# INITIAL STUDY AND ENVIRONMENTAL REVIEW CHECKLIST

California Environmental Quality Act (CEQA)

## PROJECT INFORMATION

| | | |
|---|---|---|
| 1. | Project Title: | Tentative Subdivision Map (TSM 20-0002 – Butte Vista Estates) |
| 2. | Lead Agency Name and Address: | Butte County – Department of Development Services<br>Planning Division<br>7 County Center Drive<br>Oroville, CA 95965 |
| 3. | Contact Person and Phone Number: | Mark Michelena, Senior Planner<br>530.552.3683; mmichelena@buttecounty.net |
| 4. | Project Location: | The subject property is approximately 9.7 acres in size and is located on the north side of Plumas Avenue, between 10th Street and Hardnett Court, Thermalito (APN 031-190-034). Latitude 39° 31′ 16.386″ N, Longitude - 121° 35' 7.422'' W |
| 5. | Project Sponsor's Name and Address: | Robb Brown<br>8 Noyo Court<br>Chico, CA 95973 |
| 6. | General Plan Designation: | Medium Density Residential (up to 6 du/acre) |
| 7. | Zoning: | Medium Density Residential (MDR) (up to 6 du/acre)/Airport Compatibility Overlay D (AO-D) |

8. Description of Project:

This is an application for a Tentative Subdivision Map to subdivide a 9.7-acre parcel into forty (40) residential parcels ranging in size from 6,500 square feet to 11,873 square feet. The average lot size is 7,495 square feet. Sewage disposal and domestic water services would be provided by the Thermalito Water & Sewer District (TWSD).

Access to the proposed subdivision would be from Plumas Avenue at two different access points. An internal loop road would connect the access points (see page 29). The roads for the project would meet County improvement standards and are required to be improved with curb, gutter, and sidewalk. Improvements to the Plumas Avenue frontage of the project site are required. The applicant is proposing to use on-site infiltration trenches to retain excess stormwater runoff on site. Fire hydrants would be installed along the interior street. Street lighting is required to be installed.

9. Surrounding Land Uses and Setting:

The site is zoned MDR (Medium Density Residential) (APN 031-190-034) and has a General Plan designation of Medium Density Residential (APN 031-190-034). Parcels to the west, south, and east are zoned MDR. The parcels to the north of the site are within the City of Oroville (zoned for low density residential uses) and MDR. The parcels to the south, west and east are zoned Very Low Density Residential (VLDR) The site is located in a primarily suburban residential setting, with nearby parcels ranging in size from 0.14 to 0.5 acres. Curb, gutter, and sidewalks are not installed along Plumas Avenue.

| Direction | General Plan Designation | Zoning | Existing Land Use(s) |
|---|---|---|---|
| North | City of Oroville Residential Single Family/Medium Density Residential (MDR) | City of Oroville (Single Family Residential R-1)/MDR/AO-D (Airport Compatibility Zone D) | Residential |
| South | Very Low Density Residential (VLDR) | VLDR/AO-D | Residential |
| East | Very Low Density Residential (VLDR) | VLDR/AO-D | Residential |
| West | Very Low Density Residential (VLDR) | VLDR/AO-D | Residential |

The project site is located within unincorporated Butte County west and south of the City of Oroville municipal boundary. The project site is zoned Medium Density Residential (MDR)/Airport Compatibility Overlay Zone D (AO-D) and surrounding area is zoned (MDR), Very Low Density Residential (VLDR) and AO-D.

The purpose of the MDR zone is to allow for a mixture of housing types in a medium density setting. Permitted housing types in the MDR zones include single family homes and accessory dwelling units. Non-residential uses conditionally permitted in the MDR zone include public and quasi-public uses, park and recreational facilities, personal services, medical offices and clinics, and general retail. The maximum permitted residential density in the MDR zone is six dwelling units per acre. The MDR zone implements the Medium Density Residential land use designation in the General Plan.

The purpose of the Airport Compatibility Overlay Zone D (AO-D) is defined as "Other Airport Environs" and addresses aircraft overflight potential noise impacts to future uses on the parcels. The future uses on the parcel will be residential. The AO-D Zone does not place any limits on the types or densities of land uses.

The site is relatively level, with an average slope of less than 1%. Elevation of the project site is approximately 225 feet above sea level. The plant community covering the majority of the site is annual grassland, which is characterized primarily by an assemblage of non-native grasses and forbs. The project site also has several olive trees, eucalyptus trees along the rear property line, several small valley oaks, and one large rose bush. It appears that the project site has been regularly mowed to help reduce the potential for on-site fires.

10. Other public agencies whose approval is required: (e.g., permits, financing approval, or participation agreement)

- Butte County Department Development Services: Building Permits (Future Construction)
- California Fire Department: Improvement Plans (Future Construction)
- Butte County Public Works Department
- Butte County Fire Department/CDF (Future Construction)
- Thermalito Water & Sewer District approval for water/sewer connections

11. 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

## 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.

| | | | | | |
|---|---|---|---|---|---|
| ☐ | Aesthetics | ☐ | Agriculture and Forest Resources | ☐ | Air Quality |
| ☐ | Biological Resources | ☐ | Cultural Resources | ☐ | Energy |
| ☐ | Geology / Soils | ☐ | Greenhouse Gas Emissions | ☐ | Hazards / Hazardous Materials |
| ☐ | Hydrology / Water Quality | ☐ | Land Use / Planning | ☐ | Mineral Resources |
| ☐ | Noise | ☐ | Population / Housing | ☐ | Public Services |
| ☐ | Recreation | ☐ | Transportation | ☐ | Tribal Cultural Resources |
| ☐ | Utilities / Service Systems | ☐ | Wildfire | ☐ | Mandatory Findings of Significance |

## 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.

Mark Michelena — June 29, 2022

Mark Michelena, Senior Planner — Date

Dan Breedon — 6/29/2022

Dan Breedon, Planning Manager — 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.

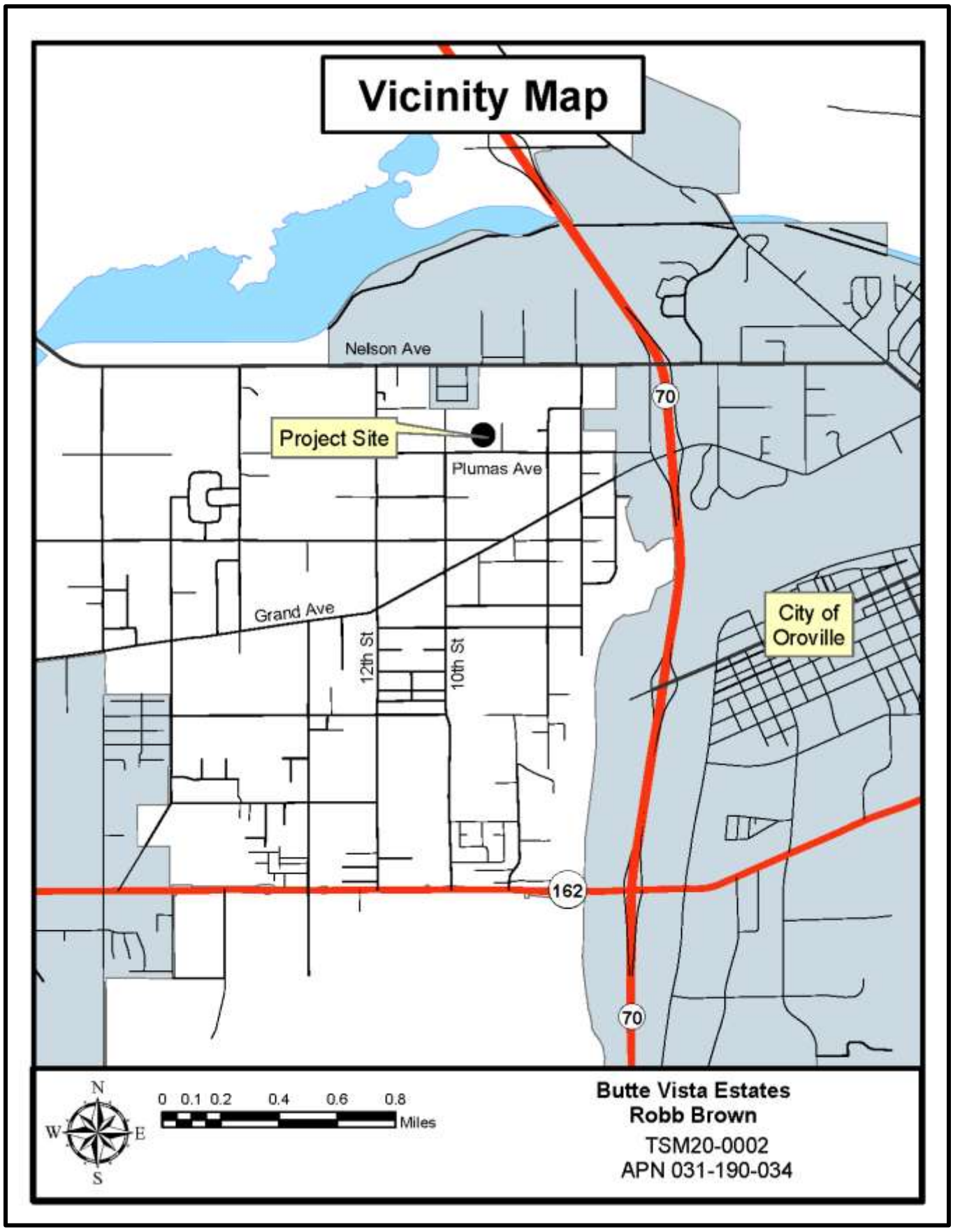
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement 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.

