Department of Development Services

Paula Daneluk, Director
Pete Calarco, Assistant Director

7 County Center Drive
Oroville, California 95965

T: 530.552.3700
F: 530.538.7785

buttecounty.net/dds

BUTTE COUNTY ZONING ADMINISTRATOR
NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION AND NOTICE OF PUBLIC HEARING
TENTATIVE PARCEL MAP TPM19-0006

In accordance with the California Environmental Quality Act (CEQA), Butte County has prepared an Initial Study and is considering the adoption of a Mitigated Negative Declaration for the project listed below at a public hearing before the Butte County Zoning Administrator to be held on **September 16, 2020 at 10:00 am.** Due to protocols established for COVID 19 community response, this hearing will be held via an online format. Members of the public who wish to participate are encouraged to register in advance of the hearing by emailing PCClerk@buttecounty.net. Comments on the project may be emailed to the project Planner at rhickel@buttecounty.net. Use the following information to remotely view and participate in the Planning Commission meeting, including the Public Hearing portions, online:

Link: https://bcdds.net/ZA_16SEP20
Event (Meeting) Number: 126 380 5394
or
Phone number: United States Toll Free: 1-844-992-4726**,** Access Code: 126 380 5394
Event Password: Zoning

Project Information

Project: Tentative Parcel Map TPM19-0006 (Kevin and Linda McClellan)

Location: The project site encompasses 40.38 acres located on the north side of Thompson Flat Road approximately ¼ mile west of Cherokee Road, 1 mile north of Oroville city limits.

APN: 031-060-055

Proposal: Tentative Parcel Map to subdivide a 40.38-acre property located in the AG 20 zone into two parcels. Parcel 1 would be 20.19 acres; Parcel 2 would be 20.19 acres. The parcel is currently vacant and undeveloped. No development is proposed as part of this application; however, future development consistent with the AG 20 zoning designation is anticipated.

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

The Initial Study/Mitigated Negative Declaration (IS/MND) and reference documents for this project are on file for public review and comment starting **August 10, 2020 through September 8, 2020**, at the Butte County Planning Division, 7 County Center Drive, Oroville, CA 95965. The IS/MND is also available for review on the County website at http://www.buttecounty.net/dds/Planning/CEQA.aspx.

Comments regarding the Tentative Parcel Map may be submitted in writing at any time prior to the hearing or orally at the scheduled hearing listed above or as may be continued to a later date. If you challenge the above application in court, you may be limited to raising only those issues you or

someone else raised at the public hearing described in this notice or in written correspondence delivered to the Zoning Administrator at, or prior to the public hearing.

For information, please contact Senior Planner Rowland Hickel, Butte County Development Services Department, Planning Division at (530) 552-3684 or rhickel@buttecounty.net.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the hearing, please contact us at (530) 552-3662. Notification at least 72 hours prior to the hearing will enable staff to make reasonable arrangements.

BUTTE COUNTY ZONING ADMINISTRATOR
PAULA DANELUK, DIRECTOR OF DEVELOPMENT SERVICES

INITIAL STUDY AND ENVIRONMENTAL REVIEW CHECKLIST

California Environmental Quality Act (CEQA)

PROJECT INFORMATION

1. Project Title: Kevin & Linda McClellan Tentative Parcel Map (TPM19-0006)

2. Lead Agency Name and Address: Butte County – Department of Development Services
   Planning Division
   7 County Center Drive
   Oroville, CA 95965

3. Contact Person and Phone Number: Rowland Hickel, Senior Planner
   530.552.3684
   rhickel@buttecounty.net

4. Project Location: The project site encompasses 40.38 acres located on the north side of Thompson Flat Road approximately ¼ mile west of Cherokee Road. Recorded in book 148 of maps pages 93 and 94, County of Butte; APN: 031-060-055.

5. Project Sponsor's Name and Address: Kevin & Linda McClellan
   26 Thompson Flat Road
   Oroville, CA 95965

6. General Plan Designation: Agricultural

7. Zoning: Agricultural (AG) 20

8. Description of Project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

   The project consists of subdividing a 40.38-acre property located in the AG 20 zone into two parcels. Parcel 1 would be 20.19 acres; Parcel 2 would be 20.19 acres. The parcel is currently vacant and undeveloped. No development is proposed as part of this application; however, future development consistent with the AG 20 zoning designation is anticipated. This would likely consist of a single-family residence with potentially an accessory unit. Wastewater disposal for Parcels 1 and 2 would be provided by individual on-site septic systems. Domestic water service would be provided by new wells on both parcels. Access to both parcels would be via new driveways from Thompson Flat Road.

9. Surrounding Land Uses and Setting: (Briefly describe the project's surroundings)

   The project site is surrounded by agricultural parcels with single-family residences and outbuildings. A Union Pacific Railroad track is located to the south of the site on the south side of Thompson Flat Road. The single-family residences that abut the site to the east and west are accessed via private driveways from Thompson Flat

Road. A segment of the Lower Miocene Canal bisects the western portion of the parcel from northwest to southeast. While this is part of a historic canal system, this feature is not considered a historic resource.

Direction	General Plan Designation	Zoning	Existing Land Use(s)
North	Agricultural	Ag-160	Single-family residence/Agricultural
South	Agricultural	Ag-20	Single-family residence/Agricultural
West	Agricultural	AG-20	Single-family residence/Agricultural
East	Agricultural	FR-40	Single-family residence/Agricultural

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

The project site slopes from the north to south. The proposed Parcel 1 has steeper topography with a northern elevation of 445 feet above mean sea level (msl). Parcel 2 is 410 feet at the northern boundary. The site ranges from 325 feet (Parcel 1) to 340 feet (Parcel 2) at the southern boundary.

Vegetation on the project site is primarily annual grassland. The annual grassland vegetation is dominated by nonnative annual grasses with intermixed annual and perennial forbs.

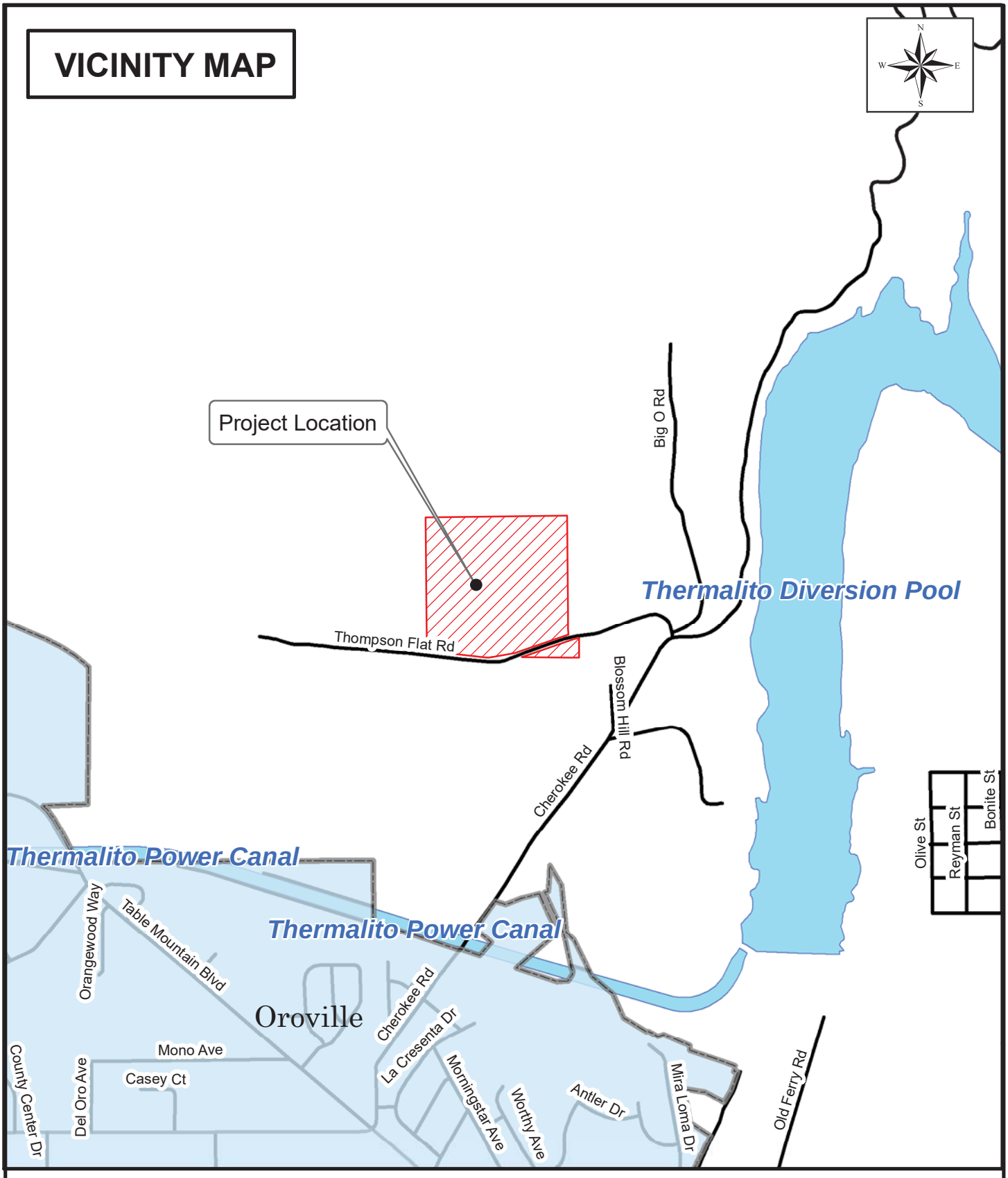
10. Other public agencies whose approval is required: (e.g., permits, financing approval, or participation agreement)

