



Department of Development Services

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BUTTE COUNTY ZONING ADMINISTRATOR
NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION AND
NOTICE OF PUBLIC HEARING
TENTATIVE PARCEL MAP TPM19-0005

In accordance with the California Environmental Quality Act (CEQA), Butte County has prepared an Initial Study and is considering the adoption of a Mitigated Negative Declaration for the project listed below at a public hearing before the Butte County Zoning Administrator to be held on **December 11, 2019 at 10:00 a.m.** or shortly thereafter in the Butte County Development Services Training Room, located at 7 County Center Drive, Oroville, California.

Project Information

Project: Tentative Parcel Map TPM19-0005 (C.F. Koehnen & Sons Orchards)

Location: The project site is located at 9570 Aguas Frias, on the southeast corner of the Dayton Road, Durham-Dayton Hwy, Ord Ferry Road, and Aguas Frias Road intersection, one-half mile west of the community of Dayton.

APN: 039-260-037

Proposal: Tentative Parcel Map to subdivide an 80-acre property situated in the AG-40 (Agriculture – 40-acre minimum parcel size) zone into two parcels of 40 acres. Wastewater disposal for each parcel would be provided by individual on-site septic systems. Domestic water service would be provided by a groundwater well.

The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present on the project site. The project site does not contain a listed toxic site.

The Initial Study/Mitigated Negative Declaration (IS/MND) and reference documents for this project are on file for public review and comment starting **November 8, 2019, through December 7, 2019**, at the Butte County Planning Division, 7 County Center Drive, Oroville, CA 95965. The IS/MND is also available for review on the County website at <http://www.buttecounty.net/dds/Planning/CEQA.aspx>.

Comments regarding the Tentative Parcel Map may be submitted in writing at any time prior to the hearing or orally at the scheduled hearing 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 described in this notice or in written correspondence delivered to the Zoning Administrator at, or prior to the public hearing.

For information, please contact Senior Planner Rowland Hickel, Butte County Development Services Department, Planning Division at (530) 552-3684 or rhickel@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) 552-3662. Notification at least 72 hours prior to the hearing will enable staff to make reasonable arrangements.

BUTTE COUNTY ZONING ADMINISTRATOR
TIM SNELLINGS, DIRECTOR OF DEVELOPMENT SERVICES

INITIAL STUDY AND ENVIRONMENTAL REVIEW CHECKLIST

California Environmental Quality Act (CEQA)

PROJECT INFORMATION

1. Project Title: C.F. Koehnen & Sons Orchards Tentative Parcel Map (TPM19-0005)
2. Lead Agency Name and Address: Butte County – Department of Development Services
Planning Division
7 County Center Drive
Oroville, CA 95965
3. Contact Person and Phone Number: Rowland Hickel, Senior Planner
530.552.3684
rhickel@buttecounty.net
4. Project Location: The project site encompasses 80 acres located at 9570 Aguas Frias, on the southeast corner of the Dayton Road, Durham-Dayton Hwy, Ord Ferry Road, and Aguas Frias Road intersection, one-half mile west of the community of Dayton. Township 21N, Range 1E, Section 27; MDB&M. APN: 039-260-037.
5. Project Sponsor's Name and Address: C.F. Koehnen & Sons Orchards
3131 Highway 45
Glenn, CA 95943
6. General Plan Designation: Agriculture (AG)
7. Specific Plan Designation: [Durham-Dayton-Nelson Area Plan \(D2N\)](#)
8. Zoning: AG-40 (Agriculture-40-acre minimum parcel size)
9. Description of Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

The project consists of subdividing an 80-acre property situated in the AG-40 (Agriculture – 40-acre minimum parcel size) zone into two parcels of 40 acres. Wastewater disposal for each parcel would be provided by individual on-site septic systems. Domestic water service would be provided by a groundwater well. Both parcels have direct access to a County-maintained Road.
10. Surrounding Land Uses and Setting: (Briefly describe the project's surroundings)

The project area primarily consists of agricultural lands of 40+ acres in size. The majority of the agricultural lands in the surrounding area are under orchard production and many include a single-family residence. One farm located to the east has several acres under vineyard production and includes a winery and wine tasting room. Two small commercial properties are located directly north of the project site, on the northeast corner of the

Durham-Dayton Highway and Dayton Road intersection. One commercial property operates a small residential care facility. The second commercial property is currently has a vacant building, but is under construction to become a restaurant, drive-thru café, offices and an outdoor special event facility.

Direction	General Plan Designation	Zoning	Existing Land Use(s)
North	Agriculture	AG-40	Single-Family Residential / Agriculture (Orchard)
South	Agriculture	AG-40	Single-Family Residential / Agriculture (Orchard)
East	Agriculture	AG-40	Single-Family Residential / Agriculture (Orchard)
West	Agriculture	AG-40	Single-Family Residential / Agriculture (Orchard)

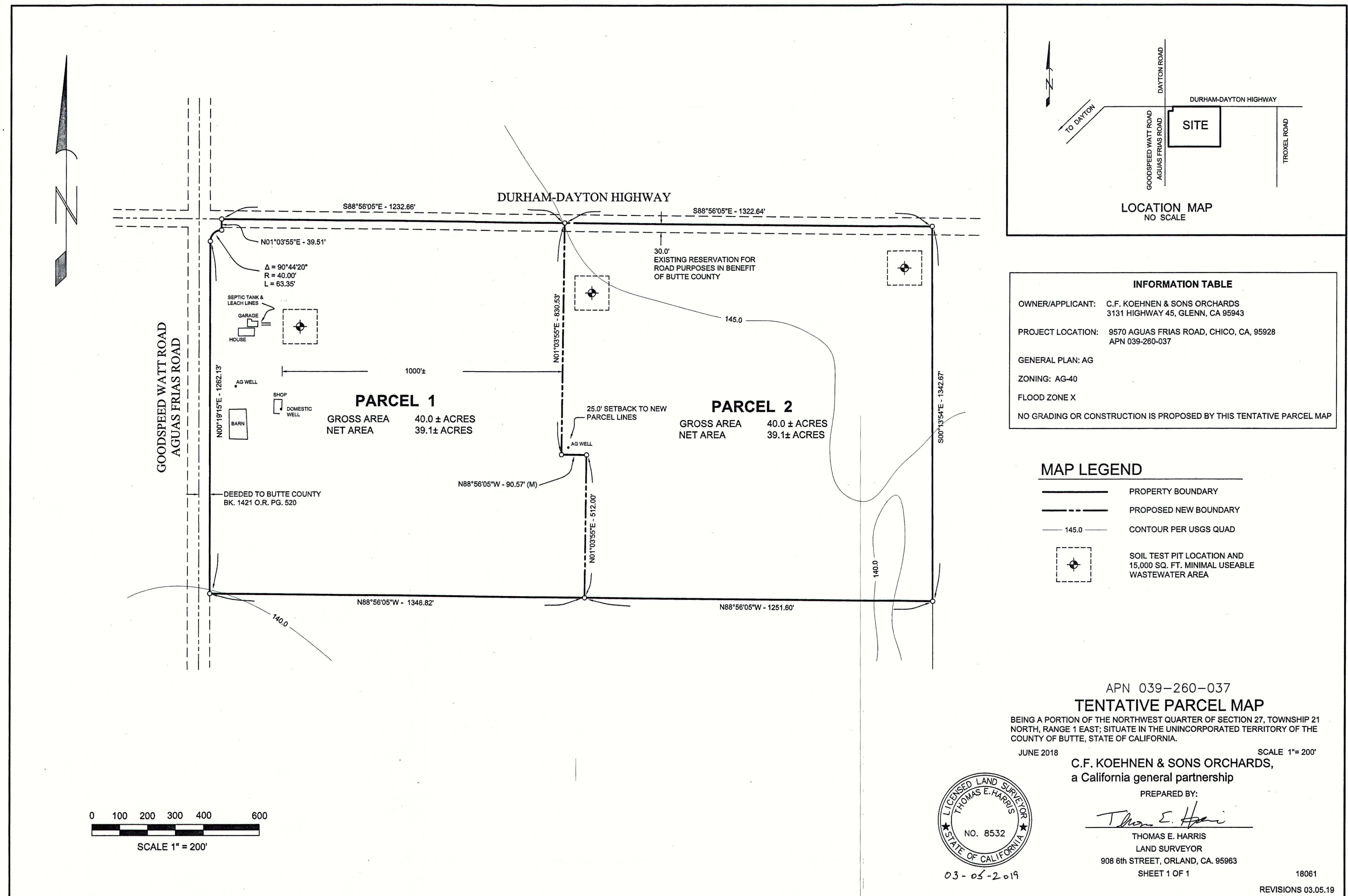
The project site is developed with a single-family residence, detached garage, agricultural barn, and shop building. Sewage disposal services to the residence is provided by an on-site septic system. Domestic water services is provided by a private groundwater well. The project site is at an elevation between 145 feet above mean sea level (msl). The topography is predominately level with 0 to 2 percent slopes.

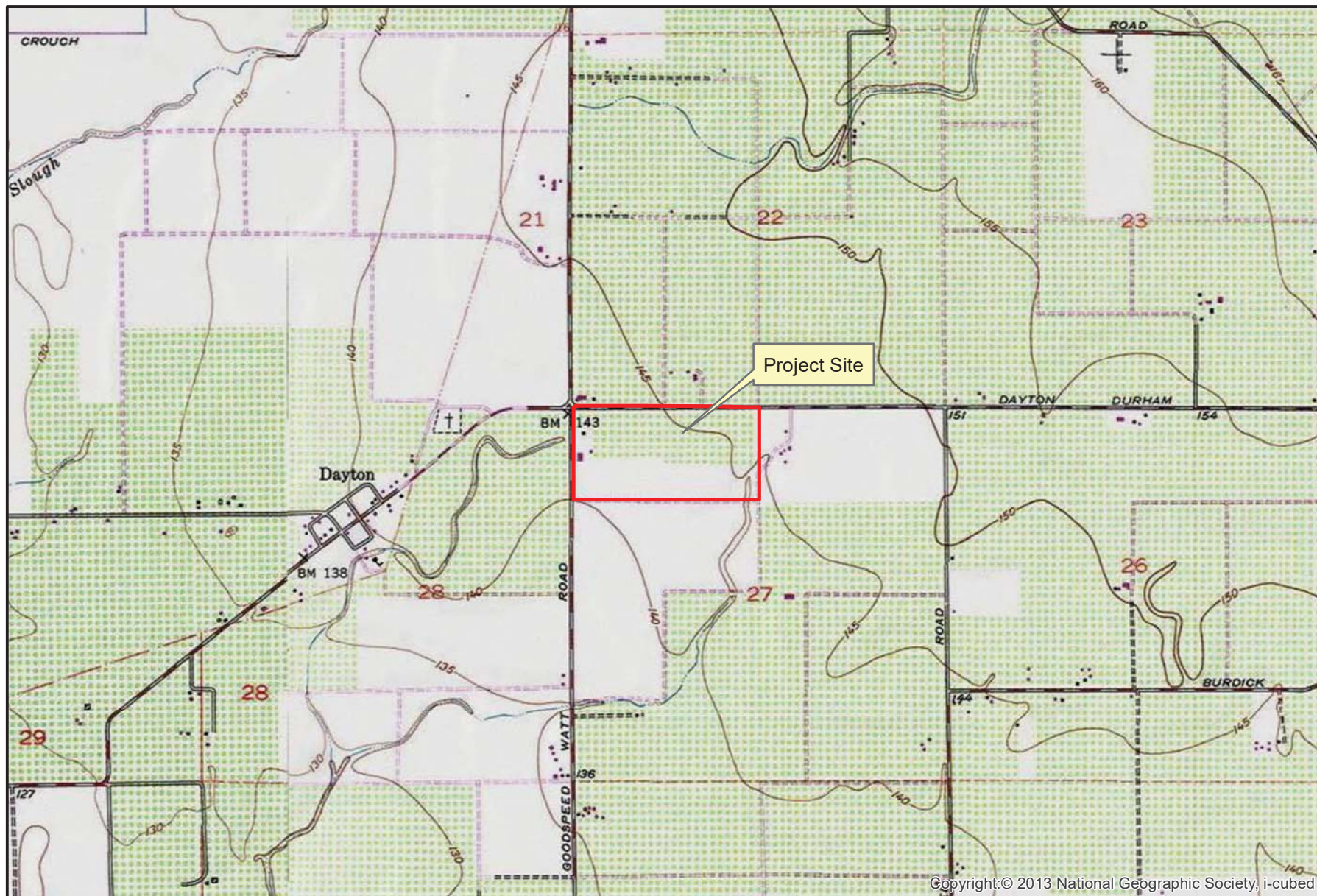
The project site is zoned AG-40. The purpose of the AG zone is to support, protect, and maintain a viable, long-term agricultural sector in Butte County. Standards for the AG zone maintain the vitality of the agricultural sector by retaining parcel sizes necessary to sustain viable agricultural operations, protecting agricultural practices and activities by minimizing land-use conflicts, and protecting agricultural resources by regulating land uses and development intensities in agricultural areas. Permitted uses include crop cultivation, animal grazing, stock ponds, and agricultural processing. More intensive agricultural activities, such as animal processing, dairies, hog farms, stables, forestry and logging, and mining and oil extraction, are permitted with the approval of a Conditional Use Permit. One (1) single-family home and one (1) second unit or accessory dwelling unit is permitted on each legally established parcel within the AG zone, and residential uses for agricultural employees are permitted as an accessory use within the AG zone. The minimum permitted parcel sizes in the AG zone ranges from twenty (20) acres to one hundred sixty (160) acres. The minimum parcel size for the subject parcel is forty (40) acres.