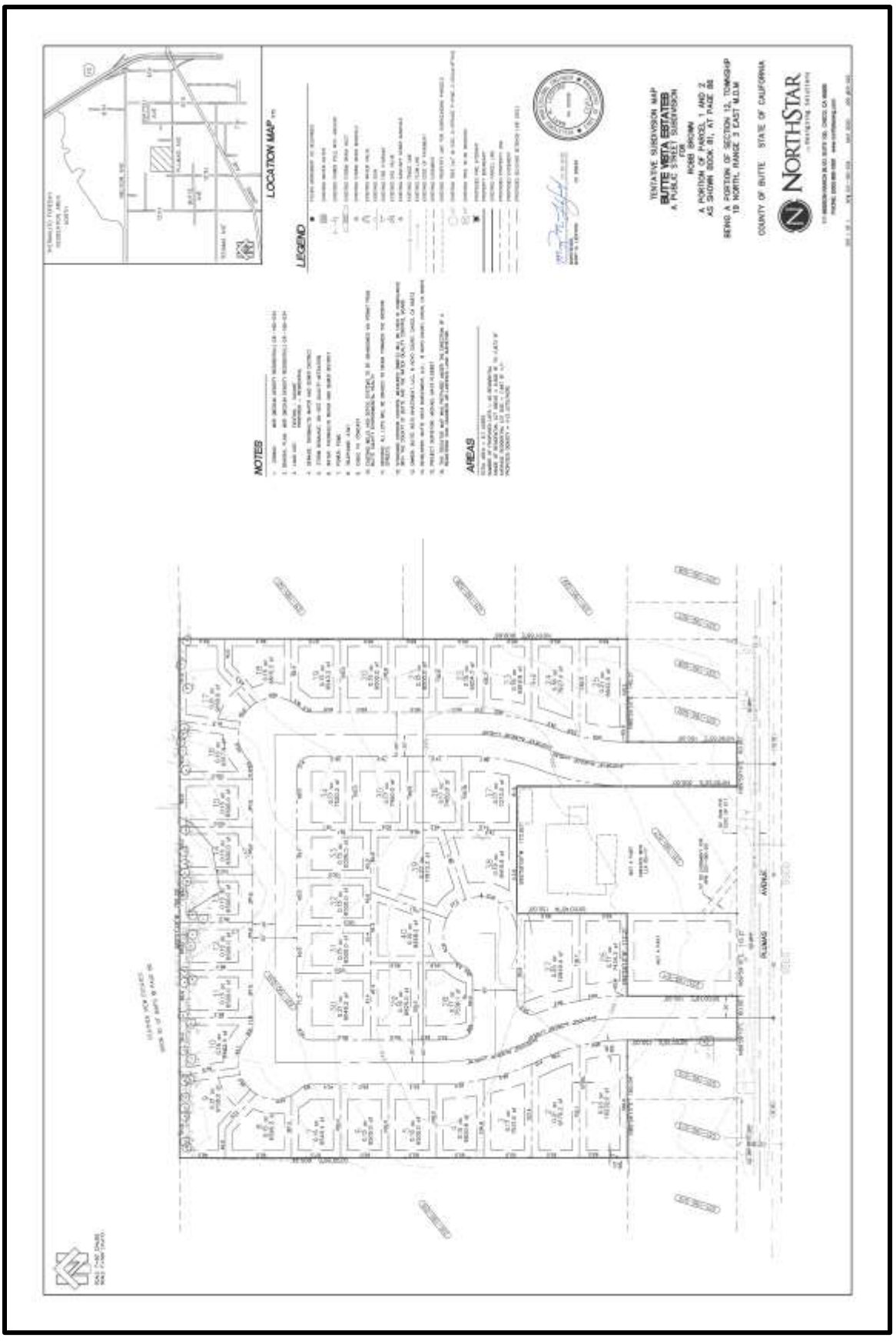
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

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.

Vicinity Map



Tentative Subdivision Map



# 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? | ☐ | ☐ | ☒ | ☐ |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings 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? | ☐ | ☐ | ☒ | ☐ |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | ☐ | ☐ | ☒ | ☐ |

## Setting

The project area is characterized as a mix of low, medium and rural density residential in unincorporated Butte County west and south of the City of Oroville. Adjacent land to the east, west and south are developed with low density residential consistent with the zoning and General Plan designation. Adjacent land to the north is also developed with single-family residential.

The site is relatively level, with an average slope of less than 1%. Elevation of the project site is approximately 225 feet above sea level. The plant community covering the majority of the site is annual grassland, which is characterized primarily by an assemblage of non-native grasses and forbs.. The most prominent human-made features are residences, accessory structures, roads, utility lines, as well as the urban and suburban landscapes located in the higher density areas to the southeast.

The Butte County General Plan depicts identified scenic resources in Butte County, including land-based and water-based scenic resources (Figure COS-7), County scenic highways (Figure COS-8), and Scenic Highway Zones (Figure COS-9). Based on the information provided in the General Plan, the project site is not located within, or in the vicinity of an identified scenic resources.

## Discussion

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

Less than significant impact. Approval of the proposed action would allow development of 40 single-family residences. There are no scenic resources, historic buildings, or scenic highways within the immediate vicinity of the site. This project would not affect a scenic vista. The project would change the overall appearance of the site. A less than significant impact would occur under this threshold.

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

No impact. There are no scenic resources, trees, rock outcroppings or historic buildings proximal to the site. There are no scenic highways within the immediate vicinity of the site. No impact would occur under this threshold.

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 visual character of the project site would be substantially and permanently altered due to the removal of vegetation and the introduction of development, such as dwellings, accessory structures (garages, guest houses, sheds, etc.), roads, and landscaping. The existing nature and appearance of the undeveloped lands vegetated with non-native and native grassland habitat and olive trees would be replaced primarily with a developed appearance.

New residential development on the project site is anticipated to be consistent with the type, scale and mass of the existing residential structures in the local area. The density of the project would be similar with other residential subdivisions found in the project area. Section 26A of the County Code requires that all utilities be undergrounded within the subdivision. With the existing suburban residential uses found in the project area, no substantial conflicts with the established character or functioning of the surrounding community are anticipated.

Project construction activities would disrupt views across the site from surrounding areas. Graded surfaces, construction debris, construction equipment and heavy truck traffic would be visible. Soil would be stockpiled and equipment for grading activities would be staged at locations throughout the site. Construction impacts would be relatively short-term and would cease upon project completion. Short-term light and glare impacts are associated with construction activity and would likely be limited to night-time lighting necessary for security purposes. These impacts would cease upon completion of construction. A less than significant impact would occur under this threshold.

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. Outdoor lighting for safety and security could potentially be added to existing and future structures on the resultant parcels. However, the proposed very low-density development would minimize ordinary nighttime lighting impacts to adjacent areas. Additionally, Article 14 of Butte County Code requires that all outdoor lighting in residential areas be located, adequately shielded, and directed such that no direct light falls outside the property perimeter, or into the public right-of-way. As a result, the proposed project would not create new sources of substantial lighting or glare that would generate a significant impact.

# 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? | ☐ | ☐ | ☐ | ☒ |
| b) Conflict with existing zoning for agricultural use or a Williamson Act contract? | ☐ | ☐ | ☐ | ☒ |
| 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))? | ☐ | ☐ | ☐ | ☒ |
| d) Result in the loss of forest land or conversion of forest land to 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 forest land to non-forest use? | ☐ | ☐ | ☐ | ☒ |

## Setting

The subject property is zoned Medium Density Residential (MDR) and is approximately 9.7 acres. The parcel is undeveloped. The parcel is not used for agricultural or forest production.

## 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

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

Prime Farmland: Land which has the best combination of physical and chemical characteristics for the production of crops. It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops when treated and managed, including water management, according to current farming methods.

Farmland of Statewide Importance: Land that is similar to *Prime Farmland* but with minor shortcomings, such as greater slopes or less ability to hold and store moisture.

Unique Farmland: Land of lesser quality soils used for the production of specific high economic value crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to produce sustained high quality or high yields of a specific crop when treated and managed according to current farming methods. It is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Examples of crops include oranges, olives, avocados, rice, grapes, and cut flowers.

Farmland of Local Importance: Land of importance to the local agricultural economy, as determined by each county's board of supervisors and local advisory committees. Examples include dairies, dryland farming, aquaculture, and uncultivated areas with soils qualifying for *Prime Farmland* and *Farmland of Statewide Importance*. Butte County has not adopted a definition of Farmland of Local Importance.

Grazing Land: Land on which the existing vegetation, whether grown naturally or through management, is suitable for grazing or browsing of livestock.

Urban and Built-up Land: Land used for residential, industrial, commercial, construction, institutional, public administrative purpose, railroad yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment plants, water control structures, and other development purposes. Highways, railroads, and other transportation facilities are also included in this category.

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

Water: Water areas with an extent of at least 40 acres.

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.

# Discussion

Adoption of the Butte County General Plan and Land Use Map designated the site MDR and adoption of the Zoning Ordinance and Zoning Map zoned the site MDR for residential development. The project site is not designated or used for agricultural purposes. The project site is not under a Williamson Act contract to help preserve agricultural lands nor are any of the parcels surrounding the project site under a Williamson Act contract.

## 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?

No impact. The California Farmland Mapping and Monitoring Program designates the project parcels as "Other Lands". The proposed action would not result in a conversion of prime farmland to non-agricultural use. No impact would occur under this threshold.

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

No impact. The California Land Conservation Act ("Williamson Act") was enacted to help preserve agricultural and open space lands via a contract between the property owner and the local jurisdiction. Under the contract, the owner of the land agrees not to develop the land in exchange for reduced property taxes. The project site is not under a Williamson Act contract. None of the parcels surrounding the project site are subject to a Williamson Act agreement. No impact would occur under this threshold.

## 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 is not located in a timber resource zoning category such as Timber Mountain (TM) or Timber Production (TPZ). Approval of the proposed project would not require a rezone or conflict with, or cause the rezoning of, a timber resource zoning designation. No impact would occur under this threshold.

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

No impact. The project site is not considered forest land and therefore, the proposed project would not result in loss or conversion of forest land to a non-forest use. No impact would occur under this threshold.

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?

No impact. As stated, the subject parcels are designated Other Lands. While agricultural cultivation is allowed on lands zoned MDR, no evidence of such a use is visible. The project parcel is not considered forest land or used for forest production. No impact would occur under this threshold.

# 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? | | ☒ Yes | | ☐ No |
| Would the project: | | | | |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | ☐ | ☐ | ☒ | ☐ |
| 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? | ☐ | ☐ | ☒ | ☐ |
| c) Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☒ | ☐ | ☐ |
| d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? | ☐ | ☐ | ☐ | ☒ |

## 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 were 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 | Unclassified | Attainment |
| Annual PM10 | Attainment | Unclassified |
| Annual PM2.5 | Nonattainment | Attainment |

Source: Butte County AQMD, 2018

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 1.3-2 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 1.3-2. 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.

Table 13-2 (Screening Criteria for Critical Pollutants) lists the established thresholds based on land use. The project would exceed the single-family residential screening criteria by 12 units. However, the density is allowed per the Butte County zoning code; thus, air emissions associated with the project were addressed in the butte County General Plan Update Environmental Impact Report (August 2010). Thus, the project will not conflict with or obstruct the air quality plan. No impact would occur under this threshold.

## 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. The proposed project has the potential to impact air quality primarily from mobile sources emissions generated by residents traveling by motor vehicles to and from their homes and from energy emissions associated with the residences. Mobile source emissions produced from motor vehicles include tailpipe and evaporative emissions. Energy use emissions would be generated by the use of heating and cooling systems, lighting, and powering of equipment. Overall, operational emissions generated by the project are not expected to be substantial. However, because the number of units exceeds the 30 units shown in Table 1.3-3, air emissions were calculated using the California Emission Estimator Model (CalEEMod) version 2020.4.0 and compared to the Butte County Air Quality Management District (BCAQMD) significance criteria provided in the BCAQMD CEQA Air Quality Handbook (2014). The results are shown in Table 1.3-3 below. As shown, the project would not exceed BCAQMD thresholds; and thus, would not have a significant or adverse air quality impact.

