TO: Local Agency Formation Commission  
FROM: Steve Lucas, Executive Officer  
SUBJECT: **LAFCo File 20-01 – Lake Oroville Area Public Utility District – Ophir Road Annexation No. 1**  
DATE: September 25, 2019, for the October 3, 2019, LAFCo Meeting  

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**Summary**

Proposed is the annexation of two undeveloped parcels totaling approximately 51.19 acres to the Lake Oroville Area Public Utility District (See Exhibit A). This uninhabited annexation would allow the Lake Oroville Area Public Utility District (LOAPUD) to provide sanitary sewer service to future development within the area proposed for annexation. Future development within the territory would have to conform to the zoning and general plan regulations administered by Butte County. The proposal substantially conforms to LAFCo policy and the Executive Officer recommends approval of this proposal.

**General Information**

- **Application Submitted:** July 22, 2019
- **Application Deemed Complete:** August 19, 2019
- **100% Landowner Consent:** Yes
- **Notice and Hearing Required:** No
- **Proponent:** Lake Oroville Area Public Utility District Board, by Resolution 07-2019
- **Landowner:** Jeffrey Ashlock, Thomas C Hammons Sr. and Ashlock Family Trust
- **Location:** The territory is approximately 51.19 acres in size and is located on the south side of Ophir Road just east of Lincoln Boulevard, in the unincorporated area south of Oroville. The parcels proposed for annexation are identified as Assessor’s Parcel Numbers 078-090-043 & 078-090-044. The territory is located in Supervisorial District 1.
- **Proposal:** Annexation of two parcels totaling 51.19 acres, to the Lake Oroville Area Public Utility District.

**Action Requested:** Adopt Resolution 03 2019/20 (Exhibit B) approving the annexation.
BACKGROUND

The 51.19-acre territory proposed for annexation to LOAPUD consists of two parcels under private ownership. The property is located on the southeast corner of Lincoln Boulevard and Ophir Road in south Oroville. The annexation would allow LOAPUD to provide sanitary sewer services to the parcel which will allow the development of a Butte County approved mixed use subdivision that includes commercial lots, single family and multi-family residential lots, and significant open space with forested habitat.

Surrounding land uses are single-family dwellings and commercial development. The general plan and zoning for the site is Mixed Use which allows single family residential development up to 6 dwelling units per acre. The surrounding area is zoned Mixed Use, General Industrial, Medium Density Residential and Resource Conservation. The property is currently undeveloped. The intent of the property owner is to obtain sanitary sewer service for the development of 118 single-family dwellings, 28 multi-family units on 14 duplex lots and 4 lots (40,000 sq.ft.) of commercial space on the property. The aerial photo below shows the parcel in relation to other development in the area.

ANNEXATION

The annexation was initiated by LOAPUD and the affected property owners to allow the extension of LOAPUD sanitary sewer services to the territory to facilitate development of the territory as previously noted. According to the Butte County Elections Office, there are no registered voters within the proposal area. Given this information, the proposal area is considered an uninhabited annexation. The annexation has 100% landowner support.
Individual Factors for Consideration

California Government Code §56668 provides a list of factors to be considered in the review of a proposal. The Commission’s review shall include, but is not limited to, consideration of these factors:

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

The territory is within the unincorporated area of Butte County and can currently be characterized as rural residential and mixed use in nature. The topography of the area is generally flat to gently sloping, steeper toward the eastern boundary which slopes into Wyman Ravine. The neighborhood is located in the vicinity of industrial uses and a low density residential area that is developed at approximately 3 dwelling units per acre.

The affected territory is legally uninhabited given there are no registered voters based on the most recent data provided by the Butte County Elections Department.

The site and surrounding area have no significant natural features that would adversely affect the annexation.

(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 annexation area is to support residential and commercial development consistent with the Butte County General Plan.

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

The proposed annexation will facilitate the development of a mixed use subdivision that includes commercial, single-family and multi-family dwellings and open space. No impact to local government services.

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

The proposed boundary change is consistent with existing service delivery patterns and rural residential and commercial development in adjacent areas and facilitates efficient provision of sanitary sewer services by LOAPUD.

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

Neither the territory nor the surrounding parcels are developed with significant agricultural uses or are subject to a Williamson Act contract. With the exception of one small strawberry plot across Ophir Road from the project area and one other landscape/nursery use south of the project area, there are no other agricultural operations in the project vicinity. Annexation of the subject territory to the Lake Oroville Area Public Utility District would not contribute to the loss of agricultural lands.

The project will result in oak tree removal and loss of grassland for development of residential and commercial uses. The project includes an open space area, where a majority of the oak trees are located. Based on the open space area, and the majority of the oak trees to remain, there will not be a significant impact or loss.
(f) **Boundaries of the territory.**

The subject territory is parcel specific, with definite and certain boundaries. There are no conflicts with lines of assessment or ownership. The only changes to existing jurisdictional boundaries will be to the Lake Oroville Area Public Utility District.

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

The parcel within the territory is subject to the land use regulations of Butte County. The Butte County General Plan Land Use Designation for the territory is Mixed Use. This designation allows detached and attached single-family dwellings at densities of up to 6 dwelling units per acre. The County approved (TSM18-0003, Ashlock Garden Oak Estates) Mixed Use planned development includes 118 single family homes, 28 multi-family units and 40,000 square feet of commercial retail space. This approved use is consistent with the County general plan and the LOAPUD Sphere of Influence Plan.

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

The territory is within the Sphere of Influence for the Lake Oroville Area Public Utility District. LOAPUD is the most logical wastewater collection service provider for the territory because LOAPUD already provides wastewater collection services throughout the south and east Oroville area. The annexation proposal does not conflict with the Sphere of Influence of any agency.

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

On August 15, 2019, 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.

<table>
<thead>
<tr>
<th>Agency</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Butte Co. Assessor’s Office</td>
<td>Annexation does not divide assessment parcels.</td>
</tr>
<tr>
<td>Butte Co. Auditor’s Office</td>
<td>AB8 negotiations are not required and zero factor with respect to property taxes.</td>
</tr>
<tr>
<td>Butte County Mosquito and Vector Control District</td>
<td>No comments and/or objections.</td>
</tr>
<tr>
<td>Butte County Elections</td>
<td>0 registered voters &amp; will not affect precinct elections</td>
</tr>
<tr>
<td>Sewerage Commission – Oroville Region</td>
<td>Proposed development will impact capacity of SC-OR &amp; a mitigated agreement is in effect.</td>
</tr>
<tr>
<td>Butte Co. Agricultural Commissioner</td>
<td>Project does not appear to present any significant impact to agriculture. No other conditions or mitigating measures.</td>
</tr>
<tr>
<td>South Feather Water &amp; Power Agency</td>
<td>SFWPA is in full support of annexation &amp; believes it paves the way for utility expansion within the area and will benefit the community as a whole.</td>
</tr>
<tr>
<td>Butte Co. Public Works</td>
<td>Creates an island, does not necessitate removal from any special district, Map &amp; Legal Description meet standards</td>
</tr>
</tbody>
</table>

The following agencies were also sent a request for comments, but who did not respond:

Butte Co. Planning Division; Butte Co. Environmental Health Division; Butte Co. Sheriff’s Office; Butte Co. Resource Conservation District; Feather River Recreation & Park
(j) The ability of the receiving entity to provide the services.

The annexation will allow LOAPUD to extend sanitary sewer to serve development within the territory. Wastewater from the territory will be conveyed through LOAPUD’s sewer collection system to the Sewerage Commission-Oroville Region’s (SC-OR) wastewater treatment plant (WWTP) for treatment and ultimate discharge to the Feather River.

LOAPUD, through its resolution of application, attests to its ability to extend sanitary sewer services to the parcel proposed for annexation without impact to existing LOAPUD customers. LAFCo adopted the LOAPUD Municipal Service Review (MSR) in 2013, which indicates that the District has adequate resources to provide sanitary sewer services to the territory. For each EDU generated within the territory, LOAPUD will collect a connection fee and a capacity charge. Additionally, LOAPUD will collect a monthly service fee for providing sanitary sewer service to the territory.

(k) Availability of adequate water supplies.

The territory is within the jurisdictional boundaries of the South Feather Water and Power Agency (SFWPA), which provides domestic and irrigation water services to the area. SFWPA has adequate water sources and infrastructure to provide water services to the territory and has stated it is in full support of this annexation.

(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.

The annexation would not affect Butte County in achieving its regional housing needs allocation. The planned development will effect Butte County in achieving its regional housing needs allocation in the future.

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

Landowners and registered voters within 300 feet of the territory were notified of this annexation proposal. No written comments were received.

(n) Any information relating to existing land use designations.

As previously noted the parcels within the territory are zoned to allow mixed use and the planned mixed use development will include residential and commercial uses.

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

The territory is within a disadvantaged unincorporated community (DUC). The proposed annexation is not expected to promote or discourage the fair treatment of minority or economically disadvantaged groups.

Based upon the above responses, the proposal appears to be consistent with the 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:

- The creation of logical boundaries. (2.11.2)
- Consistency of a proposal with the Sphere of Influence and Municipal Service Review of the affected jurisdiction(s). (4.1.1)
- Determination of the most efficient service provider. (4.2)

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

- It will further consolidate/infill the service boundaries of LOAPUD, resulting in more logical and efficient jurisdictional boundaries;
- It would facilitate the desired development of the territory;
- As identified in the LOAPUD section of the Wastewater Service Providers-Oroville Region Municipal Service Review, both LOAPUD and SC-OR facilities have the capacity to provide service to the territory; and
- LOAPUD is the most logical, efficient and only sanitary sewer service provider in the area.

State law and Butte LAFCo Policies allow the Commission to add or remove parcels from an annexation proposal to ensure the creation of logical, efficient, and effective jurisdictional boundaries. Additionally, Butte LAFCo Policy 4.1.4 states that LAFCO will modify small, piece-meal annexations, to include additional territory in order to promote orderly annexation and logical boundaries, while maintaining a viable proposal. Staff does not recommend that any additional parcels be added to the annexation proposal.

### ADDITIONAL INFORMATION

**Property Tax Agreement**

In accordance with provisions of Revenue and Taxation Code §99, a Master Property Tax Exchange Agreement exists between the Lake Oroville Area Public Utility District and the County of Butte, which was signed on April 26, 2005. In accordance with the Master Property Tax Exchange Agreement, the proposed change of organization will be revenue neutral to all affected agencies.

**Support/Protest/Conducting Authority Proceedings**

The Lake Oroville Area Public Utility District Board of Directors conducted a public hearing on June 11, 2019, at which time the annexation proposal was initiated by Resolution No. 07-2019. There are no registered voters in the territory, which makes the territory uninhabited pursuant to Government Code §56046, which requires twelve or more registered voters to live within the proposal area before it can be considered inhabited. The annexation has the support of the landowners.

As this proposal has 100% consent of the affected landowners, pursuant to Government Code §56663, the Commission may waive the protest proceedings if the following conditions are met:

1. The subject area is uninhabited;
2. All owners have given their consent; and
3. No affected agencies have submitted written opposition to a waiver of protest proceedings.

This annexation proposal meets the above conditions for a waiver of the protest proceedings, and therefore, approval by this Commission will be the final action required for annexation. Accordingly, conducting authority proceedings may be, and are recommended to be, waived pursuant to California Government Code §56663(c) if the Commission approves the annexation.

Environmental Analysis

The California Environmental Quality Act (CEQA) requires that the Commission undertake and review an environmental analysis before granting approval of a project, as defined by CEQA.

Butte County acting as lead agency, adopted a Mitigated Negative Declaration (MND) in support of the Tentative Subdivision Map (TSM 18-0003 (Ashlock-Garden Oaks Subdivision) on the subject parcel which also included the annexation of the parcels to the LOAPUD.

LOAPUD acting as a responsible agency, supported the County environmental documents and concurred with the MND that the proposed annexation would not have a significant effect on the environment and therefore, LOAPUD adopted said MND and incorporated and adopted as its own the findings, conclusions and mitigation measures identified in the MND. The MND document is inserted as “Exhibit C” of this report.

As responsible agency, LAFCo is required to rely on the District’s environmental documentation in acting on the proposal but must prepare and issue its own findings. The Commission now has the decision to affirm the Initial Study/Mitigated Negative Declaration prepared and adopted by the County of Butte and Lake Oroville Area Public Utility District for the annexation proposal, or to find that the initial study does not adequately address the potential significant impacts to the environment.

Staff recommends that the Commission find that the District’s Initial Study/Negative Declaration provides the Commission with sufficient information to enable them to make a decision that purposefully takes account of environmental consequences and adopts reasonably feasible measures to mitigate the adverse impacts of the annexation.

CONCLUSION

The Lake Oroville Area Public Utility District is capable of providing sanitary sewer services to the territory without impacting service levels provided to current District customers. Annexation of this area represents a logical extension of the District’s boundaries and services, and it will have no adverse impacts on any other agency’s ability to provide services. 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 proposals as submitted:
A. Find: 1) the subject territory is uninhabited, 2) the 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.

B. Waive the conducting authority proceedings and direct staff to complete the proceeding.

C. Adopt Resolution 03 2019/20 making determinations approving the proposed LOAPUD – Ophir Road Annexation No. 1.

OPTION 2 - DENY the proposal.

OPTION 3 - CONTINUE this proposal to a future meeting for additional information.

OPTION 4 – AMEND the annexation proposal and CONTINUE this proposal to a future meeting to allow for notices to be sent to the owners and registered voters of the parcels to be added.

ACTION REQUESTED:

Approve OPTION 1.

Respectfully submitted,

Steve Lucas
Executive Officer

Attachments:
Exhibit A: Annexation Area Map (Page 2)
Exhibit B: Draft LAFCo Resolution No. 03 2019/20 (Page 10)
Exhibit C: Initial Study/Mitigated Negative Declaration (Page 13)
RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF BUTTE
MAKING DETERMINATIONS AND ORDERING THE ANNEXATION OF
TERRITORY DESIGNATED AS 20-01
LAKE OROVILLE AREA PUBLIC UTILITY DISTRICT
OPHIR ROAD ANNEXATION NO. 1

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

WHEREAS, a proposal for the annexation of certain territory to the Lake Oroville Area Public Utility District in the County of Butte was heretofore filed by the Lake Oroville Area Public Utility District and accepted for filing on August 19, 2019, 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 October 3, 2019, 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 October 3, 2019, 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. Finds that Butte County acting as lead agency, adopted a Mitigated Negative Declaration (MND) in support of the Tentative Subdivision Map (TSM 18-0003 (Ashlock-Garden Oaks Subdivision) on the subject parcel which also included the annexation of the parcels to the LOAPUD which determined that the project and annexation would not create any significant environmental impacts.

B. Finds that LOAPUD acting as a responsible agency, affirmed the County environmental documents and concurred with the MND that the proposed annexation would not have a significant effect on the environment and therefore, LOAPUD adopted said MND and incorporated and adopted as its own the
findings, conclusions and mitigation measures identified in the MND. The MND document is inserted as “Exhibit C” of this report.

C. As a responsible agency, the Commission is required to rely on the District's environmental documentation in acting on the proposal but must prepare and issue its own findings. The Commission concurs with the Lake Oroville Area Public Utility District's determination that Initial Study/Negative Declaration provides the Commission with sufficient information to enable them to make a decision that purposefully takes account of environmental consequences and adopts reasonably feasible measures to mitigate the adverse impacts of the annexation.

Section 2. General Findings and Determinations:

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 Lake Oroville Area Public Utility District Sphere of Influence Plan and Municipal Service Review and other factors specified in Government Code Section 56668 and as described in the staff report dated September 25, 2019, for the meeting of October 3, 2019.

B. The Commission finds that the proposal has 100% support of the affected property owner and orders the annexation complete without a protest hearing pursuant to Government Code Section 56663.

C. The annexation area shall consist of two (2) parcels, Assessor’s Parcel Numbers 078-090-043 & 078-090-044, totaling approximately 51.19 acres, as submitted by the Lake Oroville Area Public Utility District and shown in Exhibit “A.”

D. The subject area is found to be uninhabited, and is assigned the following short form designation: 20-01 – LOAPUD – Ophir Road Annexation No. 1.

E. The purpose of the annexation to the Lake Oroville Area Public Utility District is to support orderly jurisdictional boundaries and allow for the provision of sanitary sewer service to future development on the territory.

F. The proposal is consistent with the Lake Oroville Area Public Utility District Sphere of Influence.

G. Pursuant to Butte LAFCO Policy 2.13.1, the Commission determines that agricultural and/or open space lands will not be adversely affected by this proposal as the territory does not contain significant agricultural uses and is not considered to be “prime agricultural land” as defined in California Government Code §56064. Therefore, no conversion of designated agricultural or open space lands will occur as a result of the proposed annexation.

H. A Master Property Tax Exchange Agreement between the Lake Oroville Area Public Utility District and the Butte County Board of Supervisors was executed on April 26, 2005.
Section 3. Conditions requested 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 Exhibits A and B attached hereto and by this reference incorporated herein.

Section 5. Further protest proceedings are waived and the Commission orders the annexation, pursuant to Part 4 commencing with Section 57000.

Section 6. 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 3rd day of October 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINS:

Clerk of the Commission

CARL LEVERENZ, Chair
Butte Local Agency Formation Commission
NOTICE IS HEREBY GIVEN that the Butte County Planning Commission will hold a public hearing to consider an application for Tentative Subdivision Map TSM18-0003 (Ashlock – Garden Oak Estates) on January 24, 2019, at 9:00 a.m. or shortly thereafter, in the Butte County Board of Supervisors’ Room, County Administration Center, 25 County Center Drive, Oroville, California as follows:

**Project Information:**

**Project:** Tentative Subdivision Map TSM18-0003  
**APN:** 078-090-043 & -044

**Location:** The subject property is located at the southeast corner of Lincoln Boulevard and Ophir Road in the Las Plumas area of Butte County, south of Oroville.

**Proposal:** The applicant is requesting approval of a Phased Tentative Subdivision Map (TSM) to divide an approximately 49.95 acre property (two parcels) into 118 single-family homes, 28 multi-family units on 14 duplex lots, and 4 lots (4.22 acres total) of commercial space offering approximately 40,000 square feet of new commercial building space. The project site will be served by two access roads, one off of Lincoln Boulevard and one off of Ophir Road. There will also be three commercial driveways, one on Lincoln and two on Ophir. The project will be serviced by South Feather Water and Power Agency for domestic water and Lake Oroville Public Utility District for sewage disposal. The project requires the expansion of LOAPUD’s Sphere of Influence and annexation into the district.

In compliance with CEQA, this notice discloses that there are no listed toxic sites present on site. A search of the state and federal agency databases for hazardous materials sites within one-mile of the project site was performed and identified two hazardous material sites in the project area. One site located at 1855 Kusel Road (Norcal Recycling) is approximated 2,500 feet from the proposed project site. This site is an operating scrap and recycling business in active cleanup status. The other site at 1980 Kusel Road (Sierra Pacific) is approximately 2,450 feet from the proposed project site.

The Initial Study/Mitigated Negative Declaration (IS/MND) and reference documents for these projects are on file for public review and comment starting Saturday, December 22, 2018 through Wednesday, January 21, 2019, at the Butte County Planning Division, 7 County Center Drive, Oroville, CA. The IS/MND is also available for review on the County website at http://www.buttecounty.net/dds/Planning/CEQA.aspx. All persons are invited to review the documents. Comments may be submitted to the Planning Division in writing at the above address at any time prior to the hearing or orally at the meeting listed above, or as may be continued to a later date. If you challenge the above application in court, you may be limited to raising only those issues you or someone else raised at the public hearing or in written correspondence delivered to the Planning Commission at, or prior to the public hearing.

For information call or send an email to Mark Michelena, Senior Planner, Butte County Development Services Department, Planning Division at (530) 552-3683 or mmichelena@buttecounty.net.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the hearing, please contact us at (530) 552-3663. Notification at least 72 hours prior to the hearing will enable staff to make reasonable arrangements.

**BUTTE COUNTY PLANNING COMMISSION**

**TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES**
DEVELOPMENT SERVICES
DEPARTMENT

BUTTE COUNTY

INITIAL STUDY AND
PROPOSED MITIGATED NEGATIVE DECLARATION

TENTATIVE SUBDIVISION MAP (Phased)

TSM18-0003 (Ashlock – Garden Oak Estates)
INITIAL STUDY AND PROPOSED MITIGATED NEGATIVE DECLARATION  
TENTATIVE SUBDIVISION MAP TSM18-0003 (GARDEN OAK ESTATES)

1.0 PROJECT INFORMATION

A. **Applicant:** Jeffery Ashlock

B. **Owner:** Thomas C. Hammons, Sr., et al

C. **Engineers:** W. Gilbert Engineering

D. **Staff Contact:** Mark Michelena, Senior Planner, mmichelena@buttecounty.net

E. **Project Name:** Tentative Subdivision Map TSM18-0003 (Garden Oak Estates)

F. **Project Location:** The subject property is located at the southeast corner of Lincoln Boulevard and Ophir Road in the Las Plumas area of Butte County, south of Oroville.

G. **Type of Application:** Tentative Subdivision Map.

H. **Assessor’s Parcel Numbers:** 078-090-043 & 078-090-044 (Sec. 32, T19N, R04E, MDB&M)

I. **Project Site Size:** +/-49.95 acres.

J. **Current Zoning:** MU-1 (Mixed Use)

K. **Current General Plan Designation:** Mixed Use (MU)

L. **Environmental Setting:** The site is currently undeveloped. The land is characterized as a mix of Annual Grassland, Blue Oak Woodland, Blue Oak Savanna, Interior Live Oak Woodland and Altered Vernal Pools (0.056 acres). The western portion of the site is mostly grassland with scattered oak trees and vernal pools. The eastern portion of the site is a mix of grassland and oak trees, with oak heavy oak woodland coverage along the eastern edge of the site. A natural drainage way is located in the northwestern most corner of the project site. Wyman Ravine is located approximately 180 feet east of the project site. Surface elevation ranges from 215 to 230 feet above mean sea level with a generally flat to gently sloping topography (0 to 4%), steeper toward the eastern boundary which slopes into Wyman Ravine.

M. **Project Description:** This project involves approval of the development of a mixed use subdivision that includes commercial lots, single family and multifamily residential lots, and significant open space with forested habitat. The land is situated at the southeast corner of the intersection of Lincoln Boulevard and Ophir Road in the Las Plumas area of Butte County, south of the City of Oroville. The proposed subdivision includes 118 single-family homes, 28 multi-family units on 14 duplex lots, and 4 lots (4.22 acres total) of commercial space offering approximately 40,000 square feet of new commercial building space. There will be 5 access points from public roadways, including two residential streets and three commercial driveways.

An alternate project, General Plan Amendment GPA06-0005, Rezone REZ06-0005 and Tentative Subdivision Map TSM06-0012 (the Ashlock Subdivision), was approved by the Butte County Board of Supervisors in October 2010. The Ashlock Subdivision includes 65 single-family units, 125 multi-family units, and 10 commercial lots (14 acres) with approximately 115,000 sq. ft. of commercial building space. Development of that project was put on hold due to the economic recession that effectively halted sales and new construction at that time. According to applicant Jeffery Ashlock, the project became financially infeasible and a final map was never submitted.