    - Butte County Department of Development Services: Building Permits (Future Construction)
    - Butte County Environmental Health Services: Well and Septic System approvals

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

VICINITY MAP



Legend

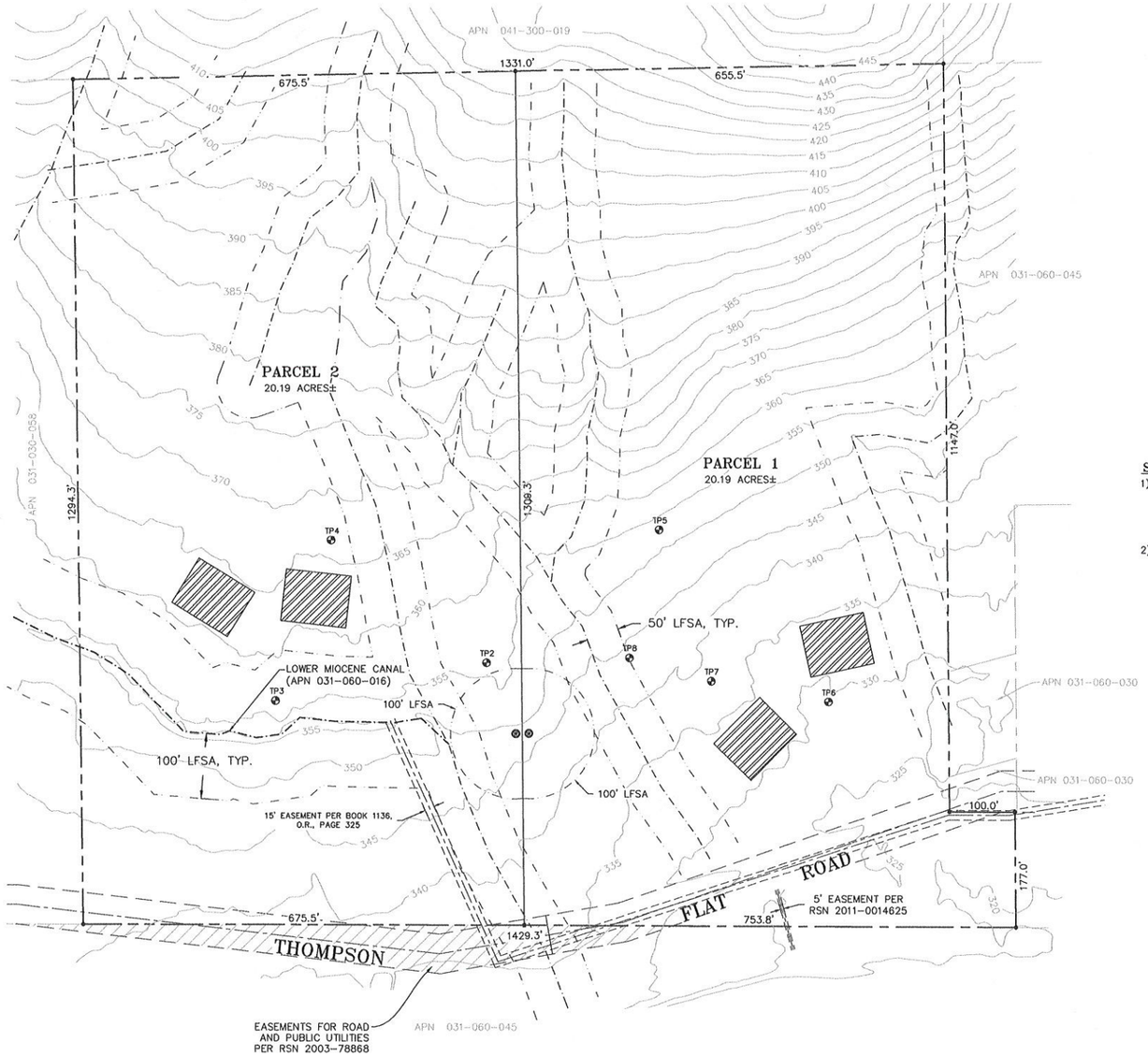
- Railroad
- Roads
- Lakes
- Streams

0 485 970 1,940 2,910 Feet

1:15,000

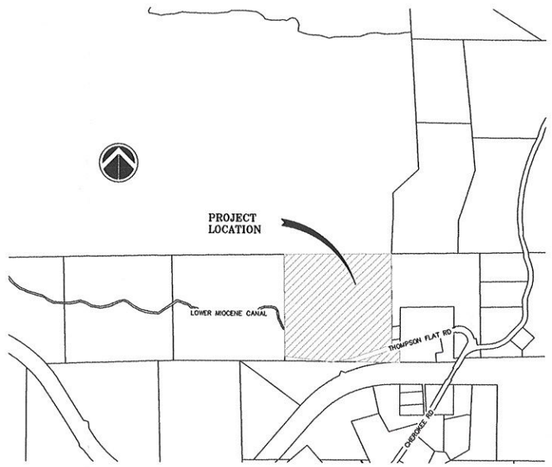
McClellan
Tentative Parcel Map

TPM19-0006



0 50 100 200 Feet
1:1200

BUTTE COUNTY
JUN 25 2019
DEVELOPMENT SERVICES



LOCATION MAP
NTS

SUBDIVISION NOTES:

1) PARCEL MAP INFORMATION:
   TOTAL ACREAGE: 40.38
   TOTAL NUMBER OF PARCELS: 2
   UNITS PER ACRE: 20.19
   AVERAGE PARCEL SIZE: 879,476 SF

2) THE PARCEL MAP LIES IN FLOOD ZONE "X" AS SHOWN ON FIRM MAP NUMBER 06007C0795E DATED MARCH 11, 2019.

DESIGN MODIFICATIONS:

1) NO DESIGN MODIFICATIONS ARE BEING REQUESTED.

RECORD REFERENCES:

(R1) – BOOK 148 OF MAPS, PAGES 93 AND 94

OWNDER AND SUBDIVIDER:

KEVIN & LINDA MCCLELLAN
26 THOMPSON FLAT RD
OROVILLE, CA 95965
(831) 373-2768

ENGINEER:

W. GILBERT ENGINEERING
WESLEY E. GILBERT, R.C.E. 31689
140 YELLOWSTONE DRIVE, SUITE 110
CHICO, CALIFORNIA 95973
(530) 809-1315

ASSESSOR'S PARCEL NUMBER:

031-060-055

LAND USE:

PRESENT: VACANT/GRAZING
FUTURE: SINGLE FAMILY RESIDENTIAL

ZONING:

PRESENT: AG-20
FUTURE: AG-20

UTILITIES:

SANITARY SEWER: ON-SITE SEPTIC SYSTEM
WATER: INDIVIDUAL PRIVATE WELLS
POWER: PACIFIC GAS & ELECTRIC
COMMUNICATIONS: AT&T
STORM DRAIN: PRIVATE

LEGEND:

340	EXISTING GROUND CONTOUR (NAVD 88)
	PARCEL MAP BOUNDARY
	PROPOSED LOT LINE
	EXISTING EASEMENT, AS NOTED
	ROAD CENTERLINE
	LOWER MIOCENE CANAL
	SEASONAL DRAINAGE SWALES
	LEACH FREE SETBACK LINES
LFSA	LEACH FREE SETBACK AREA
	TEST PIT
	MINIMUM USEABLE WASTEWATER AREA (MUWA) = 8,000 SF
W	PROPOSED WELL LOCATION

THIS TENTATIVE SUBDIVISION MAP WAS PREPARED BY ME OR UNDER MY DIRECTION.

BY: _____ DATE: 6/20/19

WESLEY E. GILBERT
R.C.E. 31689
EXPIRES: 12/31/20

REGISTERED PROFESSIONAL ENGINEER
WESLEY E. GILBERT
WEG
No. 31689
EXP. 12/31/20
CIVIL
STATE OF CALIFORNIA

TITLE EXCEPTIONS:

1) BOOK 31, DEEDS, PAGE 565 – LOCATION CANNOT BE DETERMINED FROM RECORD DATA.

2) BOOK 34, DEED, PAGE 319 – LOCATION CANNOT BE DETERMINED FROM RECORD DATA.

3) EASEMENT AGREEMENT PER RSN 2007-0031691, QUITCLAIM DEED (EASEMENTS) PER RSN 2007-0031692, GRANT OF TEMPORARY EASEMENT PER 2007-0031693 AND QUITCLAIM DEED (TEMPORARY EASEMENT) PER RSN 2007-0031694 EFFECT ASSESSOR'S PARCEL NUMBER 031-030-031 AND ARE NOT LOCATED ON THIS PARCEL MAP PROPERTY.