Table 1.3-3. Estimated Daily Construction and Operational Air Emissions

| ***Construction Phase*** | **Reactive Organic Gas (ROG)** | **Nitrogen Oxides (NOx)** | **Particulate Matter (PM10 and PM2.5)** |
|---|---|---|---|
| ***Highest Daily Emission During Construction (lbs/day)*** | 71.1 | 38.8 | 16.5 |
| **BC**AQMD Regional Thresholds | 137 | 137 | 80 |
| Threshold Exceeded | **No** | **No** | **No** |
| *Operation Phase* | | | |
| ***Maximum lbs/day*** | **4.1** | **3.0** | **2.5** |
| **BC**AQMD Regional Thresholds | **25** | **25** | **80** |
| *Threshold Exceeded* | **No** | **No** | **No** |
| *Source: CalEEMod 2020.4.0* | | | |

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

Less than significant impact with mitigation. 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. Mitigation Measure AIR-1 would reduce potential cumulative fugitive dust emission impacts to less than significant.

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

No impact. During project construction, various diesel-powered vehicles and equipment in use on the site would create odors. These odors are not likely to be noticeable beyond the project boundaries, however. The proposed project residential uses are not likely to create objectionable odors.

## 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. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: "Dust generated by the development activities shall be kept to a minimum and retained on-site. Follow the air quality control measures listed below:

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

## Environmental Setting

The project site is situated in a valley/foothill transitional area and the plant community on the project site is listed as grassland (California Department of Fish and Game, ArcView *Vegetation* shape file). Vegetation on the project site consists of native and introduced grasses, some eucalyptus trees, scattered olive trees, several small valley oaks, and one large rose bush. Portions of the project site has been regularly mowed for fire prevention purposes; a 10 to 15-foot wide strip around the perimeter of the project site has been cleared of vegetation.

Jurisdictional Waters of the United States, including Wetlands

Waters of the United States (U.S.), including wetlands, are broadly defined to include navigable waterways, and tributaries of navigable waterways, and adjacent wetlands. Although definitions vary to some degree, wetlands are generally considered to be areas that are periodically or permanently inundated by surface water or groundwater, supporting vegetation adapted to life in saturated soil. Jurisdictional wetlands are vegetated areas that meet specific vegetation, soil, and hydrologic criteria defined by the U.S. Army Corps of Engineers (USACE). The USACE holds sole authority to determine the jurisdictional status of waters of the U.S., including wetlands. Jurisdictional wetlands and Waters of the U.S. include, but are not limited to, perennial and intermittent creeks and drainages, lakes, seeps, and springs; emergent marshes; riparian wetlands; and seasonal wetlands. Wetland and waters of the U.S. provide critical habitat components, such as nest sites and reliable source of water for a wide variety of wildlife species. No jurisdictional features are located on-site.

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."

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 seven 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** | | | | | |
| *Castilleja rubicundula var. rubicundula* | Pink creamsacs | None | None | 1B.2 | Grasslands |
| *Paronychia ahartii* | Ahart's paronychia | None | None | 1B.1 | Moist, rocky habitat, such as vernal pools |

| | | | | | |
|---|---|---|---|---|---|
| **BIRDS** | | | | | |
| *Agelaius tricolor* | tricolored blackbird | None | Threatened | None | Cattail or tule marshes; forages in fields, farms. |
| *Laterallus jamaicensis coturniculus* | California black rail | None | Threatened | None | Tidal marshes and freshwater marshes |
| **CRUSTACEANS** | | | | | |
| Linderiella occidentalis | California linderiella | None | None | | Vernal pools |
| *Branchinecta lynchi* | vernal pool fairy shrimp | Threatened | None | | Vernal pools |
| *Lepidurus packardi* | vernal pool tadpole shrimp | Endangered | None | | Vernal pools and other freshwater aquatic habits including ponds, ditches, road ruts |
| **MAMMALS** | | | | | |
| Eumops perotis californicus | western mastiff bat | None | None | | Chaparral, oak woodland, open ponderosa pine forest, grassland, montane meadows, and agricultural areas. |
| Corynorhinus townsendii | Townsend's big-eared bat | None | None | | Pine forest and arid desert scrub |
| Lasionycteris noctivagans | Silver-haired bat | None | None | | Arid habitats at low elevations |
| **AMPHIBIANS** | | | | | |
| *Spea hammondii* | Western spadefoot | None | None | | Grassland, scrub and chaparral but can occur in oak woodlands. |
| **FISH** | | | | | |
| *Oncorhynchus mykiss irideus pop. 11* | Steelhead - Central Valley DPS | Threatened | None | | Feather River and tributaries |
| *Oncorhynchus tshawytscha pop. 6* | Chinook salmon - Central Valley spring-run ESU | Threatened | Threatened | | Feather River and tributaries |

Source: California Natural Diversity Database, Version 5, August 2021

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 with mitigation incorporated. The project site does not contain habitats that have the potential to support plant and invertebrates, considered as candidate, sensitive or special status species by the California Department of Fish and Wildlife and United States Fish and Wildlife Service. The California Natural Diversity Database (CNDDB Rarefind 5, Government Version, August 2021) was reviewed (see Table 1.4-1) to determine if any special status species or habitats occur on the project site or in the project area. The CNDDB showed no occurrences of any special status species or habitats on the project site. However, the site does contain habitat that could support avian species protected under the Migratory Bird Treaty Act. Implementation of Mitigation Measures BIO-1 would reduce potential impacts to nesting birds to less than significant.

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. As stated, no jurisdictional features or riparian habitat is located on-site. Approval of the TSM would not result in any impacts to riparian habitat or other sensitive natural communities.

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. The project site contains an area at the north (rear) end of the property that is approximately 300 square feet in size, and collects storm water from the adjoining subdivision on the north. This area is isolated, does not drain to any drainage system; and therefore, would not be considered jurisdictional waters of the U.S. There is no dedicated open space area(s) proposed for the project and the project would result in the whole project site being developed with residential uses. No impact would occur this threshold.

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. The project site is surrounded by developed property. No major migratory routes have been designated through the project site. The site may facilitate home range and dispersal movement of resident wildlife species but does not serve as a designated wildlife movement corridor. Subsequent development of the resultant parcels would not restrict regional wildlife movement or wildlife migration patterns primarily due to the large size of the parcels and minimal development potential. Less than significant impact would occur this threshold.

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. However, the site may contain protected tree species. Any impacts to the oak resources within the subject property would be subject to the provisions of the Butte Oak Woodland Technical Manual (October 23, 2018) and the Butte County Addendum to the GP 2030 EIR and Supplemental EIR for the Butte County Oak Woodland Mitigation Ordinance (October 22, 2018). With implementation of Mitigation Measure BIO-2, potential impacts to sensitive tree species would be reduced to less than significant.

### 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) for the western half of the Butte County. The project site is located within the proposed plan area of the BRCP. However, 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. No impact would occur this threshold.

# Mitigation Measures

Mitigation Measure BIO-1

If project construction activities, including site grubbing and vegetation removal, occur during the nesting season for birds protected under the Migratory Bird Treaty Act (MBTA) and California Department Fish & Game Code (CDFC) (approximately February 1 – August 31), the project proponent shall retain a qualified biologist to perform preconstruction surveys for nesting bird species. If an active nest is discovered outside of the typical nesting season, it shall be avoided using the same avoidance measures that would be applied during the typical nesting season. Surveys to identify active bird nests shall be conducted within and 250 feet around the footprint of proposed construction site. The survey shall be conducted within 7 days prior to the initiation of construction activities. In the event that an active nest is observed, a species protection buffer shall be established. The species protection buffer will be defined by the qualified biologist based on the species, nest type and tolerance to disturbance. Construction activity shall be prohibited within the buffer zones until the young have fledged or the nest fails. Nests shall be monitored by a qualified biologist once per week and a report submitted to the Butte County Department of Development Services.

Plan Requirements: Perform protocol-level surveys for migratory birds protected by the California Department Fish & Game Code and the Migratory Bird Treaty Act. This measure shall be recorded on an additional map sheet to the Parcel Map.

Timing: Requirements of the condition shall be adhered to prior to and during construction activities planned to occur during nesting seasons for CDFC and MBTA species (between February 1 and August 31). If an active nest is discovered outside of the typical nesting season, it shall be avoided using the same avoidance measures that would be applied during the typical nesting season.

Monitoring: The Butte County Department of Development Services and the Public Works Department shall ensure that the note is recorded an additional map sheet of the Parcel Map. Department of Development Services shall ensure the condition is met at the time of construction activities.

Mitigation Measure BIO-2

Place the following note to be recorded on an additional map page of the Parcel Map that states:

"Prior to any development activity or the issuance of any permit or approval removing or encroaching upon oak trees on the project site (this generally includes the canopy drip-line of trees within the area of ground disturbance and trees subject to changes in hydrologic regime), the applicant/developer shall complete one of the following measures to the satisfaction of the Director of Development Services or is/her designee:

A. An Oak Tree Evaluation Plan shall be prepared for areas that are proposed for development (e.g., dwelling, accessory structures, yards, driveways) by a qualified professional having experience in California Oak Woodlands and is either a certified arborist, qualified wildlife biologist or registered professional forester shall be submitted for review and approval by the Director of Development Services or his/her designee that includes the following:

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

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

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

4) Oak Tree protection measures for trees to be retained within the project site shall be included in construction specifications. Prior to construction or surface disturbance, a protective fence or brightly colored staked boundary shall be placed 5 feet beyond the established critical rooting zone (CRZ) of the oak or group of oaks being protected. A warning sign shall be prominently displayed on each fence. The sign should be a minimum of 16 x 24 inches, brightly colored and be clearly visible, even from vehicles. The sign must clearly indicate that the CRZ is a restricted area. Orange safety triangles may suffice if other signage cannot be constructed. A high visibility plastic mesh fence is recommended to maximize the visibility of protected tree areas. Wire with bright-colored flags placed at equal intervals can also be a suitable barrier so long as it maintains high visibility. Protective fencing shall remain in place until final inspection by the qualified professional. No vegetation removal, soil disturbance, or other development activities shall occur within the tree zone in order to protect root systems and minimize compaction of the soil, unless authorized by Oak Tree Mitigation Plan; and

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

B. Provide proof of compliance with the adopted Butte County Oak Woodland Mitigation Ordinance currently under preparation; or

C. Provide proof of compliance with all required avoidance and minimization measures, and payment of all applicable fees to mitigate for blue oak woodland impacts as provided in the Butte Regional Conservation Plan, as adopted by Butte County.