The applicant has kept the various permits and project approvals updated and retained project approval standing for when the housing sales market recovered. The approved TSM06-0012 has been extended until July 11, 2022. However, the applicant has indicated that configuration of the Ashlock development is no longer configured meet market demand.

The Garden Oak Estates Subdivision has been designed to provide similar elements as the previous project but has been reconfigured in consideration the change in market demand. The new layout includes a decrease in the number of proposed residences, revised road layout, and additional open space. The residential access...
point on Ophir Road has been repositioned westward to maximize traffic safety and visibility. Housing development on the eastern portion of the parcel has been avoided, allowing for open space and associated benefits. Heritage oak tree preservation is intended to retain the aesthetic appeal inherent to the area, and the open areas will offer residents a relaxing environment with easily available recreational opportunities, including a groomed pedestrian pathway connecting to the residential sidewalks at two points.

The total number of project access points has been minimized. Residential areas of the subdivision will be accessible from roads on the western side from Lincoln Boulevard, and also from the northern side from Ophir Road. Internal roadways have been reconfigured from the previous design to improve internal traffic flow.

Development of community commercial space in this portion of the County is intended to provide benefits by reducing traffic from the Las Plumas area to the commercial corridor in Oroville along Oro-Dam Boulevard, which will help to offset any increase in vehicle trips and vehicle miles traveled associated with the new homes. Vehicles moving along Oro-Dam Boulevard for shopping and other commercial services experience reduced level of service levels and long intersection wait times at peak traffic hours. The project is intended to distribute traffic and reduce vehicle miles traveled by both project related vehicles and nearby existing traffic by providing an alternate commercial destination to the Oro-Dam commercial corridor.

This development includes contributions to the extension of utility and public service infrastructure into the Las Plumas area, such as extensions to domestic water and sewage disposal infrastructure.

Major service providers and utility districts have indicated they are able to extend their services to the project. Domestic water services will be provided by South Feather Water & Power (SFWP) and sewage disposal services will be provided by the Lake Oroville Area Public Utilities District (LOAPUD). The project lies within LOAPUD’s Sphere of Influence as approved by the Butte Local Agency Formation Commission (LAFCo) and would be annexed into the District upon project approval.

The proposed streets will be constructed to Butte County standards and maintained by establishment of a Permanent Road Division by the County. Funding and maintenance of urban services, such as street lighting and drainage, will require the formation of Lighting and Landscaping District (LLD) or similar entity as approved by Butte County Public Works and Butte LAFCo to provide a mechanism for ongoing future maintenance and avoid impacts to existing service provision.

N. Public Agency Approvals: Butte County Environmental Health Department, Butte County Public Works Department, Lake Oroville Area Public Utility District (LOAPUD), Sewerage Commission Oroville Region, South Feather Water and Power, Butte Local Agency Formation Commission (annexation into LOAPUD).

O. Tribal Consultation Contact: Applicable Tribe: United Auburn Indian Community of the Auburn Rancheria. Native American Liaison: Chad Riding. Contact: (530) 741-4543.
2.0 DETERMINATION

[ ] I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

[X] I find that although the proposed project COULD have a significant effect on the environment, here will NOT be a significant effect in this case because revisions have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

[ ] I find that the proposed project COULD have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

[ ] I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact 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. 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, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Mark Michelen
Prepared by: Mark Michelen, Senior Planner

12-18-18
Date

December 18, 2018
Date

Reviewed by: Charles Thistlethwaite, Planning Division Manager
3.0 POTENTIALLY SIGNIFICANT EFFECTS CHECKLIST SETTING

A. Environmental Factors Potentially Affected:

Project impacts to the environmental factors checked below could be potentially significant; however, with the incorporation of mitigation measures, project related impacts are reduced to a “less than significant” level (CEQA Guidelines 15382).

[X] 4.1 Aesthetics [ ] 4.2 Agriculture Resources [X] 4.3 Air Quality
[X] 4.4 Biological Resources [X] 4.5 Cultural Resources [X] 4.6 Geology/Soils
[ ] 4.7 Greenhouse Gas Emissions [ ] 4.8 Hazards/Hazardous Mat. [X] 4.9 Hydrology/Water Quality
[ ] 4.10 Land Use [ ] 4.11 Mineral Resources [X] 4.12 Noise
[ ] 4.13 Population/Housing [ ] 4.14 Public Services [ ] 4.15 Recreation
[X] 4.16 Transportation/Traffic [ ] 4.17 Tribal Cultural Resources [X] 4.18 Utilities/Service Systems
[X] 4.19 Mandatory Findings of Significance

B. Evaluation of Environmental Impacts:

1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites 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 (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards, (e.g., the project will not expose sensitive receptors to pollutants based on a project-specific screening analysis.)

2) All answers must take account of the whole action involved including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect 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 mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).

5) “Reviewed Under Previous Document.” Earlier analyses may be 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 should identify the following:

a) Earlier Analysis Used: Identify and state where they are available for review.

b) Impacts Adequately Addressed: Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation Measures: For effects that are “Less Than Significant with Mitigation Measures Incorporated,” 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) Lead agencies are encouraged to incorporate into the checklist 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 should be attached, and other sources used or individuals contacted should be cited in the discussion.
8) The explanation of each issue should identify:
   a) The significance criteria or threshold, if any, used to evaluate each question; and
   b) The mitigation measure identified, if any, to reduce the impact to less than significant.

### 4.0 ENVIRONMENTAL IMPACTS

#### 4.1 AESTHETIC/VISUAL RESOURCES:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Have a substantial adverse effect on a scenic vista?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Impact Discussion:**

a) **Less Than Significant Impact.** Butte County has not defined significant aesthetic/visual resources within the County. However, the visual dominance of a project and its affect upon the sensitivity of a view towards or from the project site may be used to evaluate impacts to visual resources. The sensitivity of a view is characterized by the visual qualities of both nearby and distant landscapes (e.g., their form, texture, color, massing, and definition) and how development might obscure, contrast with or otherwise affect those visual qualities. In this context, significant visual resources are those viewable from a publicly accessible vantage point (e.g., a road, park, public building) and would include long-distance and/or commanding views of the surrounding countryside, proximate and distinctive landscape features such as streams, trees, rock outcroppings and historic buildings, and the massing of such nearby and distant views and features. Impacts to significant visual resources could result when, for example, development intrudes upon publicly accessible views in a manner that degrades a particular or overall scenic experience from a publicly accessible vantage point.

b) **Less Than Significant Impact.** The project is not located within a designated scenic vista. The project would not result in significant removal or damage to heritage trees, rock outcropping or historic buildings. The project is not located within a state scenic highway area.

c) **Less Than Significant with Mitigation Incorporated.** The project proposes preservation of large trees to preserve the beauty of the residential parcels. Currently, much of the property is weedy open grassland dominated by yellow star thistle and invasive grasses with a significant accumulation of thatch. As such, it is not considered to have an especially high aesthetic appeal. However, some may feel that construction and development have the potential to visually degrade any open space. Development of landscaping along roadsides will enhance the visual character of
the site and offset the potential for visual degradation. Additionally, the project includes the preservation of many of the large oak trees that are situated within areas to be developed into residential lots and preserved habitat and visual character with 13.5 acres of open space in the eastern portion of the site. A mitigation measure requiring oak tree preservation is included in Section 4.4 (Biological Resources).

d) Less Than Significant with Mitigation Incorporated. Installation of residential lighting and commercial lighting has the potential to create a new source of nighttime glare for surrounding rural residents and vehicles travelling along Ophir Road and Lincoln Boulevard. At the time of development, outdoor lighting in residential zones would be subject to Article III, Division 4, Section 24-67 of Butte County Zoning Code, which requires that all outdoor lighting in residential areas be located, adequately shielded, and directed such that no direct light falls outside the property perimeter, or into the public right-of-way. With the adherence to outdoor lighting regulations at the time of development, the proposed project would not create new sources of substantial lighting or glare that would generate a significant impact. Accordingly, project impacts to aesthetics are considered less than significant with the following mitigations:

Mitigation Measure #1: Roadside Landscaping  
Prior to recordation of each phase, as applicable the applicant shall prepare a detailed landscaping and irrigation plan for frontage areas along Ophir Road and Lincoln Boulevard to the satisfaction of the Director of Development Services. Installation of landscaping and irrigation shall be completed prior to final inspection of buildings in each recorded phase.

Plan Requirements: This mitigation shall be included as a condition of approval of the tentative subdivision map and completed prior to occupancy of buildings in each phase of the tentative subdivision map.

Timing: The provisions of this mitigation measure shall be satisfied prior to final inspection of residential and commercial structures in each phase.

Monitoring: The Development Services Department shall ensure compliance through inspections prior to final inspections for occupancy of buildings in each approved phase.

Mitigation Measure #2: Lighting and Glare  
All lighting for commercial uses shall be designed and located so as to direct lighting toward the development. No direct outdoor lighting (i.e. lighting elements) shall be visible on adjacent properties or public roads. No lighting shall be of the type or be installed in a location such that it could constitute a hazard to vehicular traffic, either on private property or the abutting roadway. Any lighting with the potential to create hazards to vehicular traffic shall be shielded so as to avoid direct visibility from traffic travelling on Ophir Road or Lincoln Boulevard.

Plan Requirements: This mitigation shall be required as a condition of approval of the tentative subdivision map and completed prior to occupancy of buildings in each phase of the tentative subdivision map. This note shall be placed on all building and site development plans. If a homeowners association is formed, the condition shall also be a requirement of the Covenants, Conditions and Restrictions (CC&Rs).

Timing: The provisions of this mitigation measure shall be complied with at all times.

Monitoring: The Department of Development Services and the Department of Public Works shall ensure that the note is placed on the final map or on an additional map sheet to be recorded with the final map and on all building and site development plans. Building inspectors shall spot check and shall ensure compliance on-site. The Development Services Department shall investigate and respond to complaints of excess glare or light originating from the project site.

4.2 AGRICULTURE RESOURCES:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Impact Discussion:

a) **Less than Significant Impact.** To characterize the environmental baseline for agricultural resources, Important Farmland Maps produced by the California Department of Conservation’s Farmland Mapping and Monitoring Program (FMMP) were reviewed. Important Farmland Maps show categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance (if adopted by the county), Grazing Land, Urban and Built-up Land, Other Land, and Water. Prime Farmland and Farmland of Statewide Importance map categories are based on qualifying soil types, as determined by the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), as well as current land use.

The above referenced map designates approximately 39 acres of the subject property as “**Grazing Land**” and 11 acres as “**Other Land**.”

“**Grazing Land**” is described as: Land on which the existing vegetation is suited to the grazing of livestock.” This category was developed in cooperation with the California Cattlemen’s Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. Grazing Land is not considered prime farmland.

“**Other Land**” is described as: Land not included in any other mapping category. Common examples include low density rural developments: brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines, borrow pits; and water bodies smaller than forty acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land. Other Land is not considered prime farmland.

As the project area does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, the project has no potential to convert such lands. Impacts of the proposed project to grazing lands are considered to be less than significant.

b - c) **No Impact.** The project parcel is designated as Mixed Use (MU) and zoned MU-1; it is not considered agricultural land. Agricultural uses are considered an accessory use for this designation. With the exception of a small strawberry plot across Ophir Road from the project area and one other landscape plant plot south of the project area, there are no other agricultural operations in the project vicinity. The project site is designated as an Urban Area (within Oroville) and is also within the City of Oroville Sphere of Influence. The project site is underlain by Class IV soils, defined by the NRCS (2006) as follows:

**Class IV soils** are considered fairly good land, suitable for occasional cultivation, usually not more than 1 year in 6. The soils are best suited for hay or pastures.

The project site is not located within or adjacent to lands that are currently protected by a Williamson Act Contract. The project will not convert farmland to non-agricultural uses. Accordingly, no potentially significant impacts to agricultural resources are identified.

**Mitigation Measure:** None required.
### 4.3 AIR QUALITY:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Conflict with or obstruct implementation of the applicable air quality plan?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Expose sensitive receptors to substantial pollutant concentrations?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Create objectionable odors affecting a substantial number of people?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Impact Discussion:**

Both the California Air Resources Board and the Environmental Protection Agency have established air pollution standards in an effort to protect human health and welfare. Geographic areas are designated “attainment” if these standards are met and “nonattainment” if they are not met. Table ES-1, the *Butte County Air Quality Attainment Status*, is the most current published status summary adopted by the Butte County Air Quality Management District (BCAQMD; the District). This list establishes “criteria pollutants”, or those pollutants for which projects, although the potential project-level impacts may be less than significant, may still contribute to a cumulatively significant impact for the County.
Table ES-1. Butte County Ambient Air Quality Attainment Status - September, 2014

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>State Designation</th>
<th>Federal Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-hour ozone</td>
<td>Nonattainment</td>
<td>--</td>
</tr>
<tr>
<td>8-hour ozone</td>
<td>Nonattainment</td>
<td>Nonattainment</td>
</tr>
<tr>
<td>Carbon monoxide</td>
<td>Attainment</td>
<td>Attainment</td>
</tr>
<tr>
<td>Nitrogen Dioxide</td>
<td>Attainment</td>
<td>Attainment</td>
</tr>
<tr>
<td>Sulfur Dioxide</td>
<td>Attainment</td>
<td>Attainment</td>
</tr>
<tr>
<td>24-Hour PM10</td>
<td>Nonattainment</td>
<td>Attainment</td>
</tr>
<tr>
<td>24-Hour PM2.5</td>
<td>No Standard</td>
<td>Nonattainment</td>
</tr>
<tr>
<td>Annual PM10</td>
<td>Attainment</td>
<td>No Standard</td>
</tr>
<tr>
<td>Annual PM2.5</td>
<td>Nonattainment</td>
<td>Attainment</td>
</tr>
</tbody>
</table>

Source: Butte County Air Quality Management District, 2014

BCAQMD adopted guidelines in October 2014 for assessing air quality impacts. These guidelines provide information and recommend approaches necessary to analyze air quality impacts, screening criteria to determine the extent of the analysis, approaches to modeling and determining the significance of impacts, and mitigation of impacts determined to be significant. Table ES-2 shows the thresholds adopted by the District.
### Table ES-2. District Air Quality Thresholds of Significance for Criteria Air Pollutants and Recommended Thresholds for Greenhouse Gases and Toxic Air Contaminants.

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Construction-Related</th>
<th>Operational-Related</th>
</tr>
</thead>
<tbody>
<tr>
<td>ROG</td>
<td>137 lbs/day, not to exceed 4.5 tons/yr</td>
<td>25 lbs/day</td>
</tr>
<tr>
<td>NOx</td>
<td>137 lbs/day, not to exceed 4.5 tons/yr</td>
<td>25 lbs/day</td>
</tr>
<tr>
<td>PM &lt; 10 microns (PM_{10} or smaller)</td>
<td>80 lbs/day</td>
<td>80 lbs/day</td>
</tr>
<tr>
<td>Non-Stationary Source GHGs</td>
<td>Same as Operational Thresholds</td>
<td><strong>No Adopted Threshold</strong> Recommend compliance with Qualified Greenhouse Gas Reduction Strategy, Lead Agency’s threshold, or consistency with goals of AB 32</td>
</tr>
<tr>
<td>Stationary Source GHGs</td>
<td>Same as Operational Thresholds</td>
<td><strong>No Adopted Threshold</strong> Recommend compliance with Qualified Greenhouse Gas Reduction Strategy, Lead Agency’s threshold, or consistency with goals of AB 32</td>
</tr>
<tr>
<td>New Source Toxic Air Contaminant Risks and Hazards - Individual Project</td>
<td>Same as Recommended Operational Thresholds</td>
<td><strong>No Adopted Threshold</strong> Recommend mitigating below: Increased cancer risk of &gt; 10 in one million</td>
</tr>
<tr>
<td>New Receptor Toxic Air Contaminant Risks and Hazards - Individual Project</td>
<td>Same as Recommended Operational Thresholds</td>
<td><strong>No Adopted Threshold</strong> Recommend mitigating below: Increased non-cancer risk of &gt; 1.0 Hazard Index (Chronic or Acute)</td>
</tr>
<tr>
<td>New Source Toxic Air Contaminant Risks and Hazards - Cumulative Impacts</td>
<td>Same as Operational Thresholds</td>
<td><strong>No Adopted Threshold</strong> Recommend mitigating below: Zone of Influence: 1,000-foot radius from parcel(s) of source or receptor</td>
</tr>
<tr>
<td>New Receptor Toxic Air Contaminant Risks and Hazards - Cumulative Impacts</td>
<td>Same as Recommended Operational Thresholds</td>
<td><strong>No Adopted Threshold</strong> Recommend mitigating below: Zone of Influence: 1,000-foot radius from parcel(s) of sources or receptors</td>
</tr>
</tbody>
</table>

**Source:** Butte County Air Quality Management District CEQA Air Quality Handbook (Oct 23, 2014).

The screening criteria developed by the District (Table 4.1) describe the established thresholds used to determine if a project will be required to model criteria air pollutants as part of their CEQA analysis. Based upon these criteria, the
The project meets the District’s criteria for evaluation based upon analysis using modeled emission estimates because of the following attributes:

- The project proposes construction of greater than 30 single-family residential homes (units), and
- The project proposes creation of new commercial structures of more than 15,000 sq. ft.

### Table 4-1. Screening Criteria for Criteria Air Pollutants

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Model Emissions for Projects Greater Than</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Unit Residential</td>
<td>30 units</td>
</tr>
<tr>
<td>Multi-Family (Low Rise) Residential</td>
<td>75 units</td>
</tr>
<tr>
<td>Commercial</td>
<td>15,000 square feet</td>
</tr>
<tr>
<td>Educational</td>
<td>24,000 square feet</td>
</tr>
<tr>
<td>Industrial</td>
<td>59,000 square feet</td>
</tr>
<tr>
<td>Recreational</td>
<td>5,500 square feet</td>
</tr>
<tr>
<td>Retail</td>
<td>11,000 square feet</td>
</tr>
</tbody>
</table>

1. Screening levels were created using CalEEMod 2013.2.2, based on daily ozone precursor emissions with default Butte County urban settings modeled for winter emissions (which are typically higher than summer emissions).
2. CalEEMod provides numerous land use sub-types for each of the land use types provided in the left column. Please consult the CalEEMod User Guide for more information regarding specific land use sub-types.
3. Screening criteria assume no woodburning devices, unpaved roads, parking or mixed land uses.
4. Emissions from engines and industrial sources subject District Rules and Regulations are not included in the screening estimates.


Development of a mixed use residential subdivision generates both temporary and long-term impacts to air quality. Construction activities such as vehicle use on unpaved roads, grading, vehicle emissions and housing and commercial buildings displace natural communities, generate traffic and vehicle trips, use energy, and transport resources. However, utilization of Best Management Practices, combined with elements of the project design can partially or, in some cases, completely offset these impacts to air quality and reduce the significance of those impacts.

**a) No Impact.** No aspect of the project has been identified that might conflict with or obstruct implementation of the applicable air quality plan. Review of the project details by the Butte County Air Quality Management District will help to ensure no inadvertent conflict exists.

**b) Less Than Significant with Mitigation Incorporated.** The project exceeds those thresholds established by the BCAQMD for projects which, based upon size, can be assumed to be insignificant in air quality impacts; emissions have therefore been characterized and modeled using CalEEMod (v 2013.2.2.) and qualitative analysis of project attributes. Offsetting project components and BMPs have been taken into consideration for each area of potential impact. Based on these analyses impact magnitudes and significance has been extrapolated.

Table 3.3-1 identifies specific impacts to air quality that could arise from both the construction and development of the Garden Oak Estates Subdivision and the long-term results of new homes and businesses being created.
Table 3.3-1. Potential Construction and Operational Impacts to Air Quality due to the Garden Oaks Subdivision

<table>
<thead>
<tr>
<th>Phase</th>
<th>Potential Impact</th>
<th>Direct</th>
<th>Indirect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction</td>
<td>• Heavy Equipment</td>
<td>• Asphalt batch plants, similar</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Grading, loss of veg</td>
<td>• Traffic congestion</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Vehicle trips</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Energy use</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Materials application (asphalt, coatings, etc.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Asphalt batch plants, similar</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Traffic congestion</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operation</td>
<td>• Additional traffic and trip generation</td>
<td>• Increased traffic, congestion</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Energy use from residences, businesses</td>
<td>• Water and utilities energy usage</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Heating and cooling of buildings</td>
<td>• Solid waste disposal</td>
<td></td>
</tr>
</tbody>
</table>

**Direct Impacts due to Construction**

Construction results in energy and fuel being used at a high rate relative to other activities. However, the project has been divided into six phases that are estimated to take place over more than 6 years, dispersing the effects of the activity.

New trips will be generated to the site from construction workers. However, most construction workers are of local origin and would have likely travelled somewhere else within the County if not to this job site, which offsets this impact.

Polluting materials, such as coatings or asphalt, could add pollutants to the area. Mitigation measures listed below can help reduce the significance of this source of pollution.

**Indirect Impacts due to Construction**

Construction has the potential to cause congestion to local roads. However, local roads in the vicinity of the project site are already operating at acceptable LOS’s and are unlikely to degrade to unacceptable LOS based on this activity. The lack of other significant work in the immediate area results in construction workers not adding to a significant level of existing work traffic. This impact area is considered less than significant.

**Direct Impacts resulting from new Homes and Businesses**

Homes and businesses generate traffic and use fuel. Idling vehicles contribute disproportionately to ozone pollution. However, several traffic design features have been introduced that will mitigate the impacts of these newly created trips and reduce the likelihood of congestion. Also, trips to a new commercial area will provide an alternate commercial destination to the Oro-Dam Boulevard corridor and relieve traffic and congestion on that heavily impacted corridor. These attributes offset the potential new traffic impacts from new homes and businesses.

Design features of the project, such as proximity to walking paths and proximate commercial areas to homes help to reduce reliance on vehicles by promoting a walking or bicycle riding alternative.

Energy uses, heating, and cooling of buildings, both residential and commercial, have the potential to cause new impacts that could exacerbate existing air quality nonattainment areas. Mitigation measures have been included that can help to reduce these to a less than significant level.

**Indirect Impacts resulting from new Homes and Businesses**

Water and utility energy uses, such as the need for transport of water and solid waste, are a potential source of indirect impacts that consume fuel and add to the areas air pollution. However, the project includes significant contributions
to utility infrastructure which will help to make the entire distribution system more efficient. This increase in delivery efficiency should more than offset the impacts related to distribution.

**Model Results**

Estimates of criteria pollutant volumes using CalEEMod 2013.2.2 were inconclusive. The model was unable to calculate volumes of pollutants for this project due to limitations with the application. A more recent CalEEMod version released in 2016 has corrected many of the issues that were inherent to version 2013.2.2. However, the District’s standards are based on the 2013 software and cannot be assumed to be comparable with the 2016 version of the application. This will no longer be a problem when the district approves impact significance thresholds based on the results of the newer version of CalEEMod.

Regardless, impact magnitude can be assessed by qualitative analysis of each identified impact area described above. When the various design features and best management practices recommended in Mitigation Measure #3 are considered, these potential impacts may be reduced to a less than significant level.

b) **Less Than Significant with Mitigation Incorporated.** The project has the potential to contribute to both areas of pollutants in which the county is in nonattainment; ozone and particulate material. Vehicle use is a specific source of anthropogenic ozone generation. Construction-related dust is a specific source of PM2.5 and PM10 generation. However, generation of these pollutants can be minimized through various means.