Agricultural land is the dominant vegetation community within the project site. Agricultural lands established on fertile soils that historically supported abundant wildlife have been greatly diminished when the land was converted to agricultural uses and intensively managed. Many species of rodents and birds have adapted to agricultural lands, but they are often controlled by fencing, trapping, and poisoning to prevent excessive crop losses. Common species observed within this community type includes mourning dove, American crow, Brewer's blackbird, sandhill crane, various raptor species, egrets, and many species of rodents. Special-status wildlife species associated with agricultural lands, such as the northern harrier and giant garter snake, may use adjacent irrigation canals and freshwater marsh vegetation for foraging or breeding. Giant garter snakes have the potential to occur in irrigation canals and can use the adjacent agricultural lands as foraging and basking habitat. Swainson's hawks also will forage in agricultural lands. Irrigated pastures may provide suitable nesting habitat for the northern harrier and short-eared owl.

11. Other public agencies whose approval is required: (e.g., permits, financing approval, or participation agreement)
 - Butte County Department Development Services: Building Permits (Future Construction)
 - Butte County Public Works Department: Encroachment Permit (Future Construction)
12. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

See Discussion 1.18



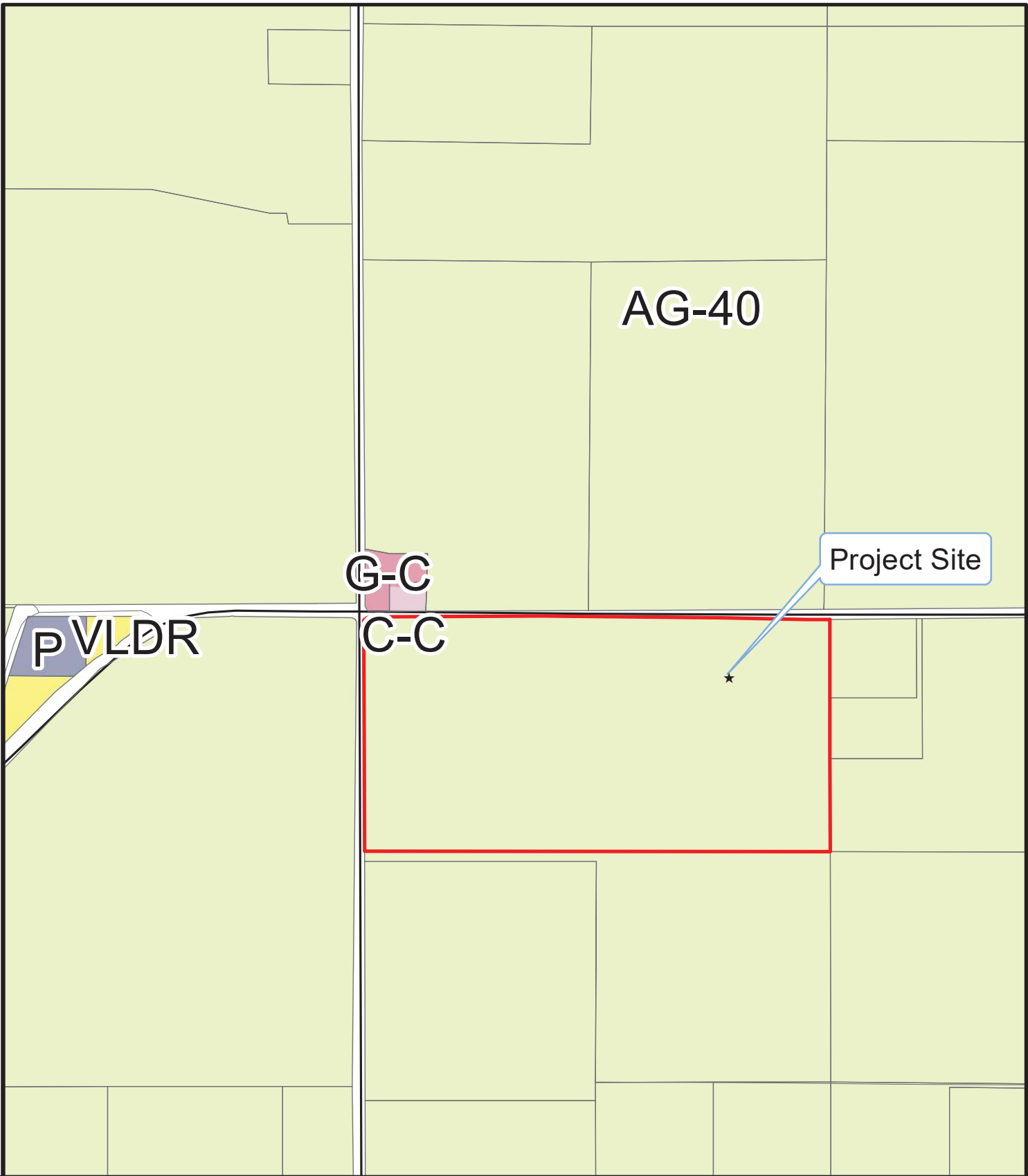


USGS 7.5' Quadrangle Map 1:24,000

TPM19-0005 (CF Koehnen & Sons Inc.)

Map created by:
Butte County
Development Services Department
7 County Center Drive, Oroville, Ca. 95965





Butte County Zone Districts



Supervisory
District #4

Applicant/Owner: CF Koehnen & Sons

Zoning: AG-40 (Agriculture, 40-acre)

Request: Tentative Parcel Map

Assessor Parcel No: 039-260-037

File: TPM19-0005

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages. Where checked below, the topic with a potentially significant impact will be addressed in an environmental impact report.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forest Resources	<input checked="" type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input checked="" type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Energy
<input type="checkbox"/>	Geology / Soils	<input checked="" type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards / Hazardous Materials
<input type="checkbox"/>	Hydrology / Water Quality	<input type="checkbox"/>	Land Use / Planning	<input type="checkbox"/>	Mineral Resources
<input type="checkbox"/>	Noise	<input type="checkbox"/>	Population / Housing	<input type="checkbox"/>	Public Services
<input type="checkbox"/>	Recreation	<input type="checkbox"/>	Transportation	<input type="checkbox"/>	Tribal Cultural Resources
<input type="checkbox"/>	Utilities / Service Systems	<input type="checkbox"/>	Wildfire	<input checked="" type="checkbox"/>	Mandatory Findings of Significance
		<input type="checkbox"/>	None	<input checked="" type="checkbox"/>	None with Mitigation Incorporated

DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project could not have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☒ I find that although the proposed project **COULD** have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ I find that the proposed project **MAY** have a "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.


Rowland Hickel, Senior Planner

Prepared by:

August 8, 2019

Date



Reviewed by:

August 8, 2019

Date

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 "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. 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. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. 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 significance.

1.1 AESTHETICS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. Aesthetics.				
Except as provided in Public Resources Code section 21099 (where aesthetic impacts shall not be considered significant for qualifying residential, mixed-use residential, and employment centers), would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

a) Have a substantial adverse effect on a scenic vista?

Less than significant impact. No scenic vistas have been identified in the project area. Future development on the resultant parcels may include permitted and conditionally-permitted uses allowed within the AG zoning designation. Permitted development on the resultant parcels are consistent with the existing visual characteristics of the surrounding area. In addition, the proposed parcel sizes (40-acres), as well as the visual compatibility of permitted uses with the surrounding area, will not substantially interfere with any scenic views, or otherwise have a demonstrable negative aesthetic effect.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No impact. No scenic resources have been identified on the project site. The project site is also not located adjacent to a state-designated or county-designated scenic highway. Therefore, future development would not damage or degrade scenic resources within a state scenic highway.

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

Less than significant impact. The nearest publicly accessible areas to the project site are Dayton Road, Durham-Dayton Highway, Aguas Frias Road and Oro Ferry Road, all County-maintained roadways, and located directly adjacent to the northern and western property lines of the project site. Permitted development include uses and densities that are similar to the surrounding area, and would not result in negatively altering the character or visual quality of the project site and surrounding area.

- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less than significant impact. No new outdoor lighting is proposed. However, outdoor lighting for safety and security could potentially be added in the future on the resultant parcels. Development of these parcels would be similar with the rural character already established in the surrounding areas. As a result, lighting associated with future development and the agricultural uses would not create an adverse impact to the area.

1.2 AGRICULTURE AND FOREST RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
II. Agriculture and Forest Resources.				
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997, as updated) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.				
In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.				
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Regulatory Setting

Williamson Act/Land Conservation Act (LCA) Contracts

The California Land Conservation Act of 1965, commonly known as the Williamson Act, was established based on numerous State legislative findings regarding the importance of agricultural lands in an urbanizing society. Policies emanating from those findings include those that discourage premature and unnecessary conversion of agricultural land to urban uses and discourage discontinuous urban development patterns, which unnecessarily increase the costs of community services to community residents. The Williamson Act authorizes each County to establish an agricultural preserve. Land that is within the agricultural preserve is eligible to be

placed under a contract between the property owner and County that would restrict the use of the land to agriculture in exchange for a tax assessment that is based on the yearly production yield. The contracts have a 9-year term that is automatically renewed each year, unless the property owner or county requests a non-renewal or the contract is cancelled.

Farmland Mapping and Monitoring Program

The California Farmland Mapping and Monitoring Program (FMMP) develops statistical data for analyzing impacts to California's agricultural resources. The FMMP program characterizes "Prime Farmland" as land with the best combination of physical and chemical characteristics that are able to sustain long-term production of agricultural crops. "Farmland of Statewide Importance" is characterized as land with a good combination of physical and chemical characteristics for agricultural production, but with less ability to store soil moisture than prime farmland. "Unique Farmland" is used for production of the state's major crops on soils not qualifying as prime farmland or of statewide importance. The FMMP also identifies "Grazing Land", "Urban and Built-up Land", "Other Land", and "Water" that is not included in any other mapping category.

California Public Resources Code Section 4526

"Timberland" means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis.

California Public Resources Code Section 12220(g)

"Forest land" is land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

Butte County Right to Farm Ordinance

Butte County has adopted a Right to Farm Ordinance (Butte County Code Chapter 35, Protection of Agricultural Land). This ordinance protects properly conducted agricultural operations in the unincorporated County against nuisance lawsuits, and requires annual disclosure to all property owners within the County of the right to farm. In addition, the ordinance requires disclosure to buyers of real property and as part of development approvals. While the County Right-to-Farm Ordinance specifically applies to commercial agricultural operations within the unincorporated area, all commercial agricultural operations that comply with agricultural standards currently are protected from nuisance claims under State law (Section 3482.5 of the California Civil Code), whether located within cities or unincorporated areas.

Agricultural Buffer Policy

Pursuant to Policy AG-P5.3 from the General Plan 2030, Butte County has adopted Article 17 of the Butte County Zoning Ordinance, which requires a 300-foot buffer between lands zoned agriculture and new residential development. This ordinance applies to parcels where residential structures are to be developed in the following areas of the county: (1) all lands zoned Agriculture; (2) in other zones within 300 feet of the boundary of Agriculture zones; (3) areas inside and within 300 feet of sphere of influence boundaries for incorporated cities, where the boundary abuts parcels zoned Agriculture; and, (4) areas within 300 feet of a Williamson Act Contract. Exceptions to the 300-foot agricultural buffer setback requirement may be requested by the project applicant through an Unusual Circumstances Review application process.

Agricultural/Residential Buffer Implementation Guidelines

The existing Butte County Zoning Ordinance requires a 300-foot buffer between agricultural and non-agricultural uses. To implement this requirement, and to provide guidance regarding requests for a

determination of unusual circumstances, Butte County has prepared Agricultural/Residential Buffer Implementation Guidelines. The buffer must physically separate agricultural and nonagricultural uses and help to minimize potential conflicts. The County may make a determination of unusual circumstances based on criteria outlined in the Guidelines, in which case the buffer may take other forms or be of a lesser distance.

Residential Setback from Orchards and Vineyards in Residential Zones

The Butte County Zoning Ordinance Section 24-56.1 requires a minimum 25-foot setback to be established between new residential development and existing, active orchards and vineyards that are located in Residential zones. Proposed land divisions adjacent to an active orchard or vineyard shall be reviewed by the Agricultural Commissioner, in consultation with the Development Services Department, to determine an appropriate setback width, which shall be publicly noticed and reviewed by the hearing body.

Discussion

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

Less than significant impact. The California Farmland Mapping and Monitoring Program designates the project parcel as "Prime Farmland", which has the best combination of physical and chemical features able to sustain long-term agricultural production. Prime Farmland also has the soil quality, growing season and moisture supply needed to produce sustained high yields. Lands under this designation must have been used for irrigated agriculture production at some time during the four years prior to the mapping date to have qualified as Prime Farmland.

The proposed project would subdivide lands currently under agricultural production, consistent with the zoning designation. A future residence may be constructed on Parcel 2; however, residential uses support the existing agricultural operation and would be subject to the County's Agricultural Buffer Policy. As result, the proposed project would not result in the conversion of Important Farmland to a non-agricultural use.

- b) Conflict with existing zoning for agricultural use or a Williamson Act contract?

Less than significant impact. The project site is not under a Williamson Act Contract. However, several parcels immediately adjacent (within 300 feet) to the project site are under a Williamson Act Contract.

The project site and surrounding area is zoned Agriculture, with the exception of two commercial properties located north of the project site, on the northeast corner of the Dayton Road and Durham-Dayton Highway Intersection. Farms under orchard production and developed with a farmhouse primarily surround the project site. An existing residential care facility, and a proposed restaurant, drive-thru café, office space and outdoor special events facility are located in the commercial area to the north.

The proposed project would create two parcels of 40 acres. Each parcel would continue with its existing agricultural operation. A residence may be constructed on Parcel 2. The future residence would be subject to the Agricultural Buffer Policy, placing the residence 300 feet from the surrounding agricultural uses, and limiting potentially incompatible uses to a less than significant level.

- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No impact. The project site and surrounding area is not classified as forestland, as defined in Public Resources Code Section 12220(g), or as timberland, as defined in Public Resources Code Section 4526. The project site is not zoned or designated for forest or timber resource uses.

- d) Result in the loss of forestland or conversion of forestland to non-forest use?

No impact. The project site is located in the valley region of Butte County and does not contain trees or timber resources classified as forestland, as defined in Public Resources Code Section 12220(g), or as timberland, as defined in Public Resources Code Section 4526. Therefore, the proposed project would not result in loss or conversion of forestland to a non-forest use.

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

Less than significant impact. The project site, and lands within 300 feet of the project site, is designated as "Prime" under the California Farmland Mapping and Monitoring Program. The project site is zoned Agriculture and would continue to be farmed consistent with the permitted uses of the zoning designation. A future residence may be constructed on the resultant Parcel 2. However, the residence would be subject to the Agricultural Buffer Policy, ensuring that the residence is setback 300 feet from the surrounding agricultural lands. Therefore, subdivision of the project site would not result in the conversion of Farmland to a non-agricultural use.

1.3 AIR QUALITY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
III. Air Quality.				
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied on to make the following determinations.				
Are significance criteria established by the applicable air district available to rely on for significance determinations?	<input checked="" type="checkbox"/> Yes		<input type="checkbox"/> No	
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

Butte County is located within the Sacramento Valley Air Basin (SVAB), comprising the northern half of California's 400-mile long Great Central Valley. The SVAB encompasses approximately 14,994 square miles with a largely flat valley floor (excepting the Sutter Buttes) about 200 miles long and up to 150 miles wide, bordered on its east, north and west by the Sierra Nevada, Cascade and Coast mountain ranges, respectively.

The SVAB, containing 11 counties and some two million people, is divided into two air quality planning areas based on the amount of pollutant transport from one area to the other and the level of emissions within each. Butte County is within the Northern Sacramento Valley Air Basin (NSVAB), which is composed of Butte, Colusa, Glenn, Shasta, Sutter, Tehama, and Yuba Counties.

Emissions from the urbanized portion of the basin (Sacramento, Yolo, Solano, and Placer Counties) dominate the emission inventory for the Sacramento Valley Air Basin, and on-road motor vehicles are the primary source of emissions in the Sacramento metropolitan area. While pollutant concentrations have generally declined over the years, additional emission reductions will be needed to attain the State and national ambient air quality standards in the SVAB.

Seasonal weather patterns have a significant effect upon regional and local air quality. The Sacramento Valley and Butte County have a Mediterranean climate, characterized by hot, dry summers and cool, wet winters. Winter weather is governed by cyclonic storms from the North Pacific, while summer weather is typically subject to a high pressure cell that deflects storms from the region.

In Butte County, winters are generally mild with daytime average temperatures in the low 50s°F and nighttime temperatures in the upper 30s°F. Temperatures range from an average January low of approximately 36°F to an average July high of approximately 96°F, although periodic lower and higher temperatures are common. Rainfall between October and May averages about 26 inches but varies considerably year to year. Heavy snowfall often occurs in the northeastern mountainous portion of the County. Periodic rainstorms contrast with occasional stagnant weather and thick ground or “tule” fog in the moister, flatter parts of the valley. Winter winds generally come from the south, although north winds also occur.

Diminished air quality within Butte County largely results from local air pollution sources, transport of pollutants into the area from the south, the NSVAB topography, prevailing wind patterns, and certain inversion conditions that differ with the season. During the summer, sinking air forms a “lid” over the region, confining pollution within a shallow layer near the ground that leads to photochemical smog and visibility problems. During winter nights, air near the ground cools while the air above remains relatively warm, resulting in little air movement and localized pollution “hot spots” near emission sources. Carbon monoxide, nitrogen oxides, particulate matters and lead particulate concentrations tend to elevate during winter inversion conditions when little air movement may persist for weeks.

As a result, high levels of particulate matter (primarily fine particulates or PM2.5) and ground-level ozone are the pollutants of most concern to the NSVAB Districts. Ground-level ozone, the principal component of smog, forms when reactive organic gases (ROG) and nitrogen oxides (NOx) – together known as ozone precursor pollutants – react in strong sunlight. Ozone levels tend to be highest in Butte County during late spring through early fall, when sunlight is strong and constant, and emissions of the precursor pollutants are highest (Butte County CEQA Air Quality Handbook 2014).

Air Quality Attainment Status

Local monitoring data from the BCAQMD is used to designate areas a nonattainment, maintenance, attainment, or unclassified for the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS). The four designations are further defined as follows:

Nonattainment – assigned to areas where monitored pollutant concentrations consistently violate the standard in question.

Maintenance – assigned to areas where monitored pollutant concentrations exceeded the standard in question in the past but are no longer in violation of that standard.

Attainment – assigned to areas where pollutant concentrations meet the standard in question over a designated period of time.

Unclassified – assigned to areas where data are insufficient to determine whether a pollutant is violating the standard in question.

Table 1.3-1. Federal and State Attainment Status of Butte County

POLLUTANT	STATE DESIGNATION	FEDERAL DESIGNATION
1-hour ozone	Nonattainment	-
8-hour ozone	Nonattainment	Nonattainment
Carbon monoxide	Attainment	Attainment
Nitrogen Dioxide	Attainment	Attainment
Sulfur Dioxide	Attainment	Attainment
24-Hour PM10	Nonattainment	Attainment
24-Hour PM2.5	No Standard	Attainment

Annual PM10	Attainment	No Standard
Annual PM2.5	Nonattainment	Attainment
Source: Butte County AQMD, 2018		

Sensitive Receptors

Sensitive receptors are frequently occupied locations where people who might be especially sensitive to air pollution are expected to live, work, or recreate. These types of receptors include residences, schools, churches, health care facilities, convalescent homes, and daycare centers. Table 1.3-2 lists sensitive receptors that were identified in the project vicinity and the distances from the project site.

Table 1.3-2. Sensitive Receptors in the Project Vicinity

SENSITIVE RECEPTORS	DISTANCE FROM PROJECT SITE TO RECEPTOR
Residential Care Facility (3676 Durham-Dayton Hwy)	130 feet north
Residence (9578 Reinemer Road)	1,445 feet west
Residence (3560 Durham-Dayton Hwy)	400 feet north
Residence (3471 Durham-Dayton Hwy)	357 feet east
Source: Butte County Geographical Information System/Google Earth imagery	

Butte County Air Quality Management District

The Butte County Air Quality Management District (BCAQMD) is the local agency with primary responsibility for compliance with both the federal and state standards and for ensuring that air quality conditions are maintained. They do this through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues.

Activities of the BCAQMD include the preparation of plans for the attainment of ambient air quality standards, adoption and enforcement of rules and regulations concerning sources of air pollution, issuance of permits for stationary sources of air pollution, inspection of stationary sources of air pollution and response to citizen complaints, monitoring of ambient air quality and meteorological conditions, and implementation of programs and regulations required by the FCAA and CCAA.

According to the State CEQA Guidelines, the significance criteria established by the applicable air quality management or air pollution control district may be relied on to make significance determinations for potential impacts on environmental resources. BCAQMD is responsible for ensuring that state and federal ambient air quality standards are not violated within Butte County. Analysis requirements for construction and operation-related pollutant emissions are contained in BCAQMD's *CEQA Air Quality Handbook: Guidelines for Assessing Air Quality and Greenhouse Gas Impacts for Projects Subject to CEQA Review*. Established with these guidelines are screening criteria to determine whether or not additional modeling for criteria air pollutants is necessary for a project. The CEQA Air Quality Handbook also contains thresholds of significance for construction-related and operation-related emissions: ROG, NOx and PM10. The screening criteria listed in Table 1.3-4 were created using CalEEMod version 2013.2.2 for the given land use types. To determine if a proposed project meets the screening criteria, the size and metric for the land use type (units or square footage) should be compared with that of the proposed project. If a project is less than the applicable screening criteria, then further quantification of criteria air pollutants is not necessary, and it may be assumed that the project would have a less than significant impact for criteria air pollutants. If a project exceeds the size provided by the screening criteria for a given land use type then additional modeling and quantification of criteria air pollutants should be performed (Butte County Air Quality Management District 2014).

Table 1.3-3. Screening Criteria for Criteria Air Pollutants

LAND USE TYPE	MAXIMUM SCREENING LEVELS FOR PROJECTS
Single-Family Residential	30 Units
Multi-Family (Low Rise) Residential	75 Units
Commercial	15,000 square feet
Educational	24,000 square feet
Industrial	59,000 square feet
Recreational	5,500 square feet
Retail	11,000 square feet
Source: Butte County AQMD, CEQA Air Quality Handbook, 2014	

Discussion

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less than significant impact. The applicable air quality plan for the project area is the *Northern Sacramento Valley Planning Area 2015 Triennial Air Quality Attainment Plan*. In adopting this plan, BCAQMD assumes that growth within its jurisdiction will be in accordance with city and county general plans, for which air quality effects associated with build-out have been analyzed.

A project is deemed inconsistent with an air quality plan if it would result in population or employment growth that exceeds the growth estimates in the applicable air quality plan (i.e., generating emissions not accounted for in the applicable air quality plan emissions budget). Therefore, proposed projects need to be evaluated to determine whether they would generate population and employment growth and, if so, whether that growth would exceed the growth rate included in the applicable air quality plan.

The proposed project could result in minor population growth in the County with build-out of the resultant parcels. However, the proposed development density is consistent with the established zoning, and population growth to the area has already been anticipated under Butte County General Plan 2030. Additionally, the total number of single-family residential units generated by the project are below the maximum screening criteria contained in Table 1.3-3. Therefore, the project is not anticipated to cause significant impacts to regional air quality, or otherwise conflict with the basin's air quality management plan, provided that best management practices for the control of fugitive dust during construction activities are employed.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Less than significant impact with mitigation incorporated. The proposed project has the potential to impact air quality primarily in two ways: (1) the project would generate mobile source emissions (i.e., added vehicle trips, energy use) associated with future development on the resultant parcels, and (2) construction activities associated with the development of the resultant parcels would generate fugitive dust (PM10) from grading activities, construction exhaust emissions (PM10, NOx), and evaporative emissions of reactive organic gases (ROG or VOC) from paving activities and architectural coatings.

Mobile source emissions are produced from motor vehicles, and include tailpipe and evaporative emissions. Energy use associated with future development also generate emission from heating and cooling systems, lighting, water use and wastewater disposal. No development is proposed with this

project; however, future development of the resultant parcels have the potential to generate these direct and indirect emissions. Emissions generated during at build-out of the resultant parcels are not expected to be substantial, and would not significantly violate existing air quality standards, because only a limited amount development would occur over the project site. The limited amount of development to occur with the proposed project was compared to the screening criteria in Table 1.3-3, and deemed to have a less than significant impact to the environment.

Construction-related emissions are generally created throughout the course of project implementation and parcel development, and would originate from construction equipment exhaust, employee vehicle exhaust, dust from grading the land, exposed soil eroded by wind, and ROGs from architectural coating and asphalt paving. Construction-related emissions would vary substantially depending on the level of activity, length of the construction period, specific construction operations, types of equipment, number of personnel, wind and precipitation conditions, and soil moisture content. Despite this variability in the project and project site conditions, there are a number of feasible control measures that can be reasonably implemented to reduce construction-related emissions to a less than significant level. These measures as well as other common air pollution control measures are recommended in *Appendix C of BCAQMD's CEQA Handbook (2014)*, and are to be implemented as **Mitigation Measure AIR-1**, listed below.

c) **Expose sensitive receptors to substantial pollutant concentrations?**

Less than significant impact with mitigation incorporated. Sensitive receptors in the project area and their distances from the project site area are shown in Table 1.3-2. Based on the information provided in section b.), above, the proposed project would not result in the violation of any air quality standards or contribute substantially to an existing or projected air quality violation, except for potential fugitive dust emissions during construction activities. Implementation of **Mitigation Measure AIR-1** would reduce potential cumulative fugitive dust emission impacts to a less than significant level.

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

Less than significant impact. Future permitted uses on the resultant parcels would not create objectionable odors. However, future construction activities could include objectionable odors from tailpipe diesel emissions and from solvents in adhesives, paints, caulking materials, and new asphalt. Since odor impacts would be temporary and limited to the area adjacent to the construction operations, and because the project site is located in a rural area of the county, odors would not impact a substantial number of people for an extended period of time.

Mitigation Measures

Mitigation Measure AIR-1

The following best practice measures to reduce impacts to air quality shall be incorporated by the project applicant, subject property owners, or third-party contractors during construction activities on the project site. These measures are intended to reduce criteria air pollutants that may originate from the site during the course of land clearing and other construction operations.

Diesel PM Exhaust from Construction Equipment and Commercial On-Road Vehicles Greater than 10,000 Pounds

- All on- and off-road equipment shall not idle for more than five minutes. Signs shall be posted in the designated queuing areas and/or job sites to remind drivers and operators of the five-minute idling limit.
- Idling, staging and queuing of diesel equipment within 1,000 feet of sensitive receptors is prohibited.
- All construction equipment shall be maintained in proper tune according to the manufacturer's specifications. Equipment must be checked by a certified mechanic and determined to be running in proper condition before the start of work.
- Install diesel particulate filters or implement other CARB-verified diesel emission control strategies.
- Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5 minutes at any location when within 100 feet of a restricted areas.
- To the extent feasible, truck trips shall be scheduled during non-peak hours to reduce peak hour emissions.

Operational TAC Emissions

- All mobile and stationary Toxic Air Contaminants (TACs) sources shall comply with applicable Airborne Toxic Control Measures (ATCMs) promulgated by the CARB throughout the life of the project (see <http://www.arb.ca.gov/toxics/atcm/atcm.htm>).
- Stationary sources shall comply with applicable District rules and regulations.