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

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

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

# 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? | ☐ | ☐ | ☒ | ☐ |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? | ☐ | ☒ | ☐ | ☐ |
| c) Disturb any human remains, including those interred outside of dedicated cemeteries? | ☐ | ☐ | ☐ | ☒ |

## Environmental Setting

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, subd. (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.

## Discussion

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

Less than Significant impact. Cultural resources include prehistoric and historic period archaeological sites; historical features, such as rock walls, water ditches and flumes, and cemeteries; and architectural features. Cultural resources consist of any human-made site, object (i.e., artifact), or feature that defines and illuminates our past. Often such sites are found in foothill areas, areas with high bluffs, rock outcroppings, areas overlooking deer migratory corridors, or near bodies of water. The project site does not contain any of these characteristics. The project site does not contain any rock outcroppings that could have been utilized for shelter or rock mortar milling stations or any drainages that would have provided a food or water source. According to Butte County constraints mapping, the project site is located in an area considered to have a low to moderate archeological sensitivity. Less than significant impact would occur under this threshold.

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

Less than Significant with mitigation incorporated. The Thermalito area was one of the first land colony real estate developments in Butte County and commercial orange groves and olive orchards were planted throughout the Thermalito area in the late 1800s. The Thermalito area at one time contained numerous homesteads and farm-related features. There is a mobile home on proposed lot 26 which will be removed prior to recording of the subdivision map. Development of the project site may uncover and disturb cultural resources that lie below the surface of the ground. To protect cultural resources that may be located on the project site, mitigation is recommended to address the unforeseen discovery of cultural resources during site disturbing activities. With implementation of Mitigation Measure CUL-1, potential impacts would be reduced to less than significant.

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

No impact. 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.

## Mitigation Measures

Mitigation Measure CUL-1

Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: "Should development activities reveal the presence of 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 cease immediately until a qualified professional archaeologist can be consulted to evaluate the remains and implement appropriate mitigation procedures. Should human skeletal remains be encountered, state law requires immediate notification of the county coroner. Should the county coroner determine that such 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."

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

Timing: This measure shall be implemented during all site preparation and construction activities.

Monitoring: The Department of Public Works and the Department of Development Services shall ensure that the required 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 Department of Development Services shall coordinate with the developer and appropriate authorities to avoid damage to cultural resources and determine appropriate action.

## 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? | ☐ | ☐ | ☒ | ☐ |
| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? | ☐ | ☐ | ☒ | ☐ |

# 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. Development of 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) use of the residence 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 result 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 depending on the level of activity, 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 construction that could be accommodated on the site is not expected to require a substantial amount of fuel to complete. 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 these factors, 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 during operation of the residence if constructed. The residence and outbuildings would consume electricity for lighting and heating. Propane would likely also be used an energy source. The project would generate additional vehicle trips. This 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. This 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. Proposed development would be required to include energy conservation measures intended to meet and exceed regulatory requirements, including reducing idling time of heavy equipment during construction activities (see Mitigation Measure AIR-1 and GHG-1). Additionally, future development would be in compliance 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. The project would not result in wasteful or inefficient use of nonrenewable energy sources. Impacts would be less than significant under this threshold.

# 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.) | ☐ | ☐ | ☒ | ☐ |
| ii) Strong seismic ground shaking? | ☐ | ☐ | ☒ | ☐ |
| iii) Seismic-related ground failure, including liquefaction? | ☐ | ☐ | ☒ | ☐ |
| iv) Landslides? | ☐ | ☐ | ☒ | ☐ |
| b) Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☒ | ☐ |
| 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? | ☐ | ☐ | ☒ | ☐ |
| 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? | ☐ | ☐ | ☒ | ☐ |
| 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? | ☐ | ☐ | ☒ | ☐ |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | ☐ | ☒ | ☐ | ☐ |

# 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. The Seismic Safety Element of the Butte County General Plan indicates that all of Butte County is in Moderate Earthquake Intensity Zone VIII. The site is not within an Alquist-Priolo Earthquake fault zone and is not within an aftershock epicenter region (Butte County GIS Epicenter Regions theme). The only known active fault in Butte County is the Cleveland Hill fault zone, located approximately 8 miles to the southeast of the project site, where activity on August 1, 1975, resulted in the Oroville earthquake. This earthquake had a Richter magnitude of 5.7 and resulted in approximately 2.2 miles of ground rupture along the western flank of Cleveland Hill. In the northwest corner of Butte County near Chico there are a series of short, north-northwest trending faults similar to the Cleveland Hill fault. These faults appear to be an extension of the Bear Mountain Fault or Foothills Shear Zone. Minor seismic activity has occurred in the area of these short faults; however, other geologic evidence indicates these faults are not active (Butte County General Plan 1977). The Butte County GIS Fault Lines theme shows that an inferred fault is located approximately 0.7 mile to the east of the project site. This fault has not experienced any known movement during historical times. No impacts are anticipated since no rupture of a known earthquake fault exists in the project area.

### ii) Strong seismic ground shaking?

Less than significant impact. Like most of central California, the site can be expected to be subjected to seismic ground shaking at some future time. Accordingly, all buildings and other improvements would be designed and installed in accordance with Uniform Building Code requirements. Because the project appears to be located such that the probability of significant ground shaking is low, because the project does not propose the addition of significant structures that would be at risk to seismic activity, and because any structures that are built during the course of the project would be designed and installed in accordance with Uniform Building Code standards for the appropriate Seismic Hazard Zone, potential geologic impacts would be less than significant.

### iii) Seismic-related ground failure, including liquefaction?

Less than significant impact. Liquefaction is a phenomenon where loose, saturated, granular soils lose their inherent shear strength due to excess water pressure that builds up during repeated movement from seismic activity. Factors that contribute to the potential for liquefaction include a low relative density of granular materials, a shallow groundwater table, and a long duration and high acceleration of seismic shaking. Liquefaction usually results in horizontal and vertical movements from lateral spreading of liquefied materials and post-earthquake settlement of liquefied materials. Liquefaction potential is greatest where the groundwater level is shallow, and submerged loose, fine sands occur within a depth of approximately 50 feet or less. The Butte County Seismic Safety Element's Liquefaction Potential Map indicates that the site has a generally low potential for liquefaction. The impact would be less than significant.

### iv) Landslides?

Less than significant impact. The Subsidence and Landslide Potential Map of the Safety Element of the Butte County General Plan indicates that there is a low to no potential for landslides in this area. The potential for landslides on the project site is considered remote due to the lack of significant slopes on the project site and on the surrounding parcels.

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

Less than significant impact. There is a moderate potential for soil erosion on the project site (Butte County General Plan GIS data). The project site has an average slope of approximately 1 %. Large amounts of grading and other soil disturbance, which have the potential to create significant amounts of soil erosion, would be expected due to the density of the project. The soil on the site – Redding gravelly sandy loam – is not highly susceptible to soil erosion (*Soil Survey of the Chico Area*, U.S. Department of Agricultural, 1925).

Project construction activities would be subject to National Pollutant Discharge Elimination System (NPDES) General Construction Activities Storm Water permit program. This program requires implementation of erosion control measures during and immediately after construction that are designed to avoid significant erosion during the construction period. In addition, the project operation 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. A Construction Storm Water Permit will be required by the State Water Resources Control Board if the project results in a disturbance (including clearing, excavation, filling, and grading) of one or more acres. 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. The Permit must be obtained from the State Water Resources Control Board prior to construction.

All dischargers are required to prepare and implement a SWPPP prior to disturbing a site. The SWPPP must be implemented at the appropriate level (disturbance of more than one acre) to protect water quality at all times throughout the life of the project. Non-storm water best management practices (BMPs) must be implemented year round. The SWPPP shall remain on the site while the site is under construction, commencing with the initial mobilization and ending with the termination of coverage under the permit. The SWPPP has two major objectives: (1) to help identify the sources of sediment and other pollutants that affect the quality of storm water discharges and (2) to describe and ensure the implementation of BMPs to reduce or eliminate sediment and other pollutants in storm water as well as non-storm water discharges. The SWPPP shall include BMPs which address source control and, if necessary, shall also include BMPs which address pollutant control. Required elements of a SWPPP include: (1) site description addressing the elements and characteristics specific to the site, (2) descriptions of BMPs for erosion and sediment controls, (3) BMPs for construction waste handling and disposal, (4) implementation of approved local plans, (5) proposed post-construction controls, including description of local post-construction erosion and sediment control requirements, and (6) non-storm water management.

## c) 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 (Figure HS-4, HS-6 and HS-8), the project site is located in an area with low to moderate potential for landslides. To date, there have been no documented incidents of subsidence in Butte County. Future development on the project site would require implementation of standard engineering design features and construction procedures to address site specific geotechnical issues that may include lateral spreading though there is no known evidence that this is an issue in the project area. Compliance with site specific design recommendations would reduce the potential for liquefaction, lateral spreading and subsidence to less than significant.

### 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 HS-8 in the Butte County General Plan, the project site is located in an area with moderate potential for expansive soils. Expansive soils are those that have potential to undergo significant changes in volume, either shrinking or swelling, with changes in moisture content. Periodic shrinking and swelling of expansive soils can cause extensive damage to buildings, other structures and roads. Soils of high expansion potential generally occur in the level areas of the Sacramento Valley, including the City of Oroville and other population centers.

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 would ensure that any impacts associated with expansive soils would remain less than significant

The Conservation Element's Expansive Soils Map indicates that the project site has a moderate expansive soil potential. The Butte County Building Division may require soil tests prior to issuance of a building permit to determine if the soils on the site have an expansive potential.

### 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?

No impact. The project would not involve the use of on-site septic systems because sewage disposal for the future dwellings on the project site would be handled through a public sanitary sewer system provided by the Thermalito Water & Sewer District (TWSD).

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

Less than significant impact with mitigation incorporated. No paleontological resources are known to occur on the project site. Implementation of Mitigation Measure CUL-1 would reduce potential impacts to less than significant.

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

## Environmental Setting

Butte County updated Climate Action Plan (CAP) was adopted on December 14, 2021. The 2021 Climate Action Plan (CAP) is Butte County's strategic plan to reduce greenhouse gas (GHG) emissions in the unincorporated county. The 2021 CAP allows Butte County (County) decision makers, staff, and the community to understand the sources and magnitude of local GHG emissions, reduce GHG emissions, and prioritize steps to achieve reduction targets.