Several attributes of the project minimize contributions to criteria pollutants to air quality and reduce the project’s potential to create a significant impact. Project design incorporates “living streets” standards, including sidewalks, nature and bicycle paths, and pedestrian-friendly streets. This design encourages residents within the development to walk or use a bicycle rather than drive a vehicle. Additionally, the block of neighborhood commercial lots in the northwest corner will encourage development of essential services, including grocery stores and restaurants. This will reduce trip generation from within the development and from residences south of Ophir Road by providing an alternate location to Oro-Dam Boulevard for essential services. This establishment of an alternate neighborhood commercial center will relieve congestion within downtown Oroville, resulting in a decreased contribution of vehicular pollutants for vehicles originating within the project area, as well as in surrounding areas. These attributes serve to reduce the project’s contribution to ozone generation to a less than significant level.

Project development and construction will contribute to respirable particulate matter (PM10) during dry periods and/or during windy conditions. Idling vehicles will contribute ozone (O3) to the atmosphere, and idling diesel engines will contribute fine particulate matter less than 2.5 microns (PM2.5). Construction equipment poorly tuned or maintained may create excessive particulates, hydrocarbon pollution, and ozone pollution. Wood burning stoves can contribute fine particulate matter less than 2.5 microns (PM2.5). These impacts can be reduced to less than significant with Mitigation Measure #3 incorporated.

d) **No Impact.** There are no known airborne pollutants affecting the project site which might cause sensitive receptors (i.e. new residents or customers of new businesses) to become exposed to substantial pollutant concentrations.

e) **Less Than Significant Impact.** Businesses, homes, and traffic all have the potential to create odors that some may find disagreeable. This is, however, incidental and not significant. No new significant source of objectionable odors has been proposed. Accordingly, substantial numbers of people are unlikely to be exposed to objectionable odors as a result of project implementation.

In summary, potential impacts to air quality have been identified that could result from the construction and ongoing use of the homes, businesses, and improvements that comprise the Garden Oak Estates Subdivision. A number of project attributes help to reduce these impacts, including:

- Significant open space and the preservation of large Blue Oak trees;
- Mixed Use development that situates places of employment near residences, encouraging alternate transportation such as walking or bicycling;
- Development of a new commercial destination which provides an alternate destination from the congested Oro-Dam Boulevard commercial corridor, reducing some fuel use and idling vehicles in that corridor;
• Service infrastructure improvements which will improve the efficiency of drinking water transport and wastewater transport; and
• Project development phasing over the course of several years which distributes the timing of the potential air quality impacts.

This proposal would benefit from a review by the District prior to approval to ensure no additional steps should be taken to reduce impacts to air quality. Recommendations made by the District shall be reviewed and incorporated into project design as feasible in order to reduce potential air quality impacts to less than significant.

**Mitigation Measure #3: Air Quality Control Measures**

The following measures shall apply to all development activities on the project site. Additionally, a note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet, and each application for a building permit for new construction, that states:

“Dust generated by the development activities shall be kept to a minimum and retained on-site. Follow the air quality control measures listed below:

**Control Dust**

a. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day’s activities cease.

b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.

c. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

d. On-site construction vehicles shall be limited to a speed of 15 mph on unpaved roads.

e. Haul vehicles transporting soil into or out of the property shall be covered.

f. Existing roads and streets adjacent to the project shall be cleaned at least once per day if dirt or mud from the project site has been tracked onto these roadways, unless conditions warrant a greater frequency.

g. Other measures may be required as determined appropriate by the BCAQMD or Department of Public Works in order to control dust.

**Post Contact Information**

h. 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 Butte County Air Quality Management District shall be visible to ensure compliance with BCAQMD Rule 200 & 205 (Nuisance and Fugitive Dust Emissions).

**Other Construction Practices**

i. Maintain all construction equipment in proper tune according to manufacturer’s specification.

j. Idling time shall not exceed to 10 minutes for any diesel engine.

k. Where feasible, give preference to utilizing the following equipment:

• Electric equipment
• Substitute gasoline-powered for diesel-powered equipment
• Alternatively fueled construction equipment on site such as compressed natural gas (CNG), liquid natural gas (LNG), propane, or biodiesel.
• Equipment that has Caterpillar pre-chamber diesel engines, as practical.
• Diesel construction equipment meeting the CARB’s 1996 or newer certification standard for off-road heavy-duty diesel engines.

1. Construction workers shall park in designated parking area(s) to help reduce dust emissions.”

**Plan Requirements:** The note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. This note shall also be placed on all building and site development plans.

**Timing:** Requirements of the condition shall be adhered to throughout all grading and construction periods.

**Monitoring:** The Butte County Department of Development Services and the Public Works Department shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. Building inspectors shall spot check and shall ensure compliance on-site. Butte County Air Pollution Control District inspectors shall respond to nuisance complaints.

### 4.4 BIOLOGICAL RESOURCES:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td>X</td>
<td></td>
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<tr>
<td>b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td>X</td>
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<tr>
<td>c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 or the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means)?</td>
<td>X</td>
<td></td>
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<tr>
<td>d. Interfere substantially with the movement of any native resident or migratory fish and wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
<td>X</td>
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<tr>
<td>e. Conflict with any local policies or ordinances protecting biological</td>
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resources such as a tree preservation policy ordinance? | X |  
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<tbody>
<tr>
<td>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?</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**Impact Discussion:**

**a - d) Less Than Significant with Mitigation Incorporated.** The biological resources within the project area were evaluated during three resource studies: *Biological Assessment Report for the Proposed Ashlock Residential Development, City Of Oroville, Butte County, California* (Eco-Analysts 2007), the *Revised Pre-Jurisdictional Delineation Report for the Proposed Ashlock Development, Butte County, California* (Eco-Analysts 2006), and the *Oak Tree Mitigation Plan* prepared for the project (Howell IT IS 2007). These studies provided information on the plant and animal species and habitats within the site, assessed the project-induced impacts to those biological resources, and recommended mitigation measures designed to reduce the impacts to a less than significant level.

The biological, wetland, and botanical surveys did not identify any special-status plants on site, nor was the potential for the presence of any special-status plants considered likely. Accordingly, project implementation was not found likely to result in any potentially significant impacts to special-status plants.

The proposed project will remove some trees, including oaks, and may result in the disruption of nesting by birds. However, steps can be taken to ensure such disruption is minimized. Mitigation measures are provided below that are designed to reduce any potentially significant impacts to nesting raptors and migratory birds that are protected by The Migratory Bird Treaty Act of 1918 to a less than significant level.

The proposed project will fill approximately 0.24 acres of vernal pools, vernal swales, and seasonal wetlands within the project site. A total of 0.13 acres of vernal pools will be retained in a 1.8 acre protected area to be enclosed by a 2.5-foot high single rail metal fence. Wetland fill may have a significant impact on special-status vernal pool invertebrates. Mitigation measures designed to reduce the impacts to vernal pool invertebrates to a less than significant level are listed below.

A total of 0.262 acres of ‘Other Waters of the United States’ including, intermittent streams, ephemeral streams, roadside ditches, and canals were verified within the project site (Eco-Analysts 2006). No special-status plant or animal species were located within these features, which were dominated by upland forbs and grasses. None of the channels showed evidence of significant flow, which would be necessary to support aquatic species such as migratory fish. The most hydrologically significant of these features is a 15-foot wide intermittent stream that traverses the northwestern corner of the project site. This stream is a tributary to the west branch of Wyandotte Creek that once flowed freely through Wyman Ravine (now filled largely with mine tailings). This stream channel will be preserved through project design. The preponderance of the remaining features will be filled or modified either by project implementation or by Butte County’s roadside operations along Ophir Road. The lack of sensitive or special-status plants and animals within these features indicates that project implementation is unlikely to significantly alter natural ecosystems within aquatic habitats, or otherwise impact special-status plants or wildlife species.

Swainson's hawk was listed as a threatened species in 1983 by the California Fish and Game Commission. This listing was approved in part due to the results of the statewide survey conducted in 1979 by Pete Bloom for the California Department of Fish and Game (DFG) (Bloom 1980). Swainson's hawk has suffered population declines since the first half of the century. It is now listed by the United States Fish and Wildlife Services as a Category 3C candidate. Swainson's hawk populations in California have drastically declined, often due to habitat loss or incompatible agricultural practices. A possible reason for declines in parts of its range may be agriculturally motivated reductions in populations of both ground squirrels and grasshoppers, major seasonal foods. Human disturbance at nesting areas should be restricted during vulnerable periods. Care should be taken to maintain existing nesting trees as the amount of nesting trees limits the amount of available habitat. It is adapting to annual crop fields like alfalfa and hay fields where prey are abundant and the crops never get too high for foraging. However, large-scale agribusinesses do not have trees for perching and nesting.
The habitat of Swainson's hawk consists of open and semi-open country, deserts, grasslands and prairies that have some trees for nesting. It favors wild prairie, hayfields, and pastures over wheat fields and alfalfa fields, which may offer its prey too much cover. Swainson’s hawks feed primarily on small rodents (mainly hunt mice, ground squirrels, rabbits, birds, and reptiles during the breeding season) usually in large fields that support low vegetative cover (to provide access to the ground) and high densities of prey (Bechard 1982; Estep 1989). It requires elevated perches for hunting and a supply of small mammals as prey for its nestlings. The breeding distribution of the Swainson's hawk is tied very closely to the distribution of various small mammals for this reason. Swainson’s Hawks and largely live off insects like grasshoppers, locust, and beetles during the non-breeding season.

In the Central Valley, foraging habitat consists primarily of crop lands and pasturelands and agricultural areas where it has open areas to forage for its small prey and where roost sites are available. These habitats include hay fields, grain crops, certain row crops, and lightly grazed pasturelands. Fields lacking adequate prey populations (e.g., flooded rice fields) or those that are inaccessible to foraging birds (e.g., vineyards and orchards) are rarely used (Estep 1989, Babcock 1995, Swolsgard 2003). Nesting Swainson’s hawks may forage up to 10 miles from nest sites. Their preferred habitat is being converted to urban areas and being planted with woody perennial crops (orchards) that do not provide good foraging or nesting habitat.

Nesting habitat in Butte County includes all cottonwood-willow riparian forest, valley oak riparian forest, and willow scrub located in open terrain. Open terrain is defined as areas where these land cover types are located west of the slope break between the eastern foothills and the valley floor. East of this slope break, these land cover types are primarily confined by steeply sloped terrain that would not be expected to be used for nesting by Swainson’s hawks. Swainson’s hawks usually nest in trees bordering agricultural fields, in wetland borders, and on abandoned farms. These trees (and thus most nest sites) are most often found along stringers of remnant valley and foothill riparian forest and the edges of oak woodland habitats (Estep 1984; Schlhoff and Bloom 1984; England et al. 1997). However, Swainson’s hawks also nest in a variety of other native and nonnative trees and habitats such as roadside trees, windbreaks, oak groves, isolated trees, and trees around rural residences. Nest trees and bushes include ponderosa pine, Douglas fir, cottonwood, domestic poplar, elm, and willows. Nests are located from nine to 15 feet above the ground, often in the shaded canopy but near the top of the tree. Swainson’s hawk nests are usually flimsy structures.

Swainson’s hawks return from their wintering grounds between February and April. Nest-building ensues for another week, and 1-4 eggs are laid soon after. When Swainson's hawks arrive at their nesting sites they may return to their original nests. They only have one brood per season. Parents feed their young rodents, rabbits, and reptiles. When adults are not breeding, Swainson's hawks eat mostly insects, mainly grasshoppers and dragonflies, but also butterflies, moths, and leaf beetles. Swainson's hawks leave their breeding range in August or September.

This project will result in oak tree removal and loss of grassland for development of residential and commercial uses. The project proposes to remove fewer than half of the approximately 1,176 oak trees. The project includes an open space area, where a majority of the oak trees are located of approximately 15 acres located in the southeastern portion of the project site. According to the draft Butte Regional Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP): the project site is on the edge of an identified foraging habitat, the nearest identified foraging area is located approximately 5.25 miles to the southwest; the nearest identified nesting area is located 1.3 miles to the west; and the nearest nesting and foraging habitat is located 0.25 miles southeast. Based on the open space area, and the majority of the oak trees to remain, there will not be a significant impact, or loss, to Swainson’s hawks foraging area.

e) Less Than Significant with Mitigation Incorporated. The project has the potential to impact Oak Woodlands and Heritage Oaks. The California Oak Woodlands Law, Public Resources Code Section 21083.4, requires counties to determine whether a project within their jurisdictions may result in a conversion of oak woodlands that will have a significant effect on the environment. If a county determines that there may be a significant effect to oak woodlands, the County shall require one or more of the following oak woodlands mitigation alternatives to mitigate the significant effect of the conversion of oak woodlands:

1. Conserve oak woodlands, through the use of conservation easements.
2. Plant an appropriate number of trees, three [3] for every one [1] removed, including maintaining plantings and replacement of dead or diseased trees.
3. Contribute funds to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, for the purpose of purchasing oak woodlands conservation easements.
(4) Other mitigation measures developed by the County.

The County of Butte and the City of Oroville require that subdivision applications for projects with oak trees on site include a detailed arborist report, which may also include a Tree Management and Preservation report if the site is found to contain significant oak woodlands. The Oak Tree Mitigation Plan prepared for the Ashlock project indicated that the project could result in the removal of up to 582 oak trees, including heritage oaks, and recommended a number of mitigations to project impacts to less than significant. The project was redesigned to retain as many oaks as possible, including Heritage oaks. Numbers of trees to be removed and recommended mitigations to reduce the impacts to oak trees to less than significant were outlined in an Addendum to the Oak Tree Management Plan that was submitted to the County.

f) Less Than Significant with Mitigation Incorporated. The project site is within lands assessed in the Butte County Association of Governments’ draft Regional Conservation Plan (RCP), in an area described by the July, 2008 final land cover map as Grassland (26.094 ac/52.2%), Blue Oak Savanna (8.83 ac/17.7%), Blue Oak Woodland (5.33 ac/10.7%), Interior Live Oak (9.64 ac/19.3%) and Altered Vernal Pools (0.056 ac/0.1%). The RCP identifies a portion of the western part of the parcel eastern within a very high constraint area. The eastern portion of the parcel is within a moderate constraint area. While the central portion is not listed as a constraint area. The remainder of the parcel is not identified as being located within an identified constraints area.

California Department of Forestry Fire and Resource Assessment mapping for the area identifies the site as agricultural and oak woodland communities in the vicinity for the site: montane hardwood and blue oak woodland (California Department of Forestry, 2003). Vegetation on the site is mostly grassland along with Blue Oaks, Foothill Pines, scattered poison oak and shrubs. The oak trees are located along the eastern property line (proposed parcels 6 through 10). Tree diameters range from scrub to 24 inch or more.

Preparation of the Butte RCP began in 2007 and is being coordinated by the Butte County Association of Governments (BCAG) on behalf of the Cities of Biggs, Chico, Gridley, Oroville, and the County of Butte. The Butte RCP provides opportunities for comprehensive species, wetlands and ecosystem conservation and contributes to the recovery of endangered species within the plan area, while also providing a more streamlined process for environmental permitting. The draft version is currently being revised to allow for publication of the Final RCP and supporting documents and analyses.

After review of the project-specific information collected for the project area and review of the regional information and standards available in the RCP, with incorporation of recommended mitigation, the project is not expected to have impacts upon any sensitive biological resources that would conflict with the RCP.

Mitigation Measure #4: Nesting Migratory Birds and Raptors

Prior to initiation of any ground disturbing/construction activities during the nesting season (1 March and 15 September), the area within 0.5 mile of the proposed disturbed area must be surveyed by a qualified biologist for active raptor and migratory bird nests during the appropriate nesting period for the species. All raptor and migratory bird nests on the project site should be avoided until young have fledged in accordance with the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712; Ch. 128; July 13, 1918; 40 Stat. 755) as amended.

A. If an active nest is located within 0.5 mile of the project site, a biologist will monitor the nest weekly during construction to evaluate potential disturbance to nesting from construction activities. The monitor will have the authority to stop construction if it appears to be resulting in nest abandonment or forced fledging. Following a review of the breeding pair's behavior, CDFG will determine whether project activities in the area may continue during the nesting season and, if so, the conditions under which they may continue.

B. If an active nest occurs in a tree scheduled for removal, the species of bird using the nest will be determined. The nest tree will be preserved until it is outside of the breeding season for that species or until the young have fledged. If construction cannot be delayed until the end of the breeding season, guidance from CDFG shall be requested.

Plan Requirements: A qualified biologist must be retained to survey the area for active nests prior to project related disturbances.

Timing: Prior to construction.

Monitoring: The Butte County Department of Development Services
Mitigation Measure #5: Vernal Pool Invertebrates

Impacts to special status shrimp habitat shall be avoided to the maximum extent practicable. These listed species include *Branchinecta conservatio* (Conservancy fairy shrimp), *Branchinecta longiantenna* (longhorn fairy shrimp), *Lepidurus packardi* (vernal pool tadpole shrimp), and *Branchinecta lynchi* (vernal pool fairy shrimp).

Less than one quarter of acre of habitat will be affected, including habitat that is filled or otherwise destroyed (directly affected) and habitat indirectly affected by the project. Habitat indirectly affected includes all habitat supported by destroyed upland areas and swales, and all habitat otherwise damaged by loss of watershed, human intrusion, introduced species, and pollution caused by the project. If the reach of indirect effects cannot be determined definitively, all habitat within 250 feet of proposed development may be considered indirectly affected.

A. For every acre of habitat directly or indirectly affected, at least two vernal pool credits will be dedicated within a USFWS-approved preservation bank, or, based on USFWS evaluation of site-specific conservation values, three acres of vernal pool habitat may be preserved on the project site or on another non-bank site approved by the USFWS.

B. For every acre of habitat directly affected, at least one vernal pool creation credit will be dedicated within a USFWS-approved habitat mitigation bank, or, based on USFWS evaluation of site-specific conservation values, three acres of vernal pool habitat will be created and monitored on the project site or on another non-bank site as approved by the USFWS.

C. If habitat is avoided (preserved) on site, then a USFWS-approved biologist (monitor) will inspect any construction-related activities at the proposed project site to ensure that unnecessary take of listed species or destruction of their habitat does not occur. The biologist will have the authority to stop all activities that may result in such take or destruction until appropriate corrective measures have been completed. The biologist also will be required to immediately report any unauthorized impacts to the USFWS and the California Department of Fish and Game.

D. Single rail fencing will be placed and maintained around any avoided (preserved) vernal pool or vernal swale habitat to prevent impacts from vehicles.

E. All construction personnel will receive instruction regarding the presence of listed species and the importance of avoiding impacts to these species and their habitat.

F. The applicant will ensure that activities that are inconsistent with the maintenance of the suitability of remaining habitat and associated on-site watershed are prohibited. This includes, but is not limited to: (i) alteration of existing topography or any other alteration or uses for any purposes, including the exploration for or development of mineral extraction; (ii) placement of any new structures on these parcels; (iii) dumping, burning, and/or burying of rubbish, garbage, or any other wastes or fill materials; (iv) building of any new roads or trails; (v) killing, removal, alteration, or replacement of any existing native vegetation; (vi) placement of storm water drains; (vii) fire protection activities not required to protect existing structures at the project site; and (viii) use of pesticides or other toxic chemicals.

G. Before implementation of each proposed project, the USFWS will be supplied with a 7.5 minute U. S. Geological Survey topographic map that clearly delineates the project area and habitat contained within this area.

Plan Requirements: The note shall be placed on a separate document which is to be recorded concurrently with the final map.

Timing: Prior to fill or any wetlands on site.

Monitoring: The Butte County Department of Development Services shall ensure that vernal pool mitigation credits have been purchased according to USFWS specifications before wetland fill occurs. Butte County building inspectors shall ensure compliance with fencing requirements on-site.
Mitigation Measure #6: Oak Trees

The applicant/developer shall satisfy one of the following:

A. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: Prior to any development activity or the issuance of any permit or approval removing or encroaching upon oak trees on the project site (this generally includes the canopy drip-line of trees within the area of ground disturbance and trees subject to changes in hydrologic regime) an Oak Tree Mitigation Plan prepared by a certified arborist, registered professional forester, botanist or landscape architect shall be submitted for review and approval by the Director of Development Services or his/her designee that includes:

1) A survey showing the location of oak trees 5 inches or more in diameter at breast height, as defined by PRC §21083.4(a);

2) The removal of all oak trees 5 inches or more in diameter at breast height shall be mitigated. It shall be mitigated by one or more of the following: replanting and maintaining oak trees, establishing conservation easements, contributing funds for off-site oak woodlands conservation, and/or other mitigation measures developed by Butte County. Replanting oak trees cannot account for more than one-half of the mitigation. Replanted oak trees shall be maintained for a period of seven years after they are planted. If any of the replanted oak trees die or become diseased, they shall be replaced and maintained for seven years after the new oak trees are planted;

3) A replanting schedule and diagram for trees removed or encroached upon by permit activities consistent with PRC §21083.4(b)(2), applicable mitigation measures, and Butte County Ordinance, if any, shall be submitted to and approved by the Director of Development Services or his/her designee. Replanted trees shall be planted in areas deemed appropriate by the Plan, considering future lot development, interference with foundations, fencing, roadways, driveways, and utilities. Trees planted shall be protected from livestock and other animals;

4) Oak Tree protection measures for trees to be retained within the project site shall be included in construction specifications. Each oak tree to be preserved shall be surrounded by a tree zone identified by the drip line of the tree. An orange plastic fence or other suitable type of fence shall be used to identify the tree zone during construction activities. No vegetation removal, soil disturbance, or other development activities shall occur within the tree zone in order to protect root systems and minimize compaction of the soil, unless authorized by Oak Tree Mitigation Plan; and

5) Conservation easements or funds for off-site oak woodlands conservation shall be proposed to and approved by the Director of Development Services or his/her designee.

B. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: Prior to any development activity or the issuance of any permit or approval removing or encroaching upon oak trees on the project site (this generally includes the canopy drip-line of trees within the area of ground disturbance and trees subject to changes in hydrologic regime) the developer shall be consistent with the County’s adopted oak mitigation ordinance.

C. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: Prior to any development activity or the issuance of any permit or approval removing or encroaching upon oak trees on the project site (this generally includes the canopy drip-line of trees within the area of ground disturbance and trees subject to changes in hydrologic regime) the project shall be consistent with all avoidance and minimization measures and the applicant shall pay applicable in lieu fees to mitigate for blue oak woodland impacts as provided in the adopted Butte County Resource Conservation Plan.

Plan Requirements: No vegetation removal, grading, road construction, or other earthwork resulting in the removal or encroachment upon oak trees on the project site shall be permitted until the mitigation measure is satisfied by the applicant/developer completing one of the specified measures to the satisfaction of the Director of Development Services or his/her designee.

Timing: Requirements of the condition shall be satisfied prior to any development activity or the issuance of any grading, building, septic, or well permit, or the approval of any improvement plans on the parcels.
Monitoring: The Butte County Department of Development Services and Department of Public Works shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. At the time of septic, well, or building permit application, the Development Services Department will reference this requirement on any grading, building, septic, or well permit site plans and verify that actions necessary to verify this measure have been satisfied have been submitted to and approved by the Director of Development Services or his/her designee. Butte County building inspectors shall ensure compliance on-site.