Fugitive Dust

Construction activities can generate fugitive dust that can be a nuisance to local residents and businesses near a construction site. Dust complaints could result in a violation of the District's "Nuisance" and "Fugitive Dust" Rules 200 and 205, respectively. The following is a list of measures that may be required throughout the duration of the construction activities:

- Reduce the amount of the disturbed area where possible.
- Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. An adequate water supply source must be identified. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- All dirt stockpile areas should be sprayed daily as needed, covered, or a District approved alternative method will be used.
- Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.
- Exposed ground areas that will be reworked at dates greater than one month after initial grading should be sown with a fast-germinating non-invasive grass seed and watered until vegetation is established.
- All disturbed soil areas not subject to re-vegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the Butte County Air Quality Management District.
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with local regulations.
- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- Post a sign in prominent location visible to the public with the telephone numbers of the contractor and the Butte County Air Quality Management District - (530) 332-9400 for any questions or concerns about dust from the project.

All fugitive dust mitigation measures required should be shown on grading and building plans. In addition, the contractor or builder should designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend period when work may not be in progress. The name and telephone number of such persons shall be provided to the District prior to land use clearance for map recordation and finished grading of the area.

Please note that violations of District Regulations are enforceable under the provisions of California Health and Safety Code Section 42400, which provides for civil or criminal penalties of up to \$25,000 per violation.

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.

1.4 BIOLOGICAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. Biological Resources.				
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

Vegetation Communities

Agricultural Land

Agricultural land is the dominant vegetation community within the project site. Agricultural lands established on fertile soils that historically supported abundant wildlife have been greatly diminished when the land was converted to agricultural uses and intensively managed. Many species of rodents and birds have adapted to agricultural lands, but they are often controlled by fencing, trapping, and poisoning to prevent excessive crop

losses. Common species observed within this community type includes mourning dove, American crow, Brewer's blackbird, sandhill crane, various raptor species, egrets, and many species of rodents. Special-status wildlife species associated with agricultural lands, such as the northern harrier and giant garter snake, may use adjacent irrigation canals and freshwater marsh vegetation for foraging or breeding. Giant garter snakes have the potential to occur in irrigation canals and can use the adjacent agricultural lands as foraging and basking habitat. Swainson's hawks also will forage in agricultural lands. Irrigated pastures may provide suitable nesting habitat for the northern harrier and short-eared owl.

Special-Status Species

Many species of plants and animals within the State of California have low populations, limited distributions, or both. Such species may be considered "rare" and are vulnerable to extirpation as the state's human population grows and the habitats these species occupy are converted to agricultural and urban uses. A sizable number of native species and animals have been formally designated as threatened or endangered under State and Federal endangered species legislation. Others have been designated as "Candidates" for such listing and the California Department of Fish and Wildlife (CDFW) have designated others as "Species of Special Concern". The California Native Plant Society (CNPS) has developed its own lists of native plants considered rare, threatened or endangered. Collectively, these plants and animals are referred to as "special status species."

Various direct and indirect impacts to biological resources may result from the small amount of development enabled by the project, including the loss and/or alteration of existing undeveloped open space that may serve as habitat. Increased vehicle trips to and from the project site can result in wildlife mortality and disruption of movement patterns within and through the project vicinity. Disturbances such as predation by pets (e.g., cats and dogs) and human residents may also occur at the human/open space interface, while conversion of land from lower to higher density residential use can lead to a predominance of various urban-adapted wildlife species (e.g., coyotes, raccoons, ravens and blackbirds) that have been observed to displace more sensitive species.

California Environmental Quality Act Guidelines Section 15065 requires a mandatory finding of significance for projects that have the potential to substantially degrade or reduce the habitat of a threatened or endangered species, and to fully disclose and mitigate impacts to special status resources. For the purposes of this Initial Study, the California Environmental Quality Act (Sections 21083 and 21087, Public Resources Code) defines mitigation as measure(s) that:

- Avoids the impact altogether by not taking a certain action or parts of an action.
- Minimizes impacts by limiting the degree or magnitude of the action and its implementation.
- Rectifies the impact by repairing, rehabilitating, or restoring the impacted environment.
- Reduces or eliminates the impact over time by preservation and maintenance operations during the life of the project.
- Compensates for the impact by replacing or providing substitute resources or environments.

The California Natural Diversity Database (CNDDB) was reviewed to determine if any special-status species have the potential to occur on the project site or its vicinity. Table 1.4-1 lists each special-status species identified within a two-mile radius of the project site, along with regulatory status and habitat requirements for each special-status species. A total of six special-status species are known to inhabit areas within the vicinity of the project site.

Table 1.4-1. Special-Status Species in the vicinity of the project site

Scientific Name	Common Name	Federal Status	State Status	CNPS/DFG List	Habitat
PLANTS					
<i>Fritillaria eastwoodiae</i>	Butte County fritillary	None	None	3.2	Chaparral, cismontane woodland, openings in lower montane coniferous forests, sometimes serpentinite.
<i>Fritillaria pluriflora</i>	adobe-lily	None	None	1B.2	Chaparral, cismontane woodland, valley and foothill grassland.
<i>Hibiscus lasiocarpus</i> var. <i>occidentalis</i>	woolly rose-mallow	None	None	1B.2	Marshes and swamps (freshwater)
<i>Sidalcea robusta</i>	Butte County checkerbloom	None	None	1B.2	Chaparral, cismontane woodlands.
MAMMALS					
<i>Eumops perotis californicus</i>	western mastiff bat	None	None	SSC	Common in vernal pools; also found in sandstone rock outcrop pools.
AMPHIBIANS & REPTILES					
<i>Thamnophis gigas</i>	Giant garter snake	Threatened	Threatened	IUCN-VU	Agricultural wetlands and other wetlands such as irrigation and drainage canals, low gradient streams, marshes ponds, sloughs, small lakes, and their associated uplands (sea level-400 ft. elevation).

Source: California Natural Diversity Database.

1B.2 = CNPS Rare Plant Rank- Rare or Endangered in California and elsewhere-moderately threatened in California (less than 20-80% of occurrences threatened/moderate degree and immediacy of threat).

3.2 = CNPS Rare Plant Rank - Lack the necessary information to assign the plant to one of the other ranks or reject them.

SSC = species of special concern in California.

IUCN-VU = The International Union for Conservation of Nature-Vulnerable (likely to become endangered unless the circumstances that are threatening its survival improve)

Discussion

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?

Less than significant impact. Lands within the project site are under intensive orchard cultivation that has diminished native habitat capable of supporting special status species identified in Table 1.4.1, including the giant garter snake, which requires irrigation canals or agricultural wetlands. The agricultural lands may support avian species by providing roosting habitat on the orchards; however, the tree coverage associated with the orchards are too dense to offer adequate nesting or foraging

habitat. Additionally, the proposed project would not result in the conversion of the agricultural lands or otherwise change the existing land use of the project site.

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

No impact. The project site does not contain any riparian habitat or designated Sensitive Natural Community.

- c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No impact. Based on project site observations, and review of aerial imagery, no wetland resources are located on the project site.

- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less than significant impact. Wildlife movement corridors are routes frequently utilized by wildlife that provide shelter and sufficient food supplies to support wildlife species during migration. Movement corridors generally consist of riparian, woodlands, or forested habitats that span contiguous acres of undisturbed habitat. Wildlife movement corridors are an important element of resident species home ranges, including deer and coyote.

No major migratory routes or corridors have been designated through the project site, and the existing developed components of the project area (i.e., roads, residential uses, fenced parcels) preclude use of the area as a migratory wildlife corridor for large mammals, including migratory deer. However, the site may facilitate home range and dispersal movement of resident wildlife species, including birds, small mammals and other wildlife. Subsequent development of the resultant parcels would follow the existing pattern of development found in the area, and would continue to allow for limited resident wildlife species movement.

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

Less than significant impact with mitigation incorporated. The project would not conflict with any local policies or ordinances protecting biological resources and is consistent with goals and policies identified in Butte County General Plan 2030.

- 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?

No impact. The Butte Regional Conservation Plan (BRCP) is a joint Habitat Conservation Plan (HCP)/National Community Conservation Plan (NCCP) that is currently being prepared for the western half of the Butte County. In the event the BRCP is adopted, individual projects and development that occur in the BRCP planning area would need to be coordinated with the Butte County Association of

Governments to ensure that the project does not conflict with the BRCP. As the plan has not been adopted, the proposed project will not conflict, nor interfere with, the attainment of the goals of the proposed plan.

1.5 CULTURAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
V. Cultural Resources.				
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

A cultural resources records search was performed for the project site by the Northeast Information Center (NEIC) of the California Historical Resources Information System on June 2019 to identify existing archeological and historical sites, as well as surveys on the project site and surrounding area. The record search included research of the following documents: Official archeological records and maps for Butte County; National Register of Historic Places (1988); California Register of Historic Resources (2007); California Points of Historical Interest (1992); California Inventory of Historic Resources (1976); California Historical Landmarks (1996); Directory of Properties in the Historic Property Data File for Butte County (2007); Handbook of North American Indians, Vol. 8, California (1978); Historic Spots in California (1966); and Gold Districts of California (1970).

Discussion

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

Less than significant impact with mitigation incorporated. The cultural resources records search did not reveal the existence of any prehistoric or historic resources on the project site or within ½ mile of the project site. However, prehistoric and historic sites have been recorded in the vicinity of the project site, including lithic scatter, burials, middens and historic debris scatters.

Having no recorded archaeological or historical sites identified on the project site, and the project area showing no evidence of cultural resources during a site review by County staff, the project would not result in a substantial adverse change in the significance of archaeological or historical resources, including to any identified resources in the surrounding area.

Though, no prehistoric or historic resources are known to be located on the project site, Native American populations used the local region for seasonal and/or permanent settlement, as well as for the gathering of plants, roots, seeds, and seasonal game. Historically, Euro-Americans also utilized the region for mining, farming, and cattle ranching. With the past use of the project area by prehistoric and historic populations, unanticipated and accidental archaeological discoveries may be encountered

during ground-disturbing activities, resulting in potentially significant impacts. To avoid potential impacts to undiscovered prehistoric resources, historic resources, and human remains that may be uncovered during development activities on the project site, **Mitigation Measure CUL-1**, below, is recommended.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Less than significant impact with mitigation incorporated. Based on the records review, no archeological resources have been recorded on the project site, and the project is not anticipated to cause a substantial adverse change in the significance of any archaeological resources. The possibility exists that buried archaeological resources that may meet the criteria of a unique archaeological resource is present on the project site. If any buried resources are encountered and damaged during project implementation, the destruction of the archaeological resources would be a potentially significant impact. Implementation of **Mitigation Measure CUL-1** would reduce this impact to a less-than-significant level.

c) Disturb any human remains, including those interred outside of formal cemeteries?

Less than significant impact with mitigation incorporated. Indications are that humans have occupied Butte County for over 10,000 years and it is not always possible to predict where human remains may occur outside of formal burials. Therefore, excavation and construction activities, regardless of depth, may yield human remains that may not be interred in marked, formal burials.

Under CEQA, human remains are protected under the definition of archaeological materials as being "any evidence of human activity." Additionally, [Public Resources Code section 5097.98](#) has specific stop-work and notification procedures to follow in the event that human remains are inadvertently discovered during project implementation.

The Butte County Conservation Element has established two policies that address the inadvertent discovery of human remains. COS-P16.3 requires human remains discovered during construction to be treated with dignity and respect and to fully comply with the federal Native American Graves Protection and Repatriation Act and other appropriate laws. COS-P16.4 requires work to stop if human remains are found during construction until the County Coroner has been contacted, and, if the human remains are determined to be of Native American origin, the North American Heritage Commission and most likely descendant have been consulted.

Implementation of the **Mitigation Measure CUL-1** would ensure that all construction activities that inadvertently discover human remains implements state required consultation methods to determine the disposition and historical significance of any discovered human remains. **Mitigation Measure CUL-1** would reduce this impact to a less than significant level.

Mitigation Measures

Mitigation Measure CUL-1

If 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. If human skeletal remains are encountered, State law requires immediate notification of the County Coroner

(530.538.7404). If the County Coroner determines 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 mitigation 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 preparation and construction activities.

Monitoring: The Department of Development Services and/or Public Works Department shall ensure the note is placed on a separate document, which is to be recorded concurrently with the map, or on an additional map sheet. 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.

1.6 ENERGY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. Energy.				
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less than significant impact. The proposed project would consume energy primarily in two ways: (1) construction activities would consume energy through the operation of heavy off-road equipment, trucks, and worker traffic, and (2) future residential uses would cause long-term energy consumption from electricity and propane gas consumption, energy used for water conveyance, and vehicle operations to and from the project site.

Construction energy consumption would largely occur from fuel consumption by heavy equipment during grading activities associated with road and building site clearance; trucks transporting construction materials to the site during parcel development; and, worker trips to and from the job site. Energy consumption during construction related activities would vary substantially depending on the level of activities, length of the construction period, specific construction operations, types of equipment, and the number of personnel. Despite this variability in the construction activities, the overall scope of the anticipated construction at the project site is relatively minor, and would be complete within a few weeks, and therefore, would not require a substantial amount of fuel to complete construction. Additionally, increasingly stringent state and federal regulations on engine efficiency combined with local, state, and federal regulations limiting engine idling times and recycling of construction debris, would further reduce the amount of transportation fuel demand during project construction. Considering the minimal amount of construction activities associated with the project, the proposed project would not result in the wasteful and inefficient use of energy resources during construction and impacts would be less than significant.

Long-term energy consumption would occur after residential build-out of the resultant parcels. Residential uses would consume electricity and/or propane gas for space heating, water heating, and cooking. Whereas, electricity would primarily be used for lighting, appliances, water conveyance and other activities within the home. The project would also generate additional vehicle trips by residents commuting to and from work, or to access services, which would result in the consumption of transportation fuel.