4) LOCATION OF EASEMENT FOR PERMANENT TELECOMMUNICATIONS PURPOSES PER RSN 2013-0047132 CANNOT BE DETERMINED FROM RECORD DATA.

TENTATIVE PARCEL MAP

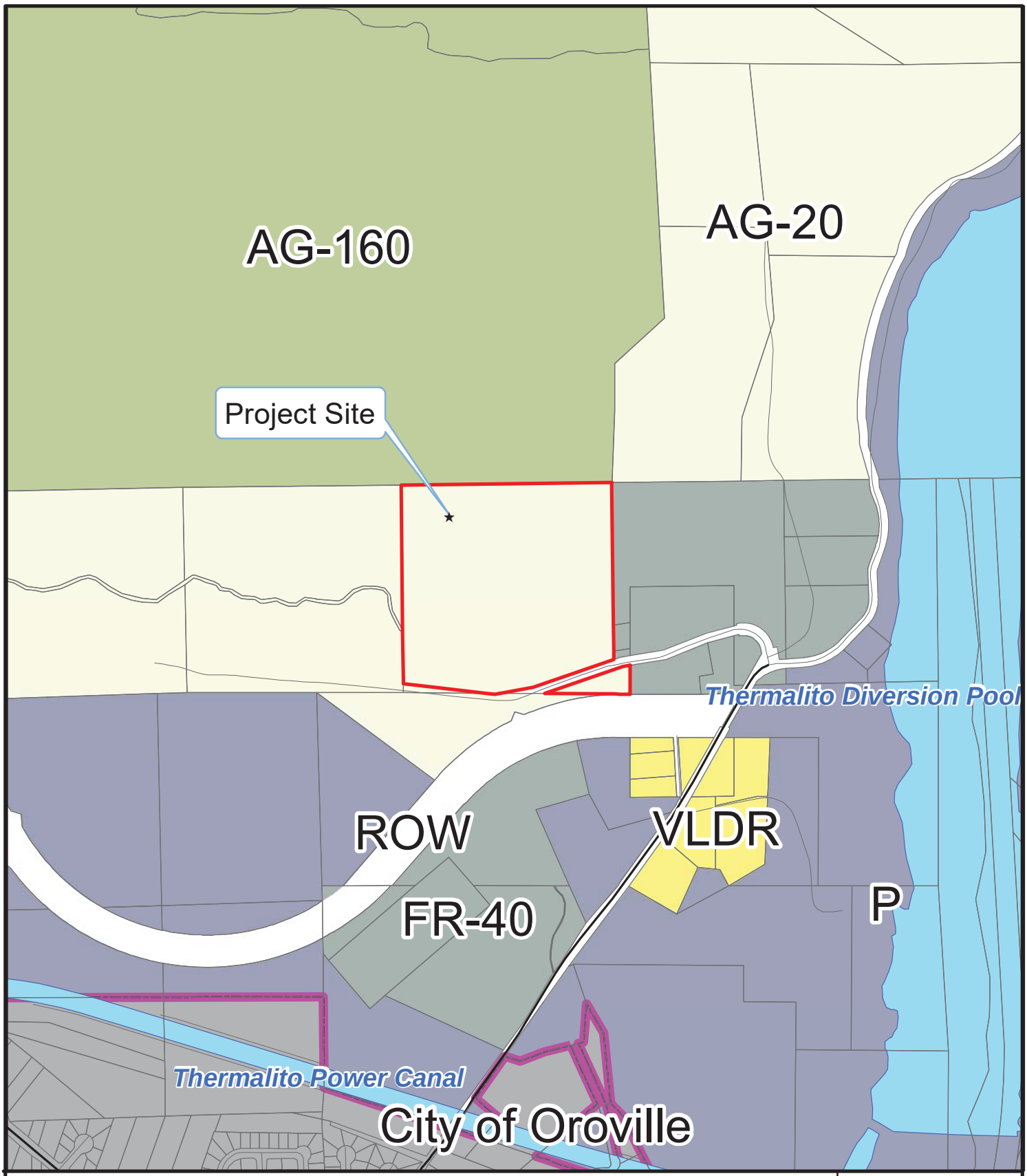
FOR

KEVIN & LINDA MCCLELLAN

BEING A DIVISION OF PARCEL 1 AS SHOWN ON PARCEL MAP RECORDED IN BOOK 148 OF MAPS, PAGES 93 AND 94 COUNTY OF BUTTE, STATE OF CALIFORNIA

W. GILBERT ENGINEERING
140 YELLOWSTONE DRIVE, SUITE 110
CHICO, CALIFORNIA 95973
(530) 809-1315

JUNE 20, 2019



Butte County Zone Districts

0 487.5 975 1,950 2,925 3,900 4,875 Feet

Supervisorial District #1

Applicant: McClellan	**Zoning:** AG-20 (Agriculture-20 acre)
Request: Tentative Parcel Map	**Assessor Parcel No:** 031-060-055

File: TPM19-0006

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
		☐	None	☒	None with Mitigation Incorporated

DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project could not have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

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

☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

☐ I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Rowland Hickel, Senior Planner	June 25, 2020
Prepared by:	Date
Reviewed by:	Date

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

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

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

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

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

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

9. The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance.

1.1 AESTHETICS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. Aesthetics.				
Except as provided in Public Resources Code section 21099 (where aesthetic impacts shall not be considered significant for qualifying residential, mixed-use residential, and employment centers), would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
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?	☐	☒	☐	☐

Discussion

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

Less than significant impact. Table Mountain is located approximately one mile north of the project site. Table Mountain is identified as a Land-Based Scenic Resource in General Plan 2030 and the Table Mount Spring Floral Area is identified as a scenic resource in the General Plan 2030 Open Space and Conservation Element. Approval of the TPM would have no direct effect on Table Mountain or other scenic resources within Butte County. Future development of the proposed parcels may include permitted and conditionally permitted uses allowed within the AG 20 zoning designation. Development permitted by right in the AG 20 zone are consistent with the existing visual characteristics of the surrounding area. New buildings would be residential and designed to ensure visual compatibility within existing uses adjacent to and in proximity to the site. Approval of the TPM and subsequent development of Parcels 1 and 2 will not substantially interfere with any scenic views, or otherwise have a demonstrable negative aesthetic effect. Impacts would be less than significant 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. No scenic resources have been identified on the project site. Further, the project site is not located adjacent to a state-designated or county-designated scenic highway. Therefore, approval of

the TPM and subsequent development of Parcels 1 and 2 would not adversely affect scenic resources within a state scenic highway. 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 site is accessed from Thompson Flat Road, a rural residential road providing access to agricultural/residential parcels. The majority of people that would see the site are residents of the area driving by on a public road. It is unknown what specific use would be proposed for Parcels 1 and 2; however, it is presumed that it would be consistent with the AG 20 zoning designation and designed consistent with applicable Butte County development standards. Thus, the uses would be visually compatible with the surrounding area. Approval of the TPM would not adversely impact the existing character or visual quality of the project site and surrounding area. Impacts would be less than significant 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 with mitigation. Given the property's AG 20 zoning designation, buildings that could be constructed on the parcel would most likely have outside night lighting for safety and security. No specific lighting standards for land designated for Agricultural use is provided in the Butte County Zoning Code. To provide protection for adjacent residential uses from on-site lighting associated with development of Parcels 1 and 2, implementation of **Mitigation Measure AES-1** is recommended. With implementation of **Mitigation Measure AES-1**, the proposed TPM would not create new sources of substantial lighting or glare that would generate a significant impact. Impacts would be less than significant under this threshold.

Mitigation Measure AES-1:

All lighting, exterior and interior, shall be designed and located so as to confine direct lighting to the premises. A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted. No lighting shall be of the type or in a location such that it constitutes a hazard to vehicular traffic, either on private property or the abutting highway or street.

Plan Requirements: The mitigation shall be placed on an additional map sheet recorded concurrently with the Parcel Map. This mitigation shall be placed on all building permit and site development plans.

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

Monitoring: Building inspectors shall check and ensure compliance on-site. The Development Services Department shall investigate and respond to any complaints of excess glare or light originating from the project site.