4.5 CULTURAL RESOURCES:

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<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
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<tbody>
<tr>
<td>a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</td>
<td></td>
<td>X</td>
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<tr>
<td>b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</td>
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<td>X</td>
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<td>c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
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<td>X</td>
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<td>d. Disturb any human remains, including those interred outside of formal cemeteries?</td>
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<td>X</td>
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</table>

Impact Discussion:

a - d) Less Than Significant with Mitigation Incorporated. The project will not cause a change in the significance of any known historic or archaeological resources or destroy any known unique paleontological or geologic feature. Although the site is vacant, it appears that mining, farming and ranching may have been some of the previous uses on the land within the current project boundaries. While no mine tailings were found within the boundaries of the project site, just outside the southeastern corner there are large mine tailings. In the eastern portion of the site the land was cleared for a large transmission line that crosses the property running northeast to southwest. There is another transmission line heading southeast that T’s off the first transmission line approximately halfway between the northern and southern project boundary lines.

A Cultural Resources Inventory of the Ashlock Property was completed by Furlong Archaeological Consulting, for Eco-Analysts, in June of 2005. This study included a record and literature search of Northeast Information Center (NEIC) archives, a sacred land file search with the Native American Heritage Commission (NAHC), contacts of Native Americans listed with NAHC, and a pedestrian survey of the project area.

No evidence of cultural resources was found during the investigation, nor did the pedestrian survey identify any new cultural resources. However, the possibility exists for buried resources to exist. Based on environmental and geographic context, the western two-thirds of the property is not considered sensitive for historic or prehistoric resources. However, the eastern third was determined to have some sensitivity for undiscovered prehistoric resources due to a seasonal stream channel situated there.

Since it is possible for undiscovered buried historic or prehistoric cultural resources to be revealed during work on the property, or human remains to be discovered, a mitigation measure is included.

Mitigation Measure #7 Cultural Resource Protection

Place a note on a separate document which is to be recorded concurrently with the Final Map or on an additional map sheet and on all building and site development plans that states: “Should grading activities reveal the presence or
prehistoric or historic cultural resources (i.e. artifact concentrations, including arrowheads and other stone tools or chipping debris, cans glass, etc.; structural remains; human skeletal remains) work within 50 feet of the find shall immediately cease until a qualified professional archaeologist can be consulted to evaluate the find and implement appropriate mitigation procedures. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner. Should the County Coroner determine that the remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State Law, to arrange for Native American participation in determining the disposition of such remains.” The provisions of this note shall be followed during construction of all subdivision improvements, including land clearing, road construction, utility installation, and building site development.

**Plan Requirements:** This note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and shall be shown on all site development and building plans.

**Timing:** This measure shall be implemented during all site development activities.

**Monitoring:** Should cultural resources be discovered, the landowner shall notify the Planning Division and a professional archaeologist. The Planning Division shall coordinate with the developer and appropriate authorities to avoid damage to cultural resources and determine appropriate action. State law requires the reporting of any human remains.

### 4.6 GEOLOGY/SOILS:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: 1. 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. 2. Strong seismic ground shaking? 3. Seismic-related ground failure, including liquefaction? 4. Landslides?</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>b. Result in substantial soil erosion or the loss of topsoil?</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d. Be located on expansive soil, as defined in Table 18-1-B of the</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal system where sewers are not available for the disposal of waste water? X

Impact Discussion:

The Seismic Safety Element of the Butte County General Plan indicates that all of Butte County is in Moderate Earthquake Intensity Zone VIII. The site is not within an Alquist-Priolo Earthquake fault zone but is within an aftershock epicenter region (Butte County GIS Epicenter Regions theme). The only known active fault trace in Butte County is the Cleveland Hill fault zone, located approximately 4.3 miles southeast of the project site, where activity on August 1, 1975 resulted in the Oroville earthquake. This earthquake had 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 Bear Mountain Fault or Foothills Shear Zone. Minor seismic activity has occurred in the area of these short faults; however, other geologic evidence indicates these faults are not active (Health and Safety Element, Butte County General Plan 2010). No impacts are anticipated since no rupture of a known earthquake fault exists in the project area.

SEISMIC HAZARDS

Seismic risk in the Study Area results from active earthquake faults within the Butte County, as well as from active faults outside the County whose seismic activity would cause potentially damaging ground motion in the County. An earthquake is the release of stored energy in the earth due to sudden movement along a geologic fault. This energy release can result in ground shaking of the Earth’s surfaces. Earthquakes can also be associated with volcanic activity.

The Sierra foothills contain literally hundreds of mapped faults, dozens of which are located within Butte County. Many of these faults occur within the Cenozoic era, or within the past 66 million years. Others are Mesozoic and thus are older than 66 million years. Most of these faults are not now considered active. Furthermore, most of these faults are very short and thus are probably not capable of producing severely damaging earthquakes. The Mining and Geology Board has defined potentially active faults as those for which there is evidence of surface displacement within the Quaternary period, that is, within the past 1.6 million years. Faults classified as potentially active faults show no evidence of surface displacements within the past 11,000 years, but this period of time is short geologically and thus such faults are considered potentially active. It is important to keep in mind, however, that faults that do not meet the Mining and Geology Board’s criteria are not necessarily permanently inactive. Moreover, seismic risk is not limited to faults that have been identified. In fact a significant fraction of small to moderately large earthquakes occurs on faults that were not previously recognized. Such earthquakes are characterized as “background seismicity” or “floating earthquakes,” terms that indicate that the expected sources and locations of such earthquakes are often unknown.

Based on this concept, the general geologic setting of Butte County, and earthquake experience elsewhere in the Sierra foothills and central valley, it appears reasonable to assume that background seismicity could produce earthquakes as large as Richter magnitude 6.0 or 6.5 virtually anywhere in Butte County, including the Study Area. In addition, all of Butte County has been identified as a “seismic hazard zone” by the Seismic Hazards Mapping Program of the California Geological Survey.

There is only one identified active fault located within Butte County, the Cleveland Hills fault, identified pursuant to the Alquist-Priolo Act as an “earthquake fault zone.” This fault was responsible for the 1975 Oroville earthquake, which had a Richter magnitude of 5.7, and was an event that produced surface displacement along approximately 2.2 miles of the fault. Geologic studies indicate that the total length of the Cleveland Hills fault is probably 11 to 15 miles. The maximum credible earthquake on this fault is believed to be about magnitude 6.5 to 6.7. An event of this magnitude would cause substantially more damage than the 1975 event.
GROUND FAILURE

The various processes grouped within ground failure include on- or off-site landslide, lateral spreading, subsidence, and liquefaction. Lateral spreading and slumping are often caused by liquefaction. In the Study Area, the hazard from lateral spreading and slump-type failures is expected only around the edge of alluvial terraces and along the floodplain of the Wyman Ravine. Land subsidence is the gradual settling or sinking of an area with little or no horizontal motion due to changes taking place underground. It is a natural process, although it can also occur (and is greatly accelerated) as a result of human activities. Subsidence is not considered to pose a significant hazard within the Study Area. Liquefaction is the temporary transformation of water-saturated granular soils to a liquid state, much like quicksand, usually as a result of ground shaking. The majority of the Study Area is considered an area with a generally low liquefaction potential according to the Butte County General Plan 2030 Setting and Trends Report, however the floodplain of the Wyman Ravine is considered to have a generally moderate potential for liquefaction.

NON-SEISMIC GEOLOGIC HAZARDS

Non-seismic geologic hazards include volcanic eruptions, seiches, erosive soils, and expansive soils. Volcanic eruptions and seiches are not considered a significant threat in the Las Plumas Study Area.

The Study Area is considered distant enough from the three area volcanoes, including Lassen Peak, Mount Shasta, and Medicine Lake Volcano, that it is unlikely that the area would be significantly affected by a volcanic eruption. Seiches have not been recorded in any of the reservoirs in Butte County that are within the jurisdiction of the California Division of Dam Safety. However, the potential for seiches does exist in Butte County, either from landslides or from stronger earthquakes that have been experienced in historical times.

Expansive soils swell when wet and shrink as they dry. Expansive soils generally contain mixed-layer clays, known as smectite, that expand when moisture is absorbed into the crystal structure. This results in a rise in the ground surface. Most of the Study Area is characterized by low to none occurrence of expansive soils. Though expansive soils are not considered to pose a significant hazard within the Study Area, standard soil tests are necessary in order to determine the expansive soil potential for a particular area. The effects of expansive soils on structures can be mitigated through proper engineering design and standard corrective measures.

Erosion is a normal and inevitable geologic process generally involving the removal of earth materials from one area with deposition to another area. Examples of concentrated erosion include gullied land surfaces and undercut stream banks. Expansive erosion includes sheetwash and slope denudation. Excessive erosion causes sedimentation and can damage or destroy waterway and riparian habitat, clog drainage structures, lakes, reservoirs, and floodplains. Human activities, such as grading, frequently accelerate erosion and sedimentation. Erosion concerns are particularly heightened whenever development activities are proposed in soils containing parent materials of decomposed granite, as decomposed granite soils are very difficult to re-stabilize and offer very poor nutritional support for the re-establishment of vegetative cover.

According to the Butte County General Plan 2030 Setting and Trends Report, the Study Area possesses a moderate potential for erosion that may be expected when protective vegetation is removed, as well as the level of erosion hazard according to underlying geology and rainfall.

DAM INUNDATION

As of 2007, there are 24 dams in Butte County under the jurisdiction of the California Department of Water Resources Division of Safety of Dams. A majority of these dams (15) are earthenfill embankments while the others include three gravity concrete dams, three variable radius concrete arch dams, two rock embankment dams, and one hydraulic fill dam. The dams function in a variety of service capacities for the county and the State, including irrigation, recreation, stock watering, power production, and municipal water supply. The reservoirs contained by these dams range in size from 85 acre-feet to 3,537,377 acre-feet. According to the Butte County General Plan 2030 Setting and Trends Report, the Study Area is not within any mapped dam inundation area.

a.1) Less Than Significant Impact. An earthquake is the release of stored energy in the earth due to sudden movement along a geologic fault. This energy release can result in ground shaking of the Earth’s surfaces. Earthquakes can also be associated with volcanic activity. Seismic risk in the project area results from active earthquake faults within Butte County, as well as from active faults outside the County whose seismic activity would cause potentially damaging ground motion in the County.
The Sierra foothills contain hundreds of mapped faults, dozens of which are located within Butte County. Most of these faults are not now considered active. The Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. The main purpose of the Act is to prevent the construction of buildings used for human occupancy on top of active faults. The Act only addresses the hazard of surface fault rupture and is not directed toward other hazards. The State Geologist establishes Alquist-Priolo Zones around surface traces of active faults. Local agencies must regulate most development projects within these zones, and generally there can be no construction within 50 feet of an active fault zone.

There is only one identified active fault located within Butte County, the Cleveland Hills fault, identified pursuant to the Alquist-Priolo Act as an “earthquake fault zone.” This fault traverses generally north-south along the lower foothills east of Oroville. This fault was responsible for the 1975 Oroville earthquake, which had a Richter magnitude of 5.7, and was an event that produced surface displacement along approximately 2.2 miles of the fault. Geologic studies indicate that the total length of the Cleveland Hills fault is probably 11 to 15 miles. The maximum credible earthquake on this fault is believed to be about magnitude 6.5 to 6.7. An event of this magnitude would cause substantially more damage than the 1975 event.

The project site is located approximately 4.3 miles from the Alquist-Priolo zone surrounding the Cleveland Hills fault. Due to the site’s location outside this or any other Alquist-Priolo zone, impacts due to seismic rupture are expected to be less than significant.

a.2) Less Than Significant Impact. Given the general geologic setting of Butte County, and earthquake experience in the County and elsewhere in the Sierra foothills and Central Valley, it appears reasonable to assume that background seismicity could produce earthquakes as large as Richter magnitude 6.0 or 6.5 virtually anywhere in Butte County, including the project site. In addition, all of Butte County has been identified as a “seismic hazard zone” by the Seismic Hazards Mapping Program of the California Geological Survey.

The proposed project would therefore result in development that would put residents, occupants of commercial facilities, structures and facilities at risk of ground shaking in the event of a moderate to major earthquake on local or regional faults. The California Building Code (CBC) is included in Title 24 of the California Code of Regulations and is a portion of the California Building Standards Code. Through the CBC, the State provides a minimum standard for building design and construction. The CBC contains specific requirements for seismic safety, excavation, foundations, retaining walls and site demolition. It also regulates grading activities, including drainage and erosion control. Adherence to the 2007 CBC will require that new structures meet a required level of strength and seismic detailing based on a Seismic Design Category (SDC), which would minimize the potential of structural damage resulting from seismic activity. Impacts relative to ground shaking are therefore expected to be less than significant.

a.3) Less Than Significant Impact. Liquefaction, which may occur from strong ground shaking during earthquakes, is the transformation of a granular sediment or fill material from a solid state to a temporarily liquid state. Liquefaction can be a serious hazard because buildings in areas that experience liquefaction may sink or suffer major structural damage.

Butte County is considered to be at a low risk of hazards from liquefaction with the exception of areas near the Sacramento River extending to the limits of the valley floor, and along other rivers, creeks, and drainages. The floodplain of the Wyman Ravine is considered to have a moderate potential for liquefaction. Almost the entire project site is located in an area with generally low potential for liquefaction. A small area in the southeast corner of the project site (0.75 acres) is associated with moderate liquefaction potential as part of the Wyman Ravine drainage. No development is proposed in this area. However, all future development within the project site will be required to be constructed according to the CBC, which will reduce the impacts resulting from liquefaction to less than significant.

a.4) Less Than Significant Impact. Landslides are downward and outward movements of slope-forming materials which may be rock, soil, artificial fill, or combinations of such materials. Landslides are not common in Butte County. Most occur on slopes greater than 15 percent. Slopes in and around the project site range from 0 to 4 percent, and the area is therefore considered to have a low landslide potential. Potential impacts due to hill-slope failure or landslides are therefore considered to be less than significant.

b) Less Than Significant with Mitigation Incorporated. Erosion is a geologic process generally involving the removal of earth materials from one area with deposition to another area. Examples of concentrated erosion include gullied land surfaces and undercut stream banks. Expansive erosion includes sheetwash and slope denudation. Excessive erosion causes sedimentation and can damage or destroy waterway and riparian habitat, clog drainage
structures, lakes, reservoirs, and floodplains. Human activities, such as grading, frequently accelerate erosion and sedimentation. Erosion concerns are particularly heightened whenever development activities are proposed in soils containing parent materials of decomposed granite, as decomposed granite soils are very difficult to re-stabilize and offer very poor nutritional support for the re-establishment of vegetative cover.

The project area possesses a moderate potential for erosion, which may be expected when protective vegetation is removed. Slopes on the site range from 0 to 4 percent. The lack of steep slopes within the site and the moderate erodibility of the site’s soils indicate that substantial erosion and loss of topsoil is unlikely to occur as a result of project implementation.

Construction of the project will be subject to the National Pollutant Discharge Elimination System (NPDES) General Construction Activities Storm Water permit program. This program requires implementation of erosion control measures during and immediately after construction that are designed to avoid significant erosion during the construction period. In addition, the project operation could be subject to State Water Resources Control Board requirements for the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) to control pollution in stormwater runoff from the project site, including excessive erosion. A Construction Storm Water Permit will be required by the State Water Resources Control Board if the project results in a disturbance (including clearing, excavation, filling, and grading) of one or more acres. The permit must be obtained from the State Water Resources Control Board prior to construction. Required elements of a SWPPP include: (1) site description addressing the elements and characteristics specific to the site, (2) descriptions of Best Management Practices (BMPs) for erosion and sediment controls, (3) BMPs for construction waste handling and disposal, (4) implementation of approved local plans, (5) proposed post-construction controls, including description of local post-construction erosion and sediment control requirements, and (6) non-storm water management.

c) Less than Significant. The area in and around the project is considered to have a low landslide potential. The relatively gentle topography within the project site indicates that the potential for impacts relative to hill-slope failure or landslides is considered to be less than significant.

Land subsidence is the settling or sinking of an area with little or no horizontal motion due to changes taking place underground. Subsidence is usually a direct result of groundwater withdrawal or oil and gas extraction. Subsidence can damage roads, streams, canals, drains, sewers, and dikes by changing their gradients. Other damaging effects can include damage to water wells due to sediment compaction, and an increased likelihood of flooding in low-lying areas. Land subsidence is considered to be a potential hazard for the portions of Butte County located within the Sacramento Valley where heavy groundwater pumping or gas production is occurring. Subsidence is not considered to pose a significant hazard in the project area.

Hazards posed by lateral spreading and slump-type failures are expected along the edge of alluvial terraces and along the floodplain of the Wyman Ravine. As noted above, although the majority of the project site has low liquefaction potential, a very small portion of the southeast corner of the project site is associated with moderate liquefaction potential. However, all future development within the project site will be required to be constructed according to the CBC. Given these conditions and requirements, potential impacts resulting from landslides, subsidence, lateral spreading, liquefaction, and slump-type failures are considered to be less than significant.

d) Less Than Significant Impact. Expansive soils swell when wet and shrink as they dry. Expansive soils generally contain mixed-layer clays that expand when moisture is absorbed into the crystal structure. This results in a rise in the ground surface. Periodic shrinking and swelling can cause extensive damage to buildings, other structures, and roads. Soils containing only sand and gravel have no potential for volume change. Soils containing clays have variable potential.

The project site is located in an area associated with highly expansive soils. The majority of the site is listed by the Natural Resources Conservation Service as having Oroville-Thermalito-Fernandez soils at 0 to nine percent slopes. The remainder of the site is listed as having xerothenthes (tailings), which appear to be associated with the Wyman Ravine drainage. The Oroville, gravelly fine sandy loam and Fernandez sandy loam soils within the project site have a high shrink-swell potential, which poses limitations to dwellings and small commercial buildings. Such expansive soils, which change in volume with changes in moisture content, can cause damage to concrete slabs, pipes, curbs, and house foundations and walls. The effects of expansive soil hazards are required to be considered within the existing framework of grading and building codes that apply to all sites and projects in California. Consistent with the CBC, the Butte County Building Division requires soil tests prior to issuance of a building permit to determine the site’s
soil’s specific expansive potential, and will ensure that the foundations of all new structures are designed to adequately perform according to the shrink/swell characteristics determined for the building site. Adherence to the 2007 CBC will ensure construction practices which would minimize the potential of structural damage resulting from expansive soils. Given these requirements, impacts due to expansive soils are expected to be less than significant.

e) **No Impact.** The proposed project shall be served by an existing sewerage collection and treatment entity per agreement with the Lake Oroville Area Public Utility District (LOAPUD) and the Sewerage Commission of the Oroville Region (SC-OR). Furthermore, the site is unsuitable for septic systems due to the low percolation of soils on site. No impacts to geology due to wastewater disposal are identified.

**Mitigation Measure #8: SWRCB Permitting**

Prior to any grading on the site, a Construction Storm Water Permit will be required by the State Water Resources Control Board if the project results in a disturbance (including clearing, excavation, filling, and grading) of one or more acres. The Permit must be obtained from the State Water Resources Control Board prior to construction. If a Construction Storm Water Permit is required, place a note on an additional map sheet that states: “The development of this Final Map required a construction storm water permit. Construction activities that result in a land disturbance of less than one acre, but which are part of a larger common plan of development, also require a permit. Development of individual lots may require an additional permit(s).”

**Plan Requirements:** A copy of the approved Storm Water Pollution Prevention Plan (SWPPP) shall be attached to all building and site development plans.

**Timing:** The requirements of the approved Storm Water Pollution Prevention Plan shall be adhered to at all times.

**Monitoring:** The applicant or his/her successors, heirs, assigns are responsible for ensuring compliance with the Storm Water Pollution Prevention Plan. The California Regional Water Quality Control Board and the Butte County Public Works Department will respond to any storm water runoff problems.

### 4.7 GREENHOUSE GAS EMISSIONS:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

**Impact Discussion:**

The earth’s atmosphere naturally contains a number of gases, including (but not limited to) carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O), which are collectively referred to as greenhouse gases (GHGs). GHG emissions are generally numerically depicted (when applicable) as carbon dioxide equivalents (CO₂e). CO₂e represents CO₂ plus the additional warming potential from CH₄ and N₂O. The common unit of measurement for carbon dioxide equivalents is in metric tons (MTCO₂e).

These gases trap some amount of solar radiation and the earth’s own radiation, preventing it from passing through earth’s atmosphere and into space. GHG are vital to life on earth; without them, earth would be an icy planet. For example, CO₂ is an element that is essential to the cycle of life. In general, CH₄ and N₂O have 21 and 310 times the warming potential
of CO₂, respectively. Human-made emissions of GHG occur through the combustion of fuels, as well as a variety of other sources.

Increasing GHG concentrations are believed to be warming the planet. As the average temperature of the earth increase, weather may be affected, including changes in precipitation patterns, accumulation of snow pack, and intensity and duration of spring snowmelt. Climate zones may change, affecting the ecology and biological resources of a region. There may also be changes in fire hazards due to the changes in precipitation and climate zones.

While scientists have established a connection between increasing GHG concentrations and increasing average temperatures, important scientific questions remain about how much warming would occur, how fast it would occur, and how the warming would affect the rest of the climate system. At this point, scientific efforts are unable to quantify the degree to which human activity impacts climate change. The phenomenon is worldwide, yet it is expected that there would be substantial regional and local variability in climate changes. It is not possible with today's science to determine the effects of global climate change in a specific locale, or whether the effect of one aspect of climate change may be counteracted by another aspect of climate change, or exacerbated by it.

Section 15183.5(b) of Title 14 of the California Code of Regulations states that a GHG Reduction Plan, or a Climate Action Plan, may be used for tiering and streamlining the analysis of GHG emissions in subsequent CEQA project evaluation provided that the CAP does the following:

A. Quantify greenhouse gas emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area;

B. Establish a level, based on substantial evidence, below which the contribution to greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable;

C. Identify and analyze the greenhouse gas emissions resulting from specific actions or categories of actions anticipated within the geographic area;

D. Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;

E. Establish a mechanism to monitor the plan’s progress toward achieving the level and to require amendment if the plan is not achieving specified levels; and

F. Be adopted in a public process following environmental review.

A 2006 baseline GHG emission inventory was prepared for unincorporated Butte County. The inventory identified the sources and the amount of GHG emissions produced in the county. Within Butte County, the leading contributors of GHG emissions are agriculture (43%), transportation (29%), and residential energy (17%).

A Climate Action Plan (CAP) was adopted by Butte County on February 25, 2014. The CAP provides a framework for the County to reduce GHG emissions while simplifying the review process for new development. Measures and actions identified in the CAP lay the groundwork to achieve the adopted General Plan goals related to climate change, including reducing GHG emissions to 1990 levels by 2020.

In an effort to implement the measures of the CAP, a development checklist was created to evaluate a new projects consistency with the CAP, and to identify which GHG emission reduction measures would be implemented with project approval. The CAP development checklist identified three reduction measures applicable to the proposed project. These measures include expansion of renewable energy systems for new residential development by prewiring future development for photovoltaic systems; reduction of construction equipment idling time; and, installation of electric vehicle charging outlets in the garage or the exterior of the home

a - b) **Less Than Significant with Mitigation Incorporated.** The proposed project is a subdivision that would contribute to the existing greenhouse gas inventory for Butte County through the creation of parcels for future residential development. Residential development would generate direct emissions through the consumption of electricity, natural gas, and propane, as well as from fuel usage for landscaping equipment. Development would also generate additional vehicle trips to and from the residence. Additionally, construction activities of future development would also create greenhouse gas emissions, primarily from the use of heavy equipment.
To reduce the anticipated increase in of GHG emissions that would ultimately be created by the proposed project, GHG reduction measures from the Butte County Climate Action Plan were identified through CAP development checklist review. Implementation of the following mitigation measure would ensure the project’s consistency with the CAP and that impacts from GHG emissions are less than significant.