State and federal regulatory requirements addressing fuel efficiency are expected to increase fuel efficiency over time as older, less fuel-efficient vehicles are retired, and therefore would reduce vehicle fuel energy consumption rates over time. Therefore, energy impacts related to fuel consumption/efficiency during project operations would be less than significant.

b) **Conflict with or obstruct a state or local plan for renewable energy or energy efficiency**

Less than significant impact. Many of the state and federal regulations regarding energy efficiency are focused on increasing building efficiency and renewable energy generation, as well as reducing water consumption and Vehicles Miles Traveled. The proposed project includes energy conservation measures to meet and exceed the regulatory requirements, including reducing idling time of heavy equipment during construction activities (see Mitigation Measure AIR-1 and GHG-1) and the addition of exterior outlets in residential buildings for recharging electric cars and other household equipment. Additionally, future residential uses on the resultant parcels would also comply with the most recent Title 24 and CalGreen building code standards at the time of project construction. Therefore, the proposed project would implement energy reduction design features and comply with the most recent energy building standards and would not result in wasteful or inefficient use of nonrenewable energy sources.

1.7 GEOLOGY AND SOILS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. Geology and Soils.				
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)

Less than significant impact. There are no known active faults underlying, or adjacent to, the project site. The Cleveland Hill fault is the only active fault zone in Butte County identified in the most recent Alquist-Priolo Earthquake Fault Zoning Map. The Cleveland Hill fault is located approximately 4± miles southeast of the City of Oroville, east of Dunston Drive and Miners Ranch Road, and between North Honcut Creek and Mt. Ida Road. Because the nearest active fault is located a considerable distance from the project site, the likelihood of a surface rupture at the project site is very low, and would not be a design consideration for future development.

ii) Strong seismic ground shaking?

Less than significant impact. Ground shaking at the project site could occur due to the earthquake potential of the regions active faults. However, active faults are relatively distant from the project site, and would result in low to moderate intensity ground shaking during seismic events. Future residential development on the resultant parcels would be subject to the California Building Code (CBC). The CBC would provide minimum standards to safeguard life or limb, health, property and public welfare by regulating the design, construction, quality of materials, use and occupancy, location, and maintenance of buildings and structures within Butte County. Adherence to the CBC during building construction would ensure that potential impacts are less than significant.

iii) Seismic-related ground failure, including liquefaction?

Less than significant impact. According to Butte County General Plan 2030, areas that are at risk for liquefaction can be found on the valley floor, especially near the Sacramento and Feather Rivers, and their tributaries, which have a higher potential to contain sandy and silty soils. The California Building Code (CBC) regulates the construction of structures, which may be constructed with approval of the proposed project. Adherence to CBC standards at the time of development of the resultant parcels would ensure that new structures are adequately sited and engineered to reduce impacts related to seismic ground failure, including liquefaction, are less than significant.

iv) Landslides?

Less than significant impact. The steepest portions of the project site contains slopes between 0-2 percent. As a result, the landslide potential for the project site and surrounding area is low. Though the potential for landslides are low, shallow slope failures can occur in virtually any sloping terrain during construction activities. Avoidance of potentially sensitive slopes and/or implementation of appropriate engineering and construction measures at the time of

development would avoid or reduce potential impacts of landslides to a less than significant level.

b) **Result in substantial soil erosion or the loss of topsoil?**

Less than significant impact. According to Figure 4.6-4 of Butte County General Plan 2030, the project site has a slight potential of soil erosion. Nevertheless, surface soil erosion and loss of topsoil has the potential to occur in any area of the county from disturbances associated with the construction-related activities. Construction activities could also result in soil compaction and wind erosion effects that could adversely affect soils and reduce the revegetation potential at the construction site and staging areas.

During construction-related activities, specific erosion control and surface water protection methods for each construction activity would be implemented on the project site. The type and number of measures implemented would be based upon location-specific attributes (i.e., slope, soil type, weather conditions). These control and protection measures, or BMPs, are standard in the construction industry and are commonly used to minimize soil erosion and water quality degradation.

Additionally, future construction activities may be subject to the National Pollutant Discharge Elimination System (NPDES) General Construction Activities Storm Water permit program if one acre or more of land is disturbed. 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. 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 would 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 and sedimentation. The SWPPP, if required, must be obtained prior to any soil disturbance activities. Implementation of standard erosion control BMPs during future construction-related activities, together with adherence to State requirements regarding grading activities, would ensure that potential erosion impacts are less than significant.

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?**

Less than significant impact. According to Butte County General Plan 2030, the project site is located in an area with a low potential of landslides, and a moderate potential of subsidence or liquefaction. Destabilization of natural or constructed slopes could occur as a result of future construction activities. Excavations, grading, and fill operations associated with parcel development could alter existing slope profiles making them unstable as a result of over-excavation of slope material, steepening of the slope, or increased loading. Standard engineering design features and construction procedures would be implemented to maintain stable slopes and excavations during construction, reducing impacts of unstable slopes to a less than significant level.

d) **Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial direct or indirect risks to life or property?**

Less than significant impact. According to Figure 4.6-3 of Butte County General Plan 2030, the project site is located in an area with a low to moderate potential to have expansive soils. Expansive soils can

cause structural damage particularly when concrete structures are in direct contact with the soils. Appropriate design features to address expansive soils may include excavation of potentially problematic soils during construction and replacement with engineered backfill, ground-treatment processes, direction of surface water and drainage away from foundation soils, and the use of deep foundations such as piers or piles. Implementation of these standard engineering methods and adherence to California Building Code (CBC) standards at the time of development of the resultant parcels would ensure that any impacts associated with expansive soils would remain less than significant.

e) **Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?**

Less than significant impact. Wastewater disposal on the project site would be handled by new, individual, on-site septic systems. General Plan 2030 includes a number of policies in the Water Resources Element and the Public Facilities Services Element both to address existing septic systems in areas with poor soils and to ensure the safety of future septic systems. To ensure the safety of new septic systems, Policy PUB-P13.2 requires new development to demonstrate the availability of a safe, sanitary, and environmentally sound wastewater system. Similarly, Policy PUB-P13.3 requires applicants of projects that will rely on on-site wastewater systems to provide detailed plans demonstrating that the system will be adequate to serve the project (Butte County General Plan 2030 EIR).

The applicant completed a pre-application review with Butte County Department of Environmental Health, in accordance with Chapter 19 of Butte County Code (On-Site Wastewater Systems). As part of the review, an initial septic area on the resultant parcel was evaluated and determined to have adequate soil conditions to allow for future development of an on-site wastewater system. Future development requiring wastewater disposal is required to receive an On-Site Wastewater System Construction Permit from Environmental Health. Application for a Construction Permit will include detailed plans of the proposed wastewater system, prepared by a Certified Installer or Certified Designer, which will demonstrate compliance with County regulations and the County's On-Site Wastewater Manual, and to ensure a safe, sanitary, and environmentally sound wastewater system.

f) **Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

Less than significant impact. The geologic conditions underlying the project site are classified as basin deposits from the Holocene epoch (11,650 years ago to the present). Basin deposits overlie the alluvial fans and terrace deposits of the Riverbank and Modesto formations, and form highly productive agricultural soils characteristics. Thickness of the basin deposits varies throughout the Sacramento Valley from less than 10 feet along the valley margins to more than 200 feet in the center of the valley. The basin deposits are composed of fine silts and clays, which were deposited by sediment-laden floodwaters that spread out across low-lying areas (Geology of the Northern California Sacramento Valley, 2014).

The identified geologic unit is not likely to include fossils due to the depositional processes that formed it. In addition, no previously recorded fossil sites has been identified on the project site or the surrounding area. Therefore, it is not likely that unique paleontological resources would be found in the project area. Further, the discovery of fossils, and the subsequent opportunity for data collection and study, is a rare event that could occur from construction grading activities associated with

development. As a result, the probability of encountering fossils on the project site is low, and would have a less than significant impact on previously unknown paleontological resources.

1.8 GREENHOUSE GAS EMISSIONS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. Greenhouse Gas Emissions.				
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The Butte County Climate Action Plan (CAP) was adopted on February 25, 2014. The Butte County CAP provides goals, policies, and programs to reduce GHG emissions, address climate change adaptation, and improve quality of life in the county. The Butte County CAP also supports statewide GHG emission-reduction goals identified in AB 32 and SB 375. Programs and actions in the CAP are intended to help the County sustain its natural resources, grow efficiently, ensure long-term resiliency to a changing environmental and economic climate, and improve transportation. The Butte County CAP also serves as a Qualified GHG Reduction Strategy under CEQA, simplifying development review for new projects that are consistent with the CAP.

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. The leading contributors of GHG emissions in Butte County are agriculture (43%), transportation (29%), and residential energy (17%). The Climate Action Plan (CAP) adopted by the County 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.

New projects are evaluated to determine consistency with the CAP and to identify which GHG emission reduction measures would be implemented with project approval. These measures may 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.

Discussion

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant Impact. The project is a minor land division that would contribute greenhouse gas emissions during parcel development, and by the subsequent uses on the resultant parcels. Construction-related emissions during parcel development may be generated from construction equipment exhaust, construction employee vehicle trips to and from the work site, architectural coatings and asphalt paving. The project's construction GHG emissions would occur over a short

duration and would consist primarily of emissions from equipment exhaust. The long-term regional emissions associated with the project would primarily occur from the creation of new vehicular trips and indirect source emissions, such as electricity usage for lighting.

The proposed project is subject to **Mitigation Measure GHG-1**, which reduces project emissions of heavy-duty diesel-powered equipment during construction and long-term GHG emissions associated with future uses on the resultant parcels. Implementation of this measure would minimize project-related GHG emissions to the extent feasible, consistent with AB 32 GHG reduction goals, and would therefore result in a less than significant impact.

b) **Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

No Impact. The project is subject to compliance with AB 32 greenhouse gas emission reduction goals, which are to reduce statewide GHG emissions to 1990 levels by 2020. Additionally, development on the resultant parcels would be subject to Title 24, California Building Code, which includes CalGreen standards. These standards include mandatory measures that addresses planning and design, energy efficiency, water efficiency/conservation, material conservation and resource efficiency, and environmental quality. Implementation of **Mitigation Measure GHG-1** would mitigate project-generated GHG emissions through programmatic-level measures established through the Butte County CAP. The project's compliance with the applicable policies and measures in the CAP would in turn meet the statewide GHG emission reduction goals.

Mitigation Measures

Mitigation Measure GHG-1

The project proponent shall implement the following measures during construction-related activities and at the time of development to offset the anticipated contribution of greenhouse gas emissions:

- Prewire all new residential development to support photovoltaic system installation.
- Install electrical vehicle outlets on external walls or in garages in all new residential development.
- Minimize equipment idling time during construction activities either by shutting equipment off when not in use or reducing the time of idling to no more than 3 minutes.
- Use clean or alternative fuel equipment during construction-related activities to improve fuel efficiency.

Plan Requirements: The measure shall be placed on an additional map sheet which is to be recorded with the Parcel Map. This note shall also be placed on all building and site development plans.

Timing: 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 measure 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.

1.9 HAZARDS AND HAZARDOUS MATERIALS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. Hazards and Hazardous Materials.				
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less than significant impact. Limited quantities of miscellaneous hazardous substances, such as gasoline, diesel fuel, hydraulic fluid, solvents, oils, etc. would be used to maintain vehicles and motorized equipment during construction-related activities. Accidental spill of any of these substances could affect water and/or groundwater quality. Depending on the relative hazard of the material, if a

spill were to occur of significant quantity, the accidental release could pose a hazard to construction workers, the public, as well as the environment. Construction personnel who are experienced in containing accidental releases of hazardous materials will be present to contain and treat affected areas in the event a spill occurs. If a larger spill were to occur, construction personnel would generally be on-hand to contact the appropriate agencies.

It is not anticipated that large quantities of hazardous materials would be permanently stored or used within the project site. However, if large quantities are stored at the project site, the owner would be required to obtain a Hazardous Materials Business Plan. It is more likely that only small quantities of publicly available hazardous materials (e.g., paint, maintenance supplies) may be routinely used within the project site for residential or agricultural maintenance and cleaning. However, these materials would not be used in sufficient strength or quantity to create a substantial risk of fire or explosion, or otherwise pose a substantial risk to human or environmental health.

- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?

Less than significant impact. It is not anticipated that construction or operation of future residential development or agricultural uses would create a significant hazard to the environment or to the public due to the accidental release of hazardous materials into the environment. Accidental release of hazardous materials routinely used during construction activities are addressed in section a.), above.

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No impact. No existing or proposed schools have been identified within one-quarter mile of the project site.

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

No impact. A review of regulatory agency databases, which included lists of hazardous materials sites compiled pursuant to California Government Code Section 65962.5, did not identify a contamination site within one-quarter mile of the project site.

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

No impact. No public use airports have been identified to be located within the vicinity of the project site. The proposed project is located outside the compatibility zones for the area airports, and therefore, would not result in a safety hazard to people working and residing on the project site.

- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No impact. The proposed project would design, construct, and maintain roadways and driveways in accordance with applicable standards associated with vehicular access, resulting in roadways that

provide for adequate emergency access and evacuation. The project does not include any actions that physically interfere with any emergency response or emergency evacuation plans. Development of the resultant parcels would add a small amount of trips onto the area roadways; however, area roadways and intersections would continue to operate at an acceptable level of service. Additionally, if future construction activities require work to be performed in the roadway, appropriate traffic control plans would be prepared in conjunction with a Butte County Encroachment Permit.

g) **Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?**

Less than significant impact. The project site is located within a designated Local Responsibility Area (LRA), which means that the local agency has fiscal responsibility for preventing and suppressing wildfires due to the low risk of wildfire. As a result, the project would not expose people or structures to a significant risk or loss, injury or death involving wildland fires.

