies and regulations intended to reduce GHGs will be implemented in the project. Therefore, the project will have no impact.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**9. HAZARDS AND HAZARDOUS MATERIALS.** Would the project:

- |   |                          |                                     |                                     |                                     |
|---|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

9. DISCUSSION OF IMPACTS – HAZARDS AND HAZARDOUS MATERIALS

**9.a Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

The documents acknowledged the development potential of the General Plan could expose more people to hazards from the routine transport, use, or disposal of hazardous materials. In addition, the 2015 SEIR more industrial development could result in a greater number of businesses that transport, use, or dispose of hazardous materials. Both documents indicated the 2030 General Plan policies would protect the public from these hazards, including Safety Element Policy P4.6, which calls for the continued cooperation with the Butte County Environmental Health Division and Oroville Fire Department in the review of all projects which require the use, storage, or transport of hazardous waste to protect public health and safety, and Policy P4.8, to cooperate with waste disposal companies to facilitate opportunities

for safe disposal of household hazardous. As a result, these potential impacts were considered less than significant in both documents.

PREVIOUS 2008 RUDDY VILLAGE MND – No Impact

**PROJECT IMPACTS: NO IMPACT**

As a land use anticipated in the 2030 General Plan and the previous EIRs, the project would clearly not create a significant impact resulting of the routine transport, use or disposal of hazardous materials the routine transportation of significant amounts of hazardous waste. Household hazardous waste can be disposed of in Oroville at the Recology Butte Colusa Counties Transfer Station located at 2720 South Fifth Avenue, Oroville, CA. It is open on the 1st and 3rd Friday of every month from 9:00 a.m. to 2:00 p.m. Therefore, there is no project impact.

**9.b *Would the project 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?***

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

Both documents acknowledged the development potential of the General Plan could expose more people to hazards from hazardous materials upsets, accidents, or releases. Both documents also stated that the federal, state, county, and local regulations and mandated guidelines would protect the public and the environment from such events. Therefore, potential impacts were deemed less than significant.

PREVIOUS 2008 RUDDY VILLAGE MND – Less Than Significant with Mitigation

The previous MND acknowledged that construction activities could result in a potential spill of petroleum products as a result of vehicle operations on site during such activities. The previous MND also discussed potential impacts to water quality in Ruddy Creek which could result if a spill occurred nearby. Mitigation Measure 7.1 (renumbered for the new project as 9.b below) was included to reduce the potential impact to less than significant.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT WITH MITIGATION**

The proposed project is not likely to exceed the thresholds for regulated substances as identified in the CCR, Section 2770.5 because the resulting residential land use will not use significant amounts of hazardous material. However, it is conceivable that spills and leaks of hazardous materials could occur during project construction. These hazardous materials would likely be petroleum products - motor vehicle and equipment fluids – and would likely be a minor spill, if one occurred. Spills and leaks located near Ruddy Creek along the site’s eastern boundary could have an adverse impact on water quality. Implementation of MM 9.b below will reduce these potential impacts during construction to a level that is less than significant with mitigation incorporated.

**Mitigation Measure:**

**MM 9.b**

Prior to approval of a grading and construction permit, the permit applicant shall designate staging areas where fueling and oil-changing activities are permitted. No fueling and/or oil-changing activities shall be allowed outside of the designated staging areas. As much as practicable, the staging areas shall be located on level terrain. Staging areas shall not be located within 50- feet of a 100-year flood area as designated on the FEMA Flood Insurance Rate Maps or within 100-feet of any existing or to be constructed residence while the staging area is in use.

Timing/Implementation: To be implemented upon commencement of construction activities.

Enforcement/Monitoring: City of Oroville.

**9.c *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?***

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

Both documents acknowledged that General Plan Safety Element policies under Goal SAF-4 and compliance with federal, state, county, and local regulations would ensure that the risk to schools from hazardous materials and emissions would remain at a less than significant level.

PREVIOUS 2008 RUDDY VILLAGE MND – Less Than Significant

The previous MND stated that no schools were located within ½ mile of the project area and no new schools were to be located within ¼ mile of the project site. It also acknowledged that the project would not be associated with the handling of hazardous materials or the cause of hazardous emissions. Therefore, any potential impacts near a school site were less than significant.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

The nearest school, an elementary school is located over 2,400 feet from the project site (which is almost 1/2 of a mile). No other schools are proposed for development within one-quarter mile of the project site at this time. The proposed land use (residential) is not associated with handling or generating emissions of hazards, therefore impacts regarding hazardous materials near schools remain at a level considered less than significant.

**9.d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

Both documents acknowledged future uses on the identified hazardous materials sites could create hazards to the public or environment. However, the General Plan Safety Element policies discussed in Section D.1.b would ensure that such sites are remediated before grading or construction. Therefore, the impact from hazardous materials sites were less than significant.

PREVIOUS 2008 RUDDY VILLAGE MND – No Impact

**PROJECT IMPACTS: NO IMPACT**

The nearest known hazardous material site is the former Oroville Army Airfield located at the Oroville Municipal Airport (REF#4450003). However, the State of California EnviroStar Mapping system indicates that no further action is needed for cleanup. Moreover, the project site has not been identified as a hazardous material site pursuant to Government Code § 65962.5, nor are there other similar sites nearby. The land is not known to have had any uses which might have previously generated hazardous wastes. Therefore, the project is considered to have no impact.

**9.e) Would the project for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

Both documents found that the land uses in the General Plan were consistent with the Airport Land Use Commission (ALUC) Plan. As such, the land uses and anticipated development would not result in a safety hazard or excessive noise for people residing or working in these areas. Both documents concluded impacts would be less than significant.

PREVIOUS 2008 RUDDY VILLAGE MND – No Impact

The previous MND acknowledged the location of the project site approximately one mile from the nearest runway at the Oroville Municipal Airport. In December of 2006, the Butte County ALUC reviewed the proposed project, including General Plan Amendment and subdivision. The MND stated that the project area was in a Zone C and a deed notice would be required to notify new homeowners their homes would be within the airport area of influence and subject to routine overflights, which could subject residents to inconvenience, annoyance, or discomfort arising from the noise generated by the operations of the public use airport. The project was found to be consistent with the Airport Land Use Compatibility Plan. Therefore, impacts were considered less than significant.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

The current General Plan land use for the City of Oroville permits between 6 to 14 units per acre (Medium Density Residential)-ALUC Safety Zone C. The proposed General Plan land use for the project would permit 3 to 6 units per acre (Medium Low Density Residential). The proposed Zoning classification and Rezoning is Single Family Residential (R-1) - Airport Influence Area Overlay (AIA-O). The 23.97 acres of privately held parcels to be annexed to the City of Oroville (not including road areas) with a new 97-unit single family residential subdivision would yield a density of 4.05 units per acre, which is consistent with the ALUCP density range and the proposed General Plan designation.

**ALUCP** - The most current Butte County Airport Land Use Compatibility Plan was adopted on November 15, 2017. Map ORO-4.2 indicates the site remains located in the Compatibility Zone C. Map ORO-4.2B indicates the site is within an airspace protection area for the airport and the mapped FAA Part 77 surface elevation is 344 feet. The project site is at an approximate elevation of 205 feet (MSL) or less. The ALUCP contains the following policies:

*“3.5.3. Requirements for FAA Notification of Proposed Construction or Alteration: Project proponents are responsible for notifying the FAA about proposed construction that may affect navigable airspace.<sup>41</sup> The following is ALUC policy on this topic.*  
*(a) The boundaries of the FAA notification area for Chico Municipal Airport, Oroville Municipal Airport, Paradise Skypark Airport, and Ranchoero Airport are depicted on the respective Airspace Protection Surfaces map for each Airport.*  
*(b) Reference to FAA notification requirements is included here for informational purposes only, not as an ALUC policy.*

*3.6.1. Recorded Overflight Notification: As a condition for ALUC approval of a proposed residential land use Project within Compatibility Zone C, an Overflight Notification shall be recorded in the chain of title of the property.*  
*(a) The notification shall be of a format similar to that indicated in **Appendix G** and shall contain the following language dictated by state law with regard to Airport Proximity Disclosure in conjunction with real estate transfer:*

*NOTICE OF AIRPORT IN VICINITY: This property is presently located in the vicinity of an airport, within what is known as an Airport Influence Area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.*

- (b) The notification shall be evident to prospective purchasers of the property and shall appear on the property deed.*
- (c) A Recorded Overflight Notification is not required where an Avigation Easement dedication is required as the Avigation Easement accomplishes the notification function (see Policy 3.7.5).*
- (d) Recording of an Overflight Notification is not required for nonresidential development.”*

Further, the site is well outside of the 55 Dba CNEL noise contour lines established by the ALUCP for the Oroville Municipal Airport and no specific noise policies are listed for Compatibility Zone C in chapter 4.2 of the ALUCP.

**City of Oroville General Plan –**

The City’s General Plan Safety Element Policy P5.2 states:

*“Protect the Overflight Zone by limiting residential densities to a maximum of six units per gross acre, with proposals consisting of four units per gross acre or more subject to Airport Land Use Commission (ALUC) review. Schools and other uses resulting in “large concentrations” of people shall be prohibited.”*

The proposed project density is just above 4 units per acre, and therefore the City of Oroville will request ALUC review consistent with its General Plan and the ALUCP.

The City's General Plan Noise Element Policy P1.10 states:

*“When considering development proposals in the environs of the Oroville Municipal Airport, enforce the noise compatibility criteria and policies set forth in the adopted Butte County Airport Land Use Compatibility Plan. This includes restricting the development of residential or other noise sensitive receptor uses within the 55 dB CNEL noise contour around the Oroville Municipal Airport.”*

According to the City's Noise Element, the project site is well outside of a 55Dba CNEL noise contour levels for airport or traffic operations and would, therefore, not be subject to excessive noise.

**City of Oroville Zoning Code –**

The City of Oroville Zoning Code, Table 17-044-050 (AIA-O Overlay Zone), states that no residential densities are permitted above 4 units per acre in Compatibility Zone C. The project has a density of 4.05 units per acre and is therefore just outside the limits in the Zoning Code. However, the Zoning Code appears to conflict with the ALUCP, so the City will propose to modify this section of the Zoning Code to permit up to 6 units per acre. This amendment of the Zoning Code will make it consistent with both the City's General Plan and the ALUCP policies. However, this is not a potentially significant environmental impact.

According to Table 17-044-050 (AIA-O Overlay Zone), the following uses are prohibited in Airport Compatibility Zone C:

*“Use E: hazards to flight, including physical (such as tall objects), visual (such as glare, distracting lights, dust, steam or smoke), and electronic forms of interference with the safety of aircraft operations. Also included is land use development such as landfills that may attract birds to the site (ALUCP Table 2A, note 9; policy 4.2.4). Storage of fuel and other hazardous materials is prohibited in Zone A. In Zones B1 and B2, these substances must be stored in underground tanks, except that on-airport storage of aviation fuel and other aviation-related flammable materials is allowed, as is storage of up to 2,000 gallons of nonaviation flammable materials (ALUCP Table 2A, note 12; policy 4.3.6).*

*Use F: children's schools (kindergarten through twelfth grade), day care centers (provided, however, that noncommercial centers ancillary to a place of business are permitted in Zones B2 and C, so long as the overall use of the property meets the intensity requirement indicated in this section), libraries, hospitals and residential care facilities with 7 units or more (ALUCP Table 2A, notes 10 and 11).”*

Also, the same table contains other requirements for residential uses within airport Compatibility Zone C:

*“Requirement B. Deed notice of airport proximity and the potential for aircraft overflights is required, using forms provided by the city (ALUCP Appendix G3).*

*Requirement E. Airspace review is required for tall objects as follows: B1 Zones, greater than 35 feet; B2 Zones, greater than 70 feet; C and D Zones, greater than 100 feet. The applicant shall notify the Federal Aviation Administration regarding the height of any proposed structures or objects, as required by federal or State regulations (ALUCP policy 4.3.5). The Federal Aviation Administration may require marking and lighting of certain objects less than 35 feet in height (ALUCP policy 4.3.2 and 4.3.3).”*

The R-1 Zone allows a maximum building height of 35-feet for primary structures and 25-feet for accessory structures. The City Zoning Code, §17.16.175, does permit Distributive Antenna Systems as high as 50-feet without a discretionary permit. The potential structure heights within the R-1/AIA-O Zone are consistent with the ALUCP related to height. No structures are proposed above the permitted height of the R-1/AIA-O Zone.

Since both the City's Zoning Code and the ALUCP require a deed notice to be included in the transfer of the parcels which notifies the buyer that the house is within the airport area of influence and that the property is subject to routine overflights which may subject residents to inconvenience, annoyance, or discomfort arising from the noise generated by the operations of the public use airport, and densities

proposed by the project fall within the normally accepted range called for in the Airport Land Use Compatibility Plan, the impacts are less than significant.

**9.f) Would the project impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

Both documents acknowledged land uses resulting from the General Plan would increase in demand for emergency service during disasters. Both documents also stated that the General Plan Safety Element policies and actions direct the City to coordinate with other agencies for emergency response and access, train staff for disaster response, and use and maintain the Local Hazard Mitigation Plan. Therefore, the emergency response impacts were less than significant.

PREVIOUS 2008 RUDDY VILLAGE MND – Less Than Significant

The previous MND indicated the project would have four points of access to adjacent roads, and as a residential subdivision, the physical characteristics of the development would not block or restrict the evacuation routes designated in Oroville’s General Plan. Impacts were considered less than significant.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

The City of Oroville last updated its Multi-Hazard Mitigation Plan in 2017.

The project will construct three access points to the proposed development, one access point to 18th Street, one access point to Feather Avenue, and two access points along the south boundary of the project (Norma and Marjory Streets). This will provide adequate access for emergency services. The density of the project is being reduced from the current General Plan Land Use designation, and as a single family residential subdivision, expected uses and traffic generated by the development are in accordance with those expected in the City’s General Plan.

Therefore, the project will not impair or physically interfere with or impair the implementation of an emergency response or evacuation plan, including the City’s current Local Hazard Mitigation Plan. Therefore, project impacts are considered less than significant.

**9.f) Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires?**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

Both documents indicated most areas of Oroville face some level of threat from wildland fires, with the eastern part of the Oroville Planning Area at the greatest risk. Development could expose new populations to wildland fire hazards. Both documents also stated that the implementation of the General Plan Safety Element policies would protect the public from risks associated with wildland and urban fires; the 2015 SEIR indicated that new policies would further protect the public from wildland fire hazards. Both documents concluded that potential wildland fire hazard impacts were less than significant.

PREVIOUS 2008 RUDDY VILLAGE MND – Less Than Significant

The MND concluded impacts resulting from the proposed project were less than significant because: the site was not located within a State Response Area (SRA) for wildland fires; the developed project would have access to two fire hydrants located on the west side of 18th Street, and new fire hydrants would be installed as conditions of approval within the subdivision; surrounding properties were developed or are partially developed; and, no significant areas of wild lands existed in the vicinity of the project.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

According to the City’s General Plan, Safety Element, the site is located in an Urban Unzoned Fire Severity Zone. According to California Office of Emergency Services hazards mapping program, the site is located outside of a State Responsibility Area and is outside of a fire hazard zone. Two fire hydrants will remain accessible to the project along the west side of 18th Street, across from the project site. New fire hydrants will be required with the standard subdivision improvements in accordance with Fire Code requirements for new single family residential units for the densities proposed. Surrounding properties are developed with residential uses, are partially developed, or have open areas along the creek. No significant areas of wildlands exist in the vicinity of the project and the project would not expose future residents to a significant risk of loss, injury or death involving wildfires. This impact is considered **less than significant**.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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<b>I0. HYDROLOGY AND WATER QUALITY.</b> Would the project:
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- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) Impede or redirect flood flows?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| h) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |



## 10. DISCUSSION OF IMPACTS – HYDROLOGY AND WATER QUALITY

### **10.a) *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?***

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

**10.a) Wastewater** - The documents referred to the three wastewater collection agencies: the City of Oroville, TWSD, and Lake Oroville Area Public Utility District (LOAPUD). The document also noted that all three agencies are parties to a Joint Powers Agreement with the Sewerage Commission-Oroville Region (SCOR) to handle wastewater treatment and disposal.

The 2015 SEIR indicated that the City of Oroville provided wastewater collection services to individuals within the city limits. Average dry wastewater flows were expected to grow to approximately 6.5 MGD by 2030 as residential, commercial, and industrial development occurs as anticipated in the General Plan. Peak wet weather flow (PWWF), defined as a peak instantaneous flow rate occurring during a 10-year reoccurrence interval storm event, was expected to grow to 20.7 by 2030.

The documents outlined the City's facilities and requirements for maintenance and operations of its facilities. Which were approximately 66 miles of sanitary sewer line with approximately 1,350 manholes, over 11,000 feet of force main, and the maintenance of seven sewer lift stations.

The document indicated a capacity analysis was conducted for the City's Sanitary Sewer Master Plan Update, which found that 35 percent of the manholes and 11 percent of the sewer pipes were undersized to convey anticipated flows in 2030. The Sanitary Sewer Master Plan Update considered funding sources for the improvement projects to address these deficiencies.

The 2015 SEIR indicated that the Thermalito Water and Sewer District (TWSD) provided wastewater collection services to approximately 9,140 people (approximately 2,675 equivalent dwelling units (EDUs)) in 2009. At that time, TWSD collected an average dry weather flow (ADWF) of approximately 0.5 MGD. Its average wet weather flow (AWWF) was approximately 2.4 MGD. TWSD's collection system consisted of 36 miles of sanitary sewer line with approximately 570 manholes was generally in good condition.

The proposed 2030 General Plan Updates addressed in the 2015 SEIR covered the following changes in development projections from the 2008 General Plan 20230:

- Residential: Increased by approximately 385 dwelling units
- Industrial: Increased by approximately 226,000 square feet
- Commercial: Decreased by approximately 32,000 square feet

The increase in 385 dwelling units corresponded to a population increase of approximately 1,000 people, based on an estimate of 2.6 persons per household, which represented approximately 3 percent of the estimated population increase evaluated in the 2008 Draft EIR.

The change in non-residential development corresponded to an increase in industrial employment by 226 jobs and a reduction in commercial employment by 43 jobs, and resulted in a net employment increase of approximately 183 jobs, as compared with the 2008 EIR -- this was less than 1 percent of the estimated employment increase evaluated in the 2008 Draft EIR.

Both documents described that the anticipated development resulting from the General Plan would exceed the growth rate projected by SCOR, causing the SCOR treatment plant to reach its permitted treatment capacity sooner than SCOR had predicted. However, as described in that section, SCOR will be required to work with the Central Valley Regional Water Quality Control Board (RWQCB) to complete an approved plan and renew its treatment and discharge permit. Although additional development

included in the 2015 SEIR would contribute to the need for an updated treatment and discharge permit, SCOR would be subject to the same requirements as under the 2008 EIR.

The 2015 SEIR added that the quality of wastewater flowing to the SCOR treatment plant was expected to remain similar to the existing conditions with normal variations in strength within typical ranges for municipal wastewater. The 2015 SEIR stated that the project could lead to increased pollutant loads from industrial users, but the 2030 General Plan Public Facilities and Services Element Policy P7.6 directed the City to continue to support the SCOR requirements that, if necessary, industrial water users pretreat wastewater on-site prior to discharging into the sewer system.

**10.a) Stormwater** - Both documents acknowledged the development outlined in the General Plan could increase the amount of pollutants that enter stormwater runoff from development. In addition, the 2015 SEIR Modified Project added areas designated for industrial uses, which were more likely to use materials that would release pollutants into stormwater runoff than other types of development. However, both documents acknowledged that the use of the 2030 General Plan Open Space, Natural Resources, and Conservation Element policies for the protection of water quality would adequately protect surface and groundwater resources from contamination from runoff containing pollutants and sediment. Also, the General Plan policies would require coordination with State and local agencies to identify and eliminate or minimize all sources of existing and potential point and non-point sources of pollution to ground and surface waters, which would include the use of best practices. In addition, the 2015 SEIR indicated a new set of design guidelines proposed by the City of Oroville would promote natural stormwater management and improve overall water quality from runoff.

**10.a) Disadvantaged Unincorporated Communities (DUCs)** - The proposed 2030 General Plan Update considered in the 2015 SEIR pointed to a new section in the Land Use Element for water, wastewater, and stormwater service for disadvantaged unincorporated communities (DUCs) within the City's SOI, in accordance with SB 244. This section found that some of the DUCs had inadequate access to water and wastewater service, and that all of the DUCs had identified stormwater drainage infrastructure needs and deficiencies. The new section also identified funding sources for infrastructure improvements to address these needs and deficiencies.

Overall, the 2015 SEIR indicated that due to the existing Central Valley RWQCB permit requirements, the existing General Plan and SCOR requirements regarding industrial wastewater pretreatment, and the proposed design guidelines regarding natural stormwater management, wastewater treatment requirement, impacts were less than significant. Similarly, potential impacts to water quality were deemed less than significant.

#### PREVIOUS 2008 RUDDY VILLAGE MND – No Impact

The previous MND acknowledged the types of contaminants that may enter the water system through runoff, and that these contaminants would enter surface waters and possibly groundwaters. The MND referred to these impacts as having been addressed via the City's General Plan policies, and the effects of this runoff would be reduced to by the design of storm drainage system, as regulated by the National Pollution Discharge Elimination System (NPDES) and the development, approval and implementation of the Storm Water Pollution Prevention Plan (SWPPP). The State Regional Water Quality Control Board (RWQCB) would require the submittal of grading/drainage and erosion control plans as part of the SWPPP. The MND indicated that the City of Oroville had a population which did not necessitate a City adopted Storm Water Management Plan. Therefore, the project had no impact on storm water quality standards because there were no standards for communities such as Oroville.

The project was reviewed with an understanding of an existing wet weather problems related to the sanitary sewer system and its overall ability to treat standard flows during wet weather conditions. The MND indicated that In 2005/2006 the peak wet weather flow was 11.4 mgd, exceeding the wet weather plant capacity of 10.6 MGD, and that flows exceeding the capacity of the plant the discharge of untreated water during wet weather is avoided by the use of holding ponds to temporarily store excess flows for

later treatment. Excess storage capacity at the time was approximately 22 million gallons. The MND indicated that under extreme rainfall events untreated water could be released from the facility. The MND referred to a 1982 study which had outlined the issue. The MND indicated there would not be a project specific impact upon the existing conditions, but that as the number of dwelling units in the Oroville area increase, a solution to the wet weather flows would have to be implemented. Since the inflow and infiltration conditions were the responsibility of its member agencies served by SC-OR, it was deemed a regional issue beyond the scope of the project. It also stated that a fair share cost to implement the solution could be charged to new development and existing customers.