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?	☐	☐	☐	☒

Regulatory Setting

Williamson Act/Land Conservation Act (LCA) Contracts

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

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

Farmland Mapping and Monitoring Program

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

California Public Resources Code Section 4526

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

California Public Resources Code Section 12220(g)

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

Butte County Right to Farm Ordinance

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

Agricultural Buffer Policy

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

Agricultural/Residential Buffer Implementation Guidelines

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

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

Discussion

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

No impact. The California Farmland Mapping and Monitoring Program designates the project parcel as "Grazing Land", which is defined in California as areas of annual grassland. Only lands categorized as Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance (if adopted by the county) are designated as Important Farmland. The proposed project is not located on lands designated as Important Farmland in the Farmland Mapping and Monitoring Program and would not result in the conversion of Important Farmland to a 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 project site is not under a Williamson Act Contract. The project site and surrounding area is zoned AG. While single-family residential development may occur on each parcel, as an allowed use per the AG 20 zoning designation, development of multiple residential units is not anticipated for the site with approval of the TPM. However, any new residences developed on either Parcel 1 or 2 would be subject to the Agricultural Buffer Policy (AG P5.3) and Agricultural/Residential Buffer Implementation Guidelines which would require a 300-foot setback from the north, south and west property lines. Development of residential uses per the AG 20 designation on proposed Parcels 1 and 2 would not conflict with agricultural zonings or uses. No impact to lands under Williamson Act Contract 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 and surrounding area is not classified as forestland, as defined in Public Resources Code Section 12220(g), or as timberland, as defined in Public Resources Code Section 4526. The project site is not zoned or designated for forest or timber resource uses. 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 located in the AG 20. It does not contain timber resources classified as forestland, as defined in Public Resources Code Section 12220(g), or as timberland, as defined in Public Resources Code Section 4526. Therefore, the proposed project would not result in loss or conversion of 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. The project site is designated as "Grazing Land" under the California Farmland Mapping and Monitoring Program. The site and surrounding parcels are zoned for agricultural use. Approval of the proposed TPM and subsequent development of Parcels 1 and 2 would have no effect on adjacent agricultural lands. Therefore, the project would not result in the conversion of Farmland to a non-agricultural use. 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 comprised 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	No Standard	Attainment

Annual PM10	Attainment	No Standard
Annual PM2.5	Nonattainment	Attainment

Source: Butte County AQMD, 2018

Sensitive Receptors

Sensitive receptors are frequently occupied locations where people who might be especially sensitive to air pollution are expected to live, work, or recreate. These types of receptors include residences, schools, churches, health care facilities, convalescent homes, and daycare centers. The project site is located in a rural area with scattered residential uses associated with AG zoning surrounding the property. Table 1.3-2 lists sensitive receptors that were identified in the project vicinity and the distances from the center of the project site.

Table 1.3-2. Sensitive Receptors in the Project Vicinity

SENSITIVE RECEPTORS	DISTANCE FROM PROJECT SITE TO RECEPTOR
Residence (26 Thompson Flat Road)	1,000 feet to the east
Residence (80 Thompson Flat Road)	900 feet to the southeast
Residence (251 Thompson Flat Road)	1,500 feet to the southwest
Residence (Thompson Flat Road)	960 feet to the southwest

Source: Google Earth imagery

Butte County Air Quality Management District

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

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

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

Table 1.3-3. Screening Criteria for Criteria Air Pollutants

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

Discussion

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

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

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

Approval of the proposed TPM would not directly result in population growth. Future development of Parcels 1 and 2 per the AG 20 zoning designation would not result in population growth in the County beyond what was anticipated in the General Plan. Further, residential development would not exceed the screening criteria in Table 1.3-3 above. The project is not anticipated to cause significant impacts to regional air quality or otherwise conflict with the basin's air quality management plan, provided that best management practices for the control of fugitive dust during construction activities are employed. A less than significant 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. Approval of the TPM would not impact air quality. Future development occurring as a result of the approval has the potential to impact air quality primarily in two ways: (1) the project would generate mobile source emissions (i.e., added vehicle trips, energy use) associated with future development and (2) construction activities associated with the development of Parcels 1 and 2 would generate fugitive dust (PM10) from grading activities, construction exhaust emissions (PM10, NOx), and evaporative emissions of reactive organic gases (ROG or VOC) from paving activities and architectural coatings.

Mobile source emissions are produced from motor vehicles and include tailpipe and evaporative emissions. Energy use associated with future development would also generate emission from heating and cooling systems, lighting, applicant, water use and wastewater. No development is proposed with this project; however, future development of Parcels 1 and 2 has the potential to generate direct and

indirect emissions. As referenced, a future development application would be evaluated per the screening criteria shown in Table 1.3-3. Per the zoning designation, the allowable number of units would not exceed those specified in the screening table. A less than significant impact operational would occur under.

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

c) Expose sensitive receptors to substantial pollutant concentrations?

Less than significant impact with mitigation incorporated. Sensitive receptors in the project area and their distances from the project site area shown in Table 1.3-2. Based on the information provided in section b.), above, approval of the TPM would not generate emissions. Subsequent development would not generate emissions that would exceed BCAQMD significance criterion. Implementation of **Mitigation Measure AIR-1** would be implemented to 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?

Less than significant impact. Future permitted uses on Parcels 1 and 2 are not expected to create objectionable odors. Butte County DSD staff would review future development applications to ensure compliance with applicable BCAQMD emission control standards related to odor causing uses such as agricultural processing facilities as these uses are conditionally allowed in the AG 20 zone. If such a use were proposed, it would require project-specific environmental review to identify appropriate conditions that would avoid odor impacts to neighboring residences. Thus, significant odor impacts would be avoided. Future construction activities could include objectionable odors from tailpipe diesel emissions and from solvents in adhesives, paints, caulking materials, and new asphalt. Since odor impacts would be temporary and limited to the area adjacent to the construction operations, odors would not impact a substantial number of people for an extended period of time. A less than significant impact would occur under this threshold.

Mitigation Measures

Mitigation Measure AIR-1

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

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

- All on- and off-road equipment shall not idle for more than five minutes. Signs shall be posted in the designated queuing areas and/or job sites to remind drivers and operators of the five-minute idling limit.
- Idling, staging and queuing of diesel equipment within 1,000 feet of sensitive receptors is prohibited.
- All construction equipment shall be maintained in proper tune according to the manufacturer's specifications. Equipment must be checked by a certified mechanic and determined to be running in proper condition before the start of work.
- Install diesel particulate filters or implement other CARB-verified diesel emission control strategies.
- Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5 minutes at any location when within 100 feet of a restricted areas.
- To the extent feasible, truck trips shall be scheduled during non-peak hours to reduce 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 located in a rural area. The parcel is vacant. Vegetation on the site is comprised primarily of annual grasses, weedy/ruderal species, areas of exposed soil and several small trees. Wildlife are limited to bird species common to the project area. A segment of the Lower Miocene Canal bisects the proposed Parcel 2. This segment consists of approximately 500 feet of an unlined earthen canal, a concrete water distribution feature, and approximately 300 feet of buried siphon. There are no riparian areas visible along the canal

segment or anywhere else on the property. The canal is not considered a wetland or non-wetland jurisdictional feature.

The project site is within the Butte Regional Conservation Plan (BRCP) area. The BRCP area is the geographic area addressed in the BRCP and was designed to focus on the area with the greatest conflict between planned future development activities and threatened and endangered species habitats. The Plan Area covers approximately 564,000 acres of land in Butte County including the project site. The draft plan was approved and submitted to the resource agencies in June 2019. The final BRCP has not been approved; thus, the project will not conflict with an approved Habitat Conservation Plan (HCP) or Natural Community Conservation Plan (NCCP) protecting biological resources.

Vegetation Communities

The project site is located in a rural area. As referenced, vegetation on the subject property is comprised of annual grasses, weedy/ruderal species, areas of exposed soil. One oak tree is located near the northern boundary (Peak & Associates, 2019). No sensitive vegetation communities are known to occur on the project 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."

The California Natural Diversity Database (CNDDB) shows a total of sixteen listed species have habitat or are known to occur within a two-mile radius around the site. There is no habitat (i.e., stream course or vernal pools) for fish or aquatic species (i.e., fairy shrimp) on the site. With the exception of oak tree near the north property boundary, there are no avian nesting sites on the site. The vegetation community is comprised of annual grassland vegetation. No known habitat supporting special status plants or animals occurs on or in proximity to the site.

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.

Wildlife species occurring on the project site are limited to common birds and rodents. No special-status species occur on the site; thus, none would be affected by approval of the TPM or subsequent development that may occur on the site.

Endangered, Threatened and Special Status Wildlife

Vernal Pool Fairy Shrimp

Vernal pool fairy shrimp are listed under the ESA as threatened. They are widespread but not abundant. Known populations occur in California to southern Oregon. The geographic range of this species encompasses most of the Central Valley from Shasta County to Tulare County and the central coast range from northern Solano County to Santa Barbra County, California: additional disjunctive occurrences have been identified in western Riverside County, California, and in Jackson County, Oregon, near the city of Medford. The vernal pool fairy shrimp occupies a variety of different vernal pool habitats, from small, clear, sandstone rock pools to large, turbid, alkaline, grassland valley floor pools. Occupied habitats range in size from rock outcrops pools as small as one square meter to large vernal pools up to 12 acres. Smaller vernal pools are the most commonly occupied and are found more frequently in grass or mud bottomed swales, or basalt flow depression pools in unplowed grasslands. Project site topography does not support vernal pools; thus, none are known to occur on the project site.

Discussion

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

Less than significant with mitigation incorporated. No special-status species habitats are located on the project site. No vernal pools are known to occur on the project site; thus, there is no potential habitat for Vernal Pool Fairy Shrimp or California Fairy Shrimp. The site is comprised of annual grasses and weedy/ruderal species. The project site contains one oak tree along the northern boundary that provides suitable nesting habitat for avian species protected under the MBTA. To avoid potential impacts to avian species protected under the MBTA and California Fish and Game Code (CFGC), **Mitigation Measure BIO-1** is recommended prior to development on Parcels 1 and 2. Adherence to recommended mitigation measures would reduce potential impacts 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. The project site does not contain any riparian habitat or designated Sensitive Natural Community.