1.10 HYDROLOGY AND WATER QUALITY

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

Discussion

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Less than significant impact. Butte County General Plan 2030 identifies the soil conditions of the project site has a slight potential to erode. Site development and future build-out of the resultant parcels would require grading, excavation and general site preparation activities, which may result in

erosion of on-site soils and sedimentation during storm or high wind events. Erosion of on-site soils may temporarily impact surface water quality and water quality within nearby waterways. Downstream impacts from erosion may include increased turbidity and suspended sediment concentrations in waterways. Eroded soils also contains nitrogen, phosphorous and other nutrients, that when deposited in water bodies, can trigger algal blooms that reduce water clarity, deplete oxygen, and create odors.

During construction-related activities, specific erosion control and surface water protection methods for each construction activity would be implemented on the project site by construction personnel. The type and number of measures implemented would be based upon location-specific attributes (i.e., slope, soil type, weather conditions). These control and protection measures, or BMPs, are standard in the construction industry and are commonly used to minimize soil erosion and water quality degradation.

Future construction activities may be subject to the National Pollutant Discharge Elimination System (NPDES) General Construction Activities Storm Water permit program if one acre or more of land is disturbed. Construction activities that result in a land disturbance of less than one acre, but which are part of a larger common plan of development, may also require a permit issued by the California Regional Water Quality Control Board. This program requires implementation of erosion control measures during and immediately after construction that are designed to avoid significant erosion during the construction period. Project operations that are under a NPDES permit would also be subject to the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) to control pollution in stormwater runoff from the project site. A condition of approval reflecting the requirement of the applicant to obtain a NPDES permit, prior to grading activities, will be included with project approval.

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

Less than significant impact. Domestic and agricultural water services to the project site would be provided by groundwater extraction via individual wells. Section 12.0 of the Butte County Improvement Standards outline the requirements of water supplies for proposed subdivisions and parcel maps. Proposed subdivisions located outside an urban area and more than 1,000 feet from an existing public water system, or subdivisions consisting of four new lots or less, a domestic water for the proposed lots supply may be supplied by individual wells. The quantity and quality of the groundwater for the proposed development is reviewed by the Butte County Environmental Health Division by either a test well, a review of existing wells in the area, or a statement from a licensed well driller together with a report by an engineering geologist or hydrologist verifying that minimum well production for domestic purposes are achieved.

General Plan 2030 and the associated Environmental Impact Report included several actions and policies to address groundwater supplies and sustain groundwater resources. Butte County also has adopted the Butte County Integrated Water Resources Plan and Butte County Groundwater Management Plan, and has performed an analysis of long-term water usage and supplies with the 2001 Butte County Water Inventory and Analysis. The findings contained in these reports, together with the application of these existing policies and plans, led Butte County to conclude that the growth anticipated with General Plan 2030 would have a less than significant impact to groundwater supplies.

The proposed project would have a minimal net increase in impervious surfaces added to the project site from the development of new residences or other structures such as from concrete foundations and access road surfacing. The projected increase would not cause a measureable reduction in surface

infiltration or a decrease in deep percolation to the underlying aquifers because density of the development would continue to provide open areas to allow for runoff infiltration.

c) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:**

i) **Result in substantial on- or offsite erosion or siltation;**

Less than significant impact. Minimal vegetation removal and soil disturbance would occur during clearing of building sites and for the access road (less than one acre). During construction-related activities, specific erosion control and surface water protection methods for each construction activity would be implemented on the project site by construction personnel. The type and number of measures implemented would be based upon location-specific attributes (i.e., slope, soil type, weather conditions). These control and protection measures, or BMPs, are standard in the construction industry and are commonly used to minimize soil erosion and water quality degradation. Application of BMPs administered through the construction process would minimize the potential increase of surface runoff from erosion.

ii) **Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;**

Less than significant impact. The minor increase in impervious surface area from build-out of the resultant parcels are not anticipated to be enough to alter existing drainage patterns or cause offsite flooding. While an increase in stormwater runoff may be expected due to the reduced absorption rate created from new impervious surfaces added to the site, such as from structures, driveways, and hardscape (walkways, patios), future development would be reviewed by the Butte County Public Works Department to ensure any potential drainage concerns are addressed, and to ensure no net increase in stormwater runoff leaves the project site.

iii) **Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or**

Less than significant impact. Planned stormwater drainage systems in the project area currently consists of a system of roadside ditches and culverts that capture surface runoff, which ultimately infiltrate into the underground aquifer or conveyed to area waterways.

General Plan 2030 Water Resource Element contains a number of policies that address stormwater runoff capacity. Policy W-P1.4 encourages Low Impact Development, which minimizes impervious areas, minimizes runoff and pollution, and incorporates best management practices. Policy W-P5.3 allows and encourages pervious pavements. Policy W-P5.5 requires that stormwater collection systems be installed concurrently with construction of new roadways to maximize efficiency and minimize disturbance due to construction activity. Policy HS-P3.2 requires that applicants for new development provide plans detailing existing drainage conditions and specifying how runoff will be detained or retained on-site and/or conveyed to the nearest drainage facility, without increasing the peak flow runoff to said channel or facility. Policy HS-P3.3 requires that all development include stormwater

control measures and site design features that prevent any increase in the peak flow runoff to existing drainage facilities.

The proposed project would generate a minor increase in runoff from the future development of the resultant parcels. Improvements are relatively small and conveyed through a system of existing roadside ditches and culverts to area waterways. The minor increase runoff would not exceed the capacity of the existing stormwater drainage systems or substantially increase polluted runoff.

iv) **Impede or redirect flood flows?**

Less than significant impact. The floodplain mapping of the project area identifies the project site being located within the X (shaded) zone. The X (shaded) zone is defined by FEMA as areas between the limits of the 100-year base flood and the 0.2-percent-annual-chance (or 500-year) flood. Future site improvements would be reviewed by Butte County Public Works to ensure that surface flows would be adequately directed to planned and existing stormwater drainage facilities.

d) **In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?**

No impact. The floodplain mapping of the project area identifies the project site being located within the X (shaded) zone. The X (shaded) zone is defined by FEMA as areas between the limits of the 100-year base flood and the 0.2-percent-annual-chance (or 500-year) flood. The project site is not located in an area that would be impacted by a seiche, tsunami, or mudflows.

e) **Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?**

No impact. The project site is located in the West Butte Subbasin, which is a part of the larger Sacramento Valley Groundwater Basin. The West Butte Subbasin is bounded on the west and south by the Sacramento River, on the north by Big Chico Creek, on the northeast by the Chico Monocline, and on the east by Butte Creek (California's Groundwater Bulletin 118, 2004).

Work continues to be made towards development of the sustainable groundwater management plan for the West Butte Subbasin. As a basin management plan has not been adopted, the proposed project will not conflict, nor interfere with, the attainment of the goals of the proposed plan.

1.11 LAND USE AND PLANNING

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. Land Use and Planning.				
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

Butte County General Plan

The General Plan represents the community's values, ideals and aspirations with respect to land use, development, transportation, public services, and conservation policy that will govern Butte County through 2030. The Land Use Element of the General Plan designates the land use of areas within the County, and includes a description of the characteristics and intensity of each land use category. The land use designation for the proposed project site is as follows:

Agriculture

This designation allows the cultivation, harvest, storage, processing, sale, and distribution of all plant crops, especially annual food crops, as well as roadside stands for the sale of agricultural products grown or processed on the property. The Agriculture designation also allows livestock grazing, animal husbandry, intense animal uses, and animal matter processing. Alternative energy facilities are allowed in the Agriculture designation, subject to permit requirements. Residential uses in the Agriculture land use designation are limited to one single-family dwelling and a second dwelling unit per legal parcel. Farm labor housing is also permitted with a conditional use permit. The minimum parcel size is between 20 to 160 acres, although existing parcels smaller than the minimum may remain as legal parcels.

Durham-Dayton-Nelson Area Plan

The Durham-Dayton-Nelson Area Plan (D2N) was adopted in 1992 and covers the unincorporated communities of Durham, Dayton, and Nelson in west-central Butte County. The Plan establishes land use policies for this area and designates it as an urban reserve. Policies for the area include the prohibition of rural residential development and uses on parcels less than 3 acres in size until such time as they are needed for development and adequate services are available to serve the area. The goals, policies and objectives of D2N were reviewed in context with the proposed project to determine which would be applicable for review and analysis in regards to the CEQA framework.

Butte County Zoning Ordinance

The Zoning Ordinance implements the goals and policies of the Butte County General Plan by regulating the uses of land and structures within the County. The zoning designation of the proposed project site and the intended uses of the site are as follows:

Agriculture (AG)

The purpose of the AG zone is to support, protect, and maintain a viable, long-term agricultural sector in Butte County. Standards for the AG zone maintain the vitality of the agricultural sector by retaining parcel sizes necessary to sustain viable agricultural operations, protecting agricultural practices and activities by minimizing land-use conflicts, and protecting agricultural resources by regulating land uses and development intensities in agricultural areas. Permitted uses include crop cultivation, animal grazing, stock ponds, and agricultural processing. More intensive agricultural activities, such as animal processing, dairies, hog farms, stables, forestry and logging, and mining and oil extraction, are permitted with the approval of a Conditional Use Permit. One single-family home and one second unit and accessory dwelling unit is permitted on each legally established parcel within the AG zone, and residential uses for agricultural employees are permitted as an accessory use within the AG zone. The minimum permitted parcel sizes in the AG zone ranges from 20 acres to 160 acres. The minimum parcel size for the subject parcel is 40 acres.

Discussion

a) Physically divide an established community?

No impact. The project area is located in rural Butte County and surrounded primarily by residential and agricultural operations on parcel sizes that are 40+ acres in size and larger. No communities are present, either within the project site or in the immediate vicinity; therefore, the project would not physically divide an established community.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Less than significant impact. The proposed project including future uses on the resultant parcels are consistent with density and uses permitted under the General Plan land use and zoning designations for the project site and, as detailed throughout this Initial Study, the General Plan's applicable goals, policies and actions. In addition, all impacts to the environment resulting from the proposed project are subject to applicable mitigation and local, State and/or federal regulations, which would reduce those impacts to less than significant levels. Therefore, impacts related to conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to General Plan 2030, specific plans, Airport Land Use Compatibility Plan or County ordinances) adopted for the purpose of avoiding or mitigating an environmental effect are less than significant.

1.12 MINERAL RESOURCES

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

Discussion

- 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?

Less than significant impact. There are no known economically viable sources of rock materials in the immediate vicinity of the project site. No mining operations have occurred on the project site or surrounding area and the project would not preclude future extraction of available mineral resources. Mineral resource extraction is not proposed with this project. However, future development on the resultant parcels would use mineral resources in the construction of structures and access roads. The amount of resources used for development on the resultant parcels are minor and would not result in the loss of its availability.

- 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?

No impact. The project site is not within or near any designated locally important mineral resource recovery site.

1.13 NOISE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII.Noise.				
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

According to the Butte County General Plan 2030, noise is a concern throughout Butte County, but especially in rural areas and in the vicinity of noise-sensitive uses such as residences, schools, and churches. Noise is discussed in the Health and Safety Chapter of the Butte County General Plan 2030. Tables HS-2 and HS-3 in the County General Plan (included as Tables 1.13-1 and 1.13-2 below) outline the maximum allowable noise levels at sensitive receptor land uses.

Table 1.13-1. Maximum Allowable Noise Exposure Transportation Noise Sources

LAND USE	Exterior Noise Level Standard for Outdoor Activity Areas ^a		Interior Noise Level Standard	
	L _{dn} /CNEL, dB	Leq, dBA ^b	L _{dn} /CNEL, dB	Leq, dBA ^b
Residential	60 ^c	-	45	-
Transient Lodging	60 ^c	-	45	-
Hospitals, nursing homes	60 ^c	-	45	-
Theaters, auditoriums, music halls	-	-	-	35
Churches, meeting halls	60 ^c	-	-	40
Office Buildings	-	-	-	45
Schools, libraries, museums	-	70	-	45
Playgrounds, neighborhood parks	-	70	-	-

Source: Table HS-2, Butte County General Plan 2030

^a Where the location of outdoor activity areas is unknown, the exterior noise-level standard shall be applied to the property line of the receiving land use.

^b As determined for a typical worst-case hour during periods of use.

^c Where it is not possible to reduce noise in outdoor activity areas to 60 dB Ldn/CNEL or less using a practical application of the best-available noise reduction measures, an exterior noise level of up to 65 dB Ldn/CNEL may be allowed, provided that available exterior noise-level reduction measures have been implemented and interior noise levels are in compliance with this table.

Table 1.13-2. Maximum Allowable Noise Exposure Non-Transportation Noise Sources

NOISE LEVEL DESCRIPTION	Daytime 7 am - 7 pm		Evening 7 pm - 10 pm		Night 10 pm - 7 am	
	Urban	Non-Urban	Urban	Non-Urban	Urban	Non-Urban
Hourly Leq (dB)	55	50	50	45	45	40
Maximum Level (dB)	70	60	60	55	55	50

Source: Table HS-3, Butte County General Plan 2030

Notes:

1. "Non-Urban designations" are Agriculture, Timber Mountain, Resource Conservation, Foothill Residential and Rural Residential. All other designations are considered "urban designations" for the purposes of regulating noise exposure.
2. Each of the noise levels specified above shall be lowered by 5 dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises. These noise level standards do not apply to residential units established in conjunction with industrial or commercial uses (e.g. caretaker dwellings).
3. The County can impose noise level standards which are up to 5 dB less than those specified above based upon determination of existing low ambient noise levels in the vicinity of the project site.
4. In urban areas, the exterior noise level standard shall be applied to the property line of the receiving property. In rural areas, the exterior noise level standard shall be applied at a point 100 feet away from the residence. The above standards shall be measured only on property containing a noise sensitive land use. This measurement standard may be amended to provide for measurement at the boundary of a recorded noise easement between all affected property owners and approved by the County.