## **PROJECT IMPACTS: LESS THAN SIGNIFICANT**

**10.a.1 Waste Discharge Requirements (Sewer)** – All wastewater generated by future dwellings on site will be collected through a sewer pipe and manhole system on-site and directed to existing facilities (an existing pump station at the intersection Feather Avenue and 18<sup>th</sup> St). From this point, sewage would flow through a series of pipes to the SC-OR wastewater treatment facility at the south end of the City near Highway 70. The Thermalito Water and Sewer District (TWSD) would be responsible for the collection and flow of wastewater from the project site, including new facilities on-site, to the wastewater treatment plant. At the wastewater treatment plant, SC-OR would be responsible for the treatment of and discharge of wastewater.

The TWSD would charge a sewer connection fee of approximately \$10,500/unit plus other administrative fees and SC-OR fees which may apply. The current development fees established by each agency are used to pay for the improvements outlined in the most recent wastewater treatment master plan update, which includes improvements identified to reduce inflow and infiltration issues of treatment capacity during storm events.

The project site is included in Table 2-7 of the TWSD Municipal Services Review (MSR) as a new development project for 172-units. The document is on file with the Butte Local Agency Formation Commission (LAFCo).

The project site is included in the City's SOI and General Plan for land uses which may range from 6 to 14 units per acre. The proposed project will reduce the total number of units previously included in both the 2015 and 2008 EIRs and the 2008 Project MND by at least 75 units (172 units – 97 units).

**10.a.2 Water Quality and Groundwater Quality** –The project will be serviced by a domestic water line along Feather Avenue, provided by the TWSD. The extension of the water line will be completed by the project applicant. A looped water line will be installed within the project site with fire hydrants sized and spaced according to current fire code requirements. Maintenance of the water lines and fire hydrants will be performed by the TWSD.

The TWSD will charge a minimum domestic water line connection and meter installation fee of approximately \$8,872/unit (more for different installation types) water, plus applicable administrative fees for 1-in domestic water line connections that will also provide the necessary indoor fire sprinkler system flows needed to meet current Fire Code requirements. These fees are used to pay for capital improvements which are part of the most recent water services plan for the TWSD. Water will also be provided by the TWSD during construction at a rate identified in their current administrative fee schedule. Domestic water quality will not be impacted by the project.

The TWSD has rights to 8,200 acre-feet per year (AFY) and obtains its surface water from the Concow Reservoir. TWSD also has five groundwater wells that are used as a backup water source. TWSD will provide water services to the project site for the 97 new homes and all landscaped corridors along Feather Avenue and 18th Street. The project site is not shown as being above a significant groundwater recharge area. Moreover, larger surface water bodies in the Oroville area provide on-going sources of groundwater recharge for the area.

The stormwater drainage system described below will also prevent substantial degradation of existing groundwater sources.

The project site is included in Table 2-7 of the TWSD MSR as a new development project for 172-units in the Municipal Services Report for the TWSD on file with the Butte Local Agency Formation Commission (LAFCo).

Further, the site is included within the District's service area for domestic water and is expected to be developed with as many as 172 single many units or more under the current land use. If approved, the new project will reduce the demand of domestic water by 75 units and will lessen the demand of domestic water provided by surface and groundwater sources. Impacts to groundwater recharge will remain unchanged. Project impacts are therefore, less than significant.

**10.a).3 Stormwater** - The site is located adjacent to Ruddy Creek. Stormwater runoff will be directed to a new collection system and directed to a detention basin, where stormwater will then be directed to Ruddy Creek based upon the final design of the stormwater detention basin.

The stormwater system will be maintained and operated by the City of Oroville. The City charges a development impact fee of \$3,641.37/unit for single family residential stormwater connections in the Thermalito area. These fees are used to pay for stormwater capital improvements identified to serve uses in the City's 2030 General Plan, which includes the project site.

Permits for the collection and discharge of the stormwater to and from the detention basin to Ruddy Creek must be issued by the City of Oroville and the RWQCB prior to the approval of construction plans for the project for both construction activities and the completed construction and operation of the stormwater system. The same acreage is being developed with the proposed project when compared to the previously approved project, even though the project will contain 75 fewer units. Therefore, the project will continue to have less than significant impacts to water quality due to stormwater runoff.

Therefore, impacts associated with stormwater discharge are considered less than significant.

**10.b) *Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?***

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

Both documents acknowledge development anticipated by the General Plan would utilize municipal water sources, which would include the use of some groundwater. Both documents indicate groundwater accounts for a portion of the area's water supplies. Both documents acknowledge increases in the development potential of the General Plan, which could increase demands on groundwater supplies, which could also increase the amount of impervious surface in the area, thereby possibly reducing the area available for groundwater recharge. Both documents also point to the 2030 General Plan Open Space, Natural Resources, and Conservation Element policies that protect groundwater resources, (Policy P11.1 and 11.2). In addition, Design Guideline Updates in the 2015 SEIR are intended to conserve groundwater, limit impervious areas, and promote groundwater recharge. The 2015 SEIR also indicated that the CAP included actions to conserve groundwater and adaptation strategies to improve the resiliency of Oroville's water system to climate change. Therefore, the groundwater impacts were less than significant for both documents.

PREVIOUS 2008 RUDDY VILLAGE MND – No Impact

The previous 2008 MND indicated that proposed development did not include any new wells for domestic or other use and, therefore, impacts to groundwater from withdrawal were not significant. It also stated that domestic water would be supplied from the TWSD.

The MND stated the project would introduce impervious surfaces into a parcel that currently has none and, therefore, would reduce the amount of precipitation that percolates into the ground. The MND stated that the project site did not lie within an area identified as being significant for groundwater recharge, and the

most important local recharge features were Lake Oroville and the Feather River. The MND stated surface water from the site would be collected and detained in an on-site basin, which would allow for continued percolation on the site. In addition, it was acknowledged that considerable rural space remained outside the developed Oroville area, which would continue to allow for percolation into local aquifers. Impacts associated with groundwater recharge were considered less than significant.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

Domestic water will be supplied from the TWSD, which receives its water primarily from surface sources, but uses groundwater wells as backup domestic water sources. The project does not propose the development of any new wells for domestic or other uses.

The project would introduce impervious surfaces, increase surface runoff, and reduce the amount of precipitation that would otherwise percolate into the ground. These impacts were previously analyzed at a cumulative level in the previous 2008 EIR and 2015 SEIR. The project site does not lie within an area that has been identified as being significant to groundwater recharge, and the most important local recharge features remain larger surface water bodies in the area, e.g. Lake Oroville and the Feather River. Policies of the City's General Plan Open Space, Natural Resources, and Conservation Element (Policies P11.1 and P11.2), the CAP and Design Guidelines will be applied appropriately to reduce groundwater recharge impacts.

Surface water from storm events will be on-site and detained in an on-site basin which will allow for limited percolation and groundwater recharge. Considerable rural space remains outside the developed Oroville General Plan area, which also will continue to allow for percolation into local aquifers. The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project would impede sustainable groundwater management-project impacts are less than significant.

**10.c) d) & e) *Would the project 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 siltation on- or off-site, substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite, or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?***

**PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant**

Both documents discussed the development of the General Plan increasing the amount of impervious surface within the General Plan area. Both documents also discussed increases in impervious surfaces possibly affecting the stormwater drainage systems in the Oroville area by concentrating stormwater runoff and consequently require additional drainage facilities. Further, these documents discussed that the alteration of drainage patterns could also result in substantial erosion, siltation, or flooding, but that 2030 General Plan Open Space, Natural Resources, and Conservation Element policies addressing drainage pattern alterations and associated impacts would maintain the natural condition of waterways and floodplains, minimize impermeable paving, and implement best management practices. In addition, the 2015 SEIR indicated that new design guidelines would promote natural stormwater management by implementing site planning that maintains natural drainage patterns and promotes infiltration, and promoting design elements that dissipate, detain, and retain runoff. Therefore, potential impacts to drainage patterns were less than significant.

The EIRs also reviewed and discussed FEMA 100-year flood zones. Both documents indicated that implementing the 2030 General Plan Safety Element policies would adequately protect the public from flood hazards. The documents further noted that the Oroville Municipal Code set additional requirements for building in the floodplain, including a requirement that all new construction must have the lowest floor, including basement, elevated a minimum of 1 foot above the base flood elevation. Therefore, the flooding-related impact were determined to be less than significant.

Erosion and siltation impacts from the project were addressed in Sections 7.b, 10.a and 10.b. and are less than significant.

PREVIOUS 2008 RUDDY VILLAGE MND – No Impact

The previous MND recognized that the new development would alter drainage patterns and could create new sources of polluted runoff, and absent a federal mandate, the City encouraged the use of Best Engineering Practices (BEP) to address storm water runoff from new development. All projects that proposed earth moving activities were required to obtain a grading permit and/or submit a grading and drainage plan prepared by a registered Civil Engineer. Both required submission of plans to control erosion and were considered adequate mitigation to reduce impacts to a less than significant level.

The MND also stated that the new project would increase rates of runoff during a storm event. Storm water flows currently run unchecked into Ruddy Creek which runs along the eastern property boundary. Ruddy Creek is the main drainage course for a significant portion of the Thermalito area. The MND indicated the County had prepared a master drainage plan for the entire drainage basin in anticipation of urbanized development. The City required that individual on-site drainage detention basins be developed in accordance with the County's Master Drainage Plan to mitigate storm water runoff to pre-development levels. The project included a drainage detention basin located on the easterly portion of the sites, similar to that shown for the current project. The basin was approximately 2.5 acres in size and would accommodate volumes for a 1 in 100 year storm event. Erosion and siltation impacts from the project were addressed in Sections 7.b, 10.a and 10.b. and are less than significant.

The project was determined to have less than significant impacts.

PROJECT IMPACTS: **LESS THAN SIGNIFICANT**

New impervious surfaces will be constructed with the project and will increase rates of stormwater runoff. Storm water currently flows unchecked into Ruddy Creek, along the eastern property boundary. Ruddy Creek is the main drainage course for a significant portion of the Thermalito area. A portion of the project site is also located in Flood Zone AE, as determined by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (Map 06007C0788E, Last Updated January 6, 2011). Flood Zone AE has mapped 100-year storm event water surface elevations, which will be used in project design. Butte County has prepared a Master Drainage Plan for the entire Thermalito drainage area, last updated in November 2009. The project site is included in this study for the Ruddy Creek drainage area. The site is shown as on-site detention being beneficial for stormwater runoff. This study will also be used to assist project design by the project engineer. To implement the improvements specified in the Master Drainage Plan, Butte County collects stormwater drainage impact fees of approximately \$162/unit for low-density single-family projects that include on-site detention.

The project will alter surface drainage and storm water runoff rates on-site. Stormwater will be collected in a piped and surface system and will directed to a properly sized detention basin at the eastern end of the site to accommodate 100-year stormwater flows. Stormwater resulting from the project will collected and directed to Ruddy Creek. The detention basin will also be constructed outside of the 100-year stormwater surface elevation level area shown for Ruddy Creek on the FEMA FIRM Map.

The City of Oroville continues to use of Best Engineering Practices (BEP) to address pollution in storm water runoff from new development when reviewing grading and drainage plans and subdivision improvement plans. Pursuant to the Clean Water Act, the applicant will be required to obtain a National Pollution Discharge Elimination System (NPDES) DWQ-Construction General Permit from the State Regional Water Quality Control Board (RWQCB). All projects that disturb more than 1 acre of land are also required to obtain a Construction Activity Storm Water Permit (CASWP) from the RWQCB, which, among other things, will require all erosion control measures shown in a Storm Water Pollution Prevention Plan (SWPPP) be in place at the construction site, and a completed NOI sent to the SWRCB, before construction can begin.

Therefore, the project would not substantially alter existing drainage patterns of the site or area, including through the alteration of the course of Ruddy Creek, in a manner which would result in substantial erosion or siltation on- or off-site. The project would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite, or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Project impacts are less than significant.

**10.f Would the project impede or redirect flood flows?**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

Both documents recognize development located within the 100-year flood zone and Oroville Dam inundation area. As stated in both documents, development would have been allowed in the 100-year flood zones, indicating that structures could impede or redirect flows within this flood hazard area. Both documents indicate that maintaining the 2030 General Plan Safety Element policies would avoid flood flow impacts-policies discourage development within the Feather River floodplain and other flood-prone areas and direct that the natural condition of waterways and floodplains be maintained. Therefore, the impacts were less than significant.

PREVIOUS 2008 RUDDY VILLAGE MND – Less Than Significant

The previous MND indicated new impervious surfaces would increase rates of runoff and storm water flows ran unchecked into Ruddy Creek. The MND referred to the Butte County Master Drainage Plan and noted the City requires that individual on-site drainage detention be developed to mitigate storm water runoff to pre-development levels. The project included a drainage detention basin approximately 2.5 acres in size to accommodate a 100-year storm event.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

All improvements for the subdivision will be located outside of the Ruddy Creek floodplain as shown on the FIRM prepared by FEMA. The project is designed in compliance with the Butte County Master Drainage Plan in that no improvements are located within the 100-year water surface elevation area and on-site detention will be provided. The project will not impede or redirect flood flows and will have a less than significant impact.

**10.f In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?**

PREVIOUS 2009 EIR AND 2015 SEIR –Significant and Unavoidable

The environmental documents have maps showing existing federal and non-federal levees in the Oroville area. In addition, the DWR had prepared maps of LFPZs to identify areas where flood levels would be more than 3 feet deep if a project levee were to fail.

Both documents maintain the 2030 General Plan Safety Element policies reduce potential impacts – policies are to discourage development within flood-prone areas and directs the City to encourage DWR to manage the Oroville Dam water regime to reduce risk. Both documents indicate development would not change the impact related to dam inundation, and the LFPZ map released since the 2008 EIR did not identify any new impacts related to levee inundation areas. Flooding-related impacts in both documents were considered significant. By inference, this would also refer to the risk of release of pollutants resulting from such an event.

The EIR documents indicated failure of the Oroville Dam would inundate much of the city and surrounding area. Although the dam could withstand a 6.5 magnitude earthquake, which was considered to be the largest credible event projected for the region, development allowed by the 2030 General Plan would be within the dam inundation area, causing a significant impact. Both documents found a significant and unavoidable impact related to exposure of people and structures to risks from flooding as a result of dam failure. By inference, this would also refer to the risk of release of pollutants resulting from such an event.

PREVIOUS 2008 RUDDY VILLAGE MND – Less Than Significant

The far easterly portion of the site along Ruddy Creek is located within a 100-year Flood Zone as mapped by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM),

#06007C0790C dated June 8, 1998. No homes or significant structures are proposed to be located within the mapped flood plain. However, the project did propose the development of a small park facility and drainage detention facility within a 100-year flood plain area. The structures associated with the recreational uses were determined to have no impact on the displacement of flood waters. The drainage detention facility did have the potential to displace flood waters and raise the level of flood waters an insignificant amount immediately adjacent the detention basin, but proper design of the detention basin was to address this issue. The project was to be designed to meet the requirements of Oroville Municipal Code Chapter 8B Flood Damage Prevention. In addition there were no homes close enough to be affected by a minor change in water elevation at this point along Ruddy Creek. Therefore, impacts to structures from flooding were less than significant.

The project was not protected by a levee and was located downstream from Oroville Dam. The Oroville Dam was situated at the northeast corner of the Oroville Planning Area and was susceptible to seiches. However, Oroville Dam's likelihood of dam failure was reduced following engineering studies conducted by the Department of Water Resources, which indicated that the Dam could withstand an earthquake of an estimated magnitude of 6.5 on the Richter scale without significant damage. The study also determined that a 6.5 magnitude earthquake exceeds the maximum credible event for the region.

In addition, the California Office of Emergency Services had developed and approved a dam failure inundation map for the area below the Oroville Dam. Based on the approved inundation map, the City of Oroville adopted emergency procedures for the evacuation and control of populated areas below the dam. Impacts related to flooding due to failure of the Oroville Dam or a seiche from Lake Oroville was, therefore, considered less than significant.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

All project development is proposed outside of the mapped 100-year flood plain of Ruddy Creek. The potential risk for the release of pollutants due to project inundation is, therefore, very limited.

The project area remains in the Lake Oroville Inundation area as shown in the City's 2030 General Plan. If a dam failure occurred, the lands below the dam within the inundation area would convey pollutants. These impacts were addressed in the City's previous EIR and MND documents. This project will reduce the density of the project by 75 units. Therefore, the increased possibility of the risk of a release of pollutants due to project inundation is **less than significant**.

**10.f Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

These issues were addressed in area 10.b above.

PREVIOUS 2008 RUDDY VILLAGE MND – Less Than Significant

These issues were addressed in 10.b above.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

In 2005, Butte County developed a Groundwater Management Plan. The plan depicts the nearest well to the project site as, "Thermalito Sub-Area (Well Number 18N/03E-21G01M)." The hydrograph summary analysis for this well included in the report stated: "These declines are probably climate related and not the result of over utilization of the groundwater resource. An examination of the overall record reveals that long-term depletion of groundwater in storage is probably not occurring at this time. It is anticipated that when annual precipitation returns to a more normal pattern that groundwater levels will fully recover."

The State of California passed the Sustainable Groundwater Management Act (SGMA) in 2014, which establishes a new structure for managing groundwater resources in California. Groundwater basins and subbasins are defined in the Department of Water Resources (DWR) Bulletin 118 document, most recently updated in 2016. SGMA requires Groundwater Sustainability Agencies (GSAs) to manage



groundwater at the local level through the development and implementation of Groundwater Sustainability Plans (GSPs). The GSPs must ensure sustainable conditions by 2042.

The project is located within the Wyandotte Creek Subbasin, which includes all of Butte County, including area within the City of Oroville and the TWSD. The Wyandotte Creek Subbasin area is not a groundwater basin subject to critical overdraft, according to the December 22, 2016 report released by the State Department of Water Resources. A formal groundwater sustainability plan is to be developed by 2022 by the groundwater agency made up of the Butte County, the City of Oroville and the TWSD.

Water quality for domestic supplies are regulated by the TWSD and there are no know issues with domestic water supplies. The project will utilize domestic water supplied by the TWSD. Water quality related to surface runoff and stormwater was adequately addressed above and impacts are less than significant. Water quality impacts related to wastewater treatment were also addressed adequately above and are also less than significant.

The project will reduce the current land use density by 75 units. Impacts related the implementation of a water quality control plan or sustainable groundwater management plans are, therefore, less than significant.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**II. LAND USE AND PLANNING.** Would the project:

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Physically divide an established community?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

11. DISCUSSION OF IMPACTS

**11.a Would the project physically divide an established community?**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

The previous documents acknowledged that the 2030 General Plan would not create any new conflicts with land use plans, policies, or regulations, and impacts were deemed less than significant.

PREVIOUS 2008 RUDDY VILLAGE MND – No Impact

This parcel and surrounding parcels are designated for residential uses, and this project proposes to establish residential lots on this parcel. Because the project is a relatively small residential subdivision it doesn't have any of the characteristics to divide a community like a freeway, railroad, or canal project would. As the project would not divide an established residential community, there is no impact.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

The project site and surrounding parcels are designated for residential uses. The proposed project would establish 97 single family residential lots on approximately 23 acres, creating a density of just above 4 units per acre. The plans for future development in the City's General Plan indicate the entire Thermalito area will develop with some form of urban/suburban use. The creek itself forms a divide between the project site and future uses, but it is a planned, naturally occurring and desirable separation consistent with the City's General Plan and other policy documents that would guide development. The project site has nor is

adjacent to a freeway, railroad, or other canal. Therefore, the potential impacts of the project to physically divide an established community are less than significant.

**11.b Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

Both documents acknowledged that the 2030 General Plan Land Use Element policies that promote land use compatibility and address existing non-conforming uses. The documents also indicated that the General Plan policies would address land use any compatibility issues related to industrial uses. Further, the 2015 SEIR indicated that any new airport-related land use conflicts were minimized based on the ALUCP. Both documents indicated that the plans would not create or exacerbate land use conflicts, and the resulting impacts were less than significant.

PREVIOUS 2008 RUDDY VILLAGE MND – No Impact

This project was deemed consistent with the City’s General Plan, Zoning Map and other policy documents as a Medium-High Density Residential land use (6-14 units/acre) and a resulting density of 7.1 units/acre. Therefore, the project had a less than a significant impact associated with conflicts to applicable land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

The 97 unit project will be reviewed for consistency with the General Plan, Zoning Code, Subdivision Code, Climate Action Plan, and Design Guidelines. The City must find that the project is consistent with and in conformance with its policy documents before project approval. The project will reduce the density by 75 units, to just above 4 units/acre, when compared with the existing land use. The project would not cause a significant impact due to any conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, there is **no impact**.

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

12. DISCUSSION OF IMPACTS

**12.a Would the project 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?**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

The 2008 EIR indicated the State Geologist has not yet mapped the mineral resources in Butte County. Therefore, there was a chance that development allowed by the General Plan could occur on or near land

with important mineral resources, which could result in the loss of availability of mineral resources that are important at the state, regional, or local levels. The 2015 SEIR state a slight increase in the chance the development impacts to mineral resources. Both documents indicated policies in the Open Space, Natural Resources and Conservation Element would conserve aggregate resources if the State Division of Mines and Geology determines they are present in the area, and would address incompatible land uses in Regionally Significant Construction Aggregate Resource Areas. Therefore, potential impacts to mineral resources were determined to be less than significant.

**PREVIOUS 2008 RUDDY VILLAGE MND – No Impact**

There were no known significant deposits of mineral resources within the project site. Additionally, there were no mineral resource recovery sites delineated by the Oroville General Plan or any other City planning document within the Oroville Planning Area. Therefore, the project had no impact to mineral resources.

**PROJECT IMPACTS: NO IMPACT**

There are no known significant mineral resources within the project site, either in the City’s General Plan or other planning documents. The nearest documented resources by the State Division of Mines and Geology were reports files for the Power House Aggregate Project Site and the Green Rock Quarries of Oroville Plant 1. Both sites are well over four miles from the project site. The previously approved project was considered to have no impact. The current project also has no impact to the availability of know mineral resources of value to the region or residents of the state .

**12.b Would the project 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?**

**PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant**

See discussion above.

**PREVIOUS 2008 RUDDY VILLAGE MND – No Impact**

See discussion above.

**PROJECT IMPACTS: NO IMPACT**

See discussion above. **No impact.**

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**13. NOISE.** Would the project result in:

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Generation of excessive ground borne vibration or ground borne noise levels?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

13. DISCUSSION OF IMPACTS

**13.a Would the project result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

Both documents acknowledged the 2030 General Plan goals, policies, and actions directly address the exposure of new noise sensitive land uses to noise exceeding general plan noise standards; The Noise Element Policies would require studies to address and mitigate potentially significant noise impacts to nearby noise-sensitive land uses or that are predicted to be exposed to noise levels greater than the General Plan noise standards in areas exposed to existing or projected exterior transportation noise levels exceeding the General Plan noise standards. The documents stated that construction and demolition activity associated with development could create temporary and periodic increases in ambient noise, but policies of the 2030 General Plan limit the hours of noise generation construction activities and require standard construction noise control measures. Therefore, potential impacts related to temporary and periodic noise were deemed less-than-significant.