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

No impact. The project site does not contain riparian habitat. The segment of the Lower Miocene Canal is not considered a wetland or a non-wetland jurisdictional feature and no riparian vegetation is growing in proximity to the canal. No impact would occur under 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. Wildlife movement corridors are routes frequently utilized by wildlife that provide shelter and sufficient food supplies to support wildlife species during migration. Movement corridors generally consist of riparian, woodlands, or forested habitats that span contiguous acres of undisturbed habitat. Wildlife movement corridors are an important element of resident species home ranges, including deer and coyote.

No major migratory routes or corridors have been designated through the project site. The property and neighboring properties are fenced which precludes use of the area as a migratory wildlife corridor for large mammals, including migratory deer. However, the site may facilitate home range and dispersal movement of resident wildlife species, including birds, small mammals and other wildlife. However, the development of residences and outbuildings on Parcels 1 and 2 would preserve the majority of the property for agricultural purposes. Thus, existing use of the site for migratory purposes would not be precluded.

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

No impact. The project would not conflict with any local policies or ordinances protecting biological resources and is consistent with goals and policies identified in Butte County General Plan 2030.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No impact. As referenced, the Butte Regional Conservation Plan (BRCP) is a joint Habitat Conservation Plan (HCP)/National Community Conservation Plan (NCCP) that is currently being prepared for the western half of the Butte County. In the event the BRCP is adopted, individual projects and development that occur in the BRCP planning area would need to be coordinated with the Butte County Association of Governments to ensure that the project does not conflict with the BRCP. The BRCP includes the greater Oroville area and project site. However, because the plan has not been adopted, the proposed project will not conflict, nor interfere with, the attainment of the goals of the proposed plan.

Mitigation Measures

Mitigation Measure BIO-1

If project construction activities, including ground disturbance or 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. 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).

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.

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

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

A Cultural Resources Report (December 2019) was prepared by Peak & Associates, Inc. as recommended by the Northeast Center of the California Historic Resources Information System. Information from that report is summarized herein to describe resources and potential impacts associated with development of Parcels 1 and 2.

Discussion

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

Less than significant impact with mitigation incorporated. No cultural resources have been recorded nor have cultural resource surveys been performed within a one-half mile radius of the project site. One prehistoric period and four historic period resources have been identified within a one-quarter mile radius. Two historic period resources were identified on the project site; a segment of the Lower Miocene Canal and two sections of a riveted metal pipe. These features were assigned a single designation (i.e., PA-ISO-19-6).

Lower Miocene Canal. The recorded segment of the Lower Miocene Canal (also referred to as Powers Ditch) within APN 031-060-055 consists of approximately 500 feet of an unlined earthen canal, a concrete water distribution feature, and approximately 300 feet of buried siphon. A 1944 USGS topographic map depicts the Lower Miocene Canal in its modern configuration. The canal originates at Kunkle Reservoir (feed by the Upper Miocene Canal) near Paradise, extends southward approximately 12 miles along the north canyon wall of Coal Canyon where it descends to a powerhouse via a penstock. From the penstock, water was discharged into an open canal, the final segment of which extends to the project area.

The Lower Miocene Canal is essentially an irrigation feature similar to miles of other canals and ditches within the Northern Sacramento Valley. Like any modern infrastructure, it was maintained and upgraded as needed; and thus, does not convey a strong sense of any particular time period. Portions of the concrete water control feature are likely original, but modern upgrades have eliminated any historic integrity.

There is no apparent association with important individuals or events in history for this section of the Lower Miocene Canal (Powers Ditch). The 1860s era mining ditch appears to have been associated with mining activities conducted to the west of the Project. The concrete water control feature does not display any particular architectural or aesthetic quality or unique construction methods to meet the criteria for inclusion into the California Register as an important site and does not retain historic integrity.

Riveted Pipe. The two-foot diameter riveted metal pipe is comprised of two sections. Both fragments appear to have been transported onto the project area from the parcel located to the east and may have once served as sections for a penstock that provided water to a small hydroelectric facility also located outside the current project area to the east. It does not retain any historical integrity or significance.

Based on findings presented in the Cultural Resources Report, the project site does not contain significant historic resources. However, implementation of the **Mitigation Measure CUL-1** would ensure that all construction activities that inadvertently discover historic resources, implement state and local requirements to determine the historical significance of any resources discovered. **Mitigation Measure CUL-1** would reduce this impact to less than significant.

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

Less than significant impact with mitigation incorporated. Based on the records review, no archeological resources have been recorded on the project site and no resources were found on-site during the November 2019 survey. Thus, the project is not anticipated to cause a substantial adverse change in the significance of any archaeological resources.

While no prehistoric or historic resources are known to be located on the project site, and no resources were discovered during the on-site survey, the general area is considered to be sensitive for prehistoric, protohistoric, and historic cultural resources. Native Americans, including the Konkow Maidu populations, used the local region for seasonal and/or permanent settlement, as well as for the gathering of plants, roots, seeds, and seasonal game. Historically, Euro-Americans also utilized the region for mining farming, and cattle ranching. With past use of the project area by prehistoric and historic populations, unanticipated archaeological discoveries may be encountered during ground-

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

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

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

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

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

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

Mitigation Measures

Mitigation Measure CUL-1

If grading activities reveal the presence of prehistoric or historic cultural resources (i.e., artifact concentrations, including arrowheads and other stone tools or chipping debris, cans glass, etc.; structural remains; or human skeletal remains) work within 50 feet of the find shall immediately cease until a qualified professional archaeologist can be consulted to evaluate the find and implement appropriate mitigation procedures. If human skeletal remains are encountered, State law requires immediate notification of the County Coroner (530.538.7404). If the County Coroner determines that the remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State Law, to arrange for Native American participation in determining the disposition of such remains. The provisions of this mitigation shall be followed during construction of all improvements, including land clearing, road construction, utility installation, and building site development.

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

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

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

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

1.6 ENERGY

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. Energy.				
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
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. Approval of the TPM would have no impact with respect to energy resources. Any development proposed for construction on Parcels 1 and 2, would consume energy primarily in two ways: (1) construction activities would consume energy through the operation of heavy off-road equipment, trucks, and worker traffic, and (2) future residential uses would cause long-term energy consumption from electricity and propane gas consumption, energy used for water conveyance, and vehicle operations to and from the project site.

Construction energy consumption would largely occur from fuel consumption by heavy equipment during grading activities associated with road and building site clearance; trucks transporting construction materials to the site during parcel development; and, worker trips to and from the job site. Energy consumption during construction related activities would vary 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 after build-out if Parcels 1 and 2 were developed. Residences and outbuildings would consume electricity for lighting, heating and well operation. Propane would likely also be used an energy source. The project would generate additional vehicle trips by residents commuting to and from home which would result in the consumption of transportation fuel. Impacts would be less than significant under this threshold.

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. No development is proposed on Parcels 1 and 2 under the current application. If residential development is proposed in the future, the design 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 of Parcels 1 and 2 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. There are no known active faults underlying, or adjacent to, the project site. The Cleveland Hill fault is the only active fault zone in Butte County identified in the most recent Alquist-Priolo Earthquake Fault Zoning Map. The Cleveland Hill fault is located approximately 4 miles southeast of the City of Oroville and approximately 6 miles south of the site. Because the nearest active fault is located a considerable distance from the project site, the likelihood of a surface rupture at the project site is very low and would not be a design consideration for future development. Impacts would be less than significant under this threshold.

ii) Strong seismic ground shaking?

Less than significant impact. Ground shaking at the project site could occur due to the earthquake potential of active faults within the region. However, active faults are relatively distant from the project site, and would result in low to moderate intensity ground shaking during seismic events. Future development on Parcels 1 and 2 would be subject to the California Building Code (CBC). The CBC provides minimum design standards for structures to minimize potential impact associated with a seismic event. These standards include soil and subsurface preparation, design specifications for footings and slabs, construction methods and materials, and maintenance of buildings and structures within Butte County. Adherence to the CBC during building design and construction would ensure that potential impacts are less than significant.

iii) Seismic-related ground failure, including liquefaction?

Less than significant impact. According to Butte County General Plan 2030, areas that are at risk for liquefaction are located on the valley floor, especially near the Sacramento and Feather Rivers, and their tributaries, which have a higher potential to contain sandy and silty soils. The project site is not located in proximity to either location determined sensitive for liquefaction. The California Building Code (CBC) regulates construction methods to address subsurface soil conditions. Future development of Parcels 1 and 2 that may occur as a result of TPM approval would be designed consistent to CBC standards in place at the time development is proposed. This would ensure that new structures are adequately sited and engineered to avoid or minimize impacts related to seismic ground failure, including liquefaction. Impacts would be less than significant.

iv) Landslides?

No impact. The project site is sloped and vegetated with annual grasses. Figure H-6 in the Butte County General Plan indicates the site is located in an area with moderate potential for landslide. There is no evidence of former landslides on the property and terrain gently slopes

from north to south. There are no steep slopes that could fail during a seismic event causing a landslide. There is no landslide potential on or surrounding the project site. No impact would occur under this threshold.

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

Less than significant impact. According to Butte County General Plan 2030 Figure HS-7, the project site is in an area with moderate potential for soil erosion. Surface soil erosion and loss of topsoil has the potential to occur from disturbances associated with the construction-related activities. Construction activities could also result in soil compaction and wind erosion effects that could adversely affect soils and reduce the revegetation potential at the construction site and staging areas.