A California Emissions Estimator Model (CalEEMod) was prepared and included as Appendix A. The model identified impacts and included identified mitigations. Staff has included mitigations that address construction mitigation (included in Section 4.3 – Air Quality) and post construction (below) to address potential criteria pollutant and greenhouse gas emissions (GHG) associated with the proposed project.

The Butte County General Plan and Butte County Climate Action Plan establish numerous policies relative to greenhouse gases. The proposed subdivision would not generate greenhouse gas emissions; however, future development of the resultant parcels would increase GHG emissions, although on a limited scale. Due to the limited development potential of the project site, the anticipated increase in emissions would not conflict with the applicable with policies adopted for the purpose of reducing GHG emissions.

**Mitigation Measure #9:**

Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: “To the extent feasible, the developer shall implement the following measures at the time of development to offset the anticipated contribution of greenhouse gas emissions from residential development:

- Support expansion of renewable energy systems
  - Prewire all new residential development to support photovoltaic system installation.
- Support efficiency in vehicles and landscaping equipment
  - Install electrical vehicle outlets on external walls or in garages in all new residential development.
  - Incorporate outdoor electrical outlets to encourage the use of electric appliances and tools.
- Improve fuel efficiency of equipment during construction-related activities
  - Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than 3 minute.
  - Use clean or alternative fuel equipment.”

**Plan Requirements:** The note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. This note shall also be placed on all building and site development plans.

**Timing:** This measure shall be implemented prior to issuance of building permits for residential development. Construction-related measures shall be adhered to throughout all grading and construction periods.

**Monitoring:** The Butte County Department of Development Services and the Public Works Department shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. Planning Division will ensure that future residential development includes the applicable measures during Building Permit review. Building inspectors shall spot check and shall ensure compliance on-site.

### 4.8 HAZARDS AND HAZARDOUS MATERIALS:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
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<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>c. Create a significant hazard to the public or the environmental through</td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>Question</td>
<td>Yes/No</td>
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<td>the routine transport use, or disposal of hazardous materials?</td>
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<tr>
<td>d. 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?</td>
<td>X</td>
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<tr>
<td>c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed schools?</td>
<td>X</td>
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</tr>
<tr>
<td>d. Be located on a site which is included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</td>
<td>X</td>
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<tr>
<td>e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?</td>
<td>X</td>
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</tr>
<tr>
<td>f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>h. Expose people or structures to a significant risk or loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</td>
<td>X</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

**Impact Discussion:**

A material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, state, or local agency, or if it has characteristics defined as hazardous by such an agency. According to California Health and Safety Code Section 25501(o), “Hazardous material” means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to...
the environment if released into the workplace or the environment. Hazardous materials include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.

a - c) **Less Than Significant Impact.** The project does not involve the routine use, transport, or disposal of hazardous materials, nor will hazardous emissions or acutely hazardous substances be handled within a quarter mile of an existing or proposed school. The project site is not listed on any list of hazardous materials sites compiled pursuant to Section 65962.5 (Cortese List). Impacts due to the transport, use, disposal, emissions, or accidental release of hazardous materials, nor will hazardous emissions or acutely hazardous substances be handled within a quarter mile of an existing or proposed school. The project site is not listed on any list of hazardous materials sites compiled pursuant to Section 65962.5 (Cortese List). Impacts due to the transport, use, disposal, emissions, or accidental release of hazardous materials are therefore considered to be less than significant.

d) **Less Than Significant Impact.** Searches of the Department of Toxic Substance Control’s EnviroStor database (DTSC, 2018) and the State Water Resources Control Board Geotracker database (SWRCB, 2018) for the Las Plumas Master Environmental Assessment (2009) identified two hazardous material sites in the Las Plumas Study Area. The site located at 1855 Kusel Road (Norcal Recycling) is approximately 2,500 feet from the proposed project site. This site is an operating scrap and recycling business in active cleanup status. The site at 1980 Kusel Road (Sierra Pacific) is approximately 2,450 feet from the proposed project site. The Sierra Pacific site is an operating wood plant that has been located at the site since the 1950s. The project is also located approximately 3,680 feet from the former Koppers site at 5666 Bagget Maryville Road, and approximately 3,800 feet from the neighboring Louisiana-Pacific facility. The Koppers site is a 200-acre former wood treatment facility certified for operation and maintenance under specific land use restrictions. The Louisiana-Pacific facility is a delisted Federal Superfund site.

Given the project’s distance of approximately one-half mile or more from the identified hazardous material sites and the remediation efforts and restrictions in place on these sites, hazards from the project’s location in relation to identified hazardous materials sites is expected to be less than significant.

e - f) **Less Than Significant Impact.** The closest airport including private airstrips is the Oroville Municipal Airport, which is more than three miles away. The project site falls outside of the Oroville Airport Compatibility Zones. Given these conditions, hazards due to air travel are expected to be less than significant.

g) **Less Than Significant Impact.** The Butte County General Plan Safety Element adopted in 1977 primarily focuses on geologic and fire hazards. Currently Butte County has an Operational Area Disaster Plan which serves as the official Emergency Operations Plan (EOP) for the County. It includes planned operational functions and the overall responsibilities of each area of the County with level of service when addressing emergency situations. The Plan provides an overview of operational concepts, identifies components of the County’s emergency management organization, and describes the overall responsibilities of the federal, State, and County entities and the Butte County operational area for protecting life and property and assuring the well-being of the population. Implementation of the proposed project is expected to maintain service on County roads which could serve as emergency routes, and is not expected to otherwise interfere with implementation of the EOP. Impacts to emergency response or emergency evacuation needs are therefore expected to be less than significant.

h) **Less Than Significant Impact.** Calculation of threat from wildfire hazard is based on a number of combining factors including fuel loading (vegetation), topography, and climatic conditions such as winds, humidity and temperature, as well as the proximity of structures and urban development to fire hazards. Generally speaking, late summer and early fall are the periods of greatest risk for wildland fire, when vegetation is at its driest. Human activity, including residential and agricultural burning, mowing of dead grass, careless disposal of cigarettes, campfires, and use of fireworks can all trigger fires; natural causes such as lightning strikes may also cause fires.

Although the Study Area is located in an environment not typically associated with wildland fires (scattering of oak woodland and grasslands), a number of fires have occurred in this general area in the last several years. Like most Valley fires, these have been grass fires near populated areas. Wildland fires pose a potential threat to homeowners within the project area due to the abundance of grasslands surrounding the site and the site’s interface with several roadways. The project site is located in a Local Response Area for fire protection services. Fire protection services would be provided by CAL FIRE/Butte County Fire.

Fire Hazard Severity Zones are determined by the Fire and Resource Assessment Program (FRAP), which is part of Cal Fire. Areas are classified as Moderate, High, or Very High Fire Hazard Severity. Unless a Local Response Area is determined to be Very High, it is not classified at all. According to the Butte County General Plan 2030 Setting and Trends Report, the project area is located in an area that has been identified as possessing a “very high threat” from
wildland fire. County fire protection requirements applicable to the proposed project include requirements for community water systems with specified pressurization levels for single-family, multi-family, and commercial development. Hydrant spacing, size, and residual fire flow are also subject to County requirements. The pressurized system must be operational before combustible materials arrive on-site. Prior to building construction, all-weather access sufficient for a 40,000-lb. fire apparatus must also be provided. Given these requirements, exposure of people or structures to risks from wildland fire is expected to be less than significant.

Mitigation Measure: None required.

4.9 HYDROLOGY AND WATER QUALITY:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b.</td>
<td>Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c.</td>
<td>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?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d.</td>
<td>Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>e.</td>
<td>Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>f.</td>
<td>Otherwise substantially degrade water quality?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
Impact Discussion:
The project area is situated within the Feather River watershed of Northern California. Project lands are characterized as a relatively flat terrace situated upslope from the steeper slopes of Wyman Ravine, a historically important canyon now largely filled in with gold-era mine tailings. There are no permanent watercourses within project boundaries.

A wetland delineation was performed on the property during the summer of 2006 (Eco-Analysts) and verified by the US Army Corps of Engineers (USACE) on October 2, 2006. This verification remained valid until October 2, 2011, and was subsequently modified to a Preliminary Jurisdictional Determination that would remain valid indefinitely or until hydrological conditions changed for the study area. This delineation identified 0.373 acres of wetlands (including seasonal wetlands, vernal pools, and swales), 0.217 acres of Other Waters of the United States (including intermittent streams, ephemeral streams, and ditches), and 0.046 acres of non-jurisdictional water features (including isolated wetlands and abandoned ditch segments).

The site was reviewed by Bob Hosea of the California Department of Fish and Game (DFG) in 2007 to determine if the abandoned ditch segment was considered a jurisdictional streambed. According to a response letter dated September 26, 2007, DFG does not consider the ditch segment to be a jurisdictional stream feature and will not require application for a streambed alteration permit. It was noted, however, that portions of the ditch located off-site may occasionally contain standing water, although no outlet exists for flow.

The site was reviewed in 2007 by Brian Vierria of the Sacramento District US Army Corps of Engineers, Regulatory Branch. He provided recommendations designed to help avoid unnecessary impacts to wetlands. His recommendations have been applied to project design, including the fencing off of wetland features in the southeastern corner of the parcel, dedication of lands supporting wetland features to Northern California Regional Land Trust, and ensuring that stormwater detention basins slope away from and have adequate buffers between existing wetland features.

Fill of less than 0.5 acres of jurisdictional wetland features is proposed. This impact will be reduced to less than significant by satisfying conditions required by the USACE Nationwide Permit for wetland fill, which may include payment of in-lieu fees, purchase of mitigation credits, off-site mitigation, or creation, as will be determined by USACE upon issuance of the final permit.

a - b) **No Impact.** The project will not violate any water quality or waste discharge standards, or otherwise substantially degrade groundwater or surface water. The project does not propose installation of wells that may deplete or reduce local groundwater levels. The project does not propose alterations of any stream or river.

c - e) **Less Than Significant with Mitigation Incorporated.** The project will create new impervious surfaces (roads, driveways, and roofs) that will increase the rate of surface runoff during storm events. Roads and driveways
create new sources for polluted runoff water. However, several aspects of project design serve to minimize this impact. Several detention basins have been included in the design which will capture peak stormwater discharge and limit erosion. These detention basins are planned both for the eastern and western portions of the project area, directing excess flow toward multiple existing outflow points. Significant open space (approximately 15 acres, centrally situated) in the eastern portion of the site serves as a natural detention basin for excessive stormwater volumes and is an existing drainage path toward Wyman Ravine. However, new lot grading could increase runoff from lot to lot. This impact can be reduced to less than significant by application of the recommended Lot Grading mitigation measure.

Although the project does propose impacts to hydrology by creating new impervious surfaces and by filling wetlands, these impacts will be reduced to less than significant through standard conditions imposed by the required permits. Permits that shall be acquired prior to initiation of construction or grading include an NPDES/Clean Water Certification from the Central Valley Regional Water Board and a Nationwide Permit for Wetland Fill from USACE. Potential impacts related to excess stormwater runoff between lots can be mitigated to less than significant with the Mitigation Measure #11.

f - j) No Impact. The property is not situated within, nor does it propose to place structures within, a 100-year flood hazard area as mapped by FEMA Flood Insurance Rate Map 06007C0985D (dated 4-20-2000). The site is classified as Flood Zone X which is defined as “an area determined to be outside of a 500-year flood plain”. The property will not be in danger of tsunami because it is not located in a coastal area (tsunami). The site is not situated in a desert playa and is not in danger of seiches. It furthermore does not lie immediately downslope of lands with landslide or mudflow potential so there is no danger of mudflow. It does not propose any other actions that might substantially degrade water quality.

Mitigation Measure #10: Lot Grading

Lots shall be graded to direct runoff to storm drain facilities within the public right-of-way or to stormwater retention basins situated within the lot. No lot-to-lot runoff shall be permitted.

Plan Requirements: All grading plans shall show drainage runoff consistent with the above requirement.

Timing: Requirements of the condition shall be reflected in final grading plans and all custom lot development. Conditions shall be adhered to throughout all grading/excavating and construction/landscaping periods.

Monitoring: The Department of Development Services shall spot check to ensure monitoring compliance.

Mitigation Measure #11: Drainage Plan Requirements

Prior to recordation of the final map, a plan for a permanent solution for drainage shall be submitted to and approved by the Department of Public Works. The drainage plans shall detail existing drainage conditions and shall specify how drainage waters shall be detained or retained onsite and/ or conveyed to the nearest natural or publicly maintained drainage channel or facility and shall provide that there shall be no increase in the peak flow runoff to said channel or facility. If storm drainage facilities serve new public roads, the developer must complete the formation of a county service area (CSA), zone of benefit within a permanent road division (PRD), or other Department of Public Works approved entity prior to recordation of the final map. The formation process will require the developer to fund the service until the beginning of the first fiscal year in which service charges can be collected and agree to an annual maximum service charge to ensure continued operation of the facilities.

Plan Requirements: Submit drainage plans and calculations to the Department of Public Works for review and approval.

Timing: The drainage plan shall be submitted and approved prior to approval of the improvement plans, and the required drainage improvements constructed or bonded for construction prior to recordation of the Final Map.

Monitoring: The Department of Public Works shall ensure that the required plan is submitted and ensure that the drainage improvements are constructed or bonded for construction prior to recordation of the Final Map.
## 4.10 LAND USE:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Physically divide an established community?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Conflict with an applicable land use plan, policy, or regulations of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
<td></td>
<td>X</td>
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</tbody>
</table>

### Impact Discussion:

The project is centrally located in the Las Plumas area of south Oroville. This area is specifically targeted for growth in both the City of Oroville and County General Plans. The area is designated as an Urban Area (Oroville) and is within the City of Oroville Sphere of Influence. This in-fill area has significant existing infrastructure: roadways, traffic signals, power, natural gas, water, sewer and schools are at or near the project site.

a) **Less Than Significant Impact.** The project will not physically divide an established community as it is situated within the largely undeveloped southern portion of the Oroville Sphere of Influence. This proposal, developed specifically to address City and County growth objectives for the area, does not conflict with any applicable land use plan, policy, or regulations of an agency with jurisdiction over the project.

b) **Less Than Significant Impact.** The parcels are currently designated as Mixed Use. Mixed Use land designations are defined as lands with “different, but compatible uses in close proximity to each other, including residential, commercial and office uses” (Butte County 2010). No significant changes from the existing land uses are anticipated.

c) **Less Than Significant Impact.** Preparation of the Butte Regional Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) began in 2007 and was coordinated by the Butte County Association of Governments (BCAG) on behalf of the Cities of Biggs, Chico, Gridley, Oroville, and the County of Butte. The HCP/NCCP provides opportunities for comprehensive species, wetlands and ecosystem conservation and will contribute to the recovery of endangered species within the plan area, while also providing a more streamlined process for environmental permitting. A Biological Assessment and Wetland Delineation were performed and identified special-status species, communities, and/or habitats that may exist within the project area. No special-status plant or animal species were identified within the project area. Some wetlands, including vernal pools, were identified within the project area. Mitigations are proposed to reduce potential impacts to special-status species and habitats to less than significant. See sections 4.4 Biological Resources and 4.9 Hydrology and Water Quality of this study for an expanded discussion of these findings and proposed mitigations.

### Mitigation Measure:

None required.
4.11 MINERAL RESOURCES:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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</tr>
<tr>
<td>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?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Impact Discussion:
a) b) **No Impact.** A review of the current records on file with the California Geological Survey and the U.S. Geological Survey identified no known significant mineral, gem, or fuel, or non-fuel mining resources within the project area. The Butte County General Plan does not specify a mineral resource recovery site within the project area; therefore, impacts to locally important recovery sites for mineral resource are less than significant. The project site, or surrounding area, is not proposed or anticipated for mining operations. While aggregate resources may exist on site, the project site is in an area that is designated with the Sphere of Influence City of Oroville and the Oroville Urban Area. The County, through the preferred land use alternative for General Plan 2030, has designated the project site as Mixed Use (Commercial and Residential uses).

**Mitigation Measure:** None required.

4.12 NOISE:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Expose people to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Expose people to or generate excessive ground borne vibration or ground borne noise levels?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Result in a substantial temporary or periodic increase in ambient noise</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
levels in the project vicinity above levels existing without the project?

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, expose people residing or working in the project area to excessive noise levels?

f. For a project within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels?

Impact Discussion:

a - d) **Less Than Significant with Mitigation Incorporated.** The dominant existing noise source near the project area is vehicular traffic on Ophir Road and Lincoln Boulevard. An acoustical analysis was conducted for the project to determine the current noise levels and future noise levels from vehicular traffic. Traffic volume data were obtained from Omni-means. The US Department of Housing and Urban Development model was used to determine the current and future (2030) day-night noise levels (Ldn) near residential properties within the project area. The proposed residential properties closest to Ophir Road would experience 58 dB at current traffic volumes and 63 dB at 2030 traffic volumes. The proposed residential properties closest to Lincoln Boulevard would experience 50 dB at current traffic volumes and 56 dB at 2030 traffic volumes. **Table 3.12-1** lists the 60, 65, and 70 dB noise contour distances from the centerlines of Ophir Road and Lincoln Boulevard currently and projected for the year 2030.

The current noise analysis indicates that by the year 2030, any development within 26 feet of the northern project boundary will be subject to vehicular noise levels of between 70 and 65 dB. Developments between 26 feet and 114 feet of the boundary will experience vehicular noise levels between 65 and 60 dB.

The 2030 Butte County General Plan and the 2030 Oroville General Plan identify the maximum allowable noise exposure to transportation sources as 60 dB for outdoor activity areas for residential land uses and 45 dB for interior noise levels for residential land uses. The single-family residential lots directly adjacent to Ophir Road were identified as within the 65 to 60 dB contour and may be significantly impacted by vehicular noise. Mitigation measures are required to reduce interior noise levels to 45 dB or below and exterior noise levels to 60 dB or below to reduce the potential noise impacts to less than significant. **Less Than Significant with Mitigation Incorporated**

The commercial lots are within the 60 to 65 dB noise contour. Any future development within these lots that incorporates land uses with maximum allowable noise exposure standards will need to incorporate noise-reduction design to reduce interior and exterior noise levels to those allowed by the County.

<table>
<thead>
<tr>
<th>Road Segment</th>
<th>Distance (feet) from roadway center line to noise contour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>60 dB</td>
</tr>
<tr>
<td>Ophir Rd. (current)</td>
<td>75’</td>
</tr>
<tr>
<td>Ophir Rd. (2030)</td>
<td>170’</td>
</tr>
<tr>
<td>Lincoln Blvd. (current)</td>
<td>42’</td>
</tr>
<tr>
<td>Lincoln Blvd. (2030)</td>
<td>89’</td>
</tr>
</tbody>
</table>

**Table 3.12-1. Traffic Noise Contours Currently and in draft BC General Plan 2030**

The project will not result in exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels. A Union Pacific Railroad track passes within 0.56 miles of the western edge of the project. The noise contribution from the railroad is within the acceptable limits for interior and exterior noise exposure in both the 2030
draft Butte County General Plan and the 2030 draft Oroville General Plan. No mitigations are required for railway noise.

Project construction is likely to increase short-term noise levels in the project area from on-site activities and construction traffic. Construction equipment typically generates on the order of 80 to 95 dB at a distance of 50 feet. As a result, receptors in the vicinity may experience significantly increased noise levels during project construction. However, current regulations for air quality that limit the idling of trucks may also decrease local ambient noise levels during construction. To reduce potential impacts to Less Than Significant, mitigation measures are required. d

e - f) No Impact. The only airport in the area, Oroville Municipal Airport, is approximately 4.3 miles northwest of the project and does not contribute appreciably to the ambient noise within the site. There are no private airstrips in the project vicinity. There are, therefore, no noise impacts from airports or private airstrips affecting the project and no mitigations are required. No Impact

Mitigation Measure #12:
Houses built on lots adjacent to Ophir Road shall include measures (i.e construction of walls, windows and other measures) capable of attenuating external noise to at or below the 45 Ldn/CNEL (Community Noise Equivalent Level).

Plan Requirements: The note shall be placed as a condition of final map approval and shall be shown on all building plans for residential construction on lots adjacent to Ophir Road.

Timing: Requirements of the condition shall be shown on building plans for residential construction on affected lots. The condition shall be satisfied prior to final inspection.

Monitoring: The Department of Development Services shall spot check to ensure monitoring compliance.

Mitigation Measure #13:
Buildings developed on commercial lots shall include windows with a Sound Transmission Class (STC) rating of at least 30 dB.

Plan Requirements: The note shall be placed as a condition of final map approval and shall be shown on all building plans for commercial development.

Timing: Requirements of the condition shall be shown on building plans for residential construction on affected lots. The condition shall be satisfied prior to final inspection.

Monitoring: The Department of Development Services shall spot check to ensure monitoring compliance.

Mitigation Measure #14:
Construction activities shall be limited to between the hours of 7AM and 7PM with no construction activity on Sundays or holidays. The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained. When feasible, existing power sources, such as power poles, or clean fuel generators should be used, rather than temporary power generators. Minimize idling time to 10 minutes.

Plan Requirements: This note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and shall be shown on all site development and building plans.

Timing: The mitigation shall be applicable during all construction activities.

Monitoring: The developer and the Disturbance Coordinator shall be responsible for ensuring compliance with this mitigation and shall respond to all complaints of noise. The Department of Development Services shall investigate all complaints of excess construction-related noise.

4.13 HOUSING:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
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<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</tr>
</thead>
</table>

Butte County Department of Development Services, Planning Division

Initial Study/Mitigated Negative Declaration for TSM18-0003 (Garden Oak Estates) ■ Page 40 of 68
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Impact Discussion:
The population for Butte County was estimated to be 225,411 in 2015, approximately 220,024 in 2010 and 203,446 in 2000, resulting in a total population growth of 21,965 during this 15-year period (US Census). The annual average population growth rate in the county during the 2000-2015 time period was approximately 0.65 percent. The total housing units in Butte County was approximately 98,035 in July of 2015. The project has the potential to construct 146 residential units (28 multi-family and 118 single-family) and 4 commercial lots. Using a factor of 2.5 persons per household (California Department of Finance), and assuming all occupants are new residents to Butte County, the project would generate approximately 365 new residents. This number assumes that all future residents are new to the County, rather than existing residents that move to the site. The density proposed by the project is consistent with the General Plan land use designation for the property.

a) Less Than Significant Impact

According to 2010 Census information, the surrounding area had an average of 2.51 persons per housing unit. This results in a potential population increase of 366 persons due to the development of 146 housing units.

The Final Butte County Regional Housing Needs Plan requires Oroville to provide 17.04% of the County’s total share of new and replacement housing. This translates to a need for 2,339 new housing units and 31 replacement units for Oroville (Oroville MSR 2009). This proposed development would contribute 6.2% of the identified needed housing to the Oroville area.