PREVIOUS 2008 RUDDY VILLAGE MND – No Impact

The 2008 MND indicated the project was not located near any significant noise generating features or land uses and was not within the 55dB noise contour for the airport. It also stated the project would not generate noise of a significant level --residential land uses were not high noise generators and would not create average or sustained noise levels above the City’s standard of 60dB. Therefore, the project resulted in less than significant impacts.

As the project is residential in nature, excessive noise will not be generated by the development. The most noticeable new noise will be local vehicle traffic which will be at a low speed internally and thus will not generate an unusual amount of noise. A 6-foot wooden fence is proposed as part of the project design along 18th Street and Feather Avenue which will help attenuate traffic noise from these two main sources. According to Table 9-J in the Oroville General Plan, an increase of 3 decibels or more to the current area noise level would constitute a significant change. As the project is not likely to add over 3 decibels to the Community Noise Equivalent Level (CNEL), the project’s impacts to ambient noise levels are considered less than significant.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

Residential uses are not considered noise sources which would create on-going noise issues for noise sensitive receptors or otherwise generate noise levels in excess of the standards established in the City’s Noise Element of the General Plan. The Noise Element of the General Plan indicates that any increase of 3 dBA or more could be a significant increase in noise levels above the General Plan levels for residential uses, and 5 dBA above those identified in the General Plan Noise Element for transportation noises. The ALUCP also identifies acceptable noise levels for new residential uses.

Temporary uses, such as those for the construction of the project, would occur and be regulated by §9.20.060 of the Oroville Municipal Code (OMC). This section of the OMC would permit hours of construction between 7 a.m. and p.m. daily, except weekends and holidays, when hours would be between 10 a.m. and 6 p.m. In addition, construction equipment would not be allowed to exceed a noise level of 86 dBA beyond the imaginary plane of the property line or 83 dBA at a distance of 25 feet from a noise source. Temporary outdoor gatherings are also regulated by this section of the OMC.

The project site is currently designated for Medium density Residential land use in the General Plan. The current land use is consistent with the City's Noise Element. The project will reduce the density by 75-units, which would further ensure consistency with the General Plan Noise Element. The project is not located adjacent to any recognized transportation noise sources identified in the General Plan. The project will contribute to future noise levels for those roads recognized in the General Plan Noise Element that could generate noise levels at 60 dBA or greater upon buildout. However, these impacts have already been analyzed in the City's previous 2008 EIR and 2015 SEIR.

Therefore, the project would not result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. The project impacts are, therefore, less than significant.

**13.b. Would the project result in the generation of excessive ground borne vibration or ground borne noise levels?**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

Both documents describe the 2030 General Plan goals and policies that directly address the exposure of noise sensitive land uses to ground borne noise and vibration. In particular, Noise Element policies require that vibration-sensitive buildings, such as residences, are sited at least 100 feet from the centerline of the railroad tracks whenever feasible and that development of vibration-sensitive buildings within 100 feet from the centerline of the railroad tracks would require a study. Other policies limit noise generating construction activities located within 1,000 feet of residential uses to daytime hours between 7:00 a.m. and 6:00 p.m. on weekdays and non-holidays. Both documents state that new projects would be subject to 2030 General Plan policies that would mitigate any potential excessive ground borne vibration or ground borne noise levels to a less than significant level.

PREVIOUS 2008 RUDDY VILLAGE MND – Less Than Significant

The 2008 MND indicated excessive ground borne vibration and ground borne noise was not expected from the end land use of single-family residential homes. Minor ground borne vibrations may occur during site development, would be generally contained on-site, and of limited duration. The impacts from ground borne vibration and ground borne noise were considered less than significant.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

The project would reduce the number of units permitted in the current General Plan by 75 units. Single family homes are not expected to generate excessive ground borne vibrations or noise levels on an on-going basis. Minor ground borne vibration may occur during construction for activities such as grading, but these activities would generate acceptable levels of ground vibration during construction. The project does not propose any unusual construction methods or components which could generate excessive ground borne vibration. Further, ground borne noise levels from construction or otherwise would be regulated by Chapter 9 of the OMC. The project will not result in the excessive generation of ground borne vibration or ground borne noise levels and impacts are less than significant.

**13.c For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

Both documents acknowledge noise sensitive uses in in the vicinity of the Oroville Municipal Airport, which could be exposed to excessive noise. The 2030 General Plan goals, policies, and actions would address aircraft noise. In particular, the documents referred to Noise Element policies for the City to consider development proposals and enforce the noise compatibility criteria and policies set forth in the adopted Butte County Airport Land Use Compatibility Plan, which would restrict development of residential or other noise sensitive receptor development uses within the 55 dB CNEL noise contour around the Oroville Municipal Airport. The EIR documents therefore indicated these were less than significant impacts.

PREVIOUS 2008 RUDDY VILLAGE MND – Less Than Significant

The 2008 MND indicated the project was located within the airport area of influence for the Oroville municipal Airport, but the project site was located outside of the 55db CNEL noise contour; therefore this was a less than significant impact.

PROJECT IMPACTS: **LESS THAN SIGNIFICANT**

The project site remains within the airport area of influence for the Oroville Municipal Airport. The most current ALUCP indicates the site in in Compatibility Zone C and is well outside of the 55 Dba CNEL noise contour. In accordance with the ALUCP and the City’s General Plan and Zoning Code, the project will be required to provide a deed notification to future residents notifying them of potential nuisances, including noises, which could be expected from operations of the airport (see Section 9.e). Further still, the project is reducing densities which presently exist. Therefore, this is a less than significant impact.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**14. POPULATION AND HOUSING.** Would the project:

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Induce substantial unplanned 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"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

14. DISCUSSION OF IMPACTS

**14.a Would the project induce substantial unplanned 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)?**

PREVIOUS 2009 EIR AND 2015 SEIR – Significant and Unavoidable

Both EIR documents estimated implementation of the 2030 General Plan would result in additional residential units – the latest 2015 SEIR indicated 9,685 residential units with a corresponding population of about 25,200. At the time, BCAG forecasted 11,718 housing units in Oroville in 2030, or a population of 26,921. Housing units and population were within the BCAG regional growth projections. Both documents also discussed estimates for implementation of the 2030 General Plan would create new jobs. The 2015 SEIR estimated total employment would be about 19,560 jobs by 2030, which was within the regional employment increase predicted by BCAG for Butte County. Both documents found that the General Plan could create “substantial population growth,” and found the impact to be significant and unavoidable.

PREVIOUS 2008 RUDDY VILLAGE MND – Less Than Significant

The previous 2008 MND indicated the project site had been planned for residential development for over 30 years, and the requested General Plan designation of Medium-High Density Residential and represented a range of 6 to 14 dwelling units per acre. The document recognized at maximum build out the property could conceivably be developed with up to 341 dwelling units, but the project was for 172 dwelling units. Projects could be growth inducing if it significantly exceeded planned density. At the time, a significant increase in density would have been an increase of 250 or more units or 600 or more people over existing or planned development.

The MND indicated backbone infrastructure, including roads, sewer and water facilities, were located immediately adjacent to the site and could easily serve the proposed development. Annexation of the project would have no significant effect on the provision of infrastructure, since both sewer and water were available without annexation. Therefore, the project was not believed to have induced growth in the area. The MND indicated the surrounding area was a mixture of developed, partially developed and undeveloped parcels, all which would be develop with similar residential uses based on local demand. The MND concluded that the change in the General Plan land use would not result in an increase of more than 250 dwelling units. Therefore, impacts to inducing growth were considered less than significant.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

The project is presently designated in the General Plan for Medium High-Density Residential land uses (6-14 units/acre). The project was included in the 2008 EIR and 2015 SEIR, which addressed cumulative growth and residential development. The project would reduce the density of the site in the General Plan to Low Density Residential (3-6 units/acre). The proposed project would construct 97 single family homes with a density just above 4 units/acre, a reduction of 75 units from the previously approved project. The project is, therefore, not unplanned according to City and County documents. Further, backbone infrastructure, such as roads, water, sewer and drainage facilities, exists immediately adjacent to the site. The project will not necessitate the extension of new infrastructure for development. The areas to the south and west, and partially to the north, are developed with single family residential subdivisions. The project would not induce substantial unplanned population growth in an area, either directly or indirectly. Project impacts are less than significant.

**14.b) *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?***

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

Both documents acknowledged an overall increase in the total number of housing units in Oroville, indicating that most residential and non-residential uses would be developed on vacant or underutilized parcels. Both documents indicated that policies in the 2030 General Plan would ensure a range of residential densities and types within the city, facilitating the development of affordable housing to meet State requirements for low and moderate-income households. Impacts related to displacement of housing were considered less than significant.

PREVIOUS 2008 RUDDY VILLAGE MND – No Impact

The previous MND indicated the proposed project site was vacant and no housing existed. Therefore, there was no impact.

**PROJECT IMPACTS: NO IMPACT**

The project site remains vacant and no housing currently exists on-site. Therefore, there is **no impact** related to the potential displacement of substantial numbers of existing people or housing which would necessitate the construction of replacement housing elsewhere.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**15. PUBLIC SERVICES.** 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:

- |                             |                          |                                     |                                     |                          |
|-----------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Fire protection?         | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| b) Police protection?       | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| c) Schools?                 | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| d) Parks?                   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| e) Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

15. DISCUSSION OF IMPACTS

**15.a) Fire Protection?**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

Both documents indicated that the 2030 General Plan would increase demand for fire protection and emergency medical services, which would require additional staff, equipment, and facilities to maintain or exceed current response times. The 2015 SEIR indicated the nominal increase in population and employment was not anticipated to require new or expanded fire protection or emergency medical facilities on its own, but the increased demand would contribute to the likely need for new or expanded facilities under the existing 2030 General Plan. Both documents indicated that the 2030 General Plan Public Facilities and Services Element policies supported the activities of the Oroville Fire Department, and new policies added by the 2015 SEIR to the Safety Element would improve fire safety in areas that were susceptible to wildland fire hazards and ensure regular training for Oroville Fire Department staff for wildland fire-fighting conditions. Therefore, the fire protection and emergency medical service impacts were considered less than significant.

PREVIOUS 2008 RUDDY VILLAGE MND – No Impact

The previous MND indicated the City of Oroville Fire Department (OFD) service area of the incorporated City of Oroville, but CDF Station 63 (at Nelson Avenue) provided emergency requests for the area north of the Feather River within the Thermalito area. The MND indicated the City and County had a mutual aid agreement in place so both stations would respond to any call for emergency fire services. Annexation of the property was to change the primary fire respondent from Butte County to the City of Oroville. This change was not, however, thought to have a significant effect or change the way fire protection services were delivered because of the cooperative agreement between City and County fire departments. Also, the MND indicated that Oroville City Council had adopted the Fire Department Standards of Coverage Guidelines in order to guide future growth. The goal statements include: Fire Department travel times should place a first-due unit at scene within five minutes travel time, for 90% of fire and medical incidents.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

The City of Oroville Fire Department, the El Medio Fire District, and the joint efforts of the Butte County Fire Department and the California Department of Forestry and Fire Protection (CDFFP) provide fire protection services within the Oroville Planning Area. The City of Oroville Fire Department (OFD) serves the approximate 12 square miles (7,680 acres) of the incorporated City of Oroville. Butte County/CDF Station 63 (at Nelson Avenue) currently serves emergency requests for the area north of the Feather River within the Thermalito area. This fire-reporting district has historically had the third highest call responses for structure fires in the Oroville Planning area.



The nearest staffed fire station, Station # 63 at Nelson Avenue/County Center Drive, is located approximately 2.7 miles from the project site. The nearest City fire station, at 2055 Lincoln Street, is located approximately 3.9 miles from the project site. The City and County maintain a mutual aid agreement in place, which would have both station crews respond to any emergency fire service call. Annexation of the property will change the primary fire respondent from Butte County to the City of Oroville. This change will not, however, have a significant effect or change the way fire protection services are delivered due to the existing cooperative agreement between City and County fire departments

The Oroville City Council adopted Fire Department Standards of Coverage Guidelines in order to guide future growth as outlined in the City's General Plan. The goal statements include:

- Fire Department travel times should place a first-due unit at scene within five minutes travel time, for 90% of fire and medical incidents.
- Fire Department units shall be located and staffed such that an effective response force of four units with eight personnel minimum shall be available to all areas of the City within a maximum of ten minutes travel time, for 90% of all structure fires.

The project is currently outside of a 5- minute response contour, and much of the west side of Oroville isn't within the desired response time. The City of Oroville, in September 2006, formed two community facilities districts: CFD No. 2006-1 Westside Public Safety Facilities; and CFD 2006-2 Public Safety Services. CFD 2006-1 was formed to provide a funding mechanism to mitigate the increased need for new public safety facilities, primarily a new fire station to be located in the vicinity of the Oroville Municipal Airport, which will include within it a small police substation. CFD 2006-2 was formed to fund on-going fire, police, and code enforcement services that are needed as a result of additional development. To mitigate the cumulative impacts on fire and police services, all new development in the area that is essentially west of Highway 70 will be required to annex into both of these districts and will be subject to the collection of fees and revenues to fund additional public safety facilities and services.

Therefore, upon annexation the project is not expected result in substantial adverse impacts associated with: the provision of new or existing fire facilities; the need for new or physically altered fire facilities; or, the ability to maintain acceptable service ratios or response times. Project impacts are, therefore, considered **less than significant with mitigation.**

**MM 13.1** Prior to recordation of the Final Map, the subdivision shall annex in to both CFD 2006-01 and CFD 2006-02.

*Timing/Implementation: Prior to approval of Final Map*  
*Enforcement/Monitoring: City of Oroville.*

#### **15. b) Police Protection?**

##### PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

As described in both documents, the 2030 General Plan would increase the need for police services. Specifically, to continue to provide the current level of service, two officers per 1,000 residents, it was estimated that approximately 102 additional sworn officers would need to be added to the Oroville Police Department. To support the additional officers, supplementary support staff, equipment, and increased facility space would also be needed. The 2015 SEIR indicated it would add about 1,000 people, or 3 percent compared to 2008 EIR. It was determined that two additional officers would not likely require new or expanded police facilities on their own, but the increased demand would contribute to an overall need for new/expanded facilities. Both document indicated the 2030 General Plan Public Facilities and Services Element policies and actions would ensure acceptable police service levels in Oroville. In addition, the 2015 SEIR reviewed the addition of a new Municipal Code section on CPTED, which would help to prevent crime by delineating private and public spaces, enhancing visibility, controlling property access, and ensuring adequate property maintenance, and, in turn, reduce demands on police services.

Both documents indicated that with the policies in place (and being added) the police service impact would remain less than significant.

PREVIOUS 2008 RUDDY VILLAGE MND – Less Than Significant With Mitigation

The previous MND indicate the project site was served by the Butte County Sheriff's Department, which was significantly impacted and is unable to provide services to a growing population. It indicated that annexation of the site, policing responsibilities would shift to the Oroville City Police Department. The MND also indicated that the Environmental Review Guidelines for the City of Oroville impacts were evaluated on a project's potential to impact adopted service levels and response times that could result in substantial adverse physical impacts associated with the provision of police facilities. The MND indicated the project could create a minor increase demand for police protection services, and that the City of Oroville instituted a police development impact fee that would be used to develop police protection services.

In September 2006, the City of Oroville formed two community facilities districts: CFD No. 2006-1 Westside Public Safety Facilities; and CFD 2006-2 Public Safety Services. CFD 2006-1 was formed to provide a funding mechanism for new public safety facilities, primarily a new fire station to be located in the vicinity of the Oroville Municipal Airport, which will include within it a small police substation. CFD 2006-2 was formed to fund on-going fire, police, and code enforcement services that are needed as a result of additional development. To mitigate cumulative impacts, all new development in the area that is essentially west of Highway 70 would be required to annex into both of these districts and subject to the collection of fees and revenues to fund additional public safety facilities and services. Therefore, potential impacts to police services from the project were considered less than significant with mitigation.

PROJECT IMPACTS: **LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

The proposed project site is currently served by the Butte County Sheriff's Department for police services. With annexation of the site police responsibilities will change to the Oroville City Police Department.

According to Oroville's General Plan, the OPD has a goal response time of less than 4 minutes for emergencies and 20 minutes for non-emergencies. The General Plan policies and actions included the City developing a CFD for police facilities and operations.

In September 2006, the City of Oroville formed two community facilities districts: CFD No. 2006-1 Westside Public Safety Facilities; and CFD 2006-2 Public Safety Services. CFD 2006-1 was formed to provide a funding mechanism for new public safety facilities, primarily a new fire station to be located in the vicinity of the Oroville Municipal Airport, which will include within it a small police substation. CFD 2006-2 was formed to fund on-going fire, police, and code enforcement services that are needed as a result of additional development. All new development in the area that is essentially west of Highway 70 will be required to annex into both of these districts and will be subject to the collection of fees and revenues to fund additional public safety facilities and services in order to mitigate cumulative impacts upon safety services.

The project was included in the previous cumulative environmental impact assessments for the City's General Plan and is currently within the City of Oroville General Plan SOI. The project will reduce the General Plan land use density by 75 units, but could still generate a population of 272 person at 2.8 PPH. So, although the project impact could be reduced, the project will contribute to the cumulative impacts of development west of Highway 70. The project will be required to annex to CFDs for safety service and facilities when annexed into the City of Oroville to mitigate cumulative impacts west of Highway 70. Therefore, potential impacts to police services from the project are considered **less than significant with mitigation** (see MM 13.1).

### 15. c) **Schools?**

#### PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

Both documents indicated the 2030 General Plan would increase the demand for school facilities and associated additional staff and equipment. The 2030 General Plan Public Facilities and Services Element policies provided for adequate public school facilities to meet future demand in that new development would be subject to a mitigation fee, which was deemed to fully mitigate the impacts of new development on school facilities, per SB 50 and California Government Code Section 65995. Therefore, impacts to school services were less than significant

#### PREVIOUS 2008 RUDDY VILLAGE MND – Less Than Significant

The previous MND outline the State Education Code and Government Code sections related to allowable developer fees. It noted that payment of the fee satisfied the statutory requirements and would be deemed to be full and complete mitigation. It also noted that neither the City nor the School District had adopted a separate fee schedule for legislative projects. Therefore, it was expected that the project would increase demand for school facilities, and development fees for residential construction would be used for the construction of new school facilities. Under Government Code §65996(b), as amended by the Leroy F. Greene School Facilities Act of 1998, the payment of impact fees was to be considered full and adequate mitigation for potential impacts on schools. Annexation of the property would therefore have no effect on the provision of school services and the project's impact on local schools were considered less than significant.

#### **PROJECT IMPACTS: LESS THAN SIGNIFICANT**

The project site is located within the Thermalito Elementary School District and the Oroville High School District (See General Plan Public Facilities and Services Element, Figure Pub-2). Current impact fee rates for residential development is \$3.79 per square foot. Current fee schedules were unavailable from the Thermalito Elementary School District. Annexation would not change boundaries for either district. Similar to other public service impacts, the project will reduce the total density on-site, but would contribute to a cumulative impact for school facilities. The payment of development fees for impacts to school services and facilities would still be applicable under current Government Code Regulation §65996(b). The collection of the school impact fees is required for each new building permit. Therefore, the project is not expected result in substantial adverse impacts associated with: the provision of new or existing school facilities; the need for new or physically altered school facilities; or, the ability to maintain acceptable service ratios for school services. Project impacts are, therefore, considered **less than significant with mitigation**.

### 15. d) **Parks?**

#### PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

Both documents acknowledge the 2030 General Plan would increase the demand for park and recreational facilities. The 2015 SEIR indicated that a new General Plan population was anticipated to be 65,600 persons, and a new parkland ratio of 5 acres per 1,000 residents was established. With the a newly revised parkland ratio, the 2030 population would require 328 acres of parkland, according to the 2015 SEIR, an increase of approximately 50 acres of additional parkland. A new Municipal Code chapter was to be adopted to implement the new parkland ratio or to pay in-lieu fees. Both documents also indicated that, as specific park and recreation facility expansion projects are identified, additional project-specific environmental analysis would be completed. Therefore, the park facility impacts were determined to be less than significant in both documents.

Both documents also indicated that, given the wide range of parks and recreational facilities available for public use in Oroville and the surrounding area, anticipated population and employment growth was not expected to increase the use of recreational facilities to the extent that substantial deterioration would occur. Further, implementation of the parkland dedication requirements established in the Municipal Code as described in the 2015 SEIR would ensure that new parkland was provided to support new development, which would avoid overburdening existing parks. Both documents concluded that new

development would not result in substantial physical deterioration of existing neighborhood and regional parks or other recreational facilities – impacts were considered to be less-than significant.

PREVIOUS 2008 RUDDY VILLAGE MND – Less Than Significant

The MND indicated that two small parks owned by the City of Oroville (Bedrock Park and Rotary Park) were located on the south bank of the Feather River, approximately 2.8 miles from the project. Feather River Recreation and Parks District had also made significant improvements to Riverbend Park, a community/regional park facility located along the Feather River, which was within 2.7 miles of the project. The Feather River Draft Master Plan (April 2009, Page 4-65) also anticipates three future new neighborhood parks in the project vicinity.

The MND noted that the OMC §14a required new residential developments to pay a fee for the acquisition, improvement, or expansion of park facilities, which would have mitigated potential impacts on parks before any significant deterioration occurred. The MND indicated the project proposed a small park facility of 2.5 acres +/- within the development to off- set the payment of park fees, but if the park facility did not completely offset the fees, additional payment could be required. Therefore, the project was not expected to place significant additional demands on the need for new park facilities and impacts were considered less than significant.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

The City adopted a Parks, Trails and Open Space Master Plan in 2010 (CONFORM). As noted above, the City also modified its General Plan and municipal code to require a parkland dedication ratio of 5 acres per 1,000 residents for new development (See 2030 General Plan Open Space, Natural Resources and Conservation Element, Policy P3.1 and OMC §16.16.185.C).

The nearest neighborhood parks owned by the City of Oroville are located on the south bank of the Feather River, approximately 2.8 miles driving distance from the project site. The nearest community/regional park facility, Riverbend Park, is located along the Feather River and is approximately 2.7 miles from the project site.

The project is within the City's SOI and was included in the previous assessment for cumulative park impacts within the 2008 EIR and 2015 SEIR. The previous MND indicated that dedication and possible payment of fees for parks would adequately mitigate park impacts. The current project proposes to reduce the density on-site by 75 units when compared to the previous MND. Although no new parks are proposed with the project, impact fees or in-lieu fees will be paid by the developer as a condition of approval for the Tentative Subdivision Map (CONFIRM), which would amount to \$860.85 per single-family residence, a total of \$83,502.45 in park impact fees for a 97-unit project. According to the City's General Plan and 2015 SEIR, the payment of impact fees for parks ensures no significant cumulative impacts will occur to park facilities, existing or proposed.

Therefore, the project is not expected result in substantial adverse impacts associated with: the provision of new or existing park facilities; the need for new or physically altered park facilities; or, the ability to maintain acceptable service ratios or response times for park services. Project impacts are, therefore, considered **less than significant**.