Approval of the TPM would have no effect on erosion. Future construction activities associated with development of Parcels 1 and 2 would be subject to the National Pollutant Discharge Elimination System (NPDES) General Construction Activities Storm Water permit program if one acre or more is disturbed. Construction activities that result in a land disturbance of less than one acre, but which are part of a larger common plan of development, also require a permit. This program requires implementation of erosion control measures during and immediately after construction that are designed to avoid significant erosion during the construction period. In addition, the project operation would be subject to State Water Resources Control Board requirements for the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) to control pollution in stormwater runoff from the project site, including excessive erosion and sedimentation. The SWPPP, if required, must be obtained prior to any soil disturbance activities. Implementation of standard erosion control BMPs during future construction-related activities, together with adherence to State requirements regarding grading activities, would ensure that potential erosion impacts are less than significant.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Less than significant impact. According to Butte County General Plan 2030 (Figure HS-6), the project site is located in an area with moderate potential for landslides. To date, there have been no documented incidents of subsidence in Butte County. Future development of Parcels 1 and 2 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 very low 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 of Parcels 1 and 2 would ensure that any impacts associated with expansive soils would remain less than significant.

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

Less than significant impact. Approval of the TPM would not require wastewater disposal. Future development of Parcels 1 and 2 would require installation of an on-site septic system approved by Butte County Public Health Department. General Plan 2030 includes policies in the Water Resources Element and the Public Facilities Services Element addressing existing septic systems in areas with poor soils and that ensure the safety of future septic systems. To ensure the safety of new septic systems, Policy PUB-P13.2 requires new development to demonstrate the availability of a safe, sanitary, and environmentally sound wastewater system. Similarly, Policy PUB-P13.3 requires applicants of projects that will rely on on-site wastewater systems to provide detailed plans demonstrating that the system will be adequate to serve the project (Butte County General Plan 2030 EIR).

Soil testing was conducted on the project and information pertaining to soil conditions was submitted to the Butte County Public Health Department as part of the pre-application review process. County staff have indicated that a mound septic system will be required to ensure adequate separation from known groundwater levels. The potential location of the septic systems and leach fields have been provided as part of the TPM application.

Application for Construction Permits on Parcels 1 and 2 would include detailed plans of the proposed wastewater system, prepared by a Certified Installer or Certified Designer. The plans will demonstrate compliance with County regulations and the County's On-Site Wastewater Manual to ensure a safe, sanitary, and environmentally sound wastewater system. Impacts would be less than significant under this threshold.

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

Less than significant impact with mitigation incorporated. No previously recorded fossil sites have been identified on the project site or within the surrounding area. Butte County General Plan 2030 and the accompanying Environmental Impact Report do not indicate the project area is sensitive for paleontological resources. Therefore, it is not likely that unique paleontological resources would be found in the project area during future development of Parcels 1 and 2. However, the discovery of fossils, and the subsequent opportunity for data collection and study, is a rare event that could occur from construction grading activities associated with development. While the probability of encountering fossils on the project site is low; implementation of **Mitigation Measure Cul-1** would reduce potential impacts associated with the unanticipated discovery of subsurface resources including cultural and paleontological resources, 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

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

A 2006 baseline GHG emission inventory was prepared for unincorporated Butte County. The inventory identified the sources and the amount of GHG emissions produced in the county. The leading contributors of GHG emissions in Butte County are agriculture (43%), transportation (29%), and residential energy (17%). The Climate Action Plan (CAP) adopted by the County provides a framework for the County to reduce GHG emissions while simplifying the review process for new development. Measures and actions identified in the CAP lay the groundwork to achieve the adopted General Plan goals related to climate change, including reducing GHG emissions to 1990 levels by 2020.

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

Discussion

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

Less Than Significant Impact with Mitigation Incorporated. The project is a minor land division that would contribute greenhouse gas emissions during development of Parcels 1 and 2. Construction-related emissions during parcel development may be generated from construction equipment exhaust, construction employee vehicle trips to and from the work site, application of architectural coatings and asphalt paving. The project's construction GHG emissions would occur over a short duration and would consist primarily of emissions from equipment exhaust. The long-term regional emissions associated with the project would primarily occur from the creation of new vehicular trips and indirect source emissions, such as electricity consumption, water use and solid waste disposal. The

proposed project is subject to **Mitigation Measure GHG-1**, which reduces project emissions of heavy-duty diesel-powered equipment during construction and energy consumption during operation. A CAP policy evaluation below addresses project consistency with applicable elements of the CAP focused on reducing long-term GHG emissions associated with residential uses on Parcels 1 and 2. Implementation of Mitigation Measure GHG-1 and applicable CAP policies would minimize project-related GHG emissions to the extent feasible, consistent with AB 32 GHG reduction goals. Impacts would be 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 with Mitigation Incorporated. The project is subject to compliance with AB 32 greenhouse gas emission reduction goals, which are to reduce statewide GHG emissions to 1990 levels by 2020. Additionally, development on Parcels 1 and 2 would be subject to Title 24, California Building Code, which includes CalGreen standards. These standards include mandatory measures that addresses planning and design, energy efficiency, water efficiency/conservation, material conservation and resource efficiency, and environmental quality.

The following Climate Action Plan policies pertain to residential development and would be implemented as conditions of approval for future development on Parcels 1 and 2 as applicable:

Policy EN-8. Expand distributed generation, renewable energy systems for new residential development.

Consistent. This measure is a blend of requirements and regulatory streamlining efforts intended to increase renewable energy generation on new residential development sites. The measure focuses on the renewable energy siting potential of large, master-planned communities; however, compliance with specific action items for individual residences can also be achieved. Mitigation measure GHG-1 below references prewiring new residences for solar photovoltaic system installation, an action item associated with Policy EN-8.

Policy F-3. Implement programs and update standards for new residential development to support fuel efficiency in autos and lawn and garden equipment.

Consistent. This measure provides actions to facilitate the purchase of more efficient fossil fuel or electric lawn and garden equipment, as well as promotes electric vehicle (EV) charging within private households. Mitigation measure GHG-1 below references the installation of electrical vehicle outlets on external walls or in garages in all new residential development.t

Implementation of **Mitigation Measure GHG-1** would mitigate project-generated GHG emissions through programmatic-level measures established through the Butte County CAP. The project's compliance with the applicable policies and measures in the CAP would in turn support County-wide efforts to meet statewide GHG emission reduction goals.

Mitigation Measures

Mitigation Measure GHG-1

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

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

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

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

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

1.9 HAZARDS AND HAZARDOUS MATERIALS

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. Hazards and Hazardous Materials.				
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
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. Limited quantities of miscellaneous hazardous substances, such as gasoline, diesel fuel, hydraulic fluid, solvents, oils, etc. would be used to maintain vehicles and motorized equipment during construction-related activities during future development of Parcels 1 and 2. Accidental spill of any of these substances could impact water and/or groundwater quality.

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

It is not anticipated that large quantities of hazardous materials would be permanently stored or used within the project site. Chemicals would be comprised of household cleaners, petroleum-based products for vehicle maintenance and equipment operation, paints, solvents and other common items. These materials would not be present 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. A less than significant impact would occur 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. It is not anticipated that construction or operation of residential development on Parcels 1 and 2 would create a significant hazard to the environment or to the public due to the accidental release of hazardous materials into the environment. Accidental release of hazardous materials routinely used during construction activities or those associated with materials stored on-site are addressed in section a.), above. A less than significant impact would occur 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. The nearest school is Oroville High School located at 1535 Bridge Street, approximately 1.8 miles south of the site. No impact would occur under this threshold.

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. No uses or activities that could have caused or contributed to a release of hazardous chemicals or materials on the property occur or have occurred on or in proximity to the site. Based on a review of available databases listing known hazard sites (i.e, Geotracker, Envirostar accessed May 7, 2020); there is no evidence of hazardous environmental conditions on the project site. Several leaking underground storage tank cases have been remediated in the Oroville area. The nearest reported case was a leaking underground storage tank (LUST) site at Macs Market located at 133 Table Mountain Boulevard approximately 1.25 miles southwest of the site. The site was remediated and the case closed December 8, 1997. No impact would occur under this threshold.

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

No impact. The project site is located approximately 4.5 miles northeast of Oroville Municipal Airport. Per the Butte County Airport Land Use Compatibility Plan, the project site is located outside

the Oroville Municipal Airport Influence Area. Thus, while aircraft overflights may be audible, future development of Parcels 1 and 2 would not result in a safety hazard or excessive noise exposure for people residing on the subject property. No 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 Parcels 1 and 2 per the AG 20 zoning designation, would not include any actions that physically interfere with emergency response or emergency evacuation plans. Development of Parcels 1 and 2 would add trips to Thompson Flat Road and Cherokee Road; 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, appropriate traffic control plans would be prepared in conjunction with a Butte County Encroachment Permit. 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 is located in a moderate fire hazard area by the State Department of Forestry and Fire Protection. It is located within a rural area north of the City of Oroville. The project site is within a State Responsibility Area (SRA), which means that the State has fiscal responsibility for preventing and suppressing fires. The nearest staffed fire station is the Cal Fire Headquarters Station #63, located at 176 Nelson Avenue, Oroville, California, approximately 1.5 miles southwest of the site.