Table 1.13.1, above, identifies the maximum allowable noise exposure to a variety of land uses from transportation sources, including from roadways, rail and airports. Table 1.13-2 identifies the maximum allowable noise exposure from non-transportation sources. In the case of transportation noise sources, exterior noise level standards for residential outdoor activity areas are 60 dB (Ldn/CNEL). However, when it is not possible to reduce noise in an outdoor activity area to 60 dB Ldn /CNEL or less using a practical application of the best-available noise-reduction measures, an exterior noise level of up to 65 dB may be allowed, provided that available exterior noise-level reduction measures have been implemented and interior noise levels are in compliance with applicable standards.

Butte County Noise Ordinance

Chapter 41A, Noise Control, of the Butte County Code of Ordinance applies to the regulation of noise. The purpose of the noise ordinance is to protect the public welfare by limiting unnecessary, excessive, and unreasonable noise. Section 41A-7 specifies the exterior noise limits that apply to land use zones within the County, which are provided in Table 1.13-2.

The Butte County Noise Ordinance provides the County with a means of assessing complaints of alleged noise violations and to address noise level violations from stationary sources. The ordinance includes a list of activities

that are exempt from the provisions of the ordinance; however, some noise-generating activities associated with future residential uses would not be considered exempt from the Noise Ordinance. Relevant information related to the exterior and interior noise limits set out by the Butte County Noise Ordinance are included below.

Chapter 41A-9 Exemptions

The following are exempted activities identified in Chapter 41A-9 that are applicable to the proposed project:

- (f) Noise sources associated with construction, repair, remodeling, demolition, paving or grading of any real property or public works project located within one thousand (1,000) feet of residential uses, provided said activities do not take place between the following hours:

- Sunset to sunrise on weekdays and non-holidays;
- Friday commencing at 6:00 p.m. through and including 8:00 a.m. on Saturday, as well as not before 8:00 a.m. on holidays;
- Saturday commencing at 6:00 p.m. through and including 10:00 a.m. on Sunday; and,
- Sunday after the hour of 6:00 p.m.

Provided, however, when an unforeseen or unavoidable condition occurs during a construction project and the nature of the project necessitates that work in process be continued until a specific phase is completed, the contractor or owner shall be allowed to continue work into the hours delineated above and to operate machinery and equipment necessary to complete the specific work in progress until that specific work can be brought to conclusion under conditions which will not jeopardize inspection acceptance or create undue financial hardships for the contractor or owner;

- (g) Noise sources associated with agricultural and timber management operations in zones permitting agricultural and timber management uses;
- (h) All mechanical devices, apparatus or equipment which are utilized for the protection or salvage of agricultural crops during periods of adverse weather conditions or when the use of mobile noise sources is necessary for pest control;
- (i) Noise sources associated with maintenance of residential area property, provided said activities take place between 7:00 a.m. to sunset on any day except Saturday, Sunday, or a holiday, or between the hours of 9:00 a.m. and 5:00 p.m. on Saturday, Sunday, or a holiday; and, provided machinery is fitted with correctly functioning sound suppression equipment;

Chapter 41A-8 Butte County Interior Noise Standards

Interior noise standards discussed in Chapter 41A apply to all noise sensitive interior area within Butte County. The maximum allowable interior noise level standards for residential uses is 45 dB Ldn/CNEL, which is designed for sleep and speech protection. The typical structural attenuation of a residence from an exterior noise is 15 dBA when windows facing the noise source is open. When windows in good condition are closed, the noise attenuation factor is around 20 dBA for an older structure and 25 dBA for a newer dwelling.

Table 1.13-3. Maximum Allowable Interior Noise Standards

NOISE LEVEL DESCRIPTION	Daytime 7 am - 7 pm	Evening 7 pm - 10 pm	Nighttime 10 pm - 7 am
Hourly L_{eq} (dB)	45	40	35
Maximum Level (dB)	60	55	50

Source: Butte County Code Chapter 41A-8, Interior Noise Standards

Discussion

- a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?

Less than significant impact. No significant existing noise generating sources have been identified in the project area. Noise levels contributed by the proposed project would include construction noise during future build-out of the resultant parcels, occupancy of the single-family residences, and from agricultural-related activities allowed in the zone. Construction noises associated with development of the resultant parcel would primarily be from the use of heavy equipment, generators, employee vehicle trips and power tools. Construction-related noises would be temporary and intermittent, and would not result in long-term noise impacts. Compliance with Butte County Code provisions that exempt construction noise would ensure construction activities occur during daytime hours, making potential impacts less than significant.

Typical noises contributed by residential and agricultural uses include landscaping equipment, automobile traffic, power tools, domestic animals, farm machinery, heating and cooling systems. The noises generated by these activities are not atypical or unusual for residential and agricultural-zoned properties in the project area. These noises also would be intermittent and separated from noise sensitive receptors, and would unlikely exceed County standards. In the event noise levels exceed applicable noise standards, the County will review complaints in accordance with Butte County Code Chapter 41A.

- b) Generation of excessive groundborne vibration or groundborne noise levels?

Less than significant impact. The proposed project may involve temporary sources of groundborne vibration and groundborne noise from the operation of heavy equipment during build-out of the proposed project and resultant parcels. The type of heavy equipment typically used during residential construction would only generate localized groundborne vibration and groundborne noise that could be perceptible at residences or other sensitive uses in the immediate vicinity of the construction site. However, since the duration of impact would be infrequent and would occur during less sensitive daytime hours (i.e., between 7:00 a.m. and 7:00 p.m.), the impact from construction-related groundborne vibration and groundborne noise would be less than significant.

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

No impact. No public use airports have been identified to be located within the vicinity of the project site. The project site is located outside the compatibility zones for the area airports, and therefore, would be outside the 60 dBA CNEL noise contour for the airport. The proposed project would not expose people residing or working in the project area to excessive noise levels from a public use airport or private airstrip.

1.14 POPULATION AND HOUSING

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. Population and Housing.				
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Less than significant impact. Subdivision of the project site would facilitate the addition of single-family residential units, which would directly result in growth in available housing and, if occupied, to the local population. Construction activities associated with development of the proposed project would not involve construction of additional public roadways or infrastructure such as wastewater treatment facilities so as to indirectly induce population growth. Since housing and population generated by the proposed project would not exceed local and regional growth projections described in General Plan 2030, growth generated by the proposed project would not be substantial.

- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No impact. The project site is developed with a single-family residence, which would be retained and situated on resultant Parcel 1 with approval of the proposed project. The proposed project would not result in the loss of existing housing, or cause a significant increase in the local population that would displace existing residents, necessitating the construction of additional housing.

1.15 PUBLIC SERVICES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. Public Services.				
Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

Fire protection?

Less than significant impact. Fire protection services are provided by CalFire/Butte County Fire Department. Build-out of the resultant parcels may incrementally increase the demand for fire protection services. However, the population growth expected with this project is consistent with the planned growth documented in Butte County General Plan 2030. Additionally, Butte County Code requires the payment of fire protection impact fees to help offset the impacts that new residential development has on the fire protection services. Such fees would be used to fund capital costs associated with acquiring land for new fire stations, constructing new fire stations, purchasing fire equipment, and providing for additional staff as needed. Fire protection impact fees would be paid at the time of building permit issuance for a new dwelling unit.

Police protection?

Less than significant impact. The Butte County Sheriff's Office provides law enforcement service to the site. Implementation of the proposed project could increase service calls if additional residential structures are built.

Increased development in rural areas impacts the ability of the Sheriff's Department to adequately provide services to outlying areas. It is anticipated that project implementation would not require any new law enforcement facilities or the alteration of existing facilities to maintain acceptable performance objectives. The project's increase in demand for law enforcement services would be partially offset through project-related impact fees.

Schools?

Less than significant impact. The project site is located within the Durham Unified School District. Residential development at the site would result in an incremental demand for school facilities in the area. A development impact fee for school facilities will be assessed at the time of residential development on the resultant parcels. Impact fees would partially offset any potential impact to area school facilities. While school districts maintain that these fees do not fully mitigate the impacts of a project, the County is precluded from imposing additional fees or mitigation by State legislation.

Parks?

Less than significant impact. The project site is located within the Durham Recreation and Park District. Build-out of the resultant parcels would result in an incremental increase in the use of existing local and regional park facilities. Development impact fees will be assessed at the time of residential development, which will offset potential impacts to park facilities.

Other public facilities?

Less than significant impact. The project does not require the extension of any public infrastructure, such as roads, water, or sewer systems. The project would result in added need for County services, such as law enforcement, fire protection, libraries, and road maintenance. Butte County collects various types of development impact fees to partially offset the cost and impacts associated with new residential units. These fees vary depending on the dwelling type, and are collected at the time of development.

1.16 RECREATION

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. Recreation.				
Would the project:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The project site is located within the Durham Recreation and Park District (DRPD). The district covers an area of 182 square miles, and includes the unincorporated areas of Durham, Nelson, Dayton, and a large unincorporated rural area. The district operates and maintains approximately 34 acres of developed parkland to serve a population of approximately 6,354 residents. Park facilities include the Durham Community Park, four neighborhood parks, one mini-park, and the Dwight Brinson Swim Center. Other recreational opportunities within the district boundaries, but not maintained by the District, include the Sacramento River and the Llano Seco Wildlife Refuge.

Discussion

- 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?

Less than significant impact. Increase in the demand for recreational facilities is typically associated with substantial increases in population. As discussed in Section 1.14 - Population and Housing, the proposed project may generate growth in the local population, if residential units are constructed on the resultant parcels. This in turn may result in increased use of existing parks and recreational facilities in the surrounding area and the parks and recreation district servicing the area. However, because housing and population growth in the project area would be minor (i.e., 2 - 4 new residents per lot), the project would not result in a substantial increase in demand for recreational facilities or adversely affect the park/population standards in park districts or incorporated areas.

- b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

No impact. The proposed project does not include plans for additional recreational facilities nor would it require expansion of existing recreational facilities. Therefore, the proposed project would not result

in any adverse physical effects on the environment from construction or expansion of recreational facilities.

1.17 TRANSPORTATION

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

Discussion

- a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

Less than significant impact. The property frontage along Durham-Dayton Highway is improved with paved shoulders and roadside drainages, but no pedestrian or bike facilities. Durham-Dayton Highway is designated as a proposed Class 2 bike lane. The Class 2 bikeway classification provides a restricted on-street right-of-way designated for the exclusive or semi-exclusive use of bicycles with through travel by motor vehicles or pedestrians prohibited, but with vehicle parking and crossflows by pedestrians and motorists permitted. Standards generally require a minimum 4-foot bike lane with a 6-inch white stripe separating the roadway from the bike lane. Where raised curbs exists without permitted parking or designated marked parking exists, a minimum 5-foot bike lane adjacent to the traffic lane is required. Where parking is permitted, but unmarked, the 6-inch white stripe separating the traffic from the bike lane must be a minimum of 12 feet from the raised curb.

No existing transit facilities are located near the project site. The nearest B-Line bus stop is located at the intersection of Durham-Dayton Highway and Midway, approximately 3.2 miles east from the project site. Although no pedestrian facilities or bike lanes are located near the project site, sufficient right-of-way width exists along the County road and the properties' frontage to allow for pedestrian and bicycle traffic to travel outside the vehicle travel lane. Improvements to bring the frontage into compliance as a Class 2 Bike Lane is limited to additional striping and signage. Public Works reviewed the proposed project and has not recommended additional bike transportation improvements.

Future development on the resultant parcels would have minor long-term impacts on alternative transportation facilities due to the limited population growth to the project area. Construction activities associated with future development may generate short-term disruption to area roadways from an anticipated increase in traffic levels that may affect alternative transportation uses. However, construction activities associated with the proposed project would be temporary, and would require traffic control implementation, if needed.

- b) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less than significant impact. The proposed project would not change the configuration (alignment) of area roadways, and would not introduce types of vehicles that are not already traveling on area roads. Future improvements along the roadway is limited to driveways and approach aprons (encroachments). Any future improvements within the County road right-of-way would be subject to a Butte County Encroachment Permit from the Public Works Department, and would be constructed to all applicable State and local development standards, ensuring that access is adequate to provide emergency ingress and egress.

- c) Result in inadequate emergency access?

Less than significant impact. The project site has direct access to Durham-Dayton Highway and Aguas Frias Road, both County-maintained roads. The current condition of the county roads are adequate to accommodate the traffic generated by the project, including any emergency response.

1.18 TRIBAL CULTURAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. Tribal Cultural Resources.				
Has a California Native American Tribe requested consultation in accordance with Public Resources Code section 21080.3.1(b)?	<input checked="" type="checkbox"/> Yes		<input type="checkbox"/> No	
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 that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

Tribal Cultural Resources are defined as a site feature, place, cultural landscape, sacred place or object, which is of cultural value to a Tribe and is either on or eligible for the California Historic Register, a local register, or a resource that the lead agency, at its discretion, chooses to treat as such (Public Resources Code Section 21074 (a)(1)).

Butte County contains a rich diversity of archaeological, prehistoric and historical resources. The General Plan 2030 EIR observes that the "archaeological sensitivity of Butte County is generally considered high, particularly in areas near water sources or on terraces along water courses" (Butte County General Plan EIR, 2010, p. 4.5-7).

A substantial adverse change upon a historically significant resource would be one wherein the resource is demolished or materially altered so that it no longer conveys its historic or cultural significance in such a way that justifies its inclusion in the California Register of Historical Resources or such a local register (CEQA Guidelines Section 15064.5, sub. (b)(2)). Cultural resources include prehistoric and historic period archaeological sites; historical features, such as rock walls, water ditches and flumes, and cemeteries; and architectural features. Cultural resources consist of any human-made site, object (i.e., artifact), or feature that defines and illuminates our past. Often such sites are found in foothill areas, areas with high bluffs, rock outcroppings, areas overlooking deer migratory corridors, or near bodies of water.