The project adds needed housing in the proximity of new employment opportunities to the Oroville area.

b - c) No Impact. The project will not displace existing housing or people.

Mitigation Measure: None required.

4.14 PUBLIC SERVICES:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. 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</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
Impact Discussion:

a) **Less Than Significant Impact.** The project proposes construction of 146 new residential units (118 single-family and 28 multi-family) and 4 commercial lots (approximately 40,000 square feet). This development will require adequate fire and police protection and provide housing for additional students. This increase in population will contribute to usage of existing area parks and recreational facilities.

The City of Oroville Municipal Services Review (O-MSR) and the draft Las Plumas Master Environmental Assessment (LP-MEA) both address the existing conditions and projected future conditions for public service provision in the Las Plumas area. The LP-MEA assesses the projected build-out in the Las Plumas area due to projects planned in 2005 and specifically addresses projected levels of impacts to public services. Rates of development as were actually realized were far less than the LP-MEA projected due to the 2009-9 recession, and the resulting level of impacts have been far below those as projected.

b) **Less Than Significant Impact.** Fire protection for the project area is provided by the California Department of Forestry and Fire Protection (CAL FIRE) and Butte County Fire Department (BCFD). The project area lies immediately outside the boundary of the El Medio Fire Protection District (EMFPD). BCFD has established automatic aid agreements and mutual aid agreements with other fire protection agencies to optimize response efficiency. Agreements are currently in place for Oroville Fire Department, EMFPD, and the cities of Biggs and Gridley. The closest fire station to the project area is operated by EMFPD. This station, located at 3515 Meyers Street in Oroville, is situated approximately 2.1 miles north of the project area. According to Butte LAFCO (2004), the project area is located between the 4 the 8 Minute Travel Time Envelope for emergency response times.

Existing automatic and mutual aid agreements between OFD, BCFD, and other fire protection agencies are expected to continue. Because funding of fire protection services is required by the County for new development, no significant impact to local fire protection services is anticipated.

c) Law enforcement in the Las Plumas area is provided by the Butte County Sheriff’s Office (BCSO) and Oroville Police Department (OPD). The LP-MEA states that the projected buildout of the 1,749 residential units currently proposed for the Las Plumas area would increase the population by 4,845 persons. This cumulative growth would require an additional five BCSO officers in order to maintain a service ratio of one officer to 1,000 persons. OPD currently has a high service ratio (O-MSR), at 1.56 officers per 1,000 persons. After currently funded positions are filled, this service ratio will increase to 1.93 officers per 1,000 persons. The OPD has adopted a standard of providing two sworn officers per every 1,000 residents.

The project will add 146 units, or approximately 404 persons (2.77 persons per housing unit), and would require less than one (~0.4) BCSO officer and one (~0.8) OPD officer to maintain the targeted service ratios. Law enforcement services are funded through property taxes. Because this funding will increase at a rate commensurate with development, significant impacts to the level of law enforcement services due to increases in population are not anticipated. **Less Than Significant Impact**

d) **Less Than Significant Impact.** K-12 school services are provided to the project area by Palermo Union Elementary School District (PUESD) and Oroville Union High School District (OUHSD). Higher educational services are provided by Butte Community College (BCC) and California State University, Chico (CSUC). Butte County Office of Education (BCOE) provides additional services to the area, including administrative and organizational support, student services, juvenile court and community schools, and special service programs. In 2007 PUESD had

| acceptable service ratios, response times, or other performance objectives for any of the public services? |
|--------------------------------------------------|----------------|----------------|
| b. Fire protection? | X | |
| c. Police Protection? | X | |
| d. Schools? | X | |
| e. Parks? | X | |
| f. Other public services? | X | |
1,328 students enrolled with a capacity of 1,435 students (LP-MEA 2009). OUHSD had 3,037 students enrolled with a capacity of 3,635.

The project has the potential to increase enrollment in K-12 schools. Funding mechanisms already in place, including Assembly Bill 2926 (1986), the Leroy Greene Lease-Purchase Act (1987), and Propositions 47 and 55 of the Kindergarten-University Public Education Facilities Bond Act of 2002, will allow school district funding to collect impact fees and use state bonds to expand facilities to meet their needs. In addition, Oroville’s Measure F (2002) allows funds to be used to construct and renovate school projects in the area. Because funding mechanisms are already in place that provides additional school funding commensurate with development, no significant impacts to schools are anticipated.

f) **Less Than Significant Impact.** The Oroville area does have many parks and recreational opportunities (see Section 4.14 Recreation). Feather River Parks and Recreation District (FRPRD) manages and maintains more than 20 parks, with 240 acres of maintained parklands within Oroville’s Sphere of Influence. However, there is currently no developed parkland within the Las Plumas area. Virtually all of the 142.2 acres zoned Public and Quasi-Public within the Las Plumas area have been developed into other uses, such as schools, a cemetery, and public buildings and lands. Existing open space in the vicinity includes the Southwest Side Wyman Ravine Open Space situated immediately to the east of the project area. A newly proposed recreational facility, Harrison Stadium, will be situated less than one mile north of the project area.

The project proposes establishment of over 15 acres of open space and recreational space, including grassy areas, bicycle paths, and natural areas supporting significant oak woodlands, heritage oak trees, wetlands, and wildlife habitat. This acreage is far in excess of the 1.58 acres of parkland that would be required to meet the City’s target service level of 3 acres of parkland per 1,000 residents. Accordingly, no significant impacts to park services are anticipated.

g) **Less Than Significant Impact.** No significant impacts to fire protection, schools, or parks will result from project implementation. The project has the potential to create new significant impacts to law enforcement provision by creating new commercial spaces. The following mitigation is designed to reduce that impact to less than significant. No other public services are expected to be significantly impacted by project development due to existing development impact fee requirements which are designed to provide additional service provider funding with increased growth.

**Mitigation Measure:** None required.

### 4.15 RECREATION:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. 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?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Impact Discussion:**

a) **Less Than Significant Impact.** Parks and recreation services and facilities are produced for residents within the City of Oroville and Oroville Sphere of Influence (SOI) by the City of Oroville Parks and Trees Department and the
Feather River Recreation and Parks District (FRRPD). In accordance with the Quimby Act (California Code 66477), Policy 3.1 of the Oroville 2030 General Plan requires new development to provide adequate parkland at a ratio of 3 acres per 1,000 residents. FRRPD has adopted a target of 5 acres per 1,000 residents, which is composed of 2 acres of neighborhood parks and 3 acres of community parks per 1,000 residents. The City is requiring appropriate amounts of developed parkland and parkland dedications as a condition of new development to maintain at a ratio of 3 acres of parkland to 1,000 residents.

The project will add 146 new residential units to land within the Feather River Parks and Recreation District’s boundaries. The estimated increase in population within the project is approximately 404 people. To satisfy the FRRPD’s adopted target of 5 acres per 1,000 residents, the project would need to provide ~2..0 acres of parkland for recreation.

The project design includes over 15 acres of open space that may be used for recreation. A groomed walking path is proposed for the large eastern open space that will provide easy access by pedestrians to this area. Overall the project proposes significantly more open space for recreational use than is required.

b) Less Than Significant Impact. Because the project incorporates significant open space (passive parkland), the project is expected to provide adequate recreational opportunities for the future occupants. The proposed project is not expected to result in substantial deterioration of existing neighborhood and/or regional parks or other facilities. Accordingly, project impacts to recreation are considered less than significant.

Mitigation Measure: None required.

4.16 TRANSPORTATION/TRAFFIC:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Result in safety issues for pedestrian and/or vehicle safety?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
f. Result in inadequate emergency access? X

g. Result in inadequate parking capacity? X

h. Conflict with accepted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? X

Impact Discussion:

The parcel is situated on the southeastern corner of Ophir Road and Lincoln Boulevard in the Las Plumas area of Butte County and south of the City of Oroville. Ophir Road is an increasingly important east-west arterial that provides a connection between State Route 70, Feather Falls Casino, and roadways providing important alternate routes of circulation including Lincoln Boulevard and Lower Wyandotte Road. The posted speed-limit on Ophir Road is 45 mph. Lincoln Boulevard is a major north-south arterial that provides a connection to Oro-Dam Boulevard (SR 162) to the north and the town of Palermo to the south. The posted speed limit is 40 mph from Palermo Road to Ophir Road and 45 mph northward to Monte Vista Avenue.

Project related impacts to Traffic and Transportation systems in the Las Plumas area are assessed by characterizing existing conditions, including currently existing conditions and likely and foreseeable future conditions, for comparison against this project. Existing conditions, in this case, include the anticipated development of the Ashlock Subdivision as shown in Tentative Subdivision Map TSM06-0012, including the conditions of approval that TSM carries. Approval of the Garden Oak Estates Subdivision TSM project ("the project") will create an option to the currently approved Ashlock Subdivision TSM with the modified project layout and components described in this study. All existing conditions of approval for the Ashlock Subdivision are considered applicable this proposal unless otherwise specified. Any additional effects, impacts, mitigations, or conditions of approval described in this section are those that arise from the differences between implementation of the existing approved Ashlock Subdivision and implementation of the Garden Oak Estates proposal.

EXISTING CONDITIONS (CURRENT)

Currently existing conditions of the transportation and traffic systems in the vicinity of the project site have not changed significantly from those as described in the Ashlock Subdivision Initial Study adopted as a General Plan Amendment, Rezone, and TSM in October 2010. The area has not experienced any notable construction or development in the intervening time, due largely to the economic slump that began in 2008 and which centrally affected the housing and construction industries. A 172-lot residential subdivision was approved in January 2017 (Tentative Subdivision Map TSM 05-04 (Tejinder Maan), known as the Southlands Subdivision.

Existing traffic and transportation infrastructure conditions were described based upon data prepared for the Las Plumas Master Environmental Assessment (Butte County Planning, August 2009)(LP-dMEA). Project-level data was developed in both the Traffic Impact Analysis for Ashlock Property Project (KD Anderson & Associates 2010) and the Traffic Impact Assessment for Garden Oaks Estates (Update to the Ashlock Project Traffic Study)(KD Anderson and Associates, 2018). The KD Anderson & Associates (KDA) Report supplements the LP-dMEA cumulative analysis, which considered the Ashlock Subdivision as well as several other large now-defunct projects. Since the preponderance of applications considered likely during assembly of the LP-dMEA have been withdrawn the buildout assumptions and future conditions projections in that document likely assume higher growth levels than have been experienced or would now be expected. The LP-dMEA study does, however, remain a valuable source of data for describing current conditions.

Arterial roadways and intersections were described in the LP-dMEA for their condition as well as for their current Levels of Service (LOS). A number of roadways were identified by Butte County Public Works as having some potential to be impacted by new traffic generated by the Ashlock Subdivision. Existing LOS conditions for intersections on both Ophir Road and Lincoln Boulevard near the project area range from “B” to “C”. Project related impacts to these roadways were considered in detail in the 2010 KDA assessment. The 2018 KDA update revised those projections to reflect the reduction in cumulative impacts expected to result from implementation of the project.
One notable change to intersections studied in the LP-dMEA and the 2010 KDA assessment that has occurred since 2010 is the addition of four way stoplight control to the intersection of Ophir and Lincoln. The 2018 KDA analysis considers this newer control feature. The 2018 assessment also evaluates project design for sight distance, driveway spacing, left turn lane design, and potential conflicts with through traffic queues at that intersection. The assessment concludes with specific design recommendations intended to reduce or avoid any significant detrimental impacts to traffic or roadway operation.

ANTICIPATED FUTURE CONDITIONS

Anticipated future conditions or likely and foreseeable conditions generally include the likely or active projects in the area. The subject property’s existing approved Tentative Subdivision Map (TSM) represents such a project and is therefore included in the analysis.

Under the existing approved TSM map there would be ten commercial lots covering 14 acres with an estimated 115,000 square feet of commercial structures. Residential development is planned to comprise of 190 units of single and multifamily dwellings. The existing approved TSM provides for: two common access points to the residential area; one along Lincoln Boulevard that also and one along Ophir Road, and eight access points to the commercial lots, most along the Ophir Road arterial. The commercial lots situated nearest the intersection of Ophir and Lincoln create new patterns for traffic that could potentially conflict with the existing traffic patterns of the intersection. The commercial and residential traffic generation as approved would result in approximately 4,011 new daily trips along Ophir and Lincoln.

The current proposal would reduce the residential component from the approved TSM’s 190 dwelling units to 146 units. Likewise commercial area would be reduced to 40,000 square feet of improved commercial space on four lots from the approved TSM’s 115,000 square feet on ten lots. The proposed layout retains the same number of residential access streets (2), but reduces the number of driveways or access points between the arterials and the commercial lots from eight (8) to five (5).

The current proposal enhances safety by repositioning the north residential access westward to the highest point of ground surface elevation along Ophir Road, providing better visibility when turning from the development onto the arterial. Roadways within the subdivision have been reconfigured to provide for fewer turns and cul-de-sacs. The commercial and residential traffic generation would result in approximately 2,092 new daily trips along Ophir and Lincoln.

For both the approved development and the proposed, the commercial space will provide new shopping destinations and potentially result in minor relief of traffic generated by the proposed project and surrounding residential development for the commercial area along Oro-Dam Boulevard in the City of Oroville.

ROADWAY SEGMENTS AND INTERSECTIONS

Impacts to roadway segments from development proposal in the Las Plumas area were cumulatively assessed by KDA for the LP-dMEA in 2009. Project level impacts to roadway segments near the project area were also assessed in the 2010 KDA report. Roadway segments that were assessed at project level include Lincoln Boulevard from Monte Vista to Ophir Rd (R4), Lincoln Boulevard from Ophir Rd to LPSA Southern Boundary (R5), Ophir Rd from SR 70 to Baggett Palermo Road (R6), Ophir Rd from Baggett Palermo Rd to Lincoln Boulevard (R7a), Ophir Rd from Lincoln Boulevard to Lower Wyandotte Rd (R7b), and Lower Wyandotte Rd from V-7 to Ophir Rd (R11). Numbers in parentheses denote the segment numbers given in the LP-dMEA.
### TABLE 3.16-1

**COMPARISON OF TRIP GENERATION FORECASTS**

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>Daily Trips</th>
<th>AM Peak Hour Trips</th>
<th>PM Peak Hour Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Inbound</td>
<td>Outbound</td>
</tr>
<tr>
<td>GARDEN OAK ESTATES</td>
<td>2092</td>
<td>37</td>
<td>82</td>
</tr>
<tr>
<td>Approved ASHLOCK PROJECT (updated)</td>
<td>4011</td>
<td>66</td>
<td>97</td>
</tr>
<tr>
<td>2010 KDA Report</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

### TABLE 3.16-2

**PROPOSED GARDEN OAKS ESTATES PROJECT CURRENT TRIP GENERATION RATES AND FORECASTS**

<table>
<thead>
<tr>
<th>ITE Code</th>
<th>Description</th>
<th>Unit</th>
<th>Average Trips Per Unit / Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Daily Inbound %</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>%</td>
</tr>
<tr>
<td>210</td>
<td>Single Family Detached Residential dwelling</td>
<td>9.44</td>
<td>25%</td>
</tr>
<tr>
<td>210</td>
<td>118 da’s</td>
<td>1,114</td>
<td>22</td>
</tr>
<tr>
<td>220</td>
<td>Multifamily Housing – low-rise dwelling</td>
<td>7.32</td>
<td>23%</td>
</tr>
<tr>
<td>220</td>
<td>28 da’s</td>
<td>205</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Total Residential Trips</td>
<td>1,319</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>Internal Trips (10% daily and p.m.)</td>
<td>132</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Total External Trips</td>
<td>1,187</td>
<td>23</td>
</tr>
<tr>
<td>820</td>
<td>General Retail</td>
<td>ksf</td>
<td>37.75</td>
</tr>
<tr>
<td>820</td>
<td>40 ksf</td>
<td>1,510</td>
<td>23</td>
</tr>
<tr>
<td></td>
<td>Internal</td>
<td></td>
<td>139</td>
</tr>
<tr>
<td></td>
<td>External</td>
<td></td>
<td>1,371</td>
</tr>
<tr>
<td></td>
<td>Pass-by (34% of external)</td>
<td></td>
<td>466</td>
</tr>
<tr>
<td></td>
<td>Net New Trips</td>
<td></td>
<td>905</td>
</tr>
<tr>
<td></td>
<td>Total Net New Trips – Residential and Retail</td>
<td>2,092</td>
<td>37</td>
</tr>
</tbody>
</table>

TABLE 3.16-3

<table>
<thead>
<tr>
<th>ITE Code</th>
<th>Description</th>
<th>Unit</th>
<th>Average Trips Per Unit / Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Daily</td>
</tr>
<tr>
<td>210</td>
<td>Single Family Detached Residential</td>
<td>dwelling</td>
<td>9.44</td>
</tr>
<tr>
<td></td>
<td></td>
<td>65 du's</td>
<td>614</td>
</tr>
<tr>
<td>220</td>
<td>Multifamily Housing – low rise</td>
<td>dwelling</td>
<td>7.32</td>
</tr>
<tr>
<td></td>
<td></td>
<td>125 du's</td>
<td>915</td>
</tr>
<tr>
<td></td>
<td>Total Residential Trips</td>
<td></td>
<td>1.529</td>
</tr>
<tr>
<td></td>
<td>Internal Trips</td>
<td>(20% of residential daily, p.m., 10% a.m.)</td>
<td>306</td>
</tr>
<tr>
<td></td>
<td>Total External Trips</td>
<td></td>
<td>1.223</td>
</tr>
<tr>
<td></td>
<td>General Retail</td>
<td>ksf</td>
<td>37.75</td>
</tr>
<tr>
<td></td>
<td></td>
<td>120 ksf</td>
<td>4.530</td>
</tr>
<tr>
<td></td>
<td>Internal</td>
<td></td>
<td>306</td>
</tr>
<tr>
<td></td>
<td>External</td>
<td></td>
<td>4.224</td>
</tr>
<tr>
<td></td>
<td>Pass-by (34% of external)</td>
<td></td>
<td>1.436</td>
</tr>
<tr>
<td></td>
<td>Net New Trips</td>
<td></td>
<td>2.788</td>
</tr>
<tr>
<td></td>
<td>Total Net New Trips – Residential and Retail</td>
<td></td>
<td>4.011</td>
</tr>
<tr>
<td></td>
<td>2010 report</td>
<td></td>
<td>206</td>
</tr>
</tbody>
</table>


PROJECT RELATED TRIP GENERATION

The 2018 KDA update calculated an anticipated 2,092 new daily vehicle trips would be created by implementation of the project. This is less than the 4,011 new daily vehicle trips generated by the currently approved TSM06-0012 (the Ashlock Subdivision) and would result in impacts approximately 50% below those anticipated for the approved subdivision.

- Less Than Significant Impact. The 2010 KD Anderson Analysis found that the Ashlock Subdivision would add approximately 4,011 new daily trips to the surrounding roadways with most utilizing the intersection at Ophir and Lincoln. The 2018 KDA Analysis found that the proposed layout is expected to create only 2,092 new daily trips, or about half that of the originally approved project. The Garden Oak Estates layout is therefore considered to result in an overall reduction to future trip generation compared to the currently approved plan. Table 3.16-1 compared the two layouts’ expected contribution to AM and PM peak hour traffic. Neither layout would be expected to contribute to unacceptable levels of roadway service.

The 2010 KDA report determined that increases to PM peak hour traffic on six surrounding roadway segments due to projected traffic volumes for the approved Ashlock Subdivision range between 52 and 152 trips per hour. Based upon cumulative traffic increase projections identified in the LP-dMEA the approved Ashlock Subdivision would represent between 5.2% and 32.1% of the expected increases to roadway segment traffic between now and 2030. For roadway segments with a larger projected cumulative increase in traffic (such as Ophir Road from Baggett Palermo Road to Lincoln Boulevard, cumulative increase of 1232 new PM peak hour trips), the relatively small cumulative increase in traffic from that development (64 new PM peak hour trips) represents a small proportion (5.2%) of the projected cumulative increase.

Alternately, for roadway segments projected to have a smaller cumulative increase (such as Lower Wyandotte Road from V-7 Road to Ophir Road, cumulative increase of 224 PM peak hour trips) the increase in traffic from the Ashlock Subdivision (72 new PM peak hour trips) represents a larger proportion (32.1%) of the projected cumulative increase.

In all cases, new traffic attributed to the either the existing approved development or the proposed project would be relatively low as compared to the LOS thresholds for roadways (1760 PM peak hour trips for LOS “D” on two-lane
arterials and 3540 PM peak hour trips for LOS “D” on four-lane divided arterials). The proposed project would result in even lower traffic attributed to this development, given the approximately 50% reduction in new traffic generated.

c) **Less Than Significant with Mitigation Incorporated.** New residential and commercial access points will alter the current traffic patterns in the area by creating new destinations and turns. The commercial lots especially have the potential to conflict with vehicles moving through or queueing at the stoplight intersection. The Peak Hour Level of Service occurring under long term conditions at the Lincoln Boulevard / Ophir Road intersection and at the site access was determined in the 2018 KDA report, and the results are shown in Table 3.16-4.

<table>
<thead>
<tr>
<th>Location</th>
<th>Control</th>
<th>Average Delay (sec/vehicle)</th>
<th>Peak Hour Level of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lincoln Boulevard / Ophir Road</td>
<td>Signal</td>
<td>40</td>
<td>D</td>
</tr>
<tr>
<td>Ophir Road / Retail Access</td>
<td>Right Turn Only</td>
<td>15</td>
<td>C</td>
</tr>
<tr>
<td>Ophir Road / Retail Access</td>
<td>Stop Controlled</td>
<td>22</td>
<td>C</td>
</tr>
<tr>
<td>Ophir Road / Residential Access</td>
<td>Stop Controlled</td>
<td>20</td>
<td>C</td>
</tr>
<tr>
<td>Lincoln Boulevard / Retail Access</td>
<td>Right Turn Only</td>
<td>17</td>
<td>C</td>
</tr>
<tr>
<td>Lincoln Blvd. / Residential / Retail Access</td>
<td>Stop Controlled</td>
<td>19</td>
<td>C</td>
</tr>
</tbody>
</table>

The intersection is projected to operate at LOS D in the future (average delay 40 seconds), which satisfies the applicable minimum standard. Because the volume of traffic entering and exiting the project itself is relatively low the Levels of Service at driveways is very good (i.e., LOS C or better).

No significant project-level impacts to roadway segments or intersections have been identified based upon project Traffic Impact Analysis (existing plus project traffic levels). Project-related increases in traffic are not anticipated to warrant signalization at any of the seven non-signalized study intersections.

Potentially significant cumulative impacts to roadway segments and intersections were identified for the Ashlock Subdivision. The project would contribute to cumulative traffic increases on several roadways. A mitigation measure has been developed to help reduce these potential impacts through fair share contributions to planned roadway and/or intersection improvements.

d) **Less Than Significant with Mitigation Incorporated.** Based on concerns for traffic safety, the 2018 KDA update assessed these new access points specifically and provided design recommendations intended to reduce or eliminate any significant conflicts between through traffic originating from within the project and traffic that is destined for the project area. These recommendations include the following:

- **Recommendations for the Lincoln Boulevard Joint Residential – Retail Access Road**
  - Southbound left turns into the site will eventually need to be prohibited due to the storage and deceleration requirements of the northbound left turn lane approaching Ophir Road unless one of two options are pursued:
    - Move the driveway to the south [from the location as currently proposed].
    - Widen the Ophir Road / Lincoln Boulevard intersection to provide dual northbound left turn lanes.
  - Left turns out of the project can still be permitted, but the median area in Lincoln Boulevard will need to be wide enough to accommodate two-step left turns.
  - A raised median will be needed in Lincoln Boulevard to keep southbound left turns from occurring while allowing outbound left turns.
  - A median feature should be installed in the driveway to separate inbound and outbound traffic.
  - A right turn taper should be installed.
• **Recommendations for the Lincoln Boulevard Retail Right turn only driveway**
  o The driveway should be located so as to balance the distance from the full access intersection and Ophir Road.
  o A feature will eventually be needed in Lincoln Boulevard to enforce the right-turn-only prohibition.