Due to the heightened risk of wildfire and increased potential for damage or loss in SRAs, development within these areas must comply with special building requirements established in Chapter 7A of the California Building Code and Chapter 47 of the California Fire Code. SRAs are also regulated under Public Resources Code 4290 and 4291, which establish standards for access, signage, maintenance of defensible space and vegetation management. These standards will be included as conditions of approval and implemented at the time of development of future structures. Implementation of these standards, as well as oversight by Butte County Fire/Cal Fire, would ensure the proposed project would not expose people or structures to a significant risk or loss, injury or death involving wildland fires. A less than significant impact would occur 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 identifies the soil conditions in the general project as having a moderate potential for erosion. Site development and future build-out of Parcels 1 and 2 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. 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 development of Parcels 1 and 2 would be subject to the National Pollutant Discharge Elimination System (NPDES) General Construction Activities Storm Water permit program if one acre or more is disturbed. Construction activities that result in a land disturbance of less than one acre, but which are part of a larger common plan of development, also require a permit. This program requires implementation of erosion control measures during and immediately after construction that are designed to avoid significant erosion during the construction period. In addition, the project operation would be subject to State Water Resources Control Board requirements for the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) to control pollution in stormwater runoff from the project site, including excessive erosion and sedimentation. The SWPPP, if required, must be obtained prior to any soil disturbance activities. Implementation of standard erosion control BMPs during future construction-related activities, together with adherence to State requirements regarding grading activities, would ensure that potential erosion impacts are less than significant. 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 private wells on Parcels 1 and 2.

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. The Butte County Public Health Department determined during the preapplication review process that groundwater underlying the project site is sufficient to meet potable water demand for the project (Butte County Public Health Department, May 2019).

Development of Parcels 1 and 2 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 would be negligible and 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. Impacts to groundwater supplies and recharge would be less than significant.

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 of Parcels 1 and 2 would alter exiting 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. Development of Parcels 1 and 2 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 build-out of Parcels 1 and 2 would alter drainage patterns on-site. Storm flows would be retained and treated on-site. Future development would be reviewed by the Butte County Public Works Department to ensure any potential drainage concerns are addressed, and to ensure no net increase in stormwater runoff leaves the project site. Development of Parcels 1 and 2 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 roadside ditches and culverts that capture surface runoff, which ultimately infiltrate into the underground aquifer or conveyed to area waterways. Precipitation that falls on vacant land percolates into the soil.

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

Future development of Parcels 1 and 2 would increase runoff from impervious surfaces which would be conveyed to an on-site retention area where it would likely percolate into the soil.

The minor increase in runoff quantity would not exceed the capacity of the existing stormwater drainage systems or substantially increase polluted runoff. Impacts would be less than significant.

iv) Impede or redirect flood flows?

Less than significant impact. The project site is not located within a 100-year mapped flood zone (FEMA Flood Insurance Rate Map No. 06007C0795E, January 6, 2011). As referenced, future development on Parcels 1 and 2 would redirect on-site drainage patterns; however, it would not impede or redirect flood flows. All on-site drainage would be managed to ensure pre-construction flows off-site are maintained. 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 and existing 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?

No impact. The project site is not located within a 100-year mapped flood zone (FEMA Flood Insurance Rate Map No. 06007C0795E, January 6, 2011). As referenced, the project would redirect on-site drainage patterns; however, it would not impede or redirect flood flows. All on-site drainage would be managed to ensure pre-construction flows off-site are maintained. The project would not expose people or structures to flood hazard from severe storm events. The project site is not located in an area that would be impacted by a seiche, tsunami, or mudflows. No impact would occur under this threshold.

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. Provided future development of Parcels 1 and 2 is consistent with the zoning designation, the project would be part of demand projections through 2030 as summarized above. 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:

Agriculture

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

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:

Agricultural 20 (AG 20)

The purpose of the AG zone is to support, protect, and maintain a viable, long-term agricultural sector in Butte County. Standards for the AG zone maintain the vitality of the agricultural sector by retaining parcel sizes necessary to sustain viable agricultural operations, protecting agricultural practices and activities by minimizing land-use conflicts, and protecting agricultural resources by regulating land uses and development intensities in agricultural areas. Permitted uses include crop cultivation, animal grazing, stock ponds, and agricultural processing. More intensive agricultural activities, such as animal processing, dairies, hog farms, stables, forestry and logging, and mining and oil extraction, are permitted with the approval of a Conditional Use Permit. One single-family

home and one second unit and accessory dwelling unit is permitted on each legally established parcel within the AG zone, and residential uses for agricultural employees are permitted as an accessory use within the AG zone. The minimum permitted parcel size in the AG zone ranges from 20 acres to 160 acres. The AG zone implements the Agriculture land use designation in the General Plan.

Discussion

a) Physically divide an established community?

No impact. The project site is located in a rural area north of the City of Oroville. The site surrounded by agricultural land with single-family residences and outbuildings. Approval of the TPM would allow future development of both Parcels 1 and 2. Provided future development is consistent with the AG 20 zoning designation, it 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?

Less than significant impact. Development of Parcels 1 and 2 would be consistent with density and uses permitted under the General Plan land use and zoning designations for the project site. Provided future development of Parcels 1 and 2 is also consistent, it would be subject to applicable mitigation and local, State and/or federal regulations, which would reduce impacts to less than significant. Therefore, impacts related to a conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to General Plan 2030 or County ordinances) adopted for the purpose of avoiding or mitigating an environmental effect are less than significant. A less than significant 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 Parcels 1 and 2 would not preclude future extraction of available mineral resources. Future development on the resultant parcels would use mineral resources in the construction of structures and access roads. The amount of resources used for development on Parcels 1 and 2 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. The project site is not within or near any designated locally-important mineral resource recovery site. No impact would occur under this threshold.

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

Noise is defined as unwanted sound. It is an undesirable by-product of society's normal day-to-day activities. Sound becomes unwanted when it interferes with normal activities, when it causes actual physical harm, or when it has adverse effects on health. The definition of noise as unwanted sound implies that it has an adverse effect on people and their environment. Noise is measured on a logarithmic scale of sound pressure level known as a decibel (dB).

Noise sources occur in two forms: (1) point sources, such as stationary equipment, loudspeakers, or individual motor vehicles; and (2) line sources, such as a roadway with a large number of point sources (motor vehicles). Sound generated by a point source typically diminishes (attenuates) at a rate of 6.0 dB(A) for each doubling of distance from the source to the receptor at acoustically "hard" sites and 7.5 dB(A) at acoustically "soft" sites. For example, a 60-dB(A) noise level measured at 50 feet from a point source at an acoustically hard site would be 54 dB(A) at 100 feet from the source and 48 dB(A) at 200 feet from the source. Sound generated by a line source typically attenuates at a rate of 3.0 dB(A) and 4.5 dB(A) per doubling of distance from the source to the receptor for hard and soft sites, respectively. Sound levels can also be attenuated by man-made or natural barriers.

Sensitive receptors are facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, schools, playgrounds, child-care centers, retirement homes, convalescent homes, hospitals and medical clinics. Noise-sensitive receptors in the project area include existing residences located on parcels neighboring the project site.

According to the Butte County General Plan 2030, noise is a concern throughout Butte County, 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, when it is not possible to reduce noise in an outdoor activity area to 60 dB Ldn /CNEL or less using a practical application of the best-available noise-reduction measures, an exterior noise level of up to 65 dB may be allowed, provided that available exterior noise-level reduction measures have been implemented and interior noise levels are in compliance with applicable standards.

Butte County Noise Ordinance

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

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

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

(g) Noise sources associated with agricultural and timber management operations in zones permitting agricultural and timber management uses;

(h) All mechanical devices, apparatus or equipment which are utilized for the protection or salvage of agricultural crops during periods of adverse weather conditions or when the use of mobile noise sources is necessary for pest control;

(i) Noise sources associated with maintenance of residential area property, provided said activities take place between 7:00 a.m. to sunset on any day except Saturday, Sunday, or a holiday, or between the hours of 9:00 a.m. and 5:00 p.m. on Saturday, Sunday, or a holiday; and, provided machinery is fitted with correctly functioning sound suppression equipment;

Chapter 41A-8 Butte County Interior Noise Standards

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

Table 1.13-3. Maximum Allowable Interior Noise Standards

NOISE LEVEL DESCRIPTION	Daytime 7 am - 7 pm	Evening 7 pm - 10 pm	Nighttime 10 pm - 7 am
Hourly L_{eq} (dB)	45	40	35
Maximum Level (dB)	60	55	50
Source: Butte County Code Chapter 41A-8, Interior Noise Standards			

Discussion

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

Less than significant impact with mitigation incorporated. Traffic on Thompson Flat Road is the primary noise generator in the project area. No significant stationary noise generating sources have been identified in the project area. Noise levels contributed by the proposed project would include construction noise during future build-out of Parcels 1 and 2 and any exterior activities associated with activities occurring on the property. Construction noises associated with development of the resultant parcel would primarily be from the use of heavy equipment, generators, worker vehicle trips and power tools. Construction-related noises would be temporary and intermittent and would not result in long-term noise impacts. Compliance with Chapter 41A-9 (f) of the Butte County Code that exempts construction noise would ensure construction activities occur during daytime hours, making potential impacts less than significant. However, at the discretion of Butte County DDS, **Mitigation Measure NOI-1** would be implemented to address temporary construction impacts.