***15.e) Other public facilities?***

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

Both documents indicated that the 2030 General Plan would increase the demand for library services and facilities, which were already over capacity, and would contribute to the need for new or expanded library facilities. Both EIR documents indicated that the 2030 General Plan Public Facilities and Services Element policies would ensure adequate library services and facilities are funded to meet increasing demand. In addition, new project-specific library improvements would require project level environmental analysis. Library service impacts were considered less than significant.

PREVIOUS 2008 RUDDY VILLAGE MND – Less Than Significant

The City did not have adopted service levels or performance objectives for other public facilities that could have resulted in environmental impacts. Significance and potential for impacts were based on the project’s potential to impact adopted service levels and performance objectives. The MND indicated the project would generate additional demand on general governmental services, but not to the extent that new physical infrastructure would have been necessary. Therefore, the project’s potential impacts to service levels and performance objectives for other public facilities and services was Less Than Significant.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

The previous 2008 EIR and 2015 SEIR addressed cumulative impacts for public facilities and services. The project site was included in these assessments. The previous documents concluded that these impacts were less than significant.

The project is within the City’s SOI and was included in the previous environmental assessments for cumulative public service facilities and services. The previous MND indicated these impacts were less than significant for potential impacts to public facilities and services. The current project proposes to reduce the density on-site by 75 units when compared to the previous MND, and reduces the cumulative totals previously considered.

The City of Oroville has an approved General Facilities, Vehicles, and Equipment Master Facility Plan. The Master Plan is used to assess impacts from the development of residential, commercial, and industrial property in the city, which will generate an increased population and a need for expansion of existing city general facilities, vehicles, and equipment. §3.32.090 of the OMC insures new development will pay the impact fee of \$77.57/unit as a condition of approval for the Tentative Subdivision Map. This fee includes libraries and other services.

Therefore, the project is not expected result in substantial adverse impacts associated with: the provision of new or existing general public facilities or services, including libraries; the need for new or physically altered general public facilities or services, including libraries; or, the ability to maintain acceptable service ratios or response times for general public facilities or services, including libraries. Project impacts are, therefore, considered **less than significant**.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**16. RECREATION.**

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?                        | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

16. DISCUSSION OF IMPACTS

**16. 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?**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant  
See discussion 15.d above.

PREVIOUS 2008 RUDDY VILLAGE MND – Less Than Significant  
See discussion 15. d above

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**  
See discussion 15.d above.

**16. 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?**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant  
See discussion 15.d above.

PREVIOUS 2008 RUDDY VILLAGE MND – Less Than Significant  
See discussion 15.d above.

**PROJECT IMPACTS: NO IMPACT**

The project does not propose any new recreational facilities. Therefore, the project will have no impact.

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

17. DISCUSSION OF IMPACTS

**17.a) Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?**

#### PREVIOUS 2009 EIR AND 2015 SEIR – Significant and Unavoidable

Both documents indicated that the 2030 General Plan did not create internal policy inconsistencies or inconsistencies with other adopted plans or programs relating to transportation or circulation hazards. Both documents indicated increased traffic from multiple projects over the years would exacerbate existing deficiencies along Highways 70, 99, and 162, resulting in a significant and unavoidable impact. The 2015 SEIR indicated the proposed CAP and Balanced Mode Circulation Plan included strategies to reduce VMT and promote alternative modes of transportation. However, it did not change the cumulative impacts from being considered significant and unavoidable.

#### PREVIOUS 2008 RUDDY VILLAGE MND – Less Than Significant

The MND discussed the availability of local transit service. The closest bus stop was at 14th Street and Oro Dam Boulevard, approximately 4,800 feet from the project. It discussed other local and regional inter-city transit services available within the City of Oroville including Oroville Express, Butte County Transit (BCT), and Western Greyhound Lines. It also noted that the project would comply with the City of Oroville General Plan policies and the Oroville Urban Area Bicycle Plan, conflicts with plans or policies supporting alternative transportation were considered less than significant.

The 2008 MND also included mitigation measures for intersection improvements at both 162/18<sup>th</sup> Street and at 162/20<sup>th</sup>/Larkin. At that time right and left turn lanes from 162 at both intersections were planned, as was a possible closure of 18 and a new 4-leg intersection at 162/20<sup>th</sup>/Larkin. The right and left turn lanes have been constructed since. The 2030 General Plan later discussed the potential closure and reconfiguration, but at this time there is no known project there, and Caltrans is upgrading Highway 162 as this MND is being written. After consult with Caltrans, a “fair share” fee may be imposed as a potential project condition. Until then, however, the impacts are considered less than significant.

#### **PROJECT IMPACTS: LESS THAN SIGNIFICANT**

The City of Oroville lies within the Butte County Association of Governments (BCAG), which prepares several transportation planning documents. BCAG certified a program-level Environmental Impact Report (EIR) for the 2012 update of the Butte County Metropolitan Transportation Plan (MTP) and Sustainable Communities Strategy (SCS). The EIR performed a regional assessment of the MTP/SCS impacts. The 2016 MTP/SCS was adopted by BCAG by December 2016. BCAG also prepares and submits a Federal Transportation Improvement Program (FTIP) to Caltrans, the Federal Highway Administration (FHWA), and the Federal Transit Administration (FTA). The 2019 FTIP is a programming document that identifies all regionally significant transportation projects and programs for Butte County. BCAG is also required to prepare a Regional Transportation Improvement program (RTIP) every two years to identify programming recommendations for the State Transportation Improvement Program (STIP). The STIP is comprised of two components, the Regional Improvement Program (RIP) for projects nominated by BCAG, and the Interregional Improvement Program (IIP) for projects nominated by Caltrans.

Other relevant transportation/circulation plans that BCAG has prepared including the Oroville area are:

- Butte County Transit & Non-Motorized Transportation Plan (April 2015)
- SR 162 Corridor Study (May 2016)
- Plug In Electric Vehicle (PEV) Readiness Plan (May 2018)
- State Route Corridor 70 Plan ISMND (September 2018)

Also, the Butte County ALUC maintains the ALUCP for the Oroville Municipal Airport (see discussion above).

Since the project MND was initially approved in 2008, the SR162 Corridor Study and SR70 ISMND have been completed. Both documents considered the land uses as shown in the City’s General Plan. The new project will not exacerbate the traffic levels or VMT anticipated for these plans, since it would reduce the total trips and total VMT.

The City of Oroville also adopted and maintains the General Plan Circulation Element, a Complete Streets Program, a Balanced Mode Circulation Plan, and a Bicycle Transportation Plan, as well as Design Guidelines (those policies related to transportation). The City updated its General Plan to include the Balance Circulation Plan and updated Design Guidelines. The 2015 SEIR has evaluated these impacts at a program level, which included the anticipated buildout of the site at a Medium High-Density Residential Land Use. The City continues to collect a traffic impact fee of \$604/single family dwelling unit, which is used to pay for road improvements needed to maintain levels of service for traffic operations in accordance with the City's anticipated buildout resulting from the General Plan. The 2015 SEIR concluded the development of the City in accordance with the General Plan, including but not limited to the Balanced Circulation Plan, would reduce VMT, but would generate significant and unavoidable impacts. This project contributes to the cumulative impact and the 2015 SEIR has adequately assessed these impacts.

The development of the project site was considered in the planning documents listed above for the development of Medium High Density Residential Land Uses (6-14 Units/Acre). Both adjacent streets, 18th Street and Feather Avenue, are considered local collector streets in the City's Circulation Element. New internal streets for the project will be designed and constructed as local streets. The new project density would be reduced by 75 units, from 172 units to 97 units. Each single-family home can be expected to generate 10 average daily trips and 1 peak hour trip during morning and evening commute times. Therefore, the project will reduce the number of average daily trips by 750 trips and 75 peak hour trips, or a 43.6% reduction of trips. Transit remains available in the area and the nearest stop is 14<sup>th</sup> Street at Grand Avenue, approximately 4,100 feet of travel distance. The project will reduce local traffic impacts by reducing the number of trips generated and VMT by 43%. Moreover, the project will be reviewed to insure consistency with all General Plan policies and code requirements, including, but not limited to, The General Plan Circulation Element, the Balanced Mode Circulation Plan, Bicycle Master Plan, Design Guidelines, and Zoning and Subdivision Codes.

The project would not, therefore, conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. The project impact is less than significant.

***17.b) Would the project conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?***  
PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant  
See discussion above in 17.a).

PREVIOUS 2008 RUDDY VILLAGE MND – N.A.  
Not relevant since this question was not a question in the Initial Study at the time.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

The project site is located at the intersection of 18<sup>th</sup> Street and Feather Avenue, both local roads according to the City's General Plan. The project site is located within ¼ mile of an existing transit route stop.

The 2015 SEIR included the project site at the High Medium Density Land Use (6-14 Units/Acre) when evaluating vehicle trips, vehicle miles traveled (VMT) and corresponding air emissions, including greenhouse gas emissions. The project proposes a density reduction of 75 units, which is a minimum 43.6% reduction of density for the General Plan Land Use. With a significant reduction of density and similar availability of transit nearby, the project impacts will be less than those anticipated in the 2015 SEIR for VMT. Therefore, the project will have a less than significant impact upon VMT and will not be in conflict with CEQA §15064.3(b).

***17.c) Would the project substantially increase hazards due to a geometric design feature (e.g, sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?***



PREVIOUS 2009 EIR AND 2015 SEIR – No Impact

Both documents indicated that although traffic volumes in Oroville are forecast to increase over the planning horizon, there were no specific features or improvements included in the General Plan that would result in an avoidable hazardous condition. Both documents indicated that several General Plan policies address the need to minimize hazards that could result from poor roadway design, and therefore concluded that the 2030 General Plan would have a positive rather than a negative effect on traffic safety, resulting in no impact.

PREVIOUS 2008 RUDDY VILLAGE MND – Less Than Significant

The MND indicated the City relied on the design specifications found in the California Department of Transportation - Highway Design Manual (HDM) and its adopted construction standards to determine whether there is a potential for hazard from project design features. The MND indicated all nearby roads were straight with good visibility and sight-distance, and would meet City and Caltrans design standards. Also, the project would not introduce potentially incompatible traffic, as the vehicle composition associated with this project would be mostly cars and small passenger trucks. The Oroville Public Works Department would have final review of the project street design, ensuring that the project is in compliance with transportation standards. Therefore, project impacts to roadway hazards were considered less than significant.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

The proposed street layout for the project will be comprised of straight roads and 90-degree angle intersections for both local and local collector streets. The intersection of 18<sup>th</sup> Street and Feather Avenue is not a known traffic hazard, and no other known roadway hazards are near the project. Traffic from the project would be reduced by over 43%, and the resulting traffic vehicle composition would mostly be passenger vehicles. The project will be reviewed for consistency with the City's General Plan, including but not limited to its Circulation Element, and other policy documents such as the Balanced Mode Circulation Plan, the Zoning and the Subdivision Code, and Design Guidelines, which insure the project would not substantially increase hazards due to a geometric design feature (e.g, sharp curves or dangerous intersections) or incompatible uses. The City's Public Works Department will review the project street design and improvements, ensuring that the project complies with its street design standards, which includes consistency with the latest Caltrans Highway Design Manual. Therefore, the project would not substantially increase hazards due to a geometric design feature (e.g, sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)—the project impacts are less than significant.

**17.d) *Would the project result in inadequate emergency access?***

PREVIOUS 2009 EIR AND 2015 SEIR – No Impact

Both EIR documents indicate that the 2030 General Plan does not conflict with adopted plans or programs related to emergency access and state that the Circulation Element policies that ensure adequate emergency access. Both EIR documents conclude the development anticipated in the General Plan would have no impact related to emergency access.

PREVIOUS 2008 RUDDY VILLAGE MND – Less Than Significant

The MND City of Oroville indicated the project would comply with the City's Fire Code – General Provisions for Safety (1994 U.F.C. Sections 901-902), which would require that project plans for fire apparatus and personnel access must be submitted to the Fire Department for review and approval prior to construction. The MND also indicated the access to the development would be provided at four separate points and concluded it would have a less than significant impact on emergency access.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

The MND City of Oroville requires all new projects to conform to current street design standards. The City also enforces provisions of the Uniform Fire Code – General Provisions for Safety (1994 U.F.C. Sections 901-902). The U.F.C. requires that project plans for fire apparatus and personnel access must be submitted to the Fire Department for review and approval prior to construction.

According to the tentative subdivision map, access to the development would be provided at four separate points, providing emergency vehicles different options for accessing the interior of the development, as well as providing other release points for the subdivision to the south. Further, the project will reduce the current land use density at the project site by 75 units or just above 43%. The project would have a less than significant impact on emergency access.

Emergency access to the site is provided by adjacent roads, 18th Street and Feather Avenue, and via the new streets to be constructed with the project. Access to the new development would be provided at four separate points, providing emergency vehicles different options for accessing the interior of the development and additional access points for development to the south. Plans for the proposed project will be reviewed by the City of Oroville for consistency with its General Plan, the Balanced Mode Circulation Plan, the Design Guidelines, and for conformance with the OMC (including Fire Code and design and construction standards). The project will also reduce density at the site by 75 units, more than 43%. The project would have a less than significant impact on emergency access.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**18. TRIBAL CULTURAL RESOURCES.** Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

18. DISCUSSION OF IMPACTS

**18.a) & b) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1.**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant Cultural Resources, including tribal cultural defined in PRC §21074 with cultural value to California Native American tribes, were addressed in Sections 5 a) – c) above.

PREVIOUS 2008 RUDDY VILLAGE MND – No Impact

Cultural Resources, including tribal cultural defined in PRC §21074 with cultural value to California Native American tribes were addressed in Sections 5 a) – c) above.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

Cultural Resources, including tribal cultural defined in PRC §21074 with cultural value to California Native American tribes were addressed in Sections 5 a) – c) above. The site has no known tribal cultural resource with cultural value to California Native American tribes. Mitigation is provided in section 5a) – c) in the event California Native American artifacts are discovered. Therefore, the project has no impacts.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**19. UTILITIES AND SERVICE SYSTEMS.** Would the project:

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

19. DISCUSSION OF IMPACTS

**19 a), b) c) - Utility impacts were previously considered in Sections 10a)-f).**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

19 a), b) c) - Utility impacts were previously considered in Sections 10a)-f).

PREVIOUS 2008 RUDDY VILLAGE MND – No Impact

19 a), b) c) - Utility impacts were previously considered in Sections 10a)-f).

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

19 a), b) c) - Utility impacts were previously considered in Sections 10a)-f). The project will require new facilities for wet and dry utilities on-site for 97 single family dwelling units. The project represents a reduction of 75 units and density by 43%. Utilities are available and sufficient to serve the project site

during normal, dry and multiple dry years. Further, new improvements for utilities to serve the project site would not require the relocation or construction of new facilities which would cause significant environmental impacts. Therefore, the project would have a less than significant impact in these areas.

**19 d) & e) Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

As noted in both EIR documents, the Ostrom Road Landfill has sufficient capacity through the year 2066, and can accommodate development allowed by the Approved Project. As described in Both EIR documents anticipated that there is adequate capacity for development allowed by the General Plan. Therefore, impacts to solid waste would be considered less than significant. Both EIR documents also indicated the 2030 General Plan would not contribute to cumulative solid waste impacts given the ample capacity of the Ostrom Road Landfill. Cumulative solid waste impact were also considered less than significant.

Both documents indicated the 2030 General Plan Public Facilities and Services Element included policies and actions that help meet State-mandated recycling goals. And while the documents noted that increases in the service population as called for in the General Plan could increase solid waste generation, the City would implement the General Plan policies and actions that encourage recycling and minimize the amount of solid waste generated by residents and businesses. In addition, the 2015 SEIR indicated new design guidelines and CAP actions that would further reduce waste. Therefore, the documents indicated the project impacts were less-than-significant

PREVIOUS 2008 RUDDY VILLAGE MND – Less Than Significant

The MND referred to the franchised solid waste collection service for Oroville by Norcal Waste, which used the Ostrom Road Landfill in Yuba County as the disposal site for solid waste collected in the Oroville Planning Area. The estimated cease operation date for the facility was 2062, based on an annual average growth rate of 2% for the service area. It noted also that Norcal Waste operated a Materials Recovery facility (MRF) at its Fifth Avenue transfer station in Oroville, and all solid waste collected in the Oroville city limits was transported to the MRF where recyclable materials were sorted from the waste stream. The purpose of the MRF is to meet the mandate of the California Integrated Waste Management Act of 1989 (AB 939), which requires a 50% reduction in waste going to the landfill. The MRF was part of the City of Oroville's strategy to reduce waste going to the landfill as outlined in the City's Source Reduction and Recycling Element. The MND also indicated City of Oroville Environmental Review Guidelines under which all projects that use the City's franchised waste collection service are considered to have a less than significant impact on the capacity of the Neal Road Landfill. As the project was not proposing an alternative solid waste disposal strategy, and as the Neal Road Landfill had adequate capacity to accommodate solid waste beyond the year 2018.

Based upon: the City's compliance with AB 939 for Source Reduction and Recycling; the mutually adopted County Integrated Waste Management Plan; and, the Norcal Ostrom Road Landfill having adequate capacity to accommodate solid waste beyond the year 2060; the project was determined to have a less than significant impact on landfill capacity. The MND indicated the City of Oroville Department of Public Works would regulate the project for compliance all applicable local, State, and federal regulations related to solid waste. The project was deemed to have no impact upon compliance with regulations related to solid waste.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

The City continues to contract or franchise the solid waste services within Oroville, which is now with Recology. The materials recovery facility at 5<sup>th</sup> Street in downtown Oroville continues to be used to reduce or remove waste from the stream that continues to the Ostrom Road Landfill.

The project site was included in both previous environmental documents for the City's General Plan. The project is proposing a reduction of 75 units and a 43% reduction of density as a Low-Density Residential Land Use for a 97 unit single family residential subdivision. The project will be reviewed for compliance with the City's requirements to establish solid waste collection services for each of the new homes. Cumulative impacts were addressed in the previous EIR documents. The project will have a less than significant impact.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**20. WILDFIRE.** If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

**20. DISCUSSION OF IMPACTS**

**20.a) – d)** Discussions related to wildfires and emergency response or evacuation plans, as well as risks due to wildfires and downstream flooding or landslides, post fire instability or drainage changes were previously addressed in Sections 7. and 9 of this document. These impacts were all determined to be less than significant, except the the project will have no impact related to the installation or maintenance of associated infrastructure that may exacerbate fire risk or may result in temporary or on-going impacts to the environment. Therefore, all wildfire impacts are considered less than significant, except that the project will have no impacts in exacerbating fire risks or result in temporary or ongoing impacts to the environment pertaining to wildfires.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**21. MANDATORY FINDINGS OF SIGNIFICANCE**

- |  |                          |                                     |                                     |                          |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| 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.)   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**21. DISCUSSION OF IMPACTS**

**21.a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

PREVIOUS 2008 RUDDY VILLAGE MND – Less than significant with mitigation incorporated.

The previous MND indicated the site had previously approved and entitled to develop an 82 lot mobile home park and four 1-acre residential lots (which had already been graded). It also noted the site had been prepared graded and prepared for installation of infrastructure improvements. It indicated no significant biological resources exist on the property, but that mitigation be provided to insure no potentially significant impacts would occur to wildlife or plant communities. It recognized the less than .08 acres of low value seasonal wetlands on-site to be filled, but this would not significantly affect the habitat of any wildlife species or cause any species population to decrease below self-sustaining levels. It also determined that there were no significant historical resources on site. Therefore, project impacts to biological and historical resources remain at a level that is considered less than significant with mitigation incorporated.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

This Initial Assessment has already recommended the addition of mitigation measures related to the potential impacts upon quality of the environment (air quality), the reduction of habitat for fish and wildlife species (biological resources), a potential to cause a fish or wildlife population to drop below self-sustaining levels (biological resources), a threat to eliminate a plant or animal community (biological resources), a potential to substantially reduce the number or restrict the range of a rare or endangered plant or animal

(biological resources), or a potential to eliminate important examples of the major periods of California history or prehistory (cultural resources). Therefore, the project will not create a significant impact upon these resources with the mitigation previously included for biological resources and air quality and conditions of approval which will be included in the project for cultural resources.

**21.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.)**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

The previously certified 2009 EIR for the 2030 Oroville General Plan and the 2015 SEIR Update to the 2030 Oroville General Plan identified all impacts which might be cumulatively considerable, resulting in the City adopting statements of overriding consideration for those impacts which could not be mitigated to a less than significant level.

PREVIOUS 2007 RUDDY VILLAGE MND – No Impact

The previous MND indicated the proposed project may have cumulatively considerable impacts on police and fire protection services, and traffic conditions at intersections on state Route 162. The traffic analysis prepared for the project by Lumos & Associates found that even without development of the project, significant growth in population and development within the Oroville area will result in significant increases in traffic volumes which will worsen the Levels of Service to unacceptable levels. Though development of the proposed project would not significantly impact any of the roadways or intersections within the vicinity of the proposed project, the project would contribute to an increase in daily trips and volume of vehicles on area roadways. Cumulative fire and police protection impacts were addressed by the implementation of MM 13.1. Traffic conditions would worsen whether or not the proposed project is implemented. Payment of the fair share fees and implementation of MM 15.1 and MM15.2 would offset the proposed project’s increase in the number of vehicle trips and the contribution to congestion at intersections to a level that is considered less than significant with mitigation incorporated.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

The 2008 EIR and 2015 SEIR adequately addressed cumulative impacts resulting from the buildout of the land uses anticipated in the 2030 General Plan. These documents also considered other projects outside the scope of the general plan in order to assess cumulative impacts.

**21.b) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?**

PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant

PREVIOUS 2007 RUDDY VILLAGE MND – No Impact

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

The 2008 EIR and 2015 SEIR adequately addressed cumulative impacts, including impacts to human beings, resulting from the buildout of the land uses anticipated in the 2030 General Plan. These documents also considered other projects outside the scope of the general plan in order to assess cumulative impacts.