• **Recommendations for the Ophir Road Retail Right Turn Only access**
  o A feature will eventually be needed in Ophir Road to enforce the right-turn-only prohibition.

• **Recommendations for the Ophir Road Retail Full Access**
  o The driveway should be moved to the east to maximize the distance from the right-turn-only driveway.
  o While there is space available behind anticipated queues, Butte County would need to monitor conditions at this driveway and consider prohibiting outbound left turns in the future.

• **Recommendations for the Ophir Road Residential Access**
  o Install right turn deceleration taper and driveway median.

The recommendations prepared by KDA for the project will minimize impacts to traffic safety and potential conflicts related to the changes in traffic patterns that may result with development of the new project access points. These recommendations were used in the preparation of the current Tentative Subdivision Map shown for the project and published in Section 1 of this study.

e - h) **Less Than Significant with Mitigation Incorporated.** The project is not anticipated to result in substantial new safety risks, hazards due to design features, safety issues for pedestrians or vehicles, inadequate emergency access or parking capacity, or conflicts with alternative transportation plans. However, standard mitigation measures are recommended to reduce any potentially significant impacts to less than significant.

This project has the potential to significantly impact surrounding roadway segments and intersections by contributing to a cumulative increase in traffic which would exceed level of service standards established for these facilities. The following mitigation measures are recommended to reduce potentially significant impacts to less than significant.

**Mitigation Measure #15: Proportional Roadway and Intersection Improvement Fees**

The project developer shall either:

1. Pay fees proportional to the project’s fair share of costs of needed roadway and intersection improvements for those intersections and roadways within the Las Plumas and surrounding area warranting improvements due to project-related or cumulative traffic impacts and
2. Participate in funding an Impact Study and paying the fee identified; or
3. Pay fees as approved by other County fee program to fund needed roadway and intersection improvements.

**Plan Requirements:** This requirement shall be placed as a condition of final map approval and satisfied prior to final map recordation.

**Timing:** Prior to recordation of final map for proportional fair share costs, or prior to issuance of building permit for other County fee programs. Requirements of the condition shall be reflected in final plans.

**Monitoring:** None.

**Mitigation Measure #16: Frontage Improvement**

The project developer shall be required to construct all road frontage improvements on or before construction begins on commercial and residential units. Frontage improvements may be constructed in a phased manner with each phase of project development. Frontage improvements along Ophir Road shall extend to the easternmost project access in order to remain consistent with Butte County objectives to preserve the rural character of the area.

**Plan Requirements:** The note shall be placed as a condition of final map approval.

**Timing:** Requirements of the condition shall be reflected in final plans. Conditions shall be adhered to throughout all construction periods.

**Monitoring:** The Department of Public Works shall review improvements to ensure compliance.
Mitigation Measure #17: Interior Signage

Stop signs shall be placed at each exit from the project site to Ophir Road and Lincoln Boulevard.

Plan Requirements: The note shall be placed as a condition of final map approval.

Timing: Requirements of the condition shall be reflected in final plans. This condition shall be satisfied prior to issuance of any building permits for the affected phases and adhered to throughout all construction periods.

Monitoring: The Department of Public Works shall check to ensure compliance prior to issuance of any Building Permits.

Mitigation Measure #18: Driveway Limitations

The northernmost Lincoln Boulevard driveway and the westernmost Ophir Road driveway shall be limited to right turns only due to potentially problematic left turns near the Lincoln Rd/Ophir Rd intersection. Signage indicating this limitation shall be installed along these driveways so as to be clearly visible to exiting traffic.

Plan Requirements: The note shall be placed as a condition of final map approval.

Timing: Requirements of the condition shall be reflected in final plans. Conditions shall be adhered to throughout all construction periods.

Monitoring: The Department of Public Works shall review to ensure compliance.

4.17 TRIBAL CULTURAL RESOURCES:

<table>
<thead>
<tr>
<th>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 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 this is:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>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</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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 section 5024.1. In apply the criteria set forth in subdivision (c) of the Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</td>
<td></td>
<td></td>
<td>X</td>
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<td></td>
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</tbody>
</table>

Impact Discussion:

No known tribal cultural resources have been identified within the project site. The project does not propose causing or engaging in any activity which could result in a substantial adverse change to any known tribal cultural resource. However, the site may have undiscovered tribal cultural resources that could be revealed during ground disturbing activities and...
result in potentially significant adverse effects. In order to reduce the likelihood of unintentional disturbance to any potential undiscovered tribal cultural resources any California Native American tribe who has traditional and cultural affiliation with the Project Area should be consulted and be given the option to provide a tribal monitor to be present at any time ground disturbing activities are taking place.

a - b) **Less Than Significant with Mitigation Incorporated.** Per AB 52 Notification Request, Public Resources Code Section 21080.3(b), the County forwarded project notification to all tribes with potential cultural and traditional affiliations to the project site. The United Auburn Indian Community (UAIC) has previously provided a map of their area of traditional and cultural affiliation, which did include the lands within Butte County. Should the UAIC determine that the project area lies within lands with tribal cultural sensitivity they shall be given the opportunity to request that a Tribal Monitor be present during any land disturbing activities during construction.

**Mitigation Measure #19: Tribal Monitoring**

Place a note on the final map and all building and site development plans for new construction as follows:

“Prior to commencement of ground disturbing activities on the project site the applicant shall notify the United Auburn Indian Community (UAIC) if they have indicated that the project site lies within their traditional and culturally affiliated area. If so, the UAIC shall be given the option to have a tribal monitor present during all ground disturbing activities associated with the development of the project.”

**Plan Requirements:** This measure shall in incorporated in the conditions of approval for the project and the note shall be placed on all building and site development plans for new construction.

**Timing:** This measure shall be implemented during all site development activities.

**Monitoring:** The Department of Development Services shall work with the applicant/developer and the UAIC to ensure a tribal monitor is given the opportunity to be on site during all ground disturbing activities.

### 4.18 UTILITIES AND SERVICE SYSTEMS:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Impact Discussion:

WASTEWATER TREATMENT

a, b, e) Wastewater collection and treatment for the Oroville area is provided by the Lake Oroville Area Public Utility District (LOAPUD) and the Sewerage Commission – Oroville Region (SC-OR), respectively. Much of the Las Plumas area, including the project area, lies within the LOAPUD boundaries. The southern portions of the Las Plumas area are not currently served by a public sewer system. Individual private wastewater disposal systems are utilized on these southern parcels.

Project proponents worked with LOAPUD to prepare a Capacity Study intended to allow for the project area to be annexed into LOAPUD’s sphere of influence, along with six intervening lots. Consequently, the sphere was greatly expanded. A Pre-annexation Agreement was entered into between LOAPUD, SC-OR, and Jeff Ashlock in December of 2009. Formal annexation into LOAPUD’s sphere of influence is anticipated before the onset of construction.

LOAPUD addressed conditions of sewer service extension in December 2009 and provided a letter detailing conditions required for this project. In addition to the required agreements discussed above, LOAPUD requires development of infrastructure to serve the vicinity of the project area. A phased design may be implemented that allows expandability to meet future growth needs as they develop. This phased implementation shall be directly tied to project buildout phasing when possible. Additionally, necessary easements must be dedicated to the District, and all applicable fees shall be paid prior to availability of sewer service.

The project area is within the boundary of the South District Focused Sewer System Master Plan Study Area. To reduce potentially significant impacts to wastewater treatment capacity and service, the applicant entered into a Pre-Annexation Agreement and Capacity/Mitigation Agreement with Sewerage Commission – Oroville Region (SC-OR) and LOAPUD.

A Capacity Study was prepared by CH2MHill for SC-OR in 2009 to determine project-related impacts to existing SC-OR facilities, including sewer interceptors and wastewater treatment plants, pursuant to currently adopted SC-OR policies. This study determined that the project, as proposed, will add an estimated additional load to existing SC-OR facilities of 32 to 44 EDU per year (222 EDU total), representing between 3 and 12 percent of the available capacity. These volumes also represent 20 percent of the growth projected within the area served by SC-OR for the 7 years of planned phased development of the project, estimated to occur between 2019 and 2025 (adjusted).

The Capacity Study concluded that the current Regional Facility Charge (RFC) for developed parcels, collected at the time of issuance of building permits, is sufficient to mitigate for project impacts on SC-OR facilities without construction of new facilities. However, both specific project-related load volumes and phased development timing were estimated for this study. Actual volumes must be determined at the time of connection pursuant to adopted SC-OR policy. Additionally, buildout timing and/or area growth rates may differ from currently foreseeable projections.
Wastewater collection and treatment services are made available on a first-come, first-served basis and capacity cannot be guaranteed until building permits are issued and all fees paid.

Due to the relative size of this development compared to the available capacity, it is possible that sufficient capacity may not be available when needed, especially if the project proceeds along a longer schedule or if area growth exceeds current estimates. Therefore, it is recommended that SC-OR monitor the progress of this development at minimum interval of every 2 years. Should rate of development of this project or surrounding growth vary substantially from estimates used in the Capacity Study, SC-OR may require that an update to this study be performed. **Less Than Significant with Mitigation Incorporated**

**STORMWATER DRAINAGE AND DETENTION**

c) **Less Than Significant with Mitigation Incorporated.** The project area lies outside of the City of Oroville’s storm drainage system service area. Adequate stormwater drainage capacity is ensured through appropriate site design as reviewed and approved by the Butte County Department of Public Works, prior to recordation of a final map. Site design incorporates multiple stormwater basins and drainages. Two detention basins totaling close to 65,800 cubic feet of storage are proposed for the flatter western portions of the site to capture the increase in peak runoff storm water from commercial and residential lots. Open space along the eastern boundary serves to retain the historic drainage toward the Wyman Ravine conservation area.

The conditions required by the National Pollution Discharge Elimination System (NPDES) permit and Clean Water Certification from CVRWB will ensure no significant stormwater quality impacts. Accordingly, no significant impacts from stormwater drainage and detention have been identified or are anticipated after all permitting requirements and conditions of approval have been met.

**WATER SUPPLY**

d) **Less Than Significant.** The project area is situated within the South Feather Water and Power Agency’s (SFWPA) service area boundaries. A public water prescreening process was initiated in 2006 as prescribed in the Cooperative Environmental Review Agreement. SFWPA determined that the agency has adequate facilities and system capacity to provide domestic water service to the proposed development when it likely would be required, subject to compliance with the agency’s rules, regulations, and standards. Those conditions were reaffirmed in October, 2018.

However, SFWPA indicates that, in addition to the onsite domestic water distribution system required, the applicant will be required to extend a 12” water main from the agency’s existing main (within the Lincoln Boulevard right-of-way) along the Ophir Road frontage of APN 078-090-043. The applicant proposes extension of this main along Ophir Road as far as the easternmost project access point to limit extension of infrastructure to only those areas where water supply is needed. Accordingly, no significant impacts to water supply are identified after the required mitigation of a water main extension has been satisfied.

**LANDFILL AND SOLID WASTE**

f – g) **Less Than Significant.** Solid waste collection services for the City of Oroville, including areas of Butte County within the Oroville Sphere of Influence, are provided by Norcal Waste Systems of Butte County, Inc. (Norcal). Norcal operates out of a facility located at 2720 Fifth Avenue, Oroville. Norcal utilizes the Ostrom Road Landfill in Yuba County. Determination 3.4-1 of the City of Oroville Municipal Services Review (MSR) states that the Ostrom Road Landfill has sufficient capacity to accommodate the anticipated waste generated within the City of Oroville through 2030.

Determination 3.4-2 states that the City is adequately mitigating potential impacts on landfill capacity. However, the MSR states that the City should consider utilizing the Neal Road Landfill in order to reduce the distance solid waste is shipped and reduce greenhouse gas emission. Accordingly, no significant impacts to landfill and solid waste service provision are identified or anticipated.

**Mitigation Measure #20: Capacity/Mitigation Agreement**

Prior to recording the Final Map and following completion of a capacity impact study, the Applicant/Developer shall enter into a Capacity/Mitigation Agreement or functional equivalent with SC-OR and LOAPUD, or other means as approved by SC-OR and LOAPUD, in provision of future wastewater treatment and disposal services. If the Applicant decides to proceed with development of the project and secure wastewater collection and treatment services, the
Applicant shall meet with SC-OR and LOAPUD and negotiate the scope of required improvements, the timing of improvements, the financing and construction of improvements, and all other requirements of SC-OR and Collector roughly proportional to the impact of the proposed project.

**Plan Requirements**: Submit executed Capacity/Mitigation Agreement or functional equivalent to the Department of Public Works.

**Timing**: The executed Capacity/Mitigation Agreement or functional equivalent shall be submitted prior to recordation of the Final Map.

**Monitoring**: The Department of Public Works shall ensure that the required executed Capacity/Mitigation Agreement or functional equivalent is submitted prior to recordation of Final Map.

**Mitigation Measure #21: SC-OR Progress Monitoring and Reporting**

Prior to issuance of Building Permits, the County, with consultation with SC-OR, shall ensure that periodic monitoring of actual growth rates and available wastewater collection and treatment capacities has occurred. Should rates of development substantially change from estimates used in the 2009 Capacity Study, SC-OR may require the applicant/developer to fund an update of the Capacity Study.

**Plan Requirements**: Submit periodic re-evaluation of available capacity as compared to actual project buildout and area growth to the Department of Public Works. If re-evaluation determines substantial changes in growth estimates as compared to those used in the initial study, an updated Capacity Study may be required prior to issuance of additional Building Permits.

**Timing**: Periodic re-evaluation of project progress shall occur at a minimum of every 2 years during phased construction.

**Monitoring**: The Department of Development Services shall ensure that the required periodic re-evaluations are submitted prior to issuance of building permits.

**Mitigation Measure #22: Construction or Modification of Sewer Collection Facilities**

Prior to recordation of Phased Final Maps, the applicant/developer shall construct new and/or modify existing sewer collection facilities according to plans and specifications in conformance with LOAPUD Improvement Standards and Policies. Construction of facilities may proceed along a phased implementation design with approval from LOAPUD.

**Plan Requirements**: LOAPUD shall approve plans and specifications prior to issuance of building permits.

**Timing**: Applicant shall submit approved plans prior to recordation of Final Map.

**Monitoring**: The Department of Development Services shall ensure that the required plans are submitted prior to approval of the Final Map. Field inspections shall verify compliance.

**Mitigation Measure #23: Water Main Extension**

Prior to recordation of first Phased Final Map, the 12” water main (from the South Feather Water and Power Agency’s existing main along Lincoln Boulevard) along the Ophir Road frontage of APN 078-090-043 to the easternmost project access point along Ophir Road, shall be installed or bonded for construct or provide a performance bond and labor and material bond for the construction as approved by South Feather Water and Power Agency.

**Plan Requirements**: South Feather Water and Power Agency shall approve plans and specifications prior to issuance of recordation of the first Phase.

**Timing**: Applicant shall complete prior to recordation of Final Map.

**Monitoring**: The Department of Development Services shall ensure that the improvements are installed or bonded for prior to recordation of the first Phased Map.

**Mitigation Measure #24: Drainage Plans and Calculations**

Prior to recordation of the final map, a plan for a permanent solution for drainage shall be submitted to and approved by the Department of Public Works. The drainage plans shall detail existing drainage conditions and shall specify how drainage waters shall be detained or retained onsite and/or conveyed to the nearest natural or publicly maintained...
drainage channel or facility and shall provide that there shall be no increase in the peak flow runoff to said channel or facility. If storm drainage facilities serve new public roads, the developer must complete the formation of a county service area (CSA), zone of benefit within a permanent road division (PRD), or other Department of Public Works approved entity prior to recordation of the final map. The formation process will require the developer to fund the service until the beginning of the first fiscal year in which service charges can be collected and agree to an annual maximum service charge to ensure continued operation of the facilities.

**Plan Requirements:** Submit drainage plans and calculations to the Department of Public Works for review and approval.

**Timing:** The drainage plan shall be submitted and approved prior to approval of the improvement plans, and the required drainage improvements constructed or bonded for construction prior to recordation of the Final Map.

**Monitoring:** The Department of Public Works shall ensure that the required plan is submitted and ensure that the drainage improvements are constructed or bonded for construction prior to recordation of the Final Map.

### 4.19 MANDATORY FINDINGS OF SIGNIFICANCE:

<table>
<thead>
<tr>
<th>Would the proposal:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
<th>Reviewed Under Previous Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. 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, endangered or threatened species; or eliminate important examples of the major periods of California history or prehistory?</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>b. Achieve short-term environmental goals to the disadvantage of long-term environmental goals?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c. Have possible environmental effects that are individually limited, but cumulatively considerable? “Cumulatively considerable” means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects.</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
Impact Discussion:

a) **Less than significant impact with mitigation incorporated.** With the implementation of mitigation measures included in this Initial Study, the proposed project would not degrade the quality of the environment; result in an adverse impact on fish, wildlife, or plant species including special status species, or prehistoric or historic cultural resources. Prehistoric or historic cultural resources would not be adversely affected because no archeological or historic resources are known to exist in the project area and project implementation includes following appropriate procedures for avoiding or preserving artifacts or human remains should they be uncovered during project excavation.

b) **Less than significant impact with mitigation incorporated.** This project has the potential to contribute impacts that are individually limited, but cumulatively considerable with respect to Air Quality, Biological Resources, Cultural Resources, Greenhouse Gas Emissions and Transportation/Traffic. Cumulative impacts to these areas would be mitigated due to the inclusion of the Mitigation Measures listed below, as itemized under Section 5 – Mitigation Measures and Monitoring Requirements.

Past, current, and probable future projects in the vicinity of the project site were reviewed to determine if any additional cumulative impacts may occur with the approval of this project. A two-mile radius was used in determining cumulative impacts. An approved 172-lot residential subdivision is located to the northeast of the project site. Cumulative impacts of that project, along with this project, have been mitigated to less than significant.

c) **Less than significant impact with mitigation incorporated.** There have been no impacts discovered through the review of this application demonstrating that there would be substantial adverse effects on human beings either directly or indirectly. However, the proposed project has the potential to cause both temporary and future impacts to the area by project-related impacts relating to air quality, biological resources, cultural resources, and greenhouse gas emissions. With implementation of mitigation measures included in this Initial Study, these impacts would be effectively mitigated to a less than significant level.

5.0 MITIGATION MEASURES AND MONITORING REQUIREMENTS:

**Mitigation Measure #1: Roadside Landscaping**
Prior to recordation of each phase, as applicable the applicant shall prepare a detailed landscaping and irrigation plan for frontage areas along Ophir Road and Lincoln Boulevard to the satisfaction of the Director of Development Services. Installation of landscaping and irrigation shall be completed prior to final inspection of buildings in each recorded phase.

**Plan Requirements:** This mitigation shall be included as a condition of approval of the tentative subdivision map and completed prior to occupancy of buildings in each phase of the tentative subdivision map.

**Timing:** The provisions of this mitigation measure shall be satisfied prior to final inspection of residential and commercial structures in each phase.

**Monitoring:** The Development Services Department shall ensure compliance through inspections prior to final inspections for occupancy of buildings in each approved phase.

**Mitigation Measure #2: Lighting and Glare**
All lighting for commercial uses shall be designed and located so as to direct lighting toward the development. No direct outdoor lighting (i.e. lighting elements) shall be visible on adjacent properties or public roads. No lighting shall be of the type or be installed in a location such that it could constitute a hazard to vehicular traffic, either on private property or the abutting roadway. Any lighting with the potential to create hazards to vehicular traffic shall be shielded so as to avoid direct visibility from traffic travelling on Ophir Road or Lincoln Boulevard.

**Plan Requirements:** This mitigation shall be required as a condition of approval of the tentative subdivision map and completed prior to occupancy of buildings in each phase of the tentative subdivision map. This note shall be
placed on all building and site development plans. If a homeowners association is formed, the condition shall also be a requirement of the Covenants, Conditions and Restrictions (CC&Rs).

**Timing:** The provisions of this mitigation measure shall be complied with at all times.

**Monitoring:** The Department of Development Services and the Department of Public Works shall ensure that the note is placed on the final map or on an additional map sheet to be recorded with the final map and on all building and site development plans. Building inspectors shall spot check and shall ensure compliance on-site. The Development Services Department shall investigate and respond to complaints of excess glare or light originating from the project site.

**Mitigation Measure #3: Air Quality Control Measures**

The following measures shall apply to all development activities on the project site. Additionally, a note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet, and each application for a building permit for new construction, that states:

“Dust generated by the development activities shall be kept to a minimum and retained on-site. Follow the air quality control measures listed below:

**Control Dust**

a. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day’s activities cease.

b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.

c. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

d. On-site construction vehicles shall be limited to a speed of 15 mph on unpaved roads.

e. Haul vehicles transporting soil into or out of the property shall be covered.

f. Existing roads and streets adjacent to the project shall be cleaned at least once per day if dirt or mud from the project site has been tracked onto these roadways, unless conditions warrant a greater frequency.

g. Other measures may be required as determined appropriate by the BCAQMD or Department of Public Works in order to control dust.

**Post Contact Information**

h. 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 Butte County Air Quality Management District shall be visible to ensure compliance with BCAQMD Rule 200 & 205 (Nuisance and Fugitive Dust Emissions).

**Other Construction Practices**

i. Maintain all construction equipment in proper tune according to manufacturer’s specification.

j. Idling time shall not exceed to 10 minutes for any diesel engine.

k. Where feasible, give preference to utilizing the following equipment:

- Electric equipment
- Substitute gasoline-powered for diesel-powered equipment
- Alternatively fueled construction equipment on site such as compressed natural gas (CNG), liquid natural gas (LNG), propane, or biodiesel.
• Equipment that has Caterpillar pre-chamber diesel engines, as practical.
• Diesel construction equipment meeting the CARB’s 1996 or newer certification standard for off-road heavy-duty diesel engines.

1. Construction workers shall park in designated parking area(s) to help reduce dust emissions.”

**Plan Requirements:** The note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. This note shall also be placed on all building and site development plans.

**Timing:** Requirements of the condition shall be adhered to throughout all grading and construction periods.

**Monitoring:** The Butte County Department of Development Services and the Public Works Department shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. Building inspectors shall spot check and shall ensure compliance on-site. Butte County Air Pollution Control District inspectors shall respond to nuisance complaints.

**Mitigation Measure #4: Nesting Migratory Birds and Raptors**

Prior to initiation of any ground disturbing/construction activities during the nesting season (1 March and 15 September), the area within 0.5 mile of the proposed disturbed area must be surveyed by a qualified biologist for active raptor and migratory bird nests during the appropriate nesting period for the species. All raptor and migratory bird nests on the project site should be avoided until young have fledged in accordance with the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712; Ch. 128; July 13, 1918; 40 Stat. 755) as amended.