The 2021 CAP is an update of the 2014 CAP, providing updated information, an expanded set of GHG reduction strategies, and a planning horizon out to 2050. The 2021 CAP contains an inventory of the community's GHG emissions from the agriculture, transportation, energy, solid waste, off-road equipment, water and wastewater, and stationary source sectors. The 2021 CAP also includes informational GHG emissions from the land use and sequestration sector and the wildfire and controlled burn sector. The 2021 CAP also presents a work plan and monitoring program for the County to track progress over time.

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. 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.

The County's goal is to reduce GHG emissions from energy, transportation, water, solid waste, and agricultural sources in the unincorporated county 40 percent below 1990 equivalent levels by 2030 and continue to reduce emissions toward carbon neutrality, reducing emissions to at least 80 percent below 2006 levels by 2050.

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 2030.

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 would generate greenhouse gas (GHG) emissions during the construction and operation of residences, when developed. Construction-related emissions during development may be generated from construction equipment exhaust, construction employee vehicle trips to and from the worksite, application of architectural coatings, and asphalt paving. The project's construction GHG emissions would occur over a short duration and consist primarily of equipment exhaust emissions. The long-term regional emissions associated with the project would mainly arise from the creation of new vehicular trips and indirect sources emissions, such as electricity consumption, water use, and solid waste disposal.

The Butte County Climate Action Plan (CAP) was adopted in February 2014 and updated in December 2021. The Butte County CAP includes strategies and associated actions related to public education and outreach efforts regarding reducing GHG emissions, administrative actions to monitor progress, and encouraging participation in programs. The strategies either apply to existing buildings that have already completed the environmental analysis, address operational characteristics of the county, or encourage options for actions that would reduce GHG emissions.

The proposed project's construction activities and operations are consistent with the Butte County General Plan. GHG emissions associated with the build-out of the project site have been analyzed and mitigated with the adoption of the Butte County CAP and the continued implementation of its strategies. Electricity consumed during construction and operations is provided primarily by the area service provider regulated by state renewable energy plans. Vehicles used during construction, and generated by the project's operations, would conform to state regulations and plans regarding fuel efficiency. Therefore, the project would not generate GHG emissions, either directly or indirectly, significantly impacting the environment. Impacts are less than significant.

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

Less Than Significant Impact. The project's consistency with the Butte County General Plan would ensure compliance with the GHG emission reduction strategies in the Butte County CAP, which in turn, support County-wide efforts to meet statewide GHG emission reduction goals. Therefore, impacts are less than significant.

# 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? | ☐ | ☐ | ☒ | ☐ |
| 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? | ☐ | ☐ | ☒ | ☐ |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☒ |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires? | ☐ | ☐ | ☒ | ☐ |

## 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. The proposed project may involve the use of potentially hazardous materials, including paints, cleaning materials, vehicle fuels, oils, and transmission fluids. However, all potentially hazardous materials would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations. It is not anticipated that large quantities of hazardous materials would be permanently stored or used within the project site. 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 routine 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. Impacts would be less than significant under this threshold.

### 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. The project would not emit hazardous emissions or handle hazardous materials. Small quantities of publicly-available hazardous materials (e.g., paint, maintenance supplies) would be routinely used within the project site for maintenance and cleaning, and these materials will 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. Therefore, implementation of the proposed project would not create a permanent significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials. Impacts would be less than significant under this threshold.

### 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. Nelson Avenue Middle School is located approximately 1.0 mile from 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?

Less than Significant impact. The project site is located approximately 2.45 miles from the nearest runway at the Oroville Municipal Airport and lies approximately 0.42 miles to the south of the extended runway centerline for Runway 1/19. Exhibit 5I (Compatibility Factors Map) of the Butte County Airport Land Use Compatibility Plan (December 20, 2000) shows that approximately 0.78 acres of the project site are within Airport Compatibility Zone D, which is defined as the "Other Airport Environs." The D Compatibility Zone does not place any limits on the types or density of land uses. Therefore, the project would be consistent with the D Airport Compatibility Zone and no Butte County Airport Land Use Commission (ALUC) is required. Less than significant impact would occur under this threshold.

### 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 driveways in accordance with applicable standards associated with vehicular access allowing for adequate emergency access and evacuation. Development of the project would not include any actions that physically interfere with emergency response or emergency evacuation plans. Traffic would be added to Plumas Avenue; however, not to the extent that operation of roadways and intersections would be adversely affected. If future construction activities require

work to be performed in the roadway, implementation of an traffic control plan in conjunction with a Butte County Encroachment Permit. No impact would occur under this threshold.

The project would not interfere with an adopted emergency response plan or emergency evacuation plan. No impact would occur. No impact would occur under this threshold.

### 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 not located within the State Responsibility Area (SRA) for wildland fires. The project site is not located in an area where wildfire occurs due to the lack of natural vegetation. Fire hydrants will be installed within the project. The nearest staffed fire station is Station # 63 (Oroville, full time, CDF staffed), which is located approximately 2.1 miles to the northeast of the site (on Nelson Avenue at County Center Drive).

The proposed development is required to install fire hydrants, the location of which will be determined by the Butte County Fire Department. Development of the project site with dwellings would not expose people or structures to wildland fires. Impacts would be less than significant under this threshold.

# 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? | ☐ | ☐ | ☒ | ☐ |
| b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? | ☐ | ☐ | ☒ | ☐ |
| 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; | ☐ | ☐ | ☒ | ☐ |
| ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; | ☐ | ☐ | ☒ | ☐ |
| 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 | ☐ | ☐ | ☒ | ☐ |
| iv) Impede or redirect flood flows? | ☐ | ☐ | ☒ | ☐ |
| d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? | ☐ | ☐ | ☒ | ☐ |
| e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? | ☐ | ☐ | ☐ | ☒ |

## 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 (Figure HS-7) identifies the soil conditions in the general project as having a slight to moderate potential for erosion. Site development would require grading, excavation and general site preparation activities, which would disturb soils; thus, increasing the potential for soil erosion during precipitation or high wind events. Without erosion control methods, 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 can also contain nitrogen, phosphorous and other nutrients, that when deposited in water bodies, may trigger algal blooms that reduce water clarity, deplete oxygen, and create odors.

As referenced in Section 1.7(b), future construction activities associated with the project would be subject to the National Pollutant Discharge Elimination System (NPDES) General Construction Activities Storm Water permit program because more than one acre would be disturbed. 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, 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 Best Management Practice (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. A less than significant impact would occur under this threshold.

### 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. The Sacramento Valley Groundwater Basin supplies a portion of the municipal and agricultural water demands for the City of Oroville and surrounding unincorporated areas. The project site is located over the Sacramento Valley Groundwater Basin which underlies the majority of eastern Butte County. The project site is not located within a water service district; thus, water would be obtained from a private well installed on the project site.

According to the Butte County Groundwater Management Plan (2005), groundwater supplies approximately 31% of potable water demand county-wide. Water demand for the unincorporated areas of the county was projected to grow from 8,322.3 million gallons in 2000 to 9,736.4 million gallons in 2030, an increase of 17 percent. Development of permanent structures would have a net increase in impervious surfaces relative to existing conditions. However, stormwater runoff would be directed to pervious areas during precipitation events. The additional impervious area associated with a single-family residence would be negligible relative to open space surrounding the project site. This would not cause a measurable reduction in surface infiltration or a decrease in deep percolation to the underlying aquifers. The project site is not located in a groundwater recharge area for the Sacramento Valley Groundwater Basin.

### 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. Future development would alter existing site drainage with the construction of impervious surfaces. 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 administrated through the construction process would minimize the potential increase of surface runoff from erosion. See response to 1.10 (a) above. The project would not alter the course of a stream or river. Impacts would be less than significant.

### 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 increase in impervious surface area from construction of permanent buildings would increase stormwater runoff. However, the project is conditioned so that post-development peak runoff flow leaving the site shall not be more than pre-developed peak runoff. The applicant is proposing to use on-site infiltration trenches to retain excess stormwater runoff on site. The storm water management system design would be reviewed by the Butte County Public Works Department to ensure any potential drainage concerns are addressed and that no net increase in stormwater runoff leaves the project site. The project would not result in on- or off-site flooding. Impacts would be less than significant.

### 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. Stormwater drainage systems in the project area currently consists of on-site infiltration trenches to retain excess stormwater runoff on site, which ultimately infiltrate into the underground aquifer or conveyed to area waterways. Precipitation that falls on vacant land percolates into the soil.

The project would increase stormwater runoff. However, the project is conditioned for no increase in peak flow runoff leaving the property. The applicant is proposing using infiltration trenches to retain the excess runoff on the site. Therefore, no significant impact on the existing or planned drainage facilities is expected due to this project.

### iv) Impede or redirect flood flows?

Less than significant impact. The project site is not located within a 100-year mapped flood zone. The project would not expose people or structures to flood hazard from severe storm events. Future site improvements would be reviewed by Butte County Public Works to ensure that surface flows would be adequately directed to planned stormwater drainage facilities. Impacts would be less than significant.

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

Less than significant impact. The project site is not located within a 100-year mapped flood zone (FEMA Flood Insurance Rate Map No. 06007C7090E, January 6, 2011). The project would not expose people or structures to flood hazard from severe storm events. Per the General Plan Health and Safety Element Figure HS-4, the project site, as is much of southwest Butte County, is located in a dam inundation zone. The project site is not located in an area that would be impacted by a seiche, tsunami, or mudflows. Because the site is located in a dam inundation zone, impacts under this threshold would be less than significant.

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

No impact. The project site is located within the Butte County Groundwater Management Plan area. As referenced, the site is within the Sacramento River Valley Groundwater Basin. Approval of the proposed project and future construction of the 40 single-family residences would not affect water quality, groundwater demand or recharge. No impact would occur under this threshold.

# 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? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |

## 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:

Medium Density Residential

This designation allows single-family dwellings at densities up to 1 dwelling unit per acre (0.2 to 1 unit per acre). The residential land use designations also allow for public and quasi-public land uses that serve the community. Examples of allowable uses include churches, schools, parks and recreational facilities, fire stations, libraries, day care facilities, community centers and other public uses.

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:

The site is zoned Medium Density Residential (MDR).

MDR (Medium Density Residential)
The purpose of the MDR zone is to allow for a mixture of housing types in a medium density setting. Permitted housing types in the MDR zones include single family homes, second units, and accessory dwelling units. Non-residential uses conditionally permitted in the MDR zone include public and quasi-public uses, park and recreational facilities, personal services, medical offices and clinics, and general retail. The maximum permitted residential density in the MDR zone is six dwelling units per acre. The MDR zone implements the Medium Density Residential land use designation in the General Plan.

## Discussion

### a) Physically divide an established community?

No impact. The subject property is currently undeveloped and the surrounding area is developed with single-family residential development at a range of densities. The proposed project density of 4.12 dwelling units per acre is consistent with the MDR designation and zoning. No structures would be removed nor would

neighboring parcels be affected by the project. The project would not physically divide an established community. No impact would occur under this threshold.