## V. PROJECT DATA AND MAPS

### A. Project Description

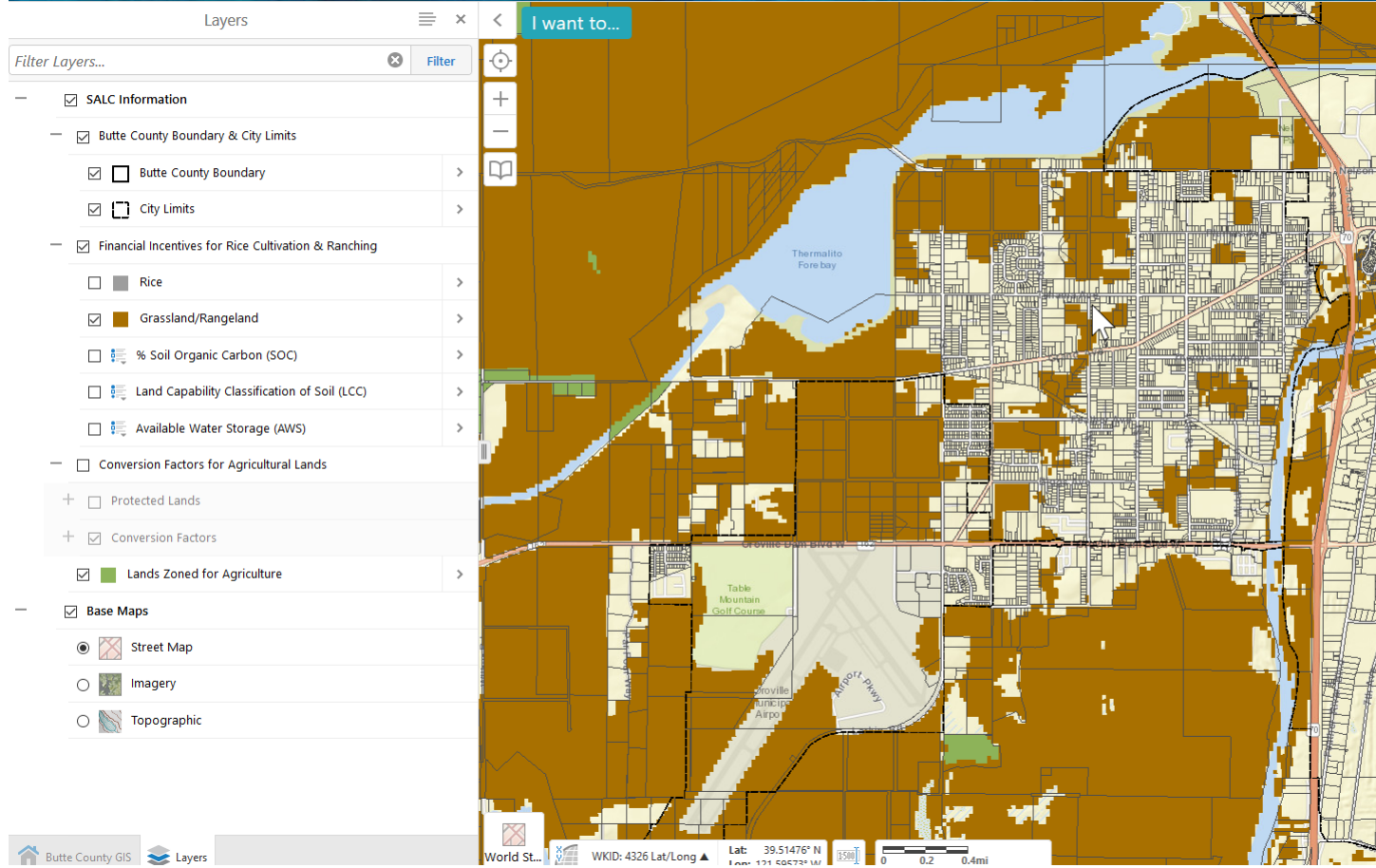
1. Type of Project: Development of a Single-Family Residential Subdivision
2. Proposed Density of Development: 97 dwelling units on 24.41 acres, plus additional acreage comprised of frontage streets current maintained by Butte County.
3. Access and Nearest Public Roads: Frontage on 18<sup>th</sup> Street, Feather Avenue and access to Norma and Marjory Streets -- all public owned and maintained roadways
4. Method of Sewage Disposal: SCOR and Thermalito Water and Sewer District
5. Source of Water Supply: Thermalito Water and Sewer District
6. Proximity of Power Lines and Natural Gas: Existing adjacent to the project site
7. Potential for Further Land Divisions or Development: No

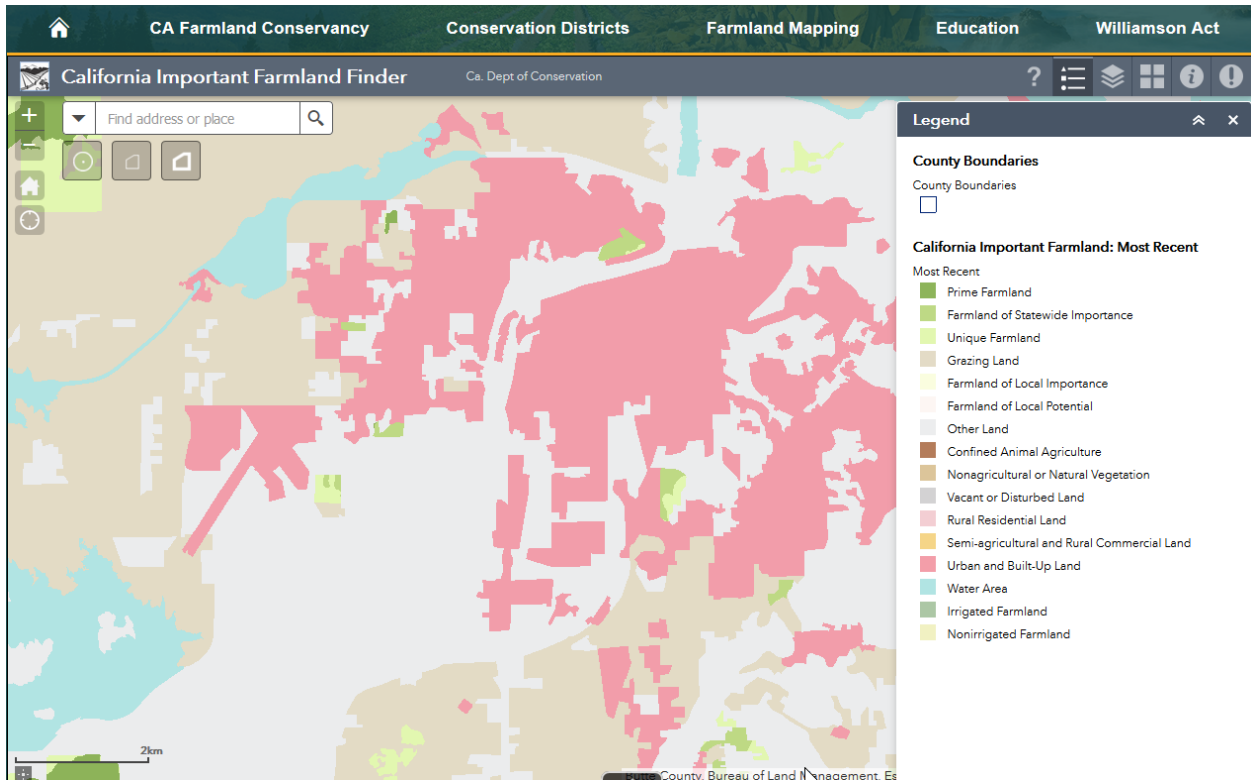
### B. Environmental Setting

1. Terrain
  - a. General Topographic Character: Gently sloping land draining from west to east
  - b. Slopes: range between 0-20%
  - c. Elevation: Between 200 feet to 166 feet above mean sea level
  - d. Limiting Factors: 100-year flood plain on easterly 2.5 acres of the site
2. Natural Hazards of the Land
  - e. UBC Earthquake Zone: Seismic Zone III
  - f. Distance to Alquist-Priolo Zone: approximately 8 miles to Cleveland Fault
  - g. Erosion Potential: Low
  - h. Landslide Potential: Low
  - i. Fire Hazard: Low
  - j. Expansive Soil Potential: Low
  - k. Liquefaction Potential: Low
3. Visual/Scenic Resources: None
4. Ambient Noise: Local roadways, short term construction noise, typical single-family residential use activities
5. Sensitive Receptors: None
6. Vegetation: Grassland, oak woodlands, wetland
7. Wildlife Habitat: Limited, site was previously an olive orchard with a previous residence.
8. Archaeological and Historic Resources in the Area: Low potential according to both Archeology and Cultural Resources Studies for Site
9. Site is within City of Oroville SOI and General Plan
10. City General Plan Designation: Medium High Density Residential (existing); Low Medium Density Residential (proposed);
11. Butte County General Plan Designation: Medium Density Residential, Rural Residential
12. Existing Zoning-Butte County: Medium Density Residential and Rural Residential (RR-5)
13. City of Oroville General Plan – Medium High Density Residential
14. Proposed Zoning/Prezoning -- City of Oroville: R-1-6 (Single Family Residential)
15. Existing Land Use on Site: Vacant, frontage improvements have been installed along 18<sup>th</sup> Street and a portion of Feather Avenue
16. Surrounding Area
  - a. Land Uses: Low density residential, vacant and undeveloped areas
  - b. Zoning: RR-5 (County), MDR (County); R-1-6 (City)
  - c. General Plan Designation: RR (County); MDR (County) Low Density Residential

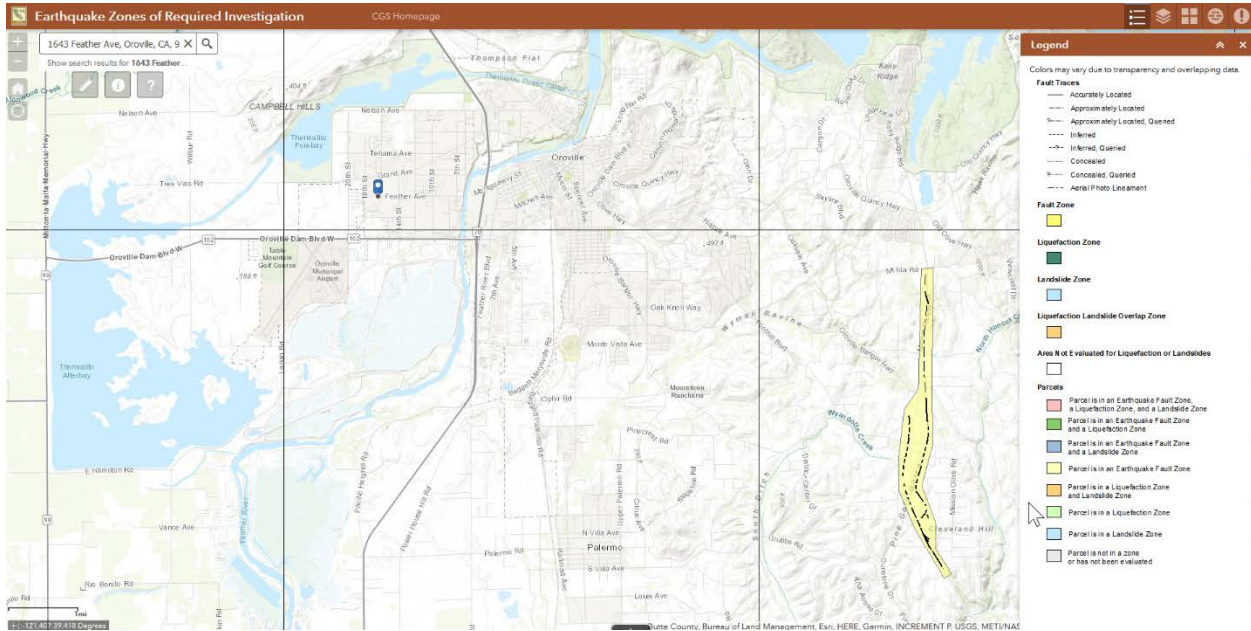


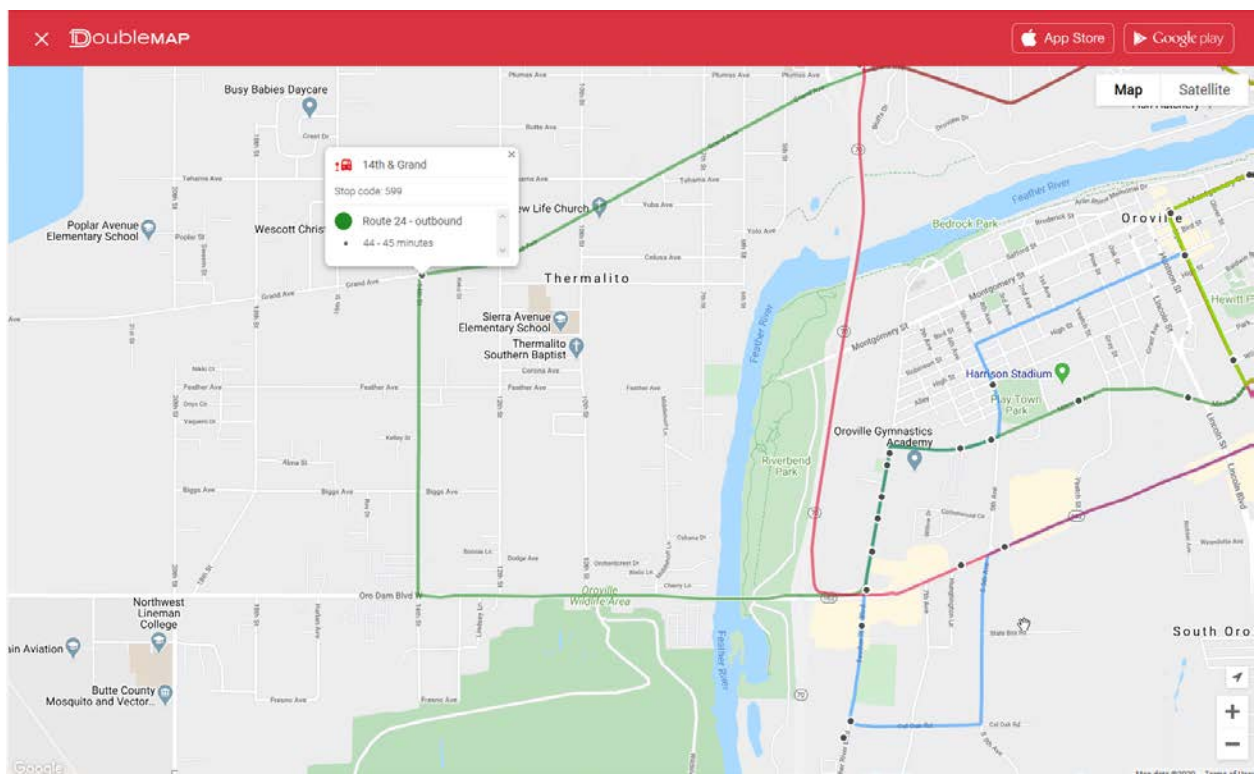
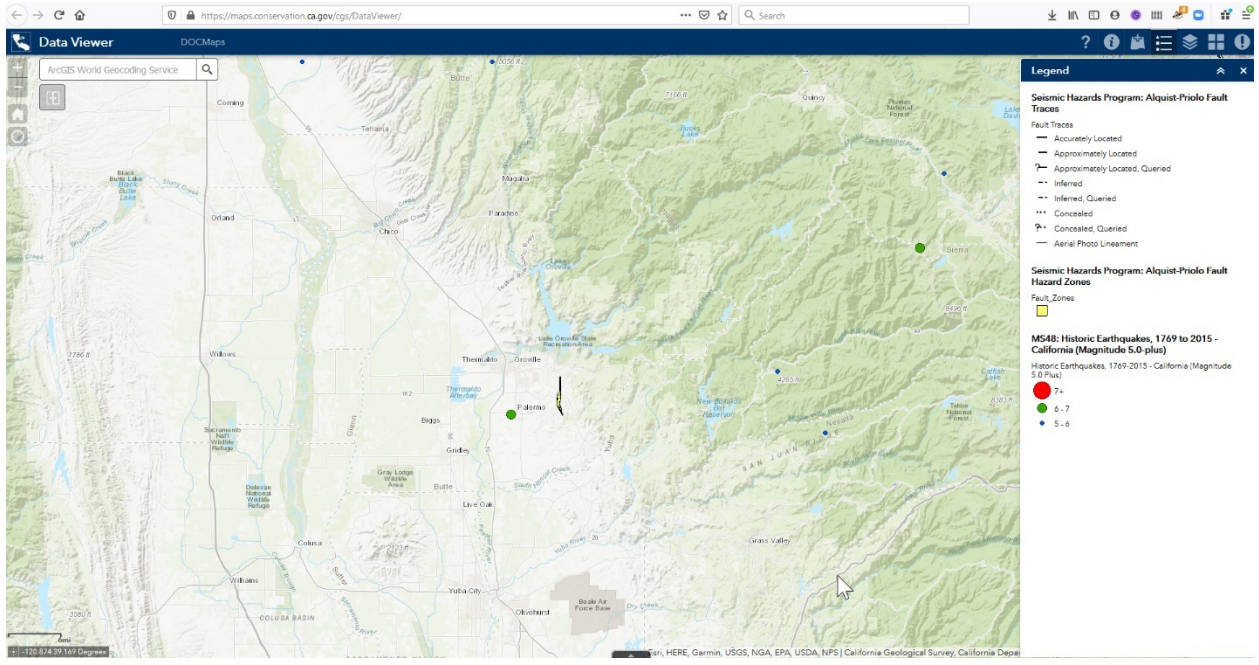
Sustainable Agriculture and Land Conservation





**PROJECT LOCATION TO NEAREST ALQUIST PRIOLO FAULT ZONE**





BUTTE COUNTY REGIONAL TRANSIT MAP – ROUTE 24 – NEAREST STOP 14<sup>th</sup>/GRAND -- JUNE 202





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## BUTTE LOCAL AGENCY FORMATION COMMISSION

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1453 Downer Street, Suite C • Oroville, California 95965-4950  
(530)538-7784 • Fax (530)538-2847 • [www.buttelafco.org](http://www.buttelafco.org)

August 31, 2020

Connor Musler, Planning Intern  
City of Oroville  
1735 Montgomery Street  
Oroville, CA 95965

RE: Proposed Mitigated Negative Declaration and Initial Study for the Ruddy Creek GPA,  
Rezone, TSM and Annexation

Dear Mr. Musler,

The Butte Local Agency Formation Commission (LAFCo) appreciates the opportunity to comment on the initial study and proposal for the Ruddy Creek Subdivision project, which includes an annexation of approximately 26 acres into the City of Oroville. As responsible agency for the forthcoming annexation application, LAFCo is required to rely on the City's environmental documentation in acting on the proposal, but must prepare and issue its own findings.

The proposed annexation territory is identified as within TRA 104-010, which includes the following districts:

35200 OROVILLE CEMETERY  
35500 OROVILLE MOSQ & VECTOR CONT  
36100 FEATHER RIVER PARK & REC  
37000 THERMALITO UNION ELEM. SCHOOL  
37600 OROVILLE UNION HIGH SCHOOL  
37800 BUTTE JT (04,11) COMM. COLLEGE  
61164 AREA NO. 164-ANIMAL CONTR COUNTY SERVICE  
67503 THERMALITO IRRIGATION

The proposal is considered a reorganization as the territory will be removed from CSA 164 (Animal Control).

### General Comments

As LAFCo has not yet received an annexation application for the project, our comments at this time are not to be considered as a measure of completeness for the anticipated annexation application. The following comments are provided in order to allow the County of Butte the

opportunity to address LAFCo concerns related to the project description, environmental review, and issues related to impacts to other agencies should this be necessary to effectively process the annexation request. At such time an annexation application is formally submitted, LAFCo will review all materials and make a completeness determination, which may require the submittal of additional information in order to effectively evaluate the proposed annexation.

Government Code Section 56668 lists the fifteen factors that LAFCo's must consider in the review of a proposal. These factors are:

- (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) The 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," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, 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 both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.
- (e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.
- (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 being reviewed.
- (i) The comments of any affected local agency or other public 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 those 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 affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate

council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.

- (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.

LAFCo staff encourages the City to review the above factors and ensure that the proposed annexation and development project are consistent with these factors and that these factors are addressed in the initial study prepared for the project.

Additionally, the proposed annexation must be consistent with all of the applicable policies found in Butte LAFCo's *Policies and Procedures*, which can be found on our web site ([www.buttelafco.net](http://www.buttelafco.net)). There are numerous Butte LAFCo policies that may be applicable to the proposed annexation, which include but are not limited to:

- Ability of the City to provide adequate and efficient services to the territory;
- Community impacts;
- Conformance with the City of Oroville's General Plan and zoning;
- The creation of logical boundaries;
- Revenue neutrality;
- Need for services

#### Specific Comments on Initial Study

The City of Oroville provided the subject initial study to Butte LAFCo in digital form. For efficiency, LAFCo utilized the review and comment features of Microsoft Word to comment on the initial study. Please see attached document for comments.

Thank you again for providing us with the opportunity to comment on this initial study.

If you have any questions, please feel free to call me at (530) 538-7151, or via e-mail at [scosta@buttecounty.net](mailto:scosta@buttecounty.net).

Sincerely,

*Shannon Costa*

Local Government Planning Analyst

# LAFCO COMMENTS ON MND, (Shannon Costa)

mitigated negative declaration were approved for this project by the City of Oroville Planning Commission on May 14, 2007 (Reso P2007-07). The City Council approved the General Plan Amendment, Zone Change, Annexation and mitigated negative declaration on May 14, 2007 and extended it several times until May 14, 2012 when it expired. When the recession hit, the annexation process application was never completed. Presently, the General Plan Land Use remains as Medium High Density Residential Land Use (6-14 units per acre). This project and its impacts were subsequently included in the City's General Plan 2030 in 2008 and its update in 2015.

**Commented [CS1]:** Annexation was never approved by the Commission.



## 10. OTHER AGENCY APPROVALS:

*U.S. Army Corp of Engineers (USACE):* A wetland delineation was performed for the site and no wetlands other than Ruddy Creek were identified. The creek represents approximately 0.08 acres of intermittent drainage.

*U.S. Fish and Wildlife Service (USFWS):* Consultation for endangered species and possible take permits, if needed.

*Federal Emergency Management Agency (FEMA) –* A Letter of Map Revision (LOMAR) may be required to remove the detention basin area out of the AE Flood Zone as shown in the most recent FEMA Flood Maps.

*California Regional Water Quality Control Board (RWQCB):* The applicant must obtain an NPDES Construction Activities Stormwater General Permit. The permit requires that the project applicant prepare a Stormwater Pollution Prevention Plan (SWPPP) prior to any construction activities. Pursuant to Section 401 of the Clean Water Act, the applicant may be required to obtain a Water Quality Certification for discharge of the detained storm water to Ruddy Creek.

*California Department of Fish and Wildlife (CDFW):* CDFW will review the application for matters pertaining to fish and wildlife resources, which normally includes but may not be limited to a Streambed Alteration Agreement (a.k.a., a §1602 Agreement) for work near and within Ruddy Creek.

*Butte County Air Quality Management District (BCAQMD):* The project applicant must incorporate all feasible Standard Construction Mitigation Measures into the project in addition to applicable Supplemental Mitigation Measures that BCAQMD may require.

*Butte County LAFCo (BCLAFCo):* BCLAFCo is responsible for hearing and acting upon an annexation (i.e., reorganization) request received from the City of Oroville.

*Butte County Airport Land Use Commission (BCALUC):* The site is located with an area regulated by the BCALUC. The BCALUC will determine if the project is consistent with the current Airport Land Use Plan for the City of Oroville Airport.

*Butte County Animal Control District (BCACD):* BCACD will review and act on the request to detach from its district (CSA No. 164) and annex into the City of Oroville.

*Butte County Mosquito Abatement District (BCMAD):* The BCMAD will review and act upon the request to detach from its district and annex into the City of Oroville Mosquito Abatement District (COMAD).