A. If an active nest is located within 0.5 mile of the project site, a biologist will monitor the nest weekly during construction to evaluate potential disturbance to nesting from construction activities. The monitor will have the authority to stop construction if it appears to be resulting in nest abandonment or forced fledging. Following a review of the breeding pair’s behavior, CDFG will determine whether project activities in the area may continue during the nesting season and, if so, the conditions under which they may continue.

B. If an active nest occurs in a tree scheduled for removal, the species of bird using the nest will be determined. The nest tree will be preserved until it is outside of the breeding season for that species or until the young have fledge. If construction cannot be delayed until the end of the breeding season, guidance from CDFG shall be requested.

**Plan Requirements:** A qualified biologist must be retained to survey the area for active nests prior to project related disturbances.

**Timing:** Prior to construction.

**Monitoring:** The Butte County Department of Development Services

**Mitigation Measure #5: Vernal Pool Invertebrates**

Impacts to special status shrimp habitat shall be avoided to the maximum extent practicable. These listed species include *Branchinecta conservatio* (Conservancy fairy shrimp), *Branchinecta longiantenna* (longhorn fairy shrimp), *Lepidurus packardi* (vernal pool tadpole shrimp), and *Branchinecta lynchi* (vernal pool fairy shrimp).

Less than one quarter of acre of habitat will be affected, including habitat that is filled or otherwise destroyed (directly affected) and habitat indirectly affected by the project. Habitat indirectly affected includes all habitat supported by destroyed upland areas and swales, and all habitat otherwise damaged by loss of watershed, human intrusion, introduced species, and pollution caused by the project. If the reach of indirect effects cannot be determined definitively, all habitat within 250 feet of proposed development may be considered indirectly affected.

A. For every acre of habitat directly or indirectly affected, at least two vernal pool credits will be dedicated within a USFWS-approved preservation bank, or, based on USFWS evaluation of site-specific conservation values, three acres of vernal pool habitat may be preserved on the project site or on another non-bank site approved by the USFWS.

B. For every acre of habitat directly affected, at least one vernal pool creation credit will be dedicated within a USFWS-approved habitat mitigation bank, or, based on USFWS evaluation of site-specific conservation values.
values, three acres of vernal pool habitat will be created and monitored on the project site or on another non-bank site as approved by the USFWS.

C. If habitat is avoided (preserved) on site, then a USFWS-approved biologist (monitor) will inspect any construction-related activities at the proposed project site to ensure that unnecessary take of listed species or destruction of their habitat does not occur. The biologist will have the authority to stop all activities that may result in such take or destruction until appropriate corrective measures have been completed. The biologist also will be required to immediately report any unauthorized impacts to the USFWS and the California Department of Fish and Game.

D. Single rail fencing will be placed and maintained around any avoided (preserved) vernal pool or vernal swale habitat to prevent impacts from vehicles.

E. All construction personnel will receive instruction regarding the presence of listed species and the importance of avoiding impacts to these species and their habitat.

F. The applicant will ensure that activities that are inconsistent with the maintenance of the suitability of remaining habitat and associated on-site watershed are prohibited. This includes, but is not limited to: (i) alteration of existing topography or any other alteration or use for any purposes, including the exploration for or development of mineral extraction; (ii) placement of any new structures on these parcels; (iii) dumping, burning, and/or burying of rubbish, garbage, or any other wastes or fill materials; (iv) building of any new roads or trails; (v) killing, removal, alteration, or replacement of any existing native vegetation; (vi) placement of storm water drains; (vii) fire protection activities not required to protect existing structures at the project site; and (viii) use of pesticides or other toxic chemicals.

G. Before implementation of each proposed project, the USFWS will be supplied with a 7.5 minute U. S. Geological Survey topographic map that clearly delineates the project area and habitat contained within this area.

**Plan Requirements:** The note shall be placed on a separate document which is to be recorded concurrently with the final map.

**Timing:** Prior to fill or any wetlands on site.

**Monitoring:** The Butte County Department of Development Services shall ensure that vernal pool mitigation credits have been purchased according to USFWS specifications before wetland fill occurs. Butte County building inspectors shall ensure compliance with fencing requirements on-site.

**Mitigation Measure #6: Oak Trees**

The applicant/developer shall satisfy one of the following:

A. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: Prior to any development activity or the issuance of any permit or approval removing or encroaching upon oak trees on the project site (this generally includes the canopy drip-line of trees within the area of ground disturbance and trees subject to changes in hydrologic regime) an Oak Tree Mitigation Plan prepared by a certified arborist, registered professional forester, botanist or landscape architect shall be submitted for review and approval by the Director of Development Services or his/her designee that includes:

1) A survey showing the location of oak trees 5 inches or more in diameter at breast height, as defined by PRC §21083.4(a);

2) The removal of all oak trees 5 inches or more in diameter at breast height shall be mitigated. It shall be mitigated by one or more of the following: replanting and maintaining oak trees, establishing conservation easements, contributing funds for off-site oak woodlands conservation, and/or other mitigation measures developed by Butte County. Replanting oak trees cannot account for more than one-half of the mitigation. Replanted oak trees shall be maintained for a period of seven years after they are planted. If any of the replanted oak trees die or become diseased, they shall be replaced and maintained for seven years after the new oak trees are planted;

3) A replanting schedule and diagram for trees removed or encroached upon by permit activities consistent with PRC §21083.4(b)(2), applicable mitigation measures, and Butte County Ordinance, if any, shall be submitted
to and approved by the Director of Development Services or his/her designee. Replanted trees shall be planted in areas deemed appropriate by the Plan, considering future lot development, interference with foundations, fencing, roadways, driveways, and utilities. Trees planted shall be protected from livestock and other animals;

4) Oak Tree protection measures for trees to be retained within the project site shall be included in construction specifications. Each oak tree to be preserved shall be surrounded by a tree zone identified by the drip line of the tree. An orange plastic fence or other suitable type of fence shall be used to identify the tree zone during construction activities. No vegetation removal, soil disturbance, or other development activities shall occur within the tree zone in order to protect root systems and minimize compaction of the soil, unless authorized by Oak Tree Mitigation Plan; and

5) Conservation easements or funds for off-site oak woodlands conservation shall be proposed to and approved by the Director of Development Services or his/her designee.; or

B. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: Prior to any development activity or the issuance of any permit or approval removing or encroaching upon oak trees on the project site (this generally includes the canopy drip-line of trees within the area of ground disturbance and trees subject to changes in hydrologic regime) the developer shall be consistent with the County’s adopted oak mitigation ordinance.; or

C. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: Prior to any development activity or the issuance of any permit or approval removing or encroaching upon oak trees on the project site (this generally includes the canopy drip-line of trees within the area of ground disturbance and trees subject to changes in hydrologic regime) the project shall be consistent with all avoidance and minimization measures and the applicant shall pay applicable in lieu fees to mitigate for blue oak woodland impacts as provided in the adopted Butte County Resource Conservation Plan.

Plan Requirements: No vegetation removal, grading, road construction, or other earthwork resulting in the removal or encroachment upon oak trees on the project site shall be permitted until the mitigation measure is satisfied by the applicant/developer completing one of the specified measures to the satisfaction of the Director of Development Services or his/her designee.

Timing: Requirements of the condition shall be satisfied prior to any development activity or the issuance of any grading, building, septic, or well permit, or the approval of any improvement plans on the parcels.

Monitoring: The Butte County Department of Development Services and Department of Public Works shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. At the time of septic, well, or building permit application, the Development Services Department will reference this requirement on any grading, building, septic, or well permit site plans and verify that actions necessary to verify this measure have been satisfied have been submitted to and approved by the Director of Development Services or his/her designee. Butte County building inspectors shall ensure compliance on-site.

Mitigation Measure #7: Cultural Resource Protection

Place a note on a separate document which is to be recorded concurrently with the Final Map or on an additional map sheet and on all building and site development plans that states: “Should grading activities reveal the presence of prehistoric or historic cultural resources (i.e. artifact concentrations, including arrowheads and other stone tools or chipping debris, cans glass, etc.; structural remains; human skeletal remains) work within 50 feet of the find shall immediately cease until a qualified professional archaeologist can be consulted to evaluate the find and implement appropriate mitigation procedures. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner. Should the County Coroner determine that the remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State Law, to arrange for Native American participation in determining the disposition of such remains.” The provisions of this note shall be followed during construction of all subdivision improvements, including land clearing, road construction, utility installation, and building site development.

Plan Requirements: This note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and shall be shown on all site development and building plans.
Timing: This measure shall be implemented during all site development activities.

Monitoring: Should cultural resources be discovered, the landowner shall notify the Planning Division and a professional archaeologist. The Planning Division shall coordinate with the developer and appropriate authorities to avoid damage to cultural resources and determine appropriate action. State law requires the reporting of any human remains.

Mitigation Measure #8: SWRCB Permitting

Prior to any grading on the site, a Construction Storm Water Permit will be required by the State Water Resources Control Board if the project results in a disturbance (including clearing, excavation, filling, and grading) of one or more acres. The Permit must be obtained from the State Water Resources Control Board prior to construction. If a Construction Storm Water Permit is required, place a note on an additional map sheet that states: “The development of this Final Map required a construction storm water permit. Construction activities that result in a land disturbance of less than one acre, but which are part of a larger common plan of development, also require a permit. Development of individual lots may require an additional permit(s).”

Plan Requirements: A copy of the approved Storm Water Pollution Prevention Plan (SWPPP) shall be attached to all building and site development plans.

Timing: The requirements of the approved Storm Water Pollution Prevention Plan shall be adhered to at all times.

Monitoring: The applicant or his/her successors, heirs, assigns are responsible for ensuring compliance with the Storm Water Pollution Prevention Plan. The California Regional Water Quality Control Board and the Butte County Public Works Department will respond to any storm water runoff problems.

Mitigation Measure #9:

Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: “To the extent feasible, the developer shall implement the following measures at the time of development to offset the anticipated contribution of greenhouse gas emissions from residential development:

- Support expansion of renewable energy systems
  - Prewire all new residential development to support photovoltaic system installation.
  - Support efficiency in vehicles and landscaping equipment
  - Install electrical vehicle outlets on external walls or in garages in all new residential development.
  - Incorporate outdoor electrical outlets to encourage the use of electric appliances and tools.
- Improve fuel efficiency of equipment during construction-related activities
  - Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than 3 minute.
  - Use clean or alternative fuel equipment.”

Plan Requirements: The note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. This note shall also be placed on all building and site development plans.

Timing: This measure shall be implemented prior to issuance of building permits for residential development. Construction-related measures shall be adhered to throughout all grading and construction periods.

Monitoring: The Butte County Department of Development Services and the Public Works Department shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. Planning Division will ensure that future residential development includes the applicable measures during Building Permit review. Building inspectors shall spot check and shall ensure compliance on-site.
Mitigation Measure #10: Lot Grading

Lots shall be graded to direct runoff to storm drain facilities within the public right-of-way or to stormwater retention basins situated within the lot. No lot-to-lot runoff shall be permitted.

**Plan Requirements:** All grading plans shall show drainage runoff consistent with the above requirement.

**Timing:** Requirements of the condition shall be reflected in final grading plans and all custom lot development. Conditions shall be adhered to throughout all grading/excavating and construction/landscaping periods.

**Monitoring:** The Department of Development Services shall spot check to ensure monitoring compliance.

Mitigation Measure #11: Drainage Plan Requirements

Prior to recordation of the final map, a plan for a permanent solution for drainage shall be submitted to and approved by the Department of Public Works. The drainage plans shall detail existing drainage conditions and shall specify how drainage waters shall be detained or retained onsite and/or conveyed to the nearest natural or publicly maintained drainage channel or facility and shall provide that there shall be no increase in the peak flow runoff to said channel or facility. If storm drainage facilities serve new public roads, the developer must complete the formation of a county service area (CSA), zone of benefit within a permanent road division (PRD), or other Department of Public Works approved entity prior to recordation of the final map. The formation process will require the developer to fund the service until the beginning of the first fiscal year in which service charges can be collected and agree to an annual maximum service charge to ensure continued operation of the facilities.

**Plan Requirements:** Submit drainage plans and calculations to the Department of Public Works for review and approval.

**Timing:** The drainage plan shall be submitted and approved prior to approval of the improvement plans, and the required drainage improvements constructed or bonded for construction prior to recordation of the Final Map.

**Monitoring:** The Department of Public Works shall ensure that the required plan is submitted and ensure that the drainage improvements are constructed or bonded for construction prior to recordation of the Final Map.

Mitigation Measure #12:

Houses built on lots adjacent to Ophir Road shall include measures (e.g., construction of walls, windows, and other measures) capable of attenuating external noise to at or below the 45 Ldn/CNEL (Community Noise Equivalent Level).

**Plan Requirements:** The note shall be placed as a condition of final map approval and shall be shown on all building plans for residential construction on lots adjacent to Ophir Road.

**Timing:** Requirements of the condition shall be shown on building plans for residential construction on affected lots. The condition shall be satisfied prior to final inspection.

**Monitoring:** The Department of Development Services shall spot check to ensure monitoring compliance.

Mitigation Measure #13:

Buildings developed on commercial lots shall include windows with a Sound Transmission Class (STC) rating of at least 30 dB.

**Plan Requirements:** The note shall be placed as a condition of final map approval and shall be shown on all building plans for commercial development.

**Timing:** Requirements of the condition shall be shown on building plans for residential construction on affected lots. The condition shall be satisfied prior to final inspection.

**Monitoring:** The Department of Development Services shall spot check to ensure monitoring compliance.

Mitigation Measure #14:

Construction activities shall be limited to between the hours of 7AM and 7PM with no construction activity on Sundays or holidays. The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained. When feasible, existing power sources, such as power poles, or clean fuel generators should be used, rather than temporary power generators. Minimize idling time to 10 minutes.
Plan Requirements: This note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and shall be shown on all site development and building plans.

Timing: The mitigation shall be applicable during all construction activities.

Monitoring: The developer and the Disturbance Coordinator shall be responsible for ensuring compliance with this mitigation and shall respond to all complaints of noise. The Department of Development Services shall investigate all complaints of excess construction-related noise.

Mitigation Measure #15: Proportional Roadway and Intersection Improvement Fees

The project developer shall either:

1. Pay fees proportional to the project’s fair share of costs of needed roadway and intersection improvements for those intersections and roadways within the Las Plumas and surrounding area warranting improvements due to project-related or cumulative traffic impacts and
2. Participate in funding an Impact Study and paying the fee identified; or
3. Pay fees as approved by other County fee program to fund needed roadway and intersection improvements.

Plan Requirements: This requirement shall be placed as a condition of final map approval and satisfied prior to final map recordation.

Timing: Prior to recordation of final map for proportional fair share costs, or prior to issuance of building permit for other County fee programs. Requirements of the condition shall be reflected in final plans. Requirements of the condition shall be reflected in final plans.

Monitoring: None.

Mitigation Measure #16: Frontage Improvement

The project developer shall be required to construct all road frontage improvements on or before construction begins on commercial and residential units. Frontage improvements may be constructed in a phased manner with each phase of project development. Frontage improvements along Ophir Road shall extend to the easternmost project access in order to remain consistent with Butte County objectives to preserve the rural character of the area.

Plan Requirements: The note shall be placed as a condition of final map approval.

Timing: Requirements of the condition shall be reflected in final plans. Conditions shall be adhered to throughout all construction periods.

Monitoring: The Department of Public Works shall review improvements to ensure compliance.

Mitigation Measure #17: Interior Signage

Stop signs shall be placed at each exit from the project site to Ophir Road and Lincoln Boulevard.

Plan Requirements: The note shall be placed as a condition of final map approval.

Timing: Requirements of the condition shall be reflected in final plans. Conditions shall be adhered to throughout all construction periods.

Monitoring: The Department of Public Works shall check to ensure compliance prior to issuance of any Building Permits.

Mitigation Measure #18: Driveway Limitations

The northernmost Lincoln Boulevard driveway and the westernmost Ophir Road driveway shall be limited to right turns only due to potentially problematic left turns near the Lincoln Rd/Ophir Rd intersection. Signage indicating this limitation shall be installed along these driveways so as to be clearly visible to exiting traffic.

Plan Requirements: The note shall be placed as a condition of final map approval.

Timing: Requirements of the condition shall be reflected in final plans. Conditions shall be adhered to throughout all construction periods.
Monitoring: The Department of Public Works shall review to ensure compliance.

Mitigation Measure #19: Tribal Monitoring

Place a note on the final map and all building and site development plans for new construction as follows:

“Prior to commencement of ground disturbing activities on the project site the applicant shall notify the United Auburn Indian Community (UAIC) if they have indicated that the project site lies within their traditional and culturally affiliated area. If so, the UAIC shall be given the option to have a tribal monitor present during all ground disturbing activities associated with the development of the project.”

Plan Requirements: This measure shall be incorporated in the conditions of approval for the project and the note shall be placed on all building and site development plans for new construction.

Timing: This measure shall be implemented during all site development activities.

Monitoring: The Department of Development Services shall work with the applicant/developer and the UAIC to ensure a tribal monitor is given the opportunity to be on site during all ground disturbing activities.

Mitigation Measure #20: Capacity/Mitigation Agreement

Prior to recording the Final Map and following completion of a capacity impact study, the Applicant/Developer shall enter into a Capacity/Mitigation Agreement or functional equivalent with SC-OR and LOAPUD, or other means as approved by SC-OR and LOAPUD, in provision of future wastewater treatment and disposal services. If the Applicant decides to proceed with development of the project and secure wastewater collection and treatment services, the Applicant shall meet with SC-OR and LOAPUD and negotiate the scope of required improvements, the timing of improvements, the financing and construction of improvements, and all other requirements of SC-OR and Collector roughly proportional to the impact of the proposed project.

Plan Requirements: Submit executed Capacity/Mitigation Agreement or functional equivalent to the Department of Public Works.

Timing: The executed Capacity/Mitigation Agreement or functional equivalent shall be submitted prior to recordation of the Final Map.

Monitoring: The Department of Public Works shall ensure that the required executed Capacity/Mitigation Agreement or functional equivalent is submitted prior to recordation of Final Map.

Mitigation Measure #21: SC-OR Progress Monitoring and Reporting

Prior to issuance of Building Permits, the County, with consultation with SC-OR, shall ensure that periodic monitoring of actual growth rates and available wastewater collection and treatment capacities has occurred. Should rates of development substantially change from estimates used in the 2009 Capacity Study, SC-OR may require the applicant/developer to fund an update of the Capacity Study.

Plan Requirements: Submit periodic re-evaluation of available capacity as compared to actual project buildout and area growth to the Department of Public Works. If re-evaluation determines substantial changes in growth estimates as compared to those used in the initial study, an updated Capacity Study may be required prior to issuance of additional Building Permits.

Timing: Periodic re-evaluation of project progress shall occur at a minimum of every 2 years during phased construction.

Monitoring: The Department of Development Services shall ensure that the required periodic re-evaluations are submitted prior to issuance of building permits.

Mitigation Measure #22: Construction or Modification of Sewer Collection Facilities

Prior to recordation of Phased Final Maps, the applicant/developer shall construct new and/or modify existing sewer collection facilities according to plans and specifications in conformance with LOAPUD Improvement Standards and Policies. Construction of facilities may proceed along a phased implementation design with approval from LOAPUD.

Plan Requirements: LOAPUD shall approve plans and specifications prior to issuance of building permits.
Timing: Applicant shall submit approved plans prior to recordation of Final Map.

Monitoring: The Department of Development Services shall ensure that the required plans are submitted prior to approval of the Final Map. Field inspections shall verify compliance.

Mitigation Measure #23: Water Main Extension

Prior to recordation of first Phased Final Map, the 12” water main (from the South Feather Water and Power Agency’s existing main along Lincoln Boulevard) along the Ophir Road frontage of APN 078-090-043 to the easternmost project access point along Ophir Road, shall be installed or bonded for construct or provide a performance bond and labor and material bond for the construction as approved by South Feather Water and Power Agency.

Plan Requirements: South Feather Water and Power Agency shall approve plans and specifications prior to issuance of recordation of the first Phase.

Timing: Applicant shall complete prior to recordation of Final Map

Monitoring: The Department of Development Services shall ensure that the improvements are installed or bonded for prior to recordation of the first Phased Map.

Mitigation Measure #24: Drainage Plans and Calculations

Prior to recordation of the final map, a plan for a permanent solution for drainage shall be submitted to and approved by the Department of Public Works. The drainage plans shall detail existing drainage conditions and shall specify how drainage waters shall be detained or retained onsite and/or conveyed to the nearest natural or publicly maintained drainage channel or facility and shall provide that there shall be no increase in the peak flow runoff to said channel or facility. If storm drainage facilities serve new public roads, the developer must complete the formation of a county service area (CSA), zone of benefit within a permanent road division (PRD), or other Department of Public Works approved entity prior to recordation of the final map. The formation process will require the developer to fund the service until the beginning of the first fiscal year in which service charges can be collected and agree to an annual maximum service charge to ensure continued operation of the facilities.

Plan Requirements: Submit drainage plans and calculations to the Department of Public Works for review and approval.

Timing: The drainage plan shall be submitted and approved prior to approval of the improvement plans, and the required drainage improvements constructed or bonded for construction prior to recordation of the Final Map.

Monitoring: The Department of Public Works shall ensure that the required plan is submitted and ensure that the drainage improvements are constructed or bonded for construction prior to recordation of the Final Map.
6.0 ENVIRONMENTAL REFERENCE MATERIAL:


22. Public Draft Las Plumas Master Environmental Assessment – September 2010; PMC
23. City of Oroville Municipal Services Review (O-MSR) – December 4, 2014; Butte Local Agency Formation Commission
24. Wastewater Providers Oroville Region MSR

7.0 CONSULTED AGENCIES:

[X] Environmental Health  [X] Public Works  [ ] Building Manager
[ ] BCAG  [ ] County Counsel  [X] LAFCo
[X] Assessor  [ ] Development Services  [ ] Chico Unified School District
[ ] Air Quality Management District  [ ] City of Chico  [ ] Sheriff
[ ] City of Gridley  [ ] City of Oroville  [ ] Town of Paradise
[X] CA Department of Forestry  [ ] Caltrans (Traffic)  [ ] CA Central Reg. Water Quality
[ ] Department of Conservation  [X] CA Dept. of Fish and Wildlife  [ ] Highway Patrol
[X] Army Corps of Engineers  [X] U.S. Fish & Wildlife Service  [ ] Agricultural Commissioner
[ ] El Medio Fire Department  [ ] Del Oro Water Company  [ ] LOAPUD
[ ] PG&E  [ ] Pacific Bell  [X] SC-OR

8.0 PROJECT SPONSOR(S) INCORPORATION OF MITIGATION INTO PROPOSED PROJECT:

I/We have reviewed the Initial Study for Tentative Subdivision Map (TSM18-0003) application and particularly the mitigation measures identified herein. I/We hereby modify the application on file with the Butte County Planning Department to include and incorporate all mitigations set forth in this Initial Study.

[Signature]
Project Sponsor/Project Applicant

Date: 12-18-2018

[Signature]
Project Sponsor/Project Applicant

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- Butte County Department of Development Services, Planning Division
- Initial Study/Mitigated Negative Declaration for TSM18-0003 (Garden Oak Estates) - Page 68 of 68