### 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?

No impact. The project is deemed consistent if the proposed uses are consistent with the applicable General Plan designation and text, the applicable General Plan is legally adequate and internally consistent, and the anticipated types of services to be provided and proposed activities are appropriate to the land use designated for the area. The proposed project does not include an amendment to the existing land use designation and would be consistent with the zoning designation. The proposed project is a request for a TSM, consistent with Section 24-175.2 of the Butte County Zoning Ordinance. As stated, the project is consistent with the zoning and General Plan designation for the project site. No land use plan or policy conflicts would occur. No impact would occur under this threshold.

## 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? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |

# 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?

No impact. The majority of Butte County's sand and gravel deposits occur in two regions, along the Sacramento River and within a band running from north to south down the center of the county. There are no known economically viable sources of rock materials in the immediate vicinity of the project site and no mining has occurred on the project site or surrounding area. Development of the project would not preclude future extraction of available mineral resources in the County. Future development on the resultant parcels would use mineral resources in the construction of structures and access roads. The amount of resources used for the proposed development is anticipated to be minor and would not result in the loss of resource availability within the County. No impact would occur under this threshold.

### 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. No mining operations have occurred on the project site or in the project area. The California Geological Survey (CGS) has not classified the project site as being located in a Mineral Resource Zone (MRZ). The proposed project would not use or extract any mineral or energy resources and would not restrict access to known mineral resource areas. Therefore, the project would have no impact on mineral resources.

# 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? | ☐ | ☒ | ☐ | ☐ |
| b) Generation of excessive groundborne vibration or groundborne noise levels? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |

## 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

| | Exterior Noise Level Standard for Outdoor Activity Areas[a] | | Interior Noise Level Standard | |
|---|---|---|---|---|
| LAND USE | $L_{dn}$/CNEL, dB | $L_{eq}$, dBA[b] | $L_{dn}$/CNEL, dB | $L_{eq}$, 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

| | Daytime 7 am - 7 pm | | Evening 7 pm - 10 pm | | Night 10 pm - 7 am | |
|---|---|---|---|---|---|---|
| NOISE LEVEL DESCRIPTION | 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, where 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 to be 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 constructed consistent with Title 24 of the California Energy Code.

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 with Mitigation Incorporated. The project site is located in a suburban residential area with generally low noise levels and is not subject to any significant continuous noise. Vehicular traffic noise and noise from residential uses are the dominant sources of noise on, and in the vicinity of, the project site. Existing noises not associated with residential uses in the area include occasional aircraft arriving and departing the nearby Oroville Municipal Airport and noise from vehicular traffic on SR-70 (which is located approximately 0.6 miles to the east of the site). Uses associated with this project would not create a significant increase in ambient noise levels within or in proximity to the project site. Noise from the project would be compatible with the existing noise environment which is dominated by residential uses and vehicle traffic similar to that anticipated from this project.

During construction, the site preparation and construction phase would generate temporary sound levels ranging from approximately 70 to 90 dBA at 50 foot distances from heavy equipment and vehicles. These construction vehicles and equipment are generally diesel powered, and produce a characteristic noise that is primarily concentrated in the lower frequencies. The powered equipment and vehicles act as point sources of sound, which would diminish with distance over open terrain at the rate of 6 dBA for each doubling of the distance from the noise source. For example, the 70 to 90 dBA equipment peak noise range at 50 feet would reduce to 64 to 84 dBA at 100 feet, and to 58 to 78 dBA at 200 feet.

Since construction is carried out in several reasonably discrete phases, each has its own mix of equipment and consequently its own noise characteristics. Generally, the short-term site preparation phase, which requires the use of heavy equipment such as bulldozers, scrapers, trenchers, trucks, etc., would be the noisiest. The ensuing building construction and equipment installation phases would be quieter and on completion of the project, the area's sound levels would revert essentially to the traffic levels.

The Butte County Code Chapter 41A, Noise Control, identifies specific exemptions to allowable noise levels. Subsection 41A-9, Exemptions, identifies noise sources associated with construction, paving or grading as exempt, but does include specific times and days to allow for construction activities.

General Plan Noise Element establishes a conditionally acceptable community noise level of up to 70 dB CNEL for construction activities. Given the nearness of the project site to existing residential structures, construction noise may have a significant impact on nearby residences. To help reduce noise related impacts to the nearby residents, mitigation is recommended to limit construction activities between the hours of 7:00 a.m. and 5:00 p.m., Monday through Saturday. No construction activity would be allowed on Sundays and holidays. Implementation of the following mitigation measure would reduce potential noise impacts to less than significant.

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

Less than significant impact. The project site is not located within the vicinity of heavy manufacturing uses, mines, railroad tracks, or other existing uses that could generate ground-borne vibration or ground-borne noise that would significantly affect proposed on-site uses. The proposed project would not include the development of land uses that would generate substantial ground-borne vibration or noise or use construction methods that would have such effects because no mid-or high-rise buildings or other structures are proposed that would require deep excavation or pile driving would be required. Therefore, a less-than-significant impact would occur.

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. The project site is located approximately 2.45 miles from the nearest runway at the Oroville Municipal Airport. The project site is outside of the 55 dB CNEL noise contour (Exhibit 5E, Butte County Airport Land Use Compatibility Plan). Aircraft occasionally fly over or near the project site when landing or taking off from the Oroville Airport. However, no significant noise impacts associated with aircraft landing or departing the Oroville Municipal Airport are expected to occur to the residents of the project site because the project site is outside of the 55 dB noise contour. The project site is not located near any private airstrip. No impact would occur under this threshold.

# Mitigation Measures

Mitigation Measure NOI-1

Place the following note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: "To reduce construction-generated noise the developer shall implement the following measures to mitigate construction noise throughout all construction periods:

1. Limit construction activity to daytime hours (7:00 a.m. to 5:00 p.m.) with no construction activity on Sundays or holidays;
2. Use best available noise suppression devices and properly maintain and muffle diesel engine-driven construction equipment;
3. Construction equipment shall not be idled for long periods of time;
4. Locate stationary equipment as far as possible from sensitive receptors;
5. Designate a Disturbance Coordinator and post the name and phone number of this person conspicuously at the entrance(s) to the project site so it is clearly visible to nearby residents most likely to be affected by construction noise. This person would manage complaints resulting from construction noise. The Disturbance Coordinator shall contact noise sensitive receptors and advise them of the schedule of construction."

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

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

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

# 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)? | ☐ | ☐ | ☐ | ☒ |
| b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☒ |

## 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)?

No impact. The proposed project would be consistent with the zoning code and General Plan land use designation for the site. Thus, the potential increase in population has been considered as part of the planning process. The proposed Tentative Subdivision Map would create 40 new residential parcels and has the potential to add an estimated 96 people to Butte County (40 dwelling units x 2.414 persons/unit – assuming all occupants are new residents to Butte County). This is not considered a significant amount and is consistent with the estimated 1.1% annual growth rate for the County. Sewer and water lines already extend to the project site and no new off-site roads would need to be constructed or extended. Therefore, the project would not cause a substantial population growth in the area through the extension of roads or other infrastructure. No impact would occur under this threshold.

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

No impact. The project would not displace individuals or housing because the project site is not developed with any residential uses. No impact would occur.

## 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? | ☐ | ☐ | ☒ | ☐ |
| Police protection? | ☐ | ☐ | ☒ | ☐ |
| Schools? | ☐ | ☐ | ☒ | ☐ |
| Parks? | ☐ | ☐ | ☒ | ☐ |
| Other public facilities? | ☐ | ☐ | ☒ | ☐ |

# 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. The project is located within a Local Responsibility Area (LRA). The nearest staffed fire station is Butte County Fire Station #63, located at 176 Nelson Avenue, Oroville, California, approximately 1.3 miles northeast of the site. Build-out of the project may incrementally increase the demand for fire protection services. However, the project would be 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 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 building. A less than significant impact would occur under this threshold.

### Police protection?

Less than significant impact. The Butte County Sheriff's Office (BCSO) provides law enforcement service to the site from the headquarters located in the City of Oroville. The BCSO also maintains a mutual aid agreement with the Oroville Police Department. Municipal police departments are responsible for protecting the citizens and property within their jurisdictions. Under the terms of the mutual aid agreements, the BCSO can assume that role in these jurisdictions upon

request or in the event of the inability of municipal police departments to provide law enforcement. Implementation of the proposed project could increase service calls when development occurs. While development is not expected to cause a noticeable increase in demand for law enforcement services, it is presumed adequate resources are available in the Oroville area. The project would not require any new law enforcement facilities or the alteration of existing facilities to maintain acceptable performance objectives. Any increase in demand for services would be partially offset through project-related impact fees. A less than significant impact would occur under this threshold.

## Schools?

Less than Significant impact. The project site is located in the Thermalito Union School District (K–8) and the Oroville Union High School District (9–12). Plumas Avenue Elementary School is located approximately 0.5 miles to the east of the project site (at 440 Plumas Avenue). Nelson Avenue Middle School is located approximately 1 mile to the northeast. Oroville High School is located approximately 2.8 miles to the east.

The proposal would result in an incremental demand for school facilities in the area. The statewide average student yield factors ("student generation rate") are as follows:

| Statewide Average Student Yield Factors | |
|---|---|
| Elementary School District | 0.5 students per dwelling unit |
| High School District | 0.2 students per dwelling unit |
| Unified School District | 0.7 students per dwelling unit |

California Department of General Services (http://www.documents.dgs.ca.gov/opsc/pdf-forms/sab_50-01.pdf)

Development of the proposed project could generate a student population increase of approximately 20 students (.5 students per unit x 40 units) for the Thermalito Union School District and approximately 8 students (.2 students per unit x 40 units) for the Oroville Union High School District. Development impact fees for school facilities are required to be paid prior to issuance of building permits. The fee amount would be determined and calculated as of the date of application for the building permits. While school districts maintain that these fees do not fully mitigate the impacts of the project, the County is precluded from imposing additional fees or mitigation by state legislation. A less than significant impact would occur under this threshold.

## Parks?

Less than Significant impact. The project is anticipated to create some demand for area parks and facilities. The impact is mitigated by a development impact fee for park/recreational facilities and is paid prior to issuance of building permits. The impact fee will be determined and calculated as of the date of application for the building permits. A less than significant impact would occur under this threshold.

## Other public facilities?

Less than significant impact. Development of the project does not require the extension of any public infrastructure, such as roads, water, or sewer systems. The project may increase demand for County services, such as law enforcement, fire protection and road maintenance. Other services such as libraries would not be affected. Butte County collects various types of development impact fees to partially offset the cost and impacts associated with new residential units. With payment of fees, a less than significant impact would occur under this threshold.