*Butte County:* The County will be asked to confirm its current revenue sharing agreement with the City of Oroville and comment on the requested annexation into the City of Oroville. Also consulted will be Butte County Planning and Public Works Departments.

*Butte County Resource Conservation District:* The District will be asked to consider and act upon a detachment from the district resulting from the site annexation into the City of Oroville.

*Thermalito Water and Sewer District (TWSD):* The Thermalito Water and Sewer District serves the project area. The District will have authority to approve services to the project and approve and accept related infrastructure improvements adjacent to and within the project site. A water service line has already been installed that can serve. Both water and sewer facilities are adjacent to the site in both 18<sup>th</sup> Street and Feather Avenue to serve the proposed 97-lot subdivision. TWSD must issue a "will serve" letter prior to

**Commented [CS2]:** FYI- for agencies whose zoning code has been deemed compatible with the BCALUCP by the BCALU Commission, the agency (City of Oroville) has the authority to deem a project consistent with the BCALUCP. This may be worth looking into as it could save you time.

recording of the final map demonstrating the adequate capacity exists for water and sewer for the sale of future lots.

**Commented [CS3]:** Please include pro-active TWSD comments with the annexation application.

*Feather River Parks and Recreation District* –Project approval will be conditioned on impact fees to cover future services by the District, and by the City.

*Wyandotte Creek Groundwater Sustainability Agency:* Email: WyandotteGSA@gmail.com  
Phone: (530) 552-3591 Address: 308 Nelson Ave. Oroville, CA 95965 The agency is responsible for sustainable groundwater within its region and will be asked to comment on the environmental document.

*Thermalito Elementary School District* – Educational services for students of the project. The district will collect impacts fees for school facilities when building permits are issued based upon the project's impacts to local school facilities.

*Oroville High School District* – Educational services for students of the project. The district will collect impacts fees for school facilities when building permits are issued based upon the project's impacts to local school facilities.

*Pacific Gas and Electric* – Will provide electric and natural gas services to the project.

*AT&T* – Will provide telephone cable and internet cable services to the site.

*Sewerage Commission Oroville Region* – Sewer collection and treatment services for TSWD and City of Oroville.

**Commented [CS4]:** Please include comments from SCOR including a capacity study, if needed.

*City of Oroville:* General Plan Amendment, Prezone, Annexation (reorganization); Tentative Subdivision Map and related Improvement Plans, Tree Removal, Architectural Review for Home Designs, Grading, Encroachment Permits, Building Permits, Landscape Plans,

## II. ENVIRONMENTAL SETTING:

The 28-acre (+/-) site is located at the southeast corner of 18<sup>th</sup> St and Feather Avenue in the Thermalito area of western Oroville. The project area includes two parcels, both owned by the project applicant. The project area also includes adjacent developed roadways, which are owned and maintained by Butte County. Elevations on-site range from approximately 202 feet above mean sea level, near the intersection of 18<sup>th</sup> St. and Feather Avenue, to approximately 162 feet above sea level, near Ruddy Creek. The site topography slopes approximately 2-3% across most of site, except that slopes up to 25% are found along an embankment that forms the floodway for Ruddy Creek along the eastern portion of the site. The site contains grasslands, oak woodlands, and wetlands reflective of this area. The site was used as an olive orchard and had been graded and planted for the crop prior; the site now remains unused since 1994. The site also contained remnants of a previous home, which has since burned in the 1980's. Some grading activities had occurred across the site prior to 2007 for a previously approved Mobile Home Park. The Mobile Home Park was never developed and all previous approvals for the Mobile Home Park have expired.

According to the updated biological assessment, soils on-site are primarily Thompsonflat-Oroville, 0 to 9 percent slopes; moderately well-drained, sandy loam with a deep restrictive layer of more than 80 inches in depth. This soil occurs in a larger rectangular area of the western section of the project site. A smaller square area at the eastern end of the site consists of Wilsoncreek-trainer loams, 0 to 2 percent slopes, occasionally flooded; moderately well-drained loam with a deep restrictive layer of more than 80 inches in depth.

document to update and assess impacts not previously assessed in the City of Oroville 2030 General Plan EIR. This document is hereafter referred as the 2015 SEIR.

2. The City of Oroville 2030 General Plan EIR - The City Council certified the Oroville 2030 General Plan EIR on June 2, 2009 as a programmatic document (SCH#20080022024). This document is hereafter referred to as the 2009 EIR.
  3. The Ruddy Creek Village Initial Study and Mitigated Negative Declaration – SCH#200732104. This document was adopted by the City Council on July 3, 2007 to assess the impacts Tentative Subdivision Map to create 172 single family lots ranging in size from 3,150 square feet to 4,500 square feet. The project includes approximately 4.3 acres of open space (approximately 3 acres as a neighborhood park and a 1.3 acres storm water detention facility). The project also required Annexation, a General Plan Amendment and a Zoning Amendment (Rezoning) for Planned Development Overlay. The previous environmental document is hereafter referred to as the 2007 Ruddy Village MND.
- b) Impacts Adequately Addressed: Effects from the environmental checklist are identified within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards. Effects are addressed by mitigation measures based on the earlier analysis.
- c) Mitigation Measures: For effects that are "Less Than Significant With Mitigation Measures Incorporated", the response will describe the mitigation measures, which were incorporated or refined from the earlier document, and the extent to which they address site-specific conditions for the project.
- 6) The checklist responses will incorporate references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list is attached in Section VI, References. Sources used, individuals contacted, and other outside supporting sources of information are cited throughout the discussion.

Commented [CS5]: Not applicable

The nearest staffed fire station, Station # 63 at Nelson Avenue/County Center Drive, is located approximately 2.7 miles from the project site. The nearest City fire station, at 2055 Lincoln Street, is located approximately 3.9 miles from the project site. The City and County maintain a mutual aid agreement in place, which would have both station crews respond to any emergency fire service call. Annexation of the property will change the primary fire respondent from Butte County to the City of Oroville. This change will not, however, have a significant effect or change the way fire protection services are delivered due to the existing cooperative agreement between City and County fire departments

The Oroville City Council adopted Fire Department Standards of Coverage Guidelines in order to guide future growth as outlined in the City's General Plan. The goal statements include:

- Fire Department travel times should place a first-due unit at scene within five minutes travel time, for 90% of fire and medical incidents.
  - Fire Department units shall be located and staffed such that an effective response force of four units with eight personnel minimum shall be available to all areas of the City within a maximum of ten minutes travel time, for 90% of all structure fires.

The project is currently outside of a 5-minute response contour, and much of the west side of Oroville isn't within the desired response time. The City of Oroville, in September 2006, formed two community facilities districts: CFD No. 2006-1 Westside Public Safety Facilities; and CFD 2006-2 Public Safety Services. CFD 2006-1 was formed to provide a funding mechanism to mitigate the increased need for new public safety facilities, primarily a new fire station to be located in the vicinity of the Oroville Municipal Airport, which will include within it a small police substation. CFD 2006-2 was formed to fund on-going fire, police, and code enforcement services that are needed as a result of additional development. To mitigate the cumulative impacts on fire and police services, all new development in the area that is essentially west of Highway 70 will be required to annex into both of these districts and will be subject to the collection of fees and revenues to fund additional public safety facilities and services.

Commented [CS6]: Please provide this detail as part of the annexation application

Therefore, upon annexation the project is not expected result in substantial adverse impacts associated with: the provision of new or existing fire facilities; the need for new or physically altered fire facilities; or, the ability to maintain acceptable service ratios or response times. Project impacts are, therefore, considered **less than significant with mitigation**.

**MM 13.1** Prior to recordation of the Final Map, the subdivision shall annex in to both CFD 2006-01 and CFD 2006-02.

*Timing/Implementation: Prior to approval of Final Map  
Enforcement/Monitoring: City of Oroville.*

#### **15. b) Police Protection?**

**PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant**

As described in both documents, the 2030 General Plan would increase the need for police services. Specifically, to continue to provide the current level of service, two officers per 1,000 residents, it was estimated that approximately 102 additional sworn officers would need to be added to the Oroville Police Department. To support the additional officers, supplementary support staff, equipment, and increased facility space would also be needed. The 2015 SEIR indicated it would add about 1,000 people, or 3 percent compared to 2008 EIR. It was determined that two additional officers would not likely require new or expanded police facilities on their own, but the increased demand would contribute to an overall need for new/expanded facilities. Both document indicated the 2030 General Plan Public Facilities and Services Element policies and actions would ensure acceptable police service levels in Oroville. In addition, the 2015 SEIR reviewed the addition of a new Municipal Code section on CPTED, which would help to prevent crime by delineating private and public spaces, enhancing visibility, controlling property access, and ensuring adequate property maintenance, and, in turn, reduce demands on police services.

Both documents indicated that with the policies in place (and being added) the police service impact would remain less than significant.

**PREVIOUS 2008 RUDDY VILLAGE MND – Less Than Significant With Mitigation**

The previous MND indicate the project site was served by the Butte County Sheriff's Department, which was significantly impacted and is unable to provide services to a growing population. It indicated that annexation of the site, policing responsibilities would shift to the Oroville City Police Department. The MND also indicated that the Environmental Review Guidelines for the City of Oroville impacts were evaluated on a project's potential to impact adopted service levels and response times that could result in substantial adverse physical impacts associated with the provision of police facilities. The MND indicated the project could create a minor increase demand for police protection services, and that the City of Oroville instituted a police development impact fee that would be used to develop police protection services.

In September 2006, the City of Oroville formed two community facilities districts: CFD No. 2006-1 Westside Public Safety Facilities; and CFD 2006-2 Public Safety Services. CFD 2006-1 was formed to provide a funding mechanism for new public safety facilities, primarily a new fire station to be located in the vicinity of the Oroville Municipal Airport, which will include within it a small police substation. CFD 2006-2 was formed to fund on-going fire, police, and code enforcement services that are needed as a result of additional development. To mitigate cumulative impacts, all new development in the area that is essentially west of Highway 70 would be required to annex into both of these districts and subject to the collection of fees and revenues to fund additional public safety facilities and services. Therefore, potential impacts to police services from the project were considered less than significant with mitigation.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED**

The proposed project site is currently served by the Butte County Sheriff's Department for police services. With annexation of the site police responsibilities will change to the Oroville City Police Department.

According to Oroville's General Plan, the OPD has a goal response time of less than 4 minutes for emergencies and 20 minutes for non-emergencies. The General Plan policies and actions included the City developing a CFD for police facilities and operations.

In September 2006, the City of Oroville formed two community facilities districts: CFD No. 2006-1 Westside Public Safety Facilities; and CFD 2006-2 Public Safety Services. CFD 2006-1 was formed to provide a funding mechanism for new public safety facilities, primarily a new fire station to be located in the vicinity of the Oroville Municipal Airport, which will include within it a small police substation. CFD 2006-2 was formed to fund on-going fire, police, and code enforcement services that are needed as a result of additional development. All new development in the area that is essentially west of Highway 70 will be required to annex into both of these districts and will be subject to the collection of fees and revenues to fund additional public safety facilities and services in order to mitigate cumulative impacts upon safety services.

**Commented [C57]:** Please provide this detail as part of the annexation application.

The project was included in the previous cumulative environmental impact assessments for the City's General Plan and is currently within the City of Oroville General Plan SOI. The project will reduce the General Plan land use density by 75 units, but could still generate a population of 272 person at 2.8 PPH. So, although the project impact could be reduced, the project will contribute to the cumulative impacts of development west of Highway 70. The project will be required to annex to CFDs for safety service and facilities when annexed into the City of Oroville to mitigate cumulative impacts west of Highway 70. Therefore, potential impacts to police services from the project are considered **less than significant with mitigation** (see MM 13.1).

development would not result in substantial physical deterioration of existing neighborhood and regional parks or other recreational facilities – impacts were considered to be less-than significant.

**PREVIOUS 2008 RUDDY VILLAGE MND – Less Than Significant**

The MND indicated that two small parks owned by the City of Oroville (Bedrock Park and Rotary Park) were located on the south bank of the Feather River, approximately 2.8 miles from the project. Feather River Recreation and Parks District had also made significant improvements to Riverbend Park, a community/regional park facility located along the Feather River, which was within 2.7 miles of the project. The Feather River Draft Master Plan (April 2009, Page 4-65) also anticipates three future new neighborhood parks in the project vicinity.

The MND noted that the OMC §14a required new residential developments to pay a fee for the acquisition, improvement, or expansion of park facilities, which would have mitigated potential impacts on parks before any significant deterioration occurred. The MND indicated the project proposed a small park facility of 2.5 acres +/- within the development to off- set the payment of park fees, but if the park facility did not completely offset the fees, additional payment could be required. Therefore, the project was not expected to place significant additional demands on the need for new park facilities and impacts were considered less than significant.

**PROJECT IMPACTS: LESS THAN SIGNIFICANT**

The City adopted a Parks, Trails and Open Space Master Plan in 2010 (CONFORM). As noted above, the City also modified its General Plan and municipal code to require a parkland dedication ratio of 5 acres per 1,000 residents for new development (See 2030 General Plan Open Space, Natural Resources and Conservation Element, Policy P3.1 and OMC §16.16.185.C).

The nearest neighborhood parks owned by the City of Oroville are located on the south bank of the Feather River, approximately 2.8 miles driving distance from the project site. The nearest community/regional park facility, Riverbend Park, is located along the Feather River and is approximately 2.7 miles from the project site.

The project is within the City's SOI and was included in the previous assessment for cumulative park impacts within the 2008 EIR and 2015 SEIR. The previous MND indicated that dedication and possible payment of fees for parks would adequately mitigate park impacts. The current project proposes to reduce the density on-site by 75 units when compared to the previous MND. Although no new parks are proposed with the project, impact fees or in-lieu fees will be paid by the developer as a condition of approval for the Tentative Subdivision Map (CONFIRM), which would amount to \$860.85 per single-family residence, a total of \$83,502.45 in park impact fees for a 97-unit project. According to the City's General Plan and 2015 SEIR, the payment of impact fees for parks ensures no significant cumulative impacts will occur to park facilities, existing or proposed.

Commented [CS8]: To whom? The City or FRPRD?

Commented [CS9]: Please confirm in annexation application. Butte LAFCO will seek comment from FRPRD.

Therefore, the project is not expected result in substantial adverse impacts associated with: the provision of new or existing park facilities; the need for new or physically altered park facilities; or, the ability to maintain acceptable service ratios or response times for park services. Project impacts are, therefore, considered **less than significant**.

**15.e) Other public facilities?**

**PREVIOUS 2009 EIR AND 2015 SEIR – Less Than Significant**

Both documents indicated that the 2030 General Plan would increase the demand for library services and facilities, which were already over capacity, and would contribute to the need for new or expanded library facilities. Both EIR documents indicated that the 2030 General Plan Public Facilities and Services Element policies would ensure adequate library services and facilities are funded to meet increasing demand. In addition, new project-specific library improvements would require project level environmental analysis. Library service impacts were considered less than significant.



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## Central Valley Regional Water Quality Control Board

27 August 2020

Wes Ervin  
City of Oroville  
1735 Montgomery Street  
Oroville, CA 95965

### **COMMENTS ON THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR THE VILLAGE AT RUDDY CREEK SUBDIVISION, STATE CLEARINGHOUSE NUMBER 2020080198, OROVILLE, BUTTE COUNTY**

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is a responsible agency for this project, as defined by the California Environmental Quality Act (CEQA). On 13 August 2020, we received your request for comments on the Initial Study/Mitigated Negative Declaration for The Village at Ruddy Creek Subdivision (Project).

The applicant proposes to create 97 single-family lots on two vacant parcels previously approved for a 172-lot subdivision. Planned lot sizes range from 6,000-12,000 square feet. A 1.3-acre parcel in the floodplain of Ruddy Creek will remain parkland. The Project site is located at the intersection of 18<sup>th</sup> Avenue and Feather Street with Assessor's Parcel Numbers 030-360-091 and 030-360-092.

Based on our review of the information submitted for the proposed project, we have the following comments:

#### Clean Water Act (CWA) Section 401, Water Quality Certification

The Central Valley Water Board has regulatory authority over wetlands and waterways under the Federal Clean Water Act (CWA) and the California Water Code, Division 7 (CWC). Discharge of dredged or fill material to waters of the United States requires a CWA Section 401 Water Quality Certification from the Central Valley Water Board. Typical activities include any modifications to these waters, such as stream crossings, stream bank modifications, filling of wetlands, etc. 401 Certifications are issued in combination with CWA Section 404 Permits issued by the Army Corps of Engineers. The proposed project must be evaluated for the presence of jurisdictional waters, including wetlands and other waters of the State. Steps must be taken to first avoid and minimize impacts to these waters, and then mitigate for unavoidable impacts. Both the Section 404 Permit and Section 401 Water Quality Certification must be obtained prior to site disturbance. Any person discharging dredge or fill materials to waters of the State

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KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

364 Knollcrest Drive, Suite 205, Redding, CA 96002 | [www.waterboards.ca.gov/centralvalley](http://www.waterboards.ca.gov/centralvalley)

**Exhibit D**

must file a report of waste discharge pursuant to Sections 13376 and 13260 of the California Water Code. Both the requirements to submit a report of waste discharge and apply for a Water Quality Certification may be met using the same application form, found at [Water Boards 401 Water Quality Certification and/or WDRs Application](https://www.waterboards.ca.gov/water_issues/programs/cwa401/#resources) ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/#resources](https://www.waterboards.ca.gov/water_issues/programs/cwa401/#resources))

Isolated wetlands and other waters not covered by the Federal Clean Water Act  
Some wetlands and other waters are considered "geographically isolated" from navigable waters and are not within the jurisdiction of the Clean Water Act. (e.g., isolated wetlands, vernal pools, or stream banks above the ordinary high-water mark). Discharge of dredged or fill material to these waters may require either individual or general waste discharge requirements from the Central Valley Water Board. If the U.S. Army Corps of Engineers determine that isolated wetlands or other waters exist at the project site, and the project impacts or has potential to impact these non-jurisdictional waters, a Report of Waste Discharge and filing fee must be submitted to the Central Valley Water Board. The Central Valley Water Board will consider the information provided and either issue or waive Waste Discharge Requirements. Failure to obtain waste discharge requirements or a waiver may result in enforcement action.

Any person discharging dredge or fill materials to waters of the State must file a report of waste discharge pursuant to Sections 13376 and 13260 of the CWC. Both the requirements to submit a report of waste discharge and apply for a Water Quality Certification may be met using the same application form, found at [Water Boards 401 Water Quality Certification and/or WDRs Application](https://www.waterboards.ca.gov/water_issues/programs/cwa401/#resources) ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/#resources](https://www.waterboards.ca.gov/water_issues/programs/cwa401/#resources))

If you have any questions or comments regarding this matter, please contact me at (530) 224-4784 or by email at [Jerred.Ferguson@waterboards.ca.gov](mailto:Jerred.Ferguson@waterboards.ca.gov).

*Jerred Ferguson for*

Jerred Ferguson  
Environmental Scientist  
Storm Water & Water Quality Certification Unit

JTF: db





# Mooretown Rancheria

#1 Alverda Drive  
Oroville, CA 95966  
(530) 533-3625 Office  
(530) 533-3680 Fax



August 31, 2020

Ms. Dawn Nevers  
Assistant Community Development Director  
City of Oroville  
1735 Montgomery Street  
Oroville, CA 95965-4897

Re: Proposed (Ruddy Creek Reorganization, Rezone and Tentative Subdivision Map)  
Project - Oroville, Butte Co, CA

Dear Ms. Nevers:

Thank you for your letter dated, August 18, 2020, seeking information regarding the proposed Ruddy Creek Reorganization project in Butte County, California. Based on the information provided, the Mooretown Rancheria is not aware of any known cultural resources on this site. However, as the project progresses, if any new information or human remains are found, we do have a process to protect such important and sacred artifacts (especially near rivers or streams).

Please contact the following individuals if tribal cultural items or Native American human remains are found:

THPO  
Mooretown Rancheria  
! Alverda Drive  
Oroville, CA 95966  
(530) 533-3625 Office  
(530) 533-3680 Fax  
E-mail: [matthew.hatcher@mooretown.org](mailto:matthew.hatcher@mooretown.org)

Thank you for providing us with this notice and opportunity to comment.

Sincerely,

Matthew Hatcher  
Tribal Historic Preservation Officer

*"Concow - Maidu"*

**Exhibit D**

# Capacity Impact Study for The Village at Ruddy Creek

PREPARED FOR: Sewerage Commission - Oroville Region  
 PREPARED BY: Jacobs  
 DATE: May 25, 2021  
 PROJECT NUMBER: 347363CH.GC.01

6/3/2021

## Introduction and Background

A capacity agreement was signed between the Sewerage Commission – Oroville Region (SC-OR), Thermalito Water and Sewer District, and the developer, Crowne Communities, for a development within the boundary of City of Oroville. The property is located at the corner of Feather Avenue and 18th Street, Oroville, CA 95965. The proposed project will include 97 single family homes. The developer plans to proceed immediately with development. Information provided by the developer is included in attachment A.

The purpose of this Technical Memorandum is to determine the impacts of this development on the SC-OR facilities pursuant to adopted SC-OR policy. The expected flows and organic loading will be estimated and compared with the available capacity of the sewer interceptors and wastewater treatment plant (WWTP).

## Estimated Loading

SC-OR has developed values for flow and loading on an Equivalent Dwelling Unit (EDU) basis as follows:

- Average Dry Weather Flow: 260 gallons per day per EDU
- Peak Flow: 1,040 gallons per day per EDU
- Average Biochemical Oxygen Demand (BOD<sub>5</sub>): 0.299 pounds per day per EDU
- Average Total Suspended Solids (TSS): 0.327 pounds per day per EDU

The unit flow and loading can then be applied to the projected increase in connected EDUs. The projected increased EDUs and associated flow and loading are presented in Table 1. Calculation of the EDUs for the development are included in Attachment B.