Per AB 52 Notification Request, Public Resources Code Section 21080.3(b), the County received two letters for notification. One was from the Torres Martinez Cahuilla Indians, located in southern California near the Salton Sea, and the other was from United Auburn Indian Community, located near the City of Auburn. It was determined through discussion with the Torres Martinez Cahuilla Indians that they do not identify lands within Butte County within their geographic area of traditional and cultural affiliation. The United Auburn Indian Community provided a map of their area of traditional and cultural affiliation, which did not include the project site.

Discussion

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 that is:

- a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

No impact. Native American populations used the local region for seasonal and/or permanent settlement, as well as for the gathering of plants, roots, seeds, and seasonal game. Historically, Euro-Americans utilized the region for mining farming, and cattle ranching. With historic use of the project area by prehistoric and historic populations, unanticipated and accidental archaeological discoveries may be encountered during ground-disturbing activities, resulting in potentially significant impacts. Implementation of **Mitigation Measure CUL-1**, discussed in Section 1.5 – Cultural Resources, would avoid potential impacts to undiscovered prehistoric resources, historic resources, and human remains that may be uncovered during development activities.

- 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 applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

No impact. As detailed in response to Checklist Question 1.5a, a records search of documented culturally significant sites was performed for the project. Based on the available records, no existing archaeological or historic sites on the project site had been documented. Additionally, a review of the site did not identify any unique cultural attributes.

1.19 UTILITIES AND SERVICE SYSTEMS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIX. Utilities and Service Systems.				
Would the project:				
a) Require or result in the relocation or construction of construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

Solid Waste

Most municipal wastes are hauled to the Neal Road Recycling and Waste Facility, which is owned by Butte County and managed by the Butte County Department of Public Works. The Neal Road Facility is located at 1023 Neal Road, one mile east from State Highway 99, and seven miles southeast of Chico, on 190 acres owned by Butte County. The Neal Road Facility is permitted to accept municipal solid waste, inert industrial waste, demolition materials, special wastes containing nonfriable asbestos, and septage. Hazardous wastes, including friable asbestos, are not accepted at the Neal Road Facility or any other Butte County disposal facility, and must be transported to a Class I landfill permitted to receive untreated hazardous waste. The Facility has a design capacity of 25,271,900 cubic yards, and is permitted to accept 1,500 tons per day; however, the average daily disposal into the landfill is approximately 466 tons. As of November 2017, the remaining capacity of the Neal Road Facility is approximately 15,449,172 cubic yards, which would give the landfill a service life to the year 2048 (Neal Road Recycling & Waste Facility, 2017).

Discussion

- a) Require or result in the relocation or construction of construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?

No impact. The project site is currently served by electric power (PG&E) and wireless phone service. The project would not result in the relocation or construction of new or expanded infrastructure including water services, wastewater treatment, stormwater drainage, natural gas, or telecommunication facilities.

- b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less than significant impact. Domestic water to existing and planned uses on the resultant parcels would be provided by groundwater extraction via individual wells. Section 12.0 of the Butte County Improvement Standards outline the requirements of water supplies for proposed subdivisions and parcel maps. Proposed subdivisions located outside an urban area and more than a 1,000 feet from an existing public water system, may have its domestic water supplied by individual wells. The quantity and quality of the groundwater for the proposed development is reviewed by the Butte County Environmental Health Division by either a test well, a review of existing wells in the area, or a statement from a licensed well driller together with a report by an engineering geologist or hydrologist verifying that minimum well production for domestic purposes are achieved. Additionally, a well permit is required by the County to ensure well drilling standards are achieved and health and safety standards are met. Well production from new wells would be tested to determine if sufficient output it available for the anticipated uses to occur on the resultant parcels. Based on these reviews, existing groundwater supplies are anticipated to be available to the serve the proposed project, and no additional or expanded entitlements are required for groundwater extraction and use.

- c) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?

No impact. Wastewater disposal for the proposed project would be provided by private, on-site septic systems. No wastewater treatment provider currently serves the project area. The project site has been evaluated for an on-site septic system and the resultant parcels were determined to have adequate soil conditions to allow for future development of an on-site wastewater system.

- d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less than significant impact. Future development of the resultant parcels would result in a minor increase in the stream of household waste being deposited in the Neal Road Recycling and Waste Facility. The California Integrated Waste Management Board estimates that a typical residential household generates approximately 12 pounds of solid waste per day (4.9 pounds per person per day x average household size in Butte County (2.44)). The Neal Road Facility has a maximum permitted throughput of 1,500 tons per day, and an estimated current daily average throughout of 466 tons per

day. Therefore, the facility would have adequate capacity to accommodate solid waste generated by the project.

e) **Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?**

No impact. The proposed project would comply with statutes and regulations related to solid waste. Waste generated by the proposed project would consist only of domestic refuse, which would be collected in approved trash bins and removed from the project site by a waste hauler or by the residents.

1.20 WILDFIRE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XX. Wildfire.				
Is the project located in or near state responsibility areas or lands classified as high fire hazard severity zones?				
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	<input checked="" type="checkbox"/> Yes		<input type="checkbox"/> No	
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

The project site has been designated as a low fire hazard by the State Department of Forestry and Fire Protection. As a result, the project site is also within a designated Local Responsibility Area (LRA), which means that Butte County has fiscal responsibility for preventing and suppressing wildfires.

Discussion

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

No impact. There are no lane closures involved with the proposed project that would constrict emergency access or interfere with an emergency evacuation plan.

- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Less than significant impact. The project site is located in an area that is not susceptible to wildland fires. No conditions or factors have been identified in the project area that would exacerbate wildfire risks.

- c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Less than significant impact. No infrastructure improvements are proposed. Future residential and driveway constructions would be regulated by adopted county improvement standards, which has established standards for driveway access and signage for future residential uses. No increase in the risk of wildland fires would occur with the approval of the project.

- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No impact. The project site is located within the valley region of the County that contain slopes between 0 and 2 percent. The project area does not exhibit flooding potential (see discussion Section 1.10.d – Hydrology and Water Quality) or landslide potential (see discussion Section 1.7.a – Geology Soils). Therefore, no impacts from post-fire instability or drainage changes has been identified.

1.21 MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XX. Mandatory Findings of Significance.				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

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

Less than significant impact with mitigation incorporated. The proposed project's impacts to cultural resources were analyzed in this Initial Study, and all direct, indirect, and cumulative impacts were determined to have no impact, a less than significant impact, or reduced to a less than significant impact with implementation of mitigation. No special status species were identified on the proposed development areas. Additionally, development of the proposed project would not cause fish or wildlife populations to drop below self-sustaining levels or restrict the movement/distribution of a rare or endangered species.

Development of the proposed project would not affect known historic, archaeological, or paleontological resources. There are no known unique ethnic or cultural values associated with the project site, nor are known religious or sacred uses associated with the project site. **Mitigation Measure**

CUL-1 has been identified to confirm the presence or absence of subsurface cultural resources on the project site. Additionally, the project applicant is required to comply with [California Code of Regulations \(CCR\) Section 15064.5\(e\)](#), [California Health and Safety Code Section 7050.5](#), and [Public Resources Code \(PRC\) Section 5097.98](#) as a matter of policy in the event human remains are encountered at any time. Adherence to **Mitigation Measures CUL-1**, as well as regulations governing human remains, would reduce potential impacts to cultural and paleontological resources to less than significant with implementation of mitigation.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Less than significant impact with mitigation incorporated. The proposed project has either no impact, a less than significant impact, or a less than significant impact with mitigation incorporated with respect to all environmental issues pursuant to CEQA. Due to the limited scope of direct physical impacts to the environment associated with the proposed project, the project’s impacts are primarily project-specific in nature.

The proposed project site is located within an area has been designated by the County for residential and agricultural uses. Short-term construction-related air quality impacts that would result from construction of the site improvements and build-out of the resultant parcels will be reduced to less than significant levels with implementation of **Mitigation Measure AIR-1**. **Mitigation Measure GHG-1**, identified in this Initial Study, would reduce potential impacts from the generation of greenhouse gas emissions to less than significant levels.

The cumulative effects resulting from build out of the Butte County General Plan 2030 were previously identified in the General Plan EIR. The type, scale, and location of the proposed project is consistent with County’s General Plan and zoning designation and is compatible with the pattern of development on adjacent properties. Because of this consistency, the potential cumulative environmental effects of the proposed project would fall within the impacts identified in the County’s General Plan EIR. Build-out of the resultant parcels is subject to required “fair share” development impact fees, which will be paid at the time of development.

- c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

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, greenhouse gas emissions and cultural resources. With implementation of mitigation measures included in this Initial Study, these impacts would be effectively mitigated to a less than significant level.

Authority for the Environmental Checklist: Public Resources Code Sections 21083, 21083.5.

Reference: Government Code Sections 65088.4.

Public Resources Code Sections 21080, 21083.5, 21095; *Eureka Citizens for Responsible Govt. v. City of Eureka*

(2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

Environmental Reference Materials

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18. California Department of Water Resources, Northern Region Office. Geology of the Northern Sacramento Valley, California. September 2014.
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Mitigation Measures and Monitoring Requirements

C.F. Koehnen & Sons Orchards Tentative Parcel Map (TPM19-0005)

Mitigation Measure AIR-1

The following best practice measures to reduce impacts to air quality shall be incorporated by the project applicant, subject property owners, or third-party contractors during construction activities on the project site. These measures are intended to reduce criteria air pollutants that may originate from the site during the course of land clearing and other construction operations.

Diesel PM Exhaust from Construction Equipment and Commercial On-Road Vehicles Greater than 10,000 Pounds

- All on- and off-road equipment shall not idle for more than five minutes. Signs shall be posted in the designated queuing areas and/or job sites to remind drivers and operators of the five-minute idling limit.
- Idling, staging and queuing of diesel equipment within 1,000 feet of sensitive receptors is prohibited.
- All construction equipment shall be maintained in proper tune according to the manufacturer's specifications. Equipment must be checked by a certified mechanic and determined to be running in proper condition before the start of work.
- Install diesel particulate filters or implement other CARB-verified diesel emission control strategies.
- Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5 minutes at any location when within 100 feet of a restricted areas.
- To the extent feasible, truck trips shall be scheduled during non-peak hours to reduce peak hour emissions.

Operational TAC Emissions

- All mobile and stationary Toxic Air Contaminants (TACs) sources shall comply with applicable Airborne Toxic Control Measures (ATCMs) promulgated by the CARB throughout the life of the project (see <http://www.arb.ca.gov/toxics/atcm/atcm.htm>).
- Stationary sources shall comply with applicable District rules and regulations.

Fugitive Dust

Construction activities can generate fugitive dust that can be a nuisance to local residents and businesses near a construction site. Dust complaints could result in a violation of the District's "Nuisance" and "Fugitive Dust" Rules 200 and 205, respectively. The following is a list of measures that may be required throughout the duration of the construction activities:

- Reduce the amount of the disturbed area where possible.
- Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. An adequate water supply source must be identified. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- All dirt stockpile areas should be sprayed daily as needed, covered, or a District approved alternative method will be used.

Mitigation Measures and Monitoring Requirements

C.F. Koehnen & Sons Orchards Tentative Parcel Map (TPM19-0005)

- Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.
- Exposed ground areas that will be reworked at dates greater than one month after initial grading should be sown with a fast-germinating non-invasive grass seed and watered until vegetation is established.
- All disturbed soil areas not subject to re-vegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the Butte County Air Quality Management District.
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with local regulations.
- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- Post a sign in prominent location visible to the public with the telephone numbers of the contractor and the Butte County Air Quality Management District - (530) 332-9400 for any questions or concerns about dust from the project.

All fugitive dust mitigation measures required should be shown on grading and building plans. In addition, the contractor or builder should designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend period when work may not be in progress. The name and telephone number of such persons shall be provided to the District prior to land use clearance for map recordation and finished grading of the area.

Please note that violations of District Regulations are enforceable under the provisions of California Health and Safety Code Section 42400, which provides for civil or criminal penalties of up to \$25,000 per violation.

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 Measures and Monitoring Requirements

C.F. Koehnen & Sons Orchards Tentative Parcel Map (TPM19-0005)

Mitigation Measure CUL-1

If 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. If human skeletal remains are encountered, State law requires immediate notification of the County Coroner (530.538.7404). If the County Coroner determines 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 mitigation 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 preparation and construction activities.

Monitoring: The Department of Development Services and/or Public Works Department shall ensure the note is placed on a separate document, which is to be recorded concurrently with the map, or on an additional map sheet. 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 GHG-1

The project proponent shall implement the following measures during construction-related activities and at the time of development to offset the anticipated contribution of greenhouse gas emissions:

- Prewire all new residential development to support photovoltaic system installation.
- Install electrical vehicle outlets on external walls or in garages in all new residential development.
- Minimize equipment idling time during construction activities either by shutting equipment off when not in use or reducing the time of idling to no more than 3 minutes.
- Use clean or alternative fuel equipment during construction-related activities to improve fuel efficiency.

Plan Requirements: The measure shall be placed on an additional map sheet which is to be recorded with the Parcel Map. This note shall also be placed on all building and site development plans.

Timing: 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 measure 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 Measures and Monitoring Requirements
C.F. Koehnen & Sons Orchards Tentative Parcel Map (TPM19-0005)

Project Sponsor(s) Incorporation of Mitigation into Proposed Project

I/We have reviewed the Initial Study for the C.F. Koehnen & Sons Orchards Tentative Parcel Map (TPM19-0005) application and particularly the mitigation measures identified herein. I/We hereby modify the applications on file with the Butte County Planning Department to include and incorporate all mitigations set forth in this Initial Study.



Project Sponsor/Project Agent

08-29-2019

Date

Project Sponsor/Project Agent

Date

Butte County Department of Development Services – Planning Division

7 County Center Drive
Oroville, CA 95928
530.552.3700