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

# 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. There are no community or neighborhood parks in the project area and no park sites in the Thermalito area are identified on any adopted plan. Existing public recreational facilities in the project area include the Nelson Sports Complex (on 6th Avenue north of Nelson Avenue), Thermalito Forebay Recreation Area South, Thermalito Forebay Recreation Area North, Thermalito Afterbay Recreation Area, and the Oroville Wildlife Area. Additional public recreational facilities, such as Bedrock Park, Riverbend Park, and the Lake Oroville State Recreation Area, are found on the east side of the Feather River. New residential development may increase the use of existing public recreational facilities. The payment of impact fees would reduce impacts to less than significant.

### 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 project site is located within the Feather River Park and Recreation District (FRPRD). FRPRD collects impact fees for new development as mitigation of park impacts. The project's contribution of 40 new residential dwellings may increase use of parks and other recreational facilities in the Oroville area. The collection of impact fees would mitigate the increase in the use of parks and other recreational facilities in the FRPRD caused by the project. The project does not include any recreational facilities nor would the project require the construction or expansion of recreational facilities. The payment of impact fees would reduce impacts to less than significant.

# 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? | ☐ | ☐ | ☒ | ☐ |
| b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)? | ☐ | ☐ | ☒ | ☐ |
| c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | ☐ | ☐ | ☐ | ☒ |
| d) Result in inadequate emergency access? | ☐ | ☐ | ☐ | ☒ |

## 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. Access to the project site would be from Plumas Avenue at two different locations. An on-site loop road would provide through access for the residents of the project site. Plumas Avenue is a publicly-maintained road and is classified as a minor arterial roadway, but has very low traffic volumes. Plumas Avenue is not improved with curb, gutter, and sidewalks, except at one location to the east of the project site. These improvements would be required along the project frontage.

There are no designated pedestrian or bicycle transportation facilities located near the project site, nor are such facilities proposed for the project area. Plumas Avenue is not identified as an existing or planned bike route in the adopted *2011 Butte County Bicycle Plan*. Because there are no facilities, pedestrian and bicycle traffic generally use the unpaved and paved roadway shoulders, or the paved travel lanes.

B-Line Route 24 runs nearby with stops at the Grand Ave/14th St intersection about 1 mile from the project site center with 60-minute headways during peak periods. Additionally, Route 24 provides flag stops 0.15 miles from the center of the project site. A flag stop is defined as any location along the route where someone chooses to wait for the bus and 'flag' it down to be picked up.

Development of the project would improve pedestrian access along the site frontage and would have no effect on existing alternative transportation facilities. Impacts under this threshold would be less than significant.

b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

Less than Significant impact. Senate Bill 743 (SB 743) was approved in 2013 and revised the method for assessing transportation impacts under CEQA. The Office of Planning and Research (OPR) has recommended the use of vehicle miles travelled (VMT) as the required metric to replace the automobile delay-based Level of Service (LOS). The VMT assessment is required to satisfy CEQA guidelines that utilize VMT as the required metric to determine transportation impacts. To aid in SB 743 implementation, the state Office of Planning and Research(OPR), released a *Technical Advisory on Evaluating Transportation Impacts in CEQA* (Technical Advisory) in December 2018. The Technical Advisory provides advice and recommendations regarding the

assessment of VMT, thresholds of significance, VMT mitigation measures, and screening thresholds for certain land use projects.

The VMT impact analysis for the proposed project was prepared using modified version 1.1–3.17.21 of the Butte County Association of Governments (BCAG) Regional Transportation Plan/Sustainable Community Strategy (RTP/SCS) travel demand model. Prior to application for this project, the model was reviewed and modified to improve its sensitivity for project-scale VMT analysis. This included a review of the model's VMT forecasts by traffic analysis zone (TAZ) and adjustments to account for travel outside the model boundary. The project did not meet the OPR VMT impact screening criteria; thus, a complete VMT analysis was prepared (Fehr and Peers, June 2021).

The specific VMT metric used to evaluate project VMT impacts is the home-based VMT per resident metric. This is a residential specific VMT metric and includes trips made by residents of the home using passenger vehicles. The metric complies with methodology and metric recommendations contained in the CEQA Guidelines and OPR Technical Advisory. The total home-based VMT of the project is less than 2,700 per weekday. The VMT growth budget estimated for Butte County based on the California Air Resources Board (CARB) scoping plan analysis is about 326,350 per weekday in 2050. This budget is dependent on a number of assumptions but did not rely on a variety of state authorities available to decrease VMT such as increasing the cost of vehicle use (e.g., higher fuel taxes, higher vehicle registration costs, or a new VMT tax), reducing the convenience of vehicle use (e.g., reducing or eliminating parking minimums), increasing infill development (e.g., removing local land use restrictions or subsidizing affordable housing), or increasing the effectiveness of transit, walking, bicycling/scootering. Thus, the state has ample ability to meet its VMT/Greenhouse Gas reduction goals such that some capacity for VMT growth is reasonable. The project's weekday VMT estimate (2,700) represents approximately 0.83 percent of the daily ARB VMT budget for Butte County (326,350). Based on these findings, the proposed project does not jeopardize state plans for long-term VMT reduction; and thus, project-related VMT impacts would be less than significant.

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

No impact. The proposed project would not change the configuration (alignment) of area roadways, and would not introduce types of vehicles that would result in dangerous conditions on area roads. No impact would occur under this threshold.

d) Result in inadequate emergency access?

No impact. The project site would have two vehicular access points, allowing for two entry/exit options in the case of an emergency. Therefore, the project would have no impact on emergency access.

# 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)? | ☒ Yes | | ☐ 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)? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |

## 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 Assembly Bill AB 52 (Statutes of 2014) 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)?**

Less than significant impact with mitigation incorporated. 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. With implementation of Mitigation Measure CUL-1 if needed, impacts under this threshold would be less than significant.

**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?**

Less than significant impact with mitigation incorporated. See discussion 4.17(a) – *Tribal Cultural Resources.*

## Mitigation Measures

Refer to Mitigation Measure CUL-1

# 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? | ☐ | ☐ | ☒ | ☐ |
| b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? | ☐ | ☐ | ☒ | ☐ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☒ | ☐ |
| e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? | ☐ | ☐ | ☐ | ☒ |

## 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?

Less than Significant impact. Sewage disposal for the future dwellings on the site would be managed by the Thermalito Water and Sewer District (TWSD) via a public sewer system. The project would not have a significant impact on any wastewater treatment facilities. TWSD currently has adequate capacity to handle the increase in sewage flows generated by the project as documented in a will serve letter provided by TWSD for the proposed project. The regional wastewater treatment facility, SC-OR (Sewerage Commission-Oroville Region) has the capacity to accept the project's wastewater

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 supply for the future dwelling on the site would be obtained from a public water system owned and operated by TWSD as documented in a will serve letter provided by TWD for the proposed project. The project would not have a significant impact on any water treatment facilities. Impacts would be less than significant under this threshold.

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?

Less than Siginificant impact. Sewage disposal for the future dwellings on the site would be managed by TWSD. The project would not have a significant impact on any wastewater treatment facilities. TWSD currently has adequate capacity to handle the increase in sewage flows generated by the project as documented in a will serve letter provided by TWSD for the proposed project. Impacts would be less than significant under this threshold.

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. It is presumed that construction waste would be comprised of concrete, metals, wood, landscape and typical domestic material. The California Integrated Waste Management Act (CIWMA) of 1989 mandates that all cities and counties in California reduce solid waste disposed at landfills generated within their jurisdictions by 50%. AB 341 increased the recycling goal to 75% by 2020. CDW associated with the proposed project will be recycled to the extent practicable with the remainder sent to a landfill. The construction debris would be processed and recycled or sent to the landfill.

The project would result in an increase in the stream of waste being deposited in the Neal Road Landfill. CalEEMod 2020.4.0 estimates the project would generate 43 tons of solid waste annually. That would equate to approximately 460 pounds per day. The Neal Road Facility has a maximum permitted throughput of 1,500 tons per day, and an estimated current daily average throughput of 466 tons per day. Therefore, the facility would have adequate capacity to accommodate solid waste generated by the project. Impacts would be less than significant under this threshold.

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

No impact. The applicant and project contractor will comply with all local, state, and federal requirements for integrated waste management (e.g., recycling, green waste) and solid waste disposal as required by the CIWMA of 1989 as amended per AB 341. No impact would occur under this threshold.

# 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: | | ☐ Yes | | ☒ No |
| a) Substantially impair an adopted emergency response plan or 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? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |

## Environmental Setting

The project site is located in a Local Responsibility Area (LRA) (https://egis.fire.ca.gov/FHSZ/). The project site is within an urban area, where pressurized water is available. Fire hydrants will be installed within the project. The Butte County Fire Department/California Department of Forestry requires a pressurized community water system for fire prevention. The applicant is required to install fire hydrants every 500 feet on the project site.

## Discussion

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

Less than significant impact. The project access driveways would be constructed to meet Butte County Fire Department access standards. The internal roads and connectivity to Plumas Avenue will be designed to meet County standards. The project would not have a significant impact or impair emergency evacuation.

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?

No impact. The project site is generally flat and surrounded by rural and urban residential uses. With the exception of landscaped areas, the site would be paved and/or covered with impervious surfaces. The developed areas would not be located upslope from heavily vegetated areas that would present a fire hazard in the event a fire were to occur in the area. However, it is possible that wildfires occurring in the general area could indirectly expose residents to pollutant concentrations based on proximity and wind direction. No direct project impact would occur under this threshold.

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?

No impact. The project site is located outside of a fire hazard severity zone. However, due to the heightened risk of wildfire and increased potential for damage or loss, development must meet Butte County Code requirements which establish standards for access, signage, maintenance of defensible space and vegetation management. These standards are implemented at the time of development. The project is not subject any infrastructure improvements that would exacerbate fire risks or generate temporary impacts to the project site or surrounding area. No impact would occur under this threshold. No impact would occur under this threshold.

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 area is located within a developed area and the topography is flat. 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 would occur. No impact would occur under this threshold.

# 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? | ☐ | ☒ | ☐ | ☐ |
| 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.) | ☐ | ☒ | ☐ | ☐ |
| c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? | ☐ | ☒ | ☐ | ☐ |

## 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. Potential impacts to biological resources and cultural resources associated with future project development were analyzed in this Initial Study. 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 or their habitat was identified on the site. Development of the 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. Mitigation Measures BIO-1 and BIO-2 would be implemented if needed to address potential impacts to nesting birds and protected trees during construction.

Development would not affect known significant historic resources or known 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 address the potential discovery of unknown resources during excavation or other soil disturbance associated

with development. 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. Implementation of Mitigation Measure CUL-1, as well as regulations governing human remains, would reduce potential impacts to cultural and paleontological resources to less than significant.