**TABLE 1**  
 Projected Increased EDUs, Flow, and Loading  
*The Village at Ruddy Creek Capacity Study*

Measure	Value
EDU	107
Average Flow, gpd	27,820
Peak Flow, gpd	111,280
BOD <sub>5</sub> , lb/day	32
TSS, lb/day	35

## Capacity

CH2M HILL (now Jacobs) completed a study of the existing wastewater treatment plant and interceptors, determining the capacity of each system and the current loading to each. The wastewater flow from The Village at Ruddy Creek will flow through the City of Oroville's system, SC-OR's Main Interceptor, and then to the treatment plant. The current capacity and loadings of the WWTP are summarized in Table 2 below:

**TABLE 2**  
Capacity of Existing SC-OR Facilities  
*The Village at Ruddy Creek Capacity Study*

Component	Capacity	Current Loading
Wastewater Treatment Plant Organic Loading, EDU	20,703	18,528
Wastewater Treatment Plant Peak Flow, mgd	25	23
Main Interceptor Peak Flow, mgd	30	23

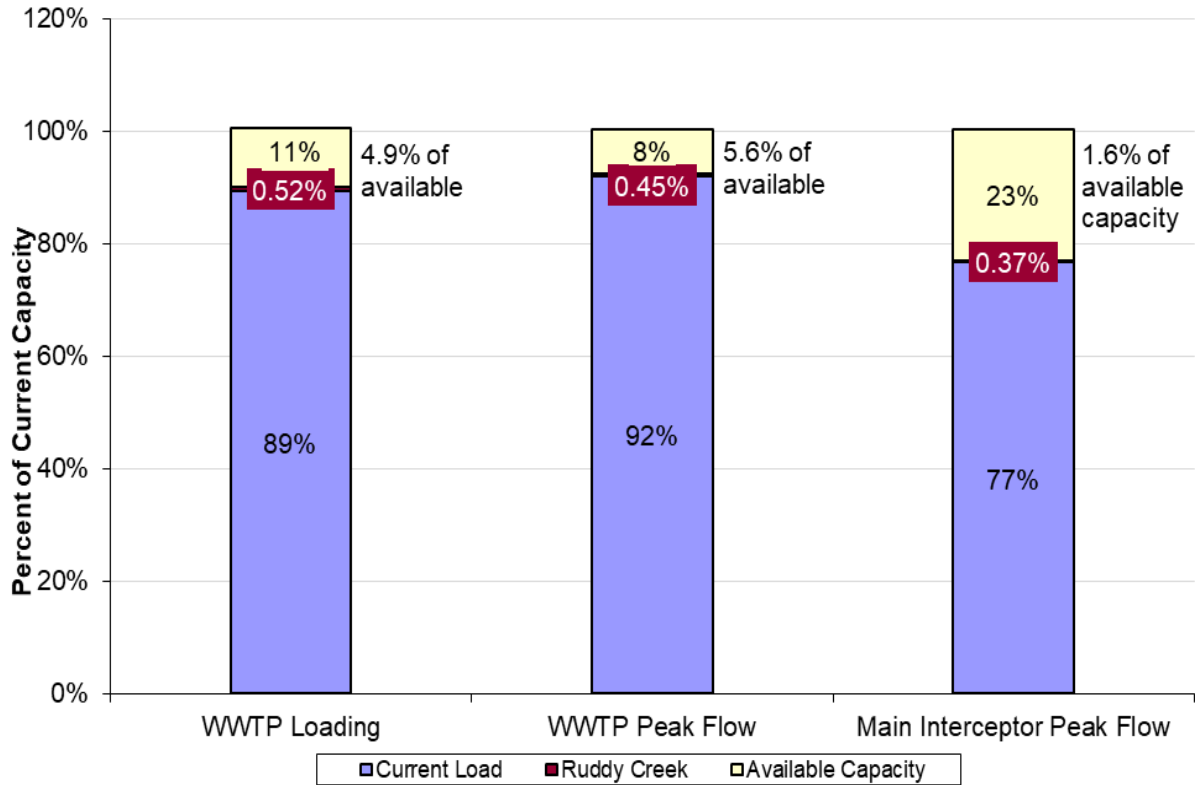
mgd = million gallons per day

Comparing the estimated loading from the Village at Ruddy Creek to the available capacities of the various system components (wastewater treatment plant and interceptor) indicates that the loading from the proposed development represents 1.6 to 5.6 percent of the available capacity of the various components. Table 3 and Figure 1 present the relationship of the estimated loading from the proposed development compared with the available capacity of each component.

**TABLE 3**  
Estimated Relative Loading  
*The Village at Ruddy Creek Capacity Study*

Component	Total Capacity	Available Capacity	Estimated Village at Ruddy Creek	Percent of Total Capacity	Percent of Available Capacity
WWTP Organic Loading, EDU	20,703	2,175	107	0.52%	4.9%
WWTP Peak Flow, mgd	25	2	0.111	0.45%	5.6%
Main Interceptor Peak Flow, mgd	30	7	0.111	0.37%	1.6%

mgd = million gallons per day



**Figure 1**  
**Relationship of Estimated Loading to Available Capacity**

## Growth Rate

The current Regional Facility Charge (RFC) for connecting to the SC-OR system was calculated using an average growth rate of 1 percent per year, which has been the historic growth rate in the area for many years. The current growth projection would result in 183 new EDUs this year. This proposed development, estimated to provide 107 EDUs, would represent 59 percent of the projected annual growth for the current year.

## Conclusions and Recommendations

The proposed Village at Ruddy Creek development is reported to contribute 107 EDUs of loading to SC-OR's wastewater collection system and treatment plant in 2021. This loading (both flow and organic load) represents a range of 1.6 to 5.6 percent of the available capacity depending on system component. While this is a small loading, it represents approximately 59 percent of the projected annual growth (at one percent per year) in EDUs for the SC-OR system.

The RFC for the developed parcels, collected at the time of issuance of the building permit and determined pursuant to adopted SC-OR policy, should be sufficient to mitigate the Project's impact on SC-OR's capacity, without construction of new facilities.

SC-OR's capacity is made available to development on a first come, first served basis and capacity cannot be guaranteed until building permits are issued and fees are paid. Regardless of the relative size of this proposed development compared with the available capacity, it cannot be assumed that the available capacity will continue to be available to serve this project,

particularly if the project proceeds at a schedule that is longer than that proposed or if growth in the area exceeds the rate currently estimated. Therefore, the impact of this development should be re-evaluated periodically in light of other, intervening development (that is development that might be constructed between the completion of this report, and the actual construction of the Project) that will require commitments of SC-OR's capacity. Such re-evaluations will consider other new connections and any revisions in the timing of implementation of this project compared with the original development schedule.

It is recommended that SC-OR monitor the progress of this development at a minimum interval of every 2 years. If the rate of development of this project or the area growth rate vary substantially from that estimated now, SC-OR should require the developer to fund an update of this capacity study.

**ATTACHMENT A  
INFORMATION PROVIDED BY DEVELOPER**

**Exhibit E**

**INFORMATION FROM DEVELOPER**

	<b>Plan 1</b>	<b>Plan 2</b>	<b>Plan 3</b>	<b>Plan 4</b>
<b>Conditioned Living Space SF</b>	1457	1657	1844	2200
<b>Garage Square Footage</b>	394	392	394	400
<b>Unit Mix Estimation</b>	24	30	30	13

<b>Baths &amp;/or Showers</b>	2	2	2	3
<b>Wash Basins/Sinks</b>	4	4	4	5
<b>Tank Toilets</b>	2	2	2	3
<b>Hose Connections</b>	4	4	4	4
<b>Clothes Washer</b>	1	1	1	1
<b>Dishwasher</b>	1	1	1	1
<b>Kitchen Sinks</b>	1	1	1	1

<b>Landscape Irrigation Timing</b>	9 PM to 6 AM for all plans
<b>Pools / Spa / Jacuzzi</b>	Will not be offered with the purchase of the home. Home buyer may elect to add these after purchase, although not likely

**ATTACHMENT B**  
**CALCULATION OF EQUIVALENT DWELLING UNITS**

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**Exhibit E**



**ATTACHMENT B**

Determination of Equivalent Dwelling Units

by The Village at Ruddy Creek

Basis: SC-OR Board Policy 7501 *Calculating Equivalent Dwelling Units*

Per Policy, 1 to 16 fixture units = 1 EDU

Fixture Units from information submitted by The Village at Ruddy Creek:

<b>Unit Mix Summary</b>	<b>No. of units</b>	<b>Total no. of FUs</b>	<b>Projected EDUs (from FUs)</b>	<b>Final EDUs considered</b>
Plan 1	24	408	26	26 (based on FUs)
Plan 2	30	510	32	32 (based on FUs)
Plan 3	30	510	32	32 (based on FUs)
Plan 4	13	273	17	17 (based on FUs)
<b>Total no. of EDUs considered</b>				<b>107</b>

September 29, 2020

To LAFCO and City of Oroville:

In regards to the project known as “Ruddy Creek Partnership 030-360-091 and 092” at 1643 Feather Avenue in Oroville:

I am concerned that the density of this project will cause a major disturbance of the natural drainage of this area, causing flooding to occur during the rainy season to the properties just south of this project.

I am concerned that the runoff mitigation design and calculations of this project are inadequate under the 10-year and 100-year flood plan, coupled with the evolving rain patterns projected for this area.

In addition to the detrimental impacts on properties just South of this project along the Ruddy Creek drainage, and the likelihood of seasonal flooding along Biggs Avenue, the existing deficiencies in drainage are clearly outlined and documented in the Thermalito Master Drainage Plan.

Until these deficiencies in this portion of the Ruddy Creek area are mitigated, this project should be denied.

Thank you for your prompt attention in this matter.

Sincerely

Mark Brackett

1485 10<sup>th</sup> street

Oroville CA 95965

**EXHIBIT F**

**From:** [Kathy Brazil](#)  
**To:** [Lucas, Steve](#); [Broderson, Jill](#); [Stover, Joy](#)  
**Subject:** Fw: Please add this as public comment to Lafco File No21-05  
**Date:** Monday, August 16, 2021 11:23:11 AM

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----- Forwarded Message -----

**From:** Kathy Brazil <fewzil@att.net>  
**To:** Shannon Costa <scosta@buttecounty.net>  
**Sent:** Monday, August 16, 2021, 10:51:41 AM PDT  
**Subject:** Please add this as public comment to Lafco File No21-05

This letter was sent to the City of Oroville :

To whom it may concern:

I am writing to say I oppose the current proposed development at:  
ASSESSOR PARCEL NUMBER: 030-360-091 & -092 APPLICANT: Ruddy Creek Partnership

The current effort to annex and re-zone these properties to build The Village at Ruddy Creek; a 97 unit development has many concerning issues.

I feel there is a lack of transparency on this proposed project.

The neighborhood meeting for this project was Sept 8 2020 at 6:00 pm.

The North Complex West Fire hit that night, (where are the minutes of this meeting and who was present?)

The public comment period ended Sep 11 2020 while the City of Oroville was in an Evacuation Warning.

I stated these facts at the September 22 2020 Thermalito Annexation meeting, I now see the comment period for The Village at Ruddy Creek proposed project was extended to Oct 1 by 4:00 pm two hours before the 6:00 pm meeting. Again this information and notice were never sent to me.

Is this proposed development being presented to the Oroville City Council by the Oroville Planning Commission? Who is on the Oroville Planning Commission and how many current members are there? are there any vacancies?

As a nearby resident, I never received notice of this proposed project plan.

Who is the Ruddy Creek Partnership? Are they located in Butte County? How many people or agencies are in that group? Is the City of Oroville one of the partners?

Why has the property owner not cleaned up the illegal dumping that litters these parcels?

The proposed development is not in accordance with a similar land use of the current County neighborhoods.

What re-zoning is being requested? Why is that not made clear? It is listed as TBA.

What is the plan to protect the watershed of Ruddy Creek from the negative impacts, runoff, and pollution of this proposed development?

Is a detention pond a part of this proposed development? Will it be constructed of cement?

Will it have a chain-link fence around it?

Can the Ruddy Creek Partnership consider building with the COUNTY?  
Why do they insist on requesting an Oroville City annexation of these parcels?

Can this proposed development be reduced to 2 houses per acre?

There are properties located below this proposed development that border Ruddy Creek and drainage deficiencies have not been addressed since 13 years ago when this development was first proposed.

Will the City of Oroville be liable and responsible to the current Thermailto property owners if this proposed development causes increased flooding of Ruddy Creek?

Kathy Brazil

**From:** [Kathy Brazil](#)  
**To:** [Lucas, Steve](#); [Broderson, Jill](#); [Stover, Joy](#)  
**Subject:** Fw: Please include this letter as public comment for the Lafco File No 21-05  
**Date:** Monday, August 16, 2021 11:24:18 AM

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----- Forwarded Message -----

**From:** Kathy Brazil <fewzil@att.net>  
**To:** Shannon Costa <scosta@buttecounty.net>  
**Sent:** Monday, August 16, 2021, 11:01:43 AM PDT  
**Subject:** Please include this letter as public comment for the Lafco File No 21-05

This was a letter to the editor in the newspaper

Regarding the Jan 19 & 20th articles about the Oroville City Council's approval to develop and annex parcels in Thermalito, important information has been left out.

There are transparency issues regarding notification of the public regarding this proposed development. These parcels are located in the County and this project is not new.

This development, now altered, tried to get pushed through in 2008.

The property borders Ruddy Creek, a seasonal creek that is part of the Feather River Watershed and has documented flooding issues. This development plans to drain runoff water into Ruddy Creek. I cannot fathom in 2021, how the Oroville City Council thinks it is a great idea to allow development runoff to drain into a creek?

The Oroville City Council has over 50 letters from community residents opposing this development, yet the Oroville Planning Dept. and Oroville City Council continue to vote it forward.

Will the City of Oroville be liable for pollution into Ruddy Creek and for increased flooding of current residents?

Many of the documents and reports for this proposed development are expired and over ten years old.

Due to COVID, unless you are tech savvy it is difficult to participate in the Council meetings.

Decisions are being made behind closed and locked Council chamber doors by the Oroville City Council.

This agenda item is consistently heard out of order, limiting public participation even further.

There is no reason the property owner cannot clean up the parcels and ask to develop through the County.

The City of Oroville has properties within the city limits to build on. This is a land grab effort that disregards existing flooding issues and the Ruddy Creek watershed.

With Oroville City Council chambers and LAFCO offices closed to the public I question how decisions are being made.

Kathy Brazil

**From:** [Kathy Brazil](#)  
**To:** [Costa, Shannon](#); [Lucas, Steve](#); [Broderson, Jill](#); [Stover, Joy](#)  
**Subject:** Public comments re: Lafco No 21-05 Sep 2 , 2021 meeting  
**Date:** Monday, August 16, 2021 12:40:34 PM  
**Attachments:** [Oroville Mercury Register Fri Jul 2 1982 \(1\).pdf](#)

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I am submitting these historic articles about the known drainage issues of Ruddy Creek.

The fact that this new annexation request to build a development that will have a detention pond that will be discharged into Ruddy Creek is unacceptable.

Will Lafco and the City of Oroville be liable to property owners downstream from these parcels, if these parcels are annexed and a 97 unit development is built which will increase flooding waters in Ruddy Creek?

Kathy B

READ

this [http://www.buttecounty.net/Portals/22/downloads/DrainageStudies/Master%20Drainage%20Plan%20Appendix\\_C\\_DRAFT.pdf](http://www.buttecounty.net/Portals/22/downloads/DrainageStudies/Master%20Drainage%20Plan%20Appendix_C_DRAFT.pdf)

**From:** [b.brazil](#)  
**To:** [Costa, Shannon](#); [Lucas, Steve](#); [Broderson, Jill](#); [Stover, Joy](#)  
**Subject:** Lafco No 21-05 Public Comment for 9/2/2021 meeting  
**Date:** Monday, August 16, 2021 4:41:16 PM

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**ATTENTION:** This message originated from outside **Butte County**. Please exercise judgment before opening attachments, clicking on links, or replying.

Dear Commissioners,

Like a hamster going around on its wheel we are going around AGAIN on this Thermalito Feather Avenue Annexation No 2 using the same misleading, incomplete and faulty data used in the 2007 attempt (No 1) to seize this property by the City of Oroville. I have STRONG objections to this action (which are already in your 2007 File). I should point out that while this Annexation Territory is uninhabited it is covered by sizable oak trees and FILLED with junk that will probably cost \$10,000+ to remove. I question what current studies on Ruddy Creek between Feather and Biggs Avenues have been done.

In 1982 LAFCO oversaw an action by Oroville to annex 220 acres in Thermalito along Nelson Avenue to the Forebay and start by allowing a developer/owner to build 147 duplexes and 4 single home on his 40 acres. LAFCO approved the request WITH CONDITIONS. One of which was that Oroville have a Written Agreement with Butte County over drainage maintenance in the RUDDY CREEK BASIN. Also the County and TID were sparring over who would administer the Service Area Program for Ruddy Creek. I do not see that this matter finalized as the boundary of Oroville did not change in this area and no houses were produced.

The Feather Avenue Property in question is surrounded by tasteful subdivisions on the South and West, and on the North by an unusable FEMA Flood Plain and on the East by RUDDY CREEK and its watershed.

Butte County Service Area 26, which currently oversees Ruddy Creek (YES?) has cleaned the creek ONE time in the 32 years I have lived adjacent to the creek, and that was done using prisoners from the County Jail. The debris from this was left on the creek banks and subsequently washed back into the creek at the first heavy rain.

If these parcels are annexed and developed, there is also the question of the new City of Oroville children using County Schools. (I recall that my granddaughter living in Thermalito took her Freshman and Sophomore years at Oroville High School when suddenly the powers in charge decided she had to change and take her Junior and Senior Years at Las Plumas High in Butte County.

Barbara Brazil

**From:** [Kathy Brazil](#)  
**To:** [Costa, Shannon](#); [Lucas, Steve](#); [Broderson, Jill](#); [Stover, Joy](#)  
**Subject:** Sept 2 2021 meeting Public comments re: Lafco No 21-05  
**Date:** Monday, August 16, 2021 7:38:36 PM

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Please add these current pictures of the 'living' Ruddy Creek to the public comments regarding the !8th and Feather Ave parcel annexation proposed development. The proposed 97 unit development plans to discharge run off water into Ruddy Creek and calls Ruddy Creek a drainage. I have always been told it is a protected waterway.

<https://www.epa.gov/cwa-404/streams-under-cwa-section-404>

**"Seasonal streams (intermittent)** flow during certain times of the year when smaller upstream waters are flowing and when groundwater provides enough water for stream flow. Runoff from rainfall or other precipitation supplements the flow of seasonal stream. During dry periods, seasonal streams may not have flowing surface water. Larger seasonal streams are more common in dry areas."



**From:** [Kathy Brazil](#)  
**To:** [Costa, Shannon](#); [Lucas, Steve](#); [Broderson, Jill](#); [Stover, Joy](#)  
**Subject:** Information as Public Comment for 9/2/21 meeting RE: Lafco No21-05  
**Date:** Tuesday, August 17, 2021 7:19:20 PM

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I object to the annexation Lafco No 21-05, of the parcels at 18th St and Feather Ave so the City of Oroville can allow development there.

I do not believe this proposed development will not impact Ruddy Creek. Ruddy Creek is in a Fema floodplain.

Here are photos of Ruddy Creek as it breaches it's banks and the Biggs Ave bridge and the unsightly detention basin that was built, set in from 18th and Biggs Ave.

You can see **in this TWSD link with info. Ruddy Creek is identified as a creek**, yes it is a living creek.

Butte County Thermalito Water and Sewer District Annex G-1 Local Hazard Mitigation Plan Update October 2019

<https://www.buttecounty.net/Portals/19/LHMP/2019/Annexes/AnnexGThermalitoWaterandSewerDistrict.pdf?ver=2019-11-13-123930-260>

Annex G Thermalito Water and Sewer District

**"The most severe incidences occur along Ruddy Creek. During periods of heavy rainfall the creeks and drainage crossing overflow and cause inflow/infiltration issues with the sewer system."**

I am a concerned long time County resident and I ask Lafco not to annex these parcels to the City of Oroville as the City of Oroville plans to build a development with a detention basin that will discharge run off water from the 97- unit subdivision they approved into Ruddy Creek.

8/23/2021

Public comments re: Lafco No 21-05 Feather Ave Annexation No 2 /LAFCO Sept 2 2021 meeting

Please accept and include the following as my public comments. I tried to highlight in green what I wanted to submit public comments on and my comments are in red.

As you read my concerns, please do not label me or think of me a person that is anti-housing, or an environmental activist. That is just a way to divide the community and to pit us against one another. We are all in this together and if you really care about our community and the people that live here, you will see we all have concerns and views however different. I see the need for housing, of course, who doesn't? I feel development has to consider all impacts and to be planned in a sustainable way that does not just profit the few at the destruction of the environment. If the County and City of Oroville want people to come live in the Oroville area, they need to work together, not to build mansions or crammed density units but to plan to provide quality starter homes that offer the good country living of Butte County not crammed-in compact urban sprawl.

I ask LAFCO to deny this Annexation application for these two parcels, the simple fact that old information is being used is a big red flag. I am shocked that the City of Oroville approved a proposal with incomplete details using old data, during a pandemic. If LAFCO accepts old documents as part of this annexation application than all the old public comments must be included as well. I am sure they are all in the Lafco file(archives).

Please read all my public comments to the last pages 10 &11.

BUTTE LOCAL AGENCY FORMATION COMMISSION

Application for Annexation

Revised April 19, 2011 (seriously no current date?)

Negative Declaration including Initial Study (is this info from a new 2021 study?) and Notice of Determination

From Page 7

3. Why or how will the proposal provide greater efficiency in the delivery of governmental services? There will not be a significant change in the provision of municipal services as a result of the annexation as the property is already served by municipal water and sewer. Sewer is available at 4 separate locations along the property boundary and **can serve the site without annexation to the City. So ,why does it need to be annexed?** Upon annexation other services such as police and **fire will be provided by the City of Oroville** rather than by the County **Isn't the City of Oroville currently seeking to have Cal Fire? Response times for fire should remain essentially unchanged as there is a mutual aid agreement between the two fire departments and County engines are situated significantly closer to the site and will most likely arrive first in the event of a call. So why does the City of Oroville need to go to Cal Fire?**

5. Describe any significant land use issues that will result from the annexation area currently or in the future. No significant issues. Services already exist to the site that would allow urban density development. The site has already been designated for residential development and approvals have already been given to develop an 82- space mobile home park on the site by the County and a 97 lot subdivision by the City of Oroville. **This is old information, not relevant as the mobile home park did not get developed and the City approved the old Ruddy Creek project as a "new" project without all current reports and data, during a pandemic with public outreach and participation limited.**

6. What is the estimated population number and density of the proposed annexation area? The estimated population is between 210 and 230 people with a residential density of approximately 3.21 dwelling units per acre. **This is if the 97 proposed units will only have 2 people, not the children or the aunts and uncles and cousins that may potentially move in, it is Oroville after all.**

## From page 8

### B. Land Use

8. Describe the topography of the subject area. The topography of the site is generally flat over approximately 19 acres of the site with a transition and slope approximately 30 feet down to another level area of about 3 acres. Elevations ranging between 200 and 170 feet a.s.l. There are no unique topographic features on the site. I believe the seasonal Ruddy Creek and its wetlands information is not included in this topography description. I question where exactly is the “another level area of about 3 acres “ located? Is this area in the Fema Floodplain that Ruddy Creek sits in? What does the Wetlands Delineation report say about the wetland areas?

### C. Infrastructure and Public Services

1. How is storm water drainage managed on and adjacent to the proposed annexation area? Storm water drainage is managed through on-site collection via underground facilities. Collected storm water is directed to on-site underground storm water storage. The water will be detained to attenuate peak-flow runoff volume and receive primary water quality treatment for sediment, contaminants, etc. Ultimate discharge is to Ruddy Creek, a seasonal drainage which runs near the eastern property line. This plan is not acceptable as it will cause environmental damage to the Ruddy Creek watershed and impact already know deficient drainage and flooding issues for existing properties and residents. We are in 2021, planning to drain a development into a Creek is not smart planning. Construction will degrade and cause permanent environmental impacts of the Ruddy Creek watershed. Planning to add waters to a FEMA floodplain is outrageous , especially in 2021.