**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 project would have 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 project, potential impacts are project-specific in nature.

Short-term construction-related air quality impacts that would result from construction and operation of the site improvements. Implementation of Mitigation Measure NOI-1 would avoid temporary construction noise impacts at neighboring sensitive receivers to the east and west.

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 type of development proposed would be consistent with the 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. The project would be 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. There have been no impacts discovered through the review of this application demonstrating that approval of the TSM and future project development would cause substantial adverse effects to human beings either directly or indirectly. However, the proposed development has the potential to cause both temporary and future impacts related to air quality, biological resources, cultural resources, greenhouse gas emissions and noise. With implementation of mitigation measures included in this Initial Study, these impacts would be mitigated to less than significant.

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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


1. Butte County. *Butte County Airport Land Use Compatibility Plan*. Butte County Airport Land Use Commission. November 15, 2017. Available at http://www.buttecounty.net/Portals/10/Docs/ALUC/BCALUCP_11-15-17/Butte_County_Airport_Land_ Use_Compatibility_Plan_2017-11-15.pdf

2. Butte County. *Butte County Bicycle Plan*. June 14, 2011. Available at https://www.buttecounty.net/Portals/22/downloads/BikewayMastserPlan/5-23-11%20FINAL%20Draft_County_Bike_Plan%20June%2014%202011%20with%20Table%20of%20Contents.pdf

3. Butte County. *Butte County Climate Action Plan*. February 25, 2014. Available at http://www.buttecap.net/

4. Butte County. *Butte County General Plan 2030 Final Environmental Impact Report*. April 8, 2010. Available at http://www.buttegeneralplan.net/products/2010-08-30_FEIR/default.asp.

5. Butte County. *Butte County General Plan 2030*. October 26, 2010. Available at http://www.buttecounty.net/dds/Planning/GeneralPlan/Chapters.aspx

6. Butte County. *Butte County General Plan 2030 and Zoning Ordinance Amendments – Draft Supplemental Environmental Impact Report*. June 17, 2015. Available at http://www.buttegeneralplan.net/products/2012-05-31_GPA_ZO_SEIR/default.asp

7. Butte County. *Butte County General Plan 2030 Setting and Trends Report Public Draft*. August 2, 2007. Available at http://www.buttegeneralplan.net/products/SettingandTrends/default.asp.

8. Butte County. *Butte County Code of Ordinances, Chapters 19, 20, 24 & 41A*. Available at https://www.municode.com/library/ca/butte_county/codes/code_of_ordinances/

9. Butte County. *Butte County Department of Development Services GIS Data*. August 2021.

10. Butte County Air Quality Management District. *CEQA Air Quality Handbook – Guidelines for Assessing Air Quality and Greenhouse Gas Impacts for Projects Subject to CEQA Review*. October 23, 2014. Available at https://bcaqmd.org/planning/air-quality-planning-ceqa-and-climate-change/

11. Butte County Public Works Department, Division of Waste Management. Joint Technical Document-Neal Road Recycling and Waste Facility, Butte County, California. November 2017.

12. California Department of Conservation. *Fault-Rupture Hazard Zones in California. Altquist-Priolo Earthquake Fault Zoning Act with Index to Earthquake Fault Zone Maps*. Special Publication 42. Interim Revision. 2007.

13. California Department of Conservation, Division of Land Resource Protection. *A Guide to the Farmland Mapping and Monitoring Program*. 2004. Accessed August 2021 https://maps.conservation.ca.gov/dlrp/ciff/

14. California Natural Diversity Database RareFind 5. August 2021.

15. California Department of Toxic Substance Control. 2009. *Envirostor Database*. Accessed August 2021. http://www.envirostor.dtsc.ca.gov/public.

16. Fehr and Peers, Inc., Butte View Estates VMT Impact Analysis, June 2021

17. California Department of Forestry and Fire Protection, Fire Hazard Severity Zone Viewer, accessed August 2021 https://egis.fire.ca.gov/FHSZ/

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. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: "Dust generated by the development activities shall be kept to a minimum and retained on-site. Follow the air quality control measures listed below:

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 perk 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.

Mitigation Measure BIO-1

If project construction activities, including site grubbing and vegetation removal, occur during the nesting season for birds protected under the Migratory Bird Treaty Act (MBTA) and California Department Fish & Game Code (CDFC) (approximately February 1 – August 31), the project proponent shall retain a qualified biologist to perform preconstruction surveys for nesting bird species. If an active nest is discovered outside of the typical nesting season, it shall be avoided using the same avoidance measures that would be applied during the typical nesting season. Surveys to identify active bird nests shall be conducted within and 250 feet around the footprint of proposed construction site. The survey shall be conducted within 7 days prior to the initiation of construction activities. In the event that an active nest is observed, a species protection buffer shall be established. The species protection buffer will be defined by the qualified biologist based on the species, nest type and tolerance to disturbance. Construction activity shall be prohibited within the buffer zones until the young have fledged or the nest fails. Nests shall be monitored by a qualified biologist once per week and a report submitted to the Butte County Department of Development Services.

Plan Requirements: Perform protocol-level surveys for migratory birds protected by the California Department Fish & Game Code and the Migratory Bird Treaty Act. This measure shall be recorded on an additional map sheet to the Parcel Map.

Timing: Requirements of the condition shall be adhered to prior to and during construction activities planned to occur during nesting seasons for CDFC and MBTA species (between February 1 and August 31). If an active nest is discovered outside of the typical nesting season, it shall be avoided using the same avoidance measures that would be applied during the typical nesting season.

Monitoring: The Butte County Department of Development Services and the Public Works Department shall ensure that the note is recorded an additional map sheet of the Parcel Map. Department of Development Services shall ensure the condition is met at the time of construction activities.

Mitigation Measure BIO-2

Place the following note to be recorded on an additional map page of the Parcel Map that states:

"Prior to any development activity or the issuance of any permit or approval removing or encroaching upon oak trees on the project site (this generally includes the canopy drip-line of trees within the area of ground disturbance and trees subject to changes in hydrologic regime), the applicant/developer shall complete one of the following measures to the satisfaction of the Director of Development Services or is/her designee:

A. An Oak Tree Evaluation Plan shall be prepared for areas that are proposed for development (e.g., dwelling, accessory structures, yards, driveways) by a qualified professional having experience in California Oak Woodlands and is either a certified arborist, qualified wildlife biologist or registered professional forester shall be submitted for review and approval by the Director of Development Services or his/her designee that includes the following:
    1) A survey showing the location of oak trees 5 inches or more in diameter at breast height, as defined by PRC §21083.4(a);
    2) The removal of all oak trees 5 inches or more in diameter at breast height shall be mitigated. It shall be mitigated by one or more of the following: replanting and maintaining oak trees, establishing conservation easements, contributing funds for off-site oak woodlands conservation, and/or other mitigation measures developed by Butte County. Replanting oak trees cannot account for more than one-half of the mitigation. Replanted oak trees shall be maintained for a period of seven years after

they are planted. If any of the replanted oak trees die or become diseased, they shall be replaced and maintained for seven years after the new oak trees are planted;

3) A replanting schedule and diagram for trees removed or encroached upon by permit activities consistent with PRC §21083.4(b)(2), applicable mitigation measures, and Butte County Ordinance, if any, shall be submitted to and approved by the Director of Development Services or his/her designee. Replanted trees shall be planted in areas deemed appropriate by the Plan, considering future lot development, interference with foundations, fencing, roadways, driveways, and utilities. Trees planted shall be protected from livestock and other animals;
4) Oak Tree protection measures for trees to be retained within the project site shall be included in construction specifications. Prior to construction or surface disturbance, a protective fence or brightly colored staked boundary shall be placed 5 feet beyond the established critical rooting zone (CRZ) of the oak or group of oaks being protected. A warning sign shall be prominently displayed on each fence. The sign should be a minimum of 16 x 24 inches, brightly colored and be clearly visible, even from vehicles. The sign must clearly indicate that the CRZ is a restricted area. Orange safety triangles may suffice if other signage cannot be constructed. A high visibility plastic mesh fence is recommended to maximize the visibility of protected tree areas. Wire with bright-colored flags placed at equal intervals can also be a suitable barrier so long as it maintains high visibility. Protective fencing shall remain in place until final inspection by the qualified professional. No vegetation removal, soil disturbance, or other development activities shall occur within the tree zone in order to protect root systems and minimize compaction of the soil, unless authorized by Oak Tree Mitigation Plan; and
5) Conservation easements or funds for off-site oak woodlands conservation shall be proposed to and approved by the Director of Development Services or his/her designee; or

B. Provide proof of compliance with the adopted Butte County Oak Woodland Mitigation Ordinance currently under preparation; or
C. Provide proof of compliance with all required avoidance and minimization measures, and payment of all applicable fees to mitigate for blue oak woodland impacts as provided in the Butte Regional Conservation Plan, as adopted by Butte County.

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

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

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

Mitigation Measure CUL-1

Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: "Should development activities reveal the presence of 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 cease immediately until a qualified professional archaeologist can be consulted to evaluate the remains and implement appropriate mitigation procedures. Should human skeletal remains be encountered, state law requires immediate notification of the county coroner. Should the county coroner determine that such 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."

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

Timing: This measure shall be implemented during all site preparation and construction activities.

Monitoring: The Department of Public Works and the Department of Development Services shall ensure that the required 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 Department of Development Services shall coordinate with the developer and appropriate authorities to avoid damage to cultural resources and determine appropriate action.

Mitigation Measure NOI-1

Place the following note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: "To reduce construction-generated noise the developer shall implement the following measures to mitigate construction noise throughout all construction periods:

1. Limit construction activity to daytime hours (7:00 a.m. to 5:00 p.m.) with no construction activity on Sundays or holidays;
2. Use best available noise suppression devices and properly maintain and muffle diesel engine-driven construction equipment;
3. Construction equipment shall not be idled for long periods of time;
4. Locate stationary equipment as far as possible from sensitive receptors;
5. Designate a Disturbance Coordinator and post the name and phone number of this person conspicuously at the entrance(s) to the project site so it is clearly visible to nearby residents most likely to be affected by construction noise. This person would manage complaints resulting from construction noise. The Disturbance Coordinator shall contact noise sensitive receptors and advise them of the schedule of construction."

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

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

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

# Mitigation Measures and Monitoring Requirements

## Butte Vista Estates Tentative Subdivision Map (TSM20-0002)

Project Sponsor(s) Incorporation of Mitigation into Proposed Project

I/We have reviewed the Initial Study for Tentative Subdivision Map (TSM20-0002) 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.

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| Project Sponsor/Project Agent | Date: 6/3/22 |
| Project Sponsor/Project Agent | Date |