3. How will the proposal impact regional circulation/transportation plans? The project will add incremental traffic to the overall road infrastructure in the western Oroville area. A traffic analysis was performed for the site in 2006 for the original project which reviewed traffic impacts to surrounding roadways and intersections for a 172-home development more dense than currently proposed 97 homes. Traffic impacts were found to be less than significant in the MND. Again, this is referencing 15 year old data from 2006 and a development that never happened. If you listen to the City meeting where traffic was briefly mentioned, the description of a suicide lane at 18th and Route 162 was talked about. Seriously not acceptable and not funny! Will LAFCO be liable if they approve this annexation without current traffic studies and planned improvements? The City application says a new road coming off of 18th Street, a new road off of Feather Avenue, extending Norma Street, and providing a 25 foot

wide pedestrian pathway/utility easement from Marjory Street. **New planned roads but referencing a 15 year old traffic study?**

4. Discuss how the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined in the agency's General Plan Housing Element. The project will result in the ultimate development of 97 additional single-family dwellings which will contribute to an overall increase in housing inventory in the Oroville area and Butte County as a whole. **There is no reason to create this pocket annexation, these parcels are in the County and are bordered on 3 sides by County properties and a Fema Floodplain and Ruddy Creek. The City of Oroville has other places to build that do not border a living Creek watershed and Fema Floodplain. If growth is coming to Thermalito, than have the property owner apply to the County to develop a new neighborhood development that is similar to the County houses with large yards and acreage that offer good quality country living.**

5. **Provide documentation that indicates adequate domestic water supplies for projected uses of the annexation area are available.** The Thermalito Sewer and Water District will provide domestic water for the site. A TSWD well is located at the northwest corner of the subject property. TSWD currently has facilities which serve most of the Thermalito area of western Oroville, which includes existing wells and surface water supplies. According to the Butte LAFCo Domestic Water and Wastewater TSWD has water rights to 8,200 acre feet annually and currently uses 2,800 acre feet annually. Adequate water supply exists to serve the project. TSWD is currently in the process of expanding their water treatment plant from 6 MGD to 10 MGD. The proposed project is in keeping with the annual growth projections for the Thermalito area. **The documents from TWSD included in this application have expired. How can LAFCO allow that?**

7. How will the annexation result in an improvement in social and economic integration of the annexation area? **The project will result in a compact urban neighborhood.. If all public comments are included from the old proposed project and this new version of the old project, I believe a "compact urban neighborhood" is not what the Thermalito residents in the area**

and adjacent to these parcel want. On three sides of these two parcels (that the City of Oroville has applied to Annex) there are current County residents that have homes with large country yards.

From Page 9

8. Please complete the following table of service providers:

Service Presently Provided By Cal Fire Butte County and Butte County Sheriff

Proposed Provider

Fire Protection City of Oroville Fire Department

Police Protection City of Oroville Police Dept.

This concerns me considering the recent firing of the Oroville Police Chief and the current push by the City Council to contract with Cal Fire and replace the historic Oroville Fire Dept.

D. Significant Issues

1. Describe any unique issues and/or pre-existing uses or conditions such as flooding, groundwater contamination, animal keeping, agricultural uses, ecological preserves, airport activity, traffic movement, pedestrian uses, etc., that characterize the proposed annexation area. The site was planted with olives decades ago. All remnants of the orchard have been removed. The site has had several approvals for development through Butte County, mainly as a mobile home park. The property currently has entitlements to develop 4 single family residences and an 82-space mobile home park. The property is within the Oroville Airport area of influence and is located in a ALUP zone "C" which allows development of 4 or more dwelling units per acre. An avigation easement for the airspace over the property has already been

executed in favor of the City of Oroville. There are no other unique issues related to the property. I think the known flooding in the Fema Floodplain that this property descends into ought to be included as significant, as well as the wetlands of Ruddy Creek, as this project has plans to discharge runoff water into Ruddy Creek which will impact flooding issues. The illegal dumping and trash on the parcels along and set in from the Feather Ave portion is a significant issue. These parcels had way more than Olives; the old proposed project removed a beautiful Fig Orchard. I hope all LAFCO commissioners care to know local history of properties. The adjacent streets, Norma and Alma are named for two daughters and Ruddy Creek was named for one of two sons Rudy/Rudolph! [Americo \(Giovanni\) Camerino Ghianda \(Dianda\) \(1879-1938\) - Find A Grave Memorial](#)

#### F. Environmental Determination

1. Indicate what the Lead Agency has done to comply with the requirements of the California Environmental Quality Act (CEQA). Categorical Exemption Negative Declaration (with mitigations) Environmental Impact Report Other, please specify **Copies of the complete environmental documentation prepared by the Lead Agency (including the initial study, any technical reports, and any written comments or recorded public testimony relative to the environmental documents)**, and a copy of the Notice of Determination/Notice of Exemption, showing the date filed with the County Clerk shall be included as "LAFCO Exhibit 4." Existing recorded public testimony and written comments are not included here. As I stated, if old documentation for this application are being submitted and accepted by LAFCO, then the old public comments also need to be included. I see none included in with LAFCO Exhibit 4. Why are they missing?

Lafco 8/12/21 newspaper announcement states Ruddy Creek as "seasonal drainage" Ruddy Creek is actually a living waterway and is a part of the watershed and included in the Wyandotte Groundwater basin. There are documented wetlands and wildlife in Ruddy Creek.

As you see many agencies are involved in anything related to Ruddy Creek, otherwise why are all these agencies involved? Ruddy Creek is a living part of the watershed!

U.S. Army Corp of Engineers (USACE):

U.S. Fish and Wildlife Service (USFWS):

California Regional Water Quality Control Board (RWQCB)

## California Department of Fish and Wildlife (CDFW)

Page 10

A portion of the northeastern edge of the site contains Ruddy Creek. According to the Butte County GIS mapping system, the site contains areas recognized by FEMA as having an AE flood designations for Ruddy Creek. U.S. Army Corp of Engineers (USACE): Wetland delineation was performed for the site and no wetlands other than Ruddy Creek were identified. The creek represents approximately 0.08 acres of intermittent drainage. Has the wetland data been reported accurately? I recall the old project which is the “new” project reports inaccurate wetlands of Ruddy Creek. Has the true amount of wetlands been disclosed now? Is there a current CEQA report and Army Corp of Engineers Wetlands Delineation Report? And have these been included with documents submitted to LAFCO?

U.S. Fish and Wildlife Service (USFWS): Consultation for endangered species and possible take permits, if needed. Federal Emergency Management Agency (FEMA) – A Letter of Map Revision (LOMAR) may be required to remove the detention basin area out of the AE Flood Zone as shown in the most recent FEMA Flood Maps (see 1A.) California Regional Water Quality Control Board (RWQCB): The applicant must obtain an NPDES Construction Activities Stormwater General Permit. The permit requires that the project applicant prepare a Stormwater Pollution Prevention Plan (SWPPP) prior to any construction activities. Pursuant to Section 401 of the Clean Water Act, the applicant may be required to obtain a Water Quality Certification for discharge of the detained storm water to Ruddy Creek. California Department of Fish and Wildlife (CDFW): CDFW will review the application for matters pertaining to fish and wildlife resources, which normally includes but may not be limited to a Streambed Alteration Agreement (a.k.a., a §1602 Agreement) for work near and within Ruddy Creek.

All of these statements are a red flag to me as they spell out environmental damage. Where are the detailed plans for any of this? Have they been submitted as part of this project? If not is LAFCO responsible if they agree to allow this pocket annexation and have this development alter the streambed and discharge run off water into the flooding FEMA Floodplain? Does the proposed development plan to alter the Ruddy Creek streambed? This all sounds like an environmental disaster, to the streambank, the water of the creek, the plants and wildlife that exist in the Ruddy Creek watershed. Please include these public comments as part of LAFCO Exhibit 4.



The applicant has requested an updated letter from the USACOE reconfirming the previous determination in order to obtain a N26 Permit. **Will the applicant be required to provide and include their request that they say was submitted to USACOE? And the USACOE response letter? At this point, once again, old data is being referenced.**

Previous environmental studies and their related archeological resources, cultural resources, biological resources, geotechnical studies, traffic studies, and utility capacity studies are hereby incorporated into this environmental review document. **Once again, old reports and data are being referenced, but NOT the old public comments and community concerns that were submitted previously. How can LAFCO allow this?**

Also, a current **Biological Site Assessment and Tree Report (see 1C)** have been completed to document current biological setting and trees on-site subject to the City's Tree Removal Permit. These studies in their most current form are referred to in the appropriate sections of this document and are hereby incorporated into the Initial Study document. **I think the Oroville Planning Commission approved this project without this document being included in the agenda packet the commissioners received at the 10-01-2020 meeting.**

1C

Biological Site Assessment and Tree Report (see 1C)

**The owner asked for a waiver to the City Oak Tree Mitigation Ordinance. The Planning Commission discussed trees at the 10-01-21 meeting not the Oroville City Council. Supposedly 149 trees on these parcels, 58 trees with 6" diameter, and 13 live oaks, 39 Blue Oaks 8 Valley Oaks. Plus 24" Oak trees are mentioned. 1300" of trees.**

From Page 25

**F. LOT RESTRICTIONS All lots along the southerly property line (i.e. Lots 30 through 43) shall be restricted to one-story construction. So two story units will be constructed on all but 13 lots? That means 84 will be two story?**

Here is an information resource for LAFCO as they consider this pocket annexation Lafco No 21-05 Feather Ave Annexation No 2, seeking to develop a proposed 97 unit project to drain into a Fema Floodplain in 2021.

<https://www.epa.gov/cwa-404/floodplain-management-executive-order-11988>

in order to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or “indirect support of floodplain development wherever there is a practicable alternative, it is hereby ordered as follows:

#### Section 1.

Each agency shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.

#### Section 2.

In carrying out the activities described in Section 1 of this Order, each agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget requests reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and requirements of this Order, as follows:

#### (a)

(1) Before taking an action, each agency shall determine whether the proposed action will occur in a floodplain--for major Federal actions significantly affecting the quality of the human environment, the evaluation required below will be included in any statement prepared under Section 102(2)(C) of the National Environmental Policy Act. This determination shall be made according to a Department of Housing and Urban Development (HUD) floodplain map or a more detailed map of an area, if available. If such maps are not available, the agency shall make a determination of the location of the floodplain based on the best available information. The Water Resources Council shall issue guidance on this information not later than October 1, 1977.

(2) If an agency has determined to, or proposes to, conduct, support, or allow an action to be located in a floodplain, the agency shall consider alternatives to avoid adverse effects and incompatible development in the floodplains. If the head of the agency finds that the only practicable alternative consistent with the law and with the policy set forth in this Order requires siting in a floodplain, the agency shall, prior to taking action, (i) design or modify its action in order to minimize potential harm to or within the floodplain, consistent with regulations issued in accord with Section 2(d) of this Order, and (ii) prepare and circulate a notice containing an explanation of why the action is proposed to be located in the floodplain.

(3) For programs subject to the Office of Management and Budget Circular A-95, the agency shall send the notice, not to exceed three pages in length including a location map, to the state and areawide A-95 clearinghouses for the geographic areas affected. The notice shall include: (i) the reasons why the action is proposed to be located in a floodplain; (ii) a statement indicating whether the action conforms to applicable state or local floodplain protection standards and (iii) a list of the alternatives considered. Agencies shall endeavor to allow a brief comment period prior to taking any action.

(4) Each agency shall also provide opportunity for early public review of any plans or proposals for actions in floodplains, in accordance with Section 2(b) of Executive Order No. 11514, as amended, including the development of procedures to accomplish this objective for Federal actions whose impact is not significant enough to require the preparation of an environmental impact statement under Section 102(2)(C) of the [National Environmental Policy Act of 1969](#), as amended.

(b) Any requests for new authorizations or appropriations transmitted to the Office of Management and Budget shall indicate, if an action to be proposed will be located in a floodplain, whether the proposed action is in accord with this Order.

(c) Each agency shall take floodplain management into account when formulating or evaluating any water and land use plans and shall require land and water resources use appropriate to the degree of hazard involved. Agencies shall include adequate provision for the evaluation and consideration of flood hazards in the regulations and operating procedures for the licenses, permits, loan or grants-in-aid programs that they administer. Agencies shall also encourage and provide appropriate guidance to applicants to evaluate the effects of their proposals in floodplains prior to submitting applications for Federal licenses, permits, loans or grants.

(d) As allowed by law, each agency shall issue or amend existing regulations and procedures within one year to comply with this Order. These procedures shall incorporate the Unified National Program for Floodplain Management of the Water Resources Council, and shall explain the means that the agency will employ to pursue the nonhazardous use of riverine, coastal and other floodplains in connection with the

activities under its authority. To the extent possible, existing processes, such as those of the Council on Environmental Quality and the Water Resources Council, shall be utilized to fulfill the requirements of this Order. Agencies shall prepare their procedures in consultation with the Water Resources Council, the Federal Insurance Administration, and the Council on Environmental Quality, and shall update such procedures as necessary.”

Photo of Ruddy Creek in 2021 which is named for Rudolph Ghianda



I ask LAFCO to deny this ill planned project. Lafco No 21-05 Feather Ave Annexation No 2

Maybe the property owner can apply to the County and plan to build a more thought out project, with say, ten houses with comfortable country lots.

We owe it to “Americo (Giovanni) Ghianda, his wife Delia, his two daughters, Alma and Norma, and two sons, Rudolph and Joseph.

Americo had a beautiful home, ranch and winery located on Feather Ave. in Oroville, California. Many of his wine labels still exist today. “[Americo \(Giovanni\) Camerino Ghianda \(Dianda\) \(1879-1938\) - Find A Grave Memorial](#)”





labelman



These two parcels of land that border Ruddy Creek, that the City of Oroville is applying to LAFCO to annex to build a compact urban sprawl at 18<sup>th</sup> and Feather Ave are part of Butte County's Agricultural History, the soils are still good!

Kathy Brazil

Sam Abshier  
632 Siskiyou Ave  
Oroville, CA 95965



Butte LAFCo

AUG 10 2021

Oroville, CA 2021

Lafco  
1453 Downer St. #C  
Oroville, Ca 95965

RE: Annexation of Feather Ave + 18<sup>th</sup> St. Thermalito  
In regards to the above, it is very upsetting how the Oroville City Council + the planning Commission handled this. It was not transparent to the public + seemed to be ~~all~~ behind closed doors, + the public not informed enough. It was very sneaky + not at all appreciated by many, just like O.F.D.

If how you handled this project is any indication of the future you belong in D.C. fit right in. Only it isn't funny.

The city is asking now for this to be annexed. Do you have any of the public's input on this? If left in County there was to be homes with acre lot size, or so but not 99 homes, at who's expense?

The traffic anything current now that school is open, like now not years ago. The utilities, power outages, water, etc. You still need power can't be all solar.

I'm very concerned because this is another piece of Thermalito going city (annex) + the owner of the property needs the city's help, in doing this.

Thank you  
Sincerely  
Sam Abshier

P.S. The majority of  
Thermalito DO NOT WANT  
TO BE ANNEXED INTO THE  
CITY OF OROVILLE  
(PLEASE REMEMBER)



Sam Abshier  
632 Siskiyou Ave  
Oroville, CA 95965





Sam Abshier  
632 Siskiyou Ave.  
Oroville, CA 95965-3235

Lafco  
1453 Downer St. #C  
Oroville, Ca 95965

8-16-2021

RE \* Annexation of Feather Ave + 18<sup>th</sup> St. Thermalito

The Oroville City Council + the planning commission of Oroville the decisions you decide + your public outreach sucks. Its not funny, these are issues that affect all of us. your process for the future needs to be revamped. This isn't Washington D.C., but the way this project was handled you'd think it was. Very sneaky + disrespectful to the public.

Moving forward you need to do a better job of letting the people (public) know + quit being so damn sneaky about it + everything else you do behind closed doors, etc. You're suppose to be the will of the people, not you decide all this + the hell with the rest, and go against what the people want like D. F. D. example

Why do you city council decide or planning commission  
Why do you all decide this? What makes you right?

More homes, more electricity, more water, more traffic. Get these issues resolved especially the electricity (utilities) handled power outages, build build what for if no power. Wake up. Also the traffic when was the traffic <sup>analysis</sup> ~~and~~ taken. 97 homes watch the traffic + on the other streets also.

Schools open

P.S. I know we need homes  
but 97 there is wrong

Thank you

Sincerely

Sam Abshier

**From:** [b.brazil](#)  
**To:** [Lucas, Steve](#); [Costa, Shannon](#); [Broderson, Jill](#); [Stover, Joy](#)  
**Subject:** public comments for 9/2/21 meeting Lafco No 21-05 City of Oroville Feather Avenue Annexation No 2  
**Date:** Wednesday, August 18, 2021 6:34:55 PM

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**ATTENTION:** This message originated from outside **Butte County**. Please exercise judgment before opening attachments, clicking on links, or replying.

8/18/21

Dear Commissioners:

One can see that the 2 parcels requested for annexation by the City of Oroville are different sizes. The east half of Parcel 030-091-000 is a steep 15 ft. slope down over the watershed into Ruddy Creek. I hope any commissioners new to LAFCO have gone in person to actually view these parcels. The proposed development is also requesting the County strip of land along Feather Ave AND plans to destroy the narrow residential Marjory St by cutting through its north end for car and pedestrian traffic. In the former 2007 Annexation No 1, this property was valued at \$400,000. What is today's value \$1,000,000? Hah.

What is the Oroville airport's Sphere of Influence as to height and I think it was stated that all lots have to be 1/4 acre.

Where are the 2021 hydraulic studies on Ruddy Creek between Alma and Biggs? Are these hydraulic studies included in this Annexation application? Ruddy Creek cuts through my property between Biggs Ave. and Alma St. I have been paying real estate taxes on it for 36 years, When TID/TWSD first started installing its sewer system they received Right-of-Way from a former owner for a 20 ft. wide portion at about a 13 degree angle NNE from Biggs Ave. In 2019 TID/TWSD re-dug to add a new line on the east side of the original line (within their Right-of-Way). and they abandoned the old sewer line leaving it in place. What a mess! .When it rains the land becomes a slippery mess and NO TID/TWSD trucks can go over the fields to the Alma St sewer connection (on my property).

To my knowledge, since the bridge on Biggs Ave over Ruddy Creek was built IT HAS NEVER HAD THE SILT REMOVED from under it. Further the sewer lines running under Ruddy Creek on Biggs and the end of Alma St. have a cement overlay in place to protect the sewers and these cement overlays catch the silt. Does one need to be a genius to know Biggs Ave, bridge needs attention? I gave up when the County man in charge said "when it floods we will get Federal money to fix things".

LAFCO questioned the City of Oroville Annexation No,1 attempt in 2007. I request LAFCO deny application Lafco No 21-05 City of Oroville Feather Avenue Annexation No 2.

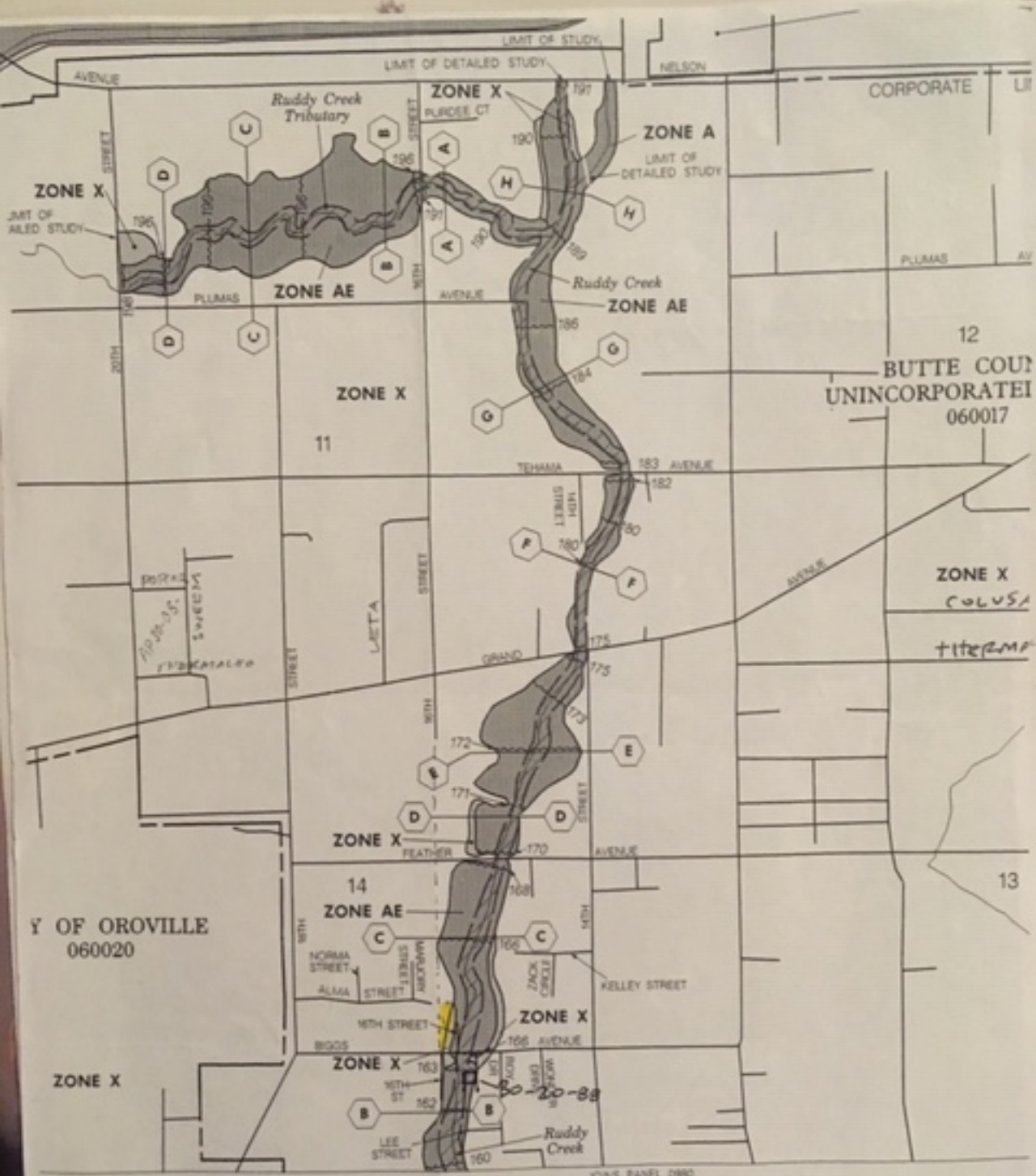
Barbara Brazil











creaks = red  
 AE = blue  
 X = orange