It is assumed future development occurring on Parcels 1 and 2 would generate vehicle trips typical for rural residential development. The addition of vehicle trips on Thompson Flat Road associated with development of Parcels 1 and 2 is not expected to exceed applicable noise standards. However, in the event noise levels do exceed applicable noise standards, the County will review complaints in

accordance with Butte County Code Chapter 41A. With implementation of mitigation as needed, a less than significant impact would occur under this threshold.

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

Less than significant impact. The proposed project may involve temporary sources of groundborne vibration and groundborne noise from the operation of heavy equipment during construction on Parcels 1 and 2. The type of heavy equipment typically used during residential construction would only generate localized groundborne vibration and groundborne noise that could be perceptible at residences adjacent to and north of the site. However, the duration of impact would be infrequent and would occur during less sensitive daytime hours (i.e., between 7:00 a.m. and 7:00 p.m.); thus, the impact from construction-related groundborne vibration and groundborne noise would be less than significant.

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

No impact. The Oroville Municipal Airport is located approximately 4.5 miles to the southwest of the site. As referenced, the project site is located out the Airport Influence Area. Thus, while aircraft overflights would be audible at the project site, future development would not expose people residing on the parcels to excessive noise levels from a public use airport or private airstrip. No impact would occur under this threshold.

Mitigation Measure NOI-1: 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 (6:00 a.m. to 7:00 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: The measure shall be placed on an additional map sheet which is to be recorded with the Parcel Map. This note shall also be placed on all building and site development plans.

Timing: 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. Subdivision of the project site would facilitate future development of Parcels 1 and 2. Future development would likely be comprised of residential development and related outbuildings common in the AG 20 zone. Construction activities associated with development of the proposed project would not involve construction of additional public roadways or infrastructure such as wastewater treatment facilities that would indirectly induce population growth. Future development would not exceed local and regional growth projections described in General Plan 2030. 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 site is currently vacant. Future development of Parcels 1 and 2 would likely be residences and related buildings allowed per the AG 20 zoning designation. The proposed project would not result in the loss of existing housing or cause a significant increase in the local population that would displace existing residents, necessitating the construction of additional housing. No impact would occur under this threshold.

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 rural area and a State Responsibility Area for wildland fires. The nearest staffed fire station is Cal Fire Headquarters Station #63, located at 176 Nelson Avenue approximately 1.5 miles southwest of the site. Based on the location within a rural area, there is a potential impact from wildfires. Build-out of Parcels 1 and 2 may incrementally increase the demand for fire protection services. However, approval of future residential development, assuming it is consistent with the AG 20 zoning designation, 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 if development of Parcels 1 and 2 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. Development of Parcels 1 and 2 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?

No impact. The project site is located within the Oroville Union High School District and Thermalito Union Elementary School District. Development on Parcels 1 and 2 is not expected to affect demand for school facilities in the area. A development impact fee for school facilities will be assessed at the time development on Parcels 1 and 2 is proposed. Impact fees would partially offset any impact to area school facilities. While school districts maintain that these fees do not fully mitigate the impacts of a project, the County is precluded from imposing additional fees or mitigation by State legislation. No impact would occur under this threshold.

Parks?

No impact. Build-out of Parcels 1 and 2 is not expected to affect demand for existing local and regional park facilities. Development impact fees to off-set overall increase in demand associated with development in the area will be assessed at the time a building permit is requested for each parcel. No impact would occur under this threshold.

Other public facilities?

Less than significant impact. Future development of Parcels 1 and 2 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 schools and 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?	☐	☐	☐	☒

Environmental Setting

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?

No impact. Build-out of Parcels 1 and 2 per the AG 20 zoning designation is not expected to affect demand for existing local and regional park facilities. Development impact fees to off-set overall increase in demand associated with development in the area will be assessed at the time a building permit is requested for each parcel. No impact would occur under this threshold.

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. Development of Parcels 1 and 2 would likely not include plans for recreational facilities nor would development of either parcel require expansion of existing recreational facilities. Therefore, development of Parcels 1 and 2 would not result in any adverse physical effects on the environment from construction or expansion of recreational facilities. No impact would occur under this threshold.

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) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
c) 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. The existing parcel fronts Thompson Flat Road which is a county-maintained road. Access to Parcels 1 and 2 would be from new driveways accessing Thompson Flat Road. Using the Institute of Transportation Engineers (ITE) Trip Generation Rates (10th Edition), a single-family residence generates approximately 10 daily trips. Thus, development of both Parcels 1 and 2 could generate up to approximately 20 daily trips. Assuming 10% of the daily trips occur during the peak hour, development of both parcels could add two peak hour trips on Thompson Flat Road.

No additional roads are required for the project. Development on Parcels 1 and 2 will be required to meet all necessary setbacks from existing/proposed right-of-way to protect proper view corridors for traffic existing traffic.

Thompson Flat Road is a rural road with no shoulders or marked bicycle lanes. The Butte County Bicycle Master Plan does not identify any bicycle routes along Thompson Flat Road. No transit stops are located in proximity to the site.

Construction activities associated with future development of Parcels 1 and 2 may generate short-term disruption to Thompson Flat Road at the new driveway intersections. However, construction activities associated with the proposed project would be temporary, and would implement traffic control, if needed. Development of Parcels 1 and 2 would have no effect on existing bicycle lanes or transit operations. A less than significant impact would occur under this threshold.

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

Less than significant impact. Development of Parcels 1 and 2 is not expected to require modifications to the configuration (alignment) of Thompson Flat Road and would not introduce types of vehicles

that are not already traveling on area roads. Any future improvements within the County road right-of-way would be subject to a Butte County Encroachment Permit from the Public Works Department and would be constructed to all applicable State and local development standards, ensuring that access is adequate to provide emergency ingress and egress. A less than significant impact would occur under this threshold.

c) Result in inadequate emergency access?

Less than significant impact. The project site is located in a State Responsibility Area (SRA). SRAs are regulated by Public Resources Code 4290 and 4291 (*California Fire Safe Regulations*), which establish standards for access roads and signage. These standards will be included as conditions of approval and implemented at the time Parcels 1 and 2 are developed. Implementation of these standards, as well as oversight by Butte County Fire/Cal Fire, would ensure that Parcel 1 and 2 has adequate emergency access. A less than significant impact would occur under this threshold.

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. As referenced in Section 1.5(a), a segment of the Lower Miocene Canal and a portion of a riveted pipe are is located on the site. Neither

are considered a historic resource. Further, no cultural resources are known to occur on the site nor were any resources discovered during the November 2019, field survey.

Per AB 52 Notification Request, Public Resources Code Section 21080.3(b), the County did not receive notification letters from area tribes denoting the project site to be within their geographic area of traditional and cultural affiliations, or requesting consultation for discretionary applications under review by the local agency.

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?

No impact. As detailed in response to Checklist Question 1.5a, a records search of documented culturally-significant sites was performed for the project site. Based on the available records, no existing archaeological or historic sites on the project site had been documented; however, historic resources have been recorded within a 0.5- mile radius of the site. As discussed in Section 1.5, the project site does not contain any unique cultural or historic resources as discussed in the Cultural Resources Report (Peak & Associates, December 2019). No impact would occur under this threshold.

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?	☐	☐	☐	☒

Environmental Setting

Solid Waste

Most municipal wastes are hauled to the Neal Road Recycling and Waste Facility, which is owned by Butte County and managed by the Butte County Department of Public Works. The Neal Road Facility is located at 1023 Neal Road, one mile east from State Highway 99, and seven miles southeast of Chico, on 190 acres owned by Butte County. The Neal Road Facility is permitted to accept municipal solid waste, inert industrial waste, demolition materials, special wastes containing nonfriable asbestos, and septage. Hazardous wastes, including friable asbestos, are not accepted at the Neal Road Facility or any other Butte County disposal facility, and must be transported to a Class I landfill permitted to receive untreated hazardous waste. The facility has a design capacity of 25,271,900 cubic yards and is permitted to accept 1,500 tons per day; however, the average daily disposal into the landfill is approximately 466 tons. As of June 2018, the remaining capacity of the Neal Road Facility is approximately 20,847,970 cubic yards. The service life is expected to extend to the year 2048 (CalRecycle SWIS Facility Detail, June 2018).

Discussion

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

No impact. Development of Parcels 1 and 2 would require the installation of wells for domestic water and septic systems for sewage disposal. Electrical and telecommunication infrastructure is currently provided to the site. The project would not result in the relocation or construction of new or expanded infrastructure including water services, wastewater treatment, stormwater drainage, natural gas, or telecommunication facilities. No impact would occur under this threshold.

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

No impact. New wells would be required to provide potable water for Parcels 1 and 2. No public water service is available; thus, no impacts to public water supplies would occur with approval of the TPM and future development on either parcel. No impact would occur 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?

No impact. Wastewater disposal for the proposed project would be provided by private, on-site septic systems. No wastewater treatment provider currently serves the project area. The project site has been evaluated for an on-site septic system and the resultant parcels were determined to have adequate soil conditions to allow for future development of a mound wastewater system. This is required based on the known distance to groundwater. No impact would occur 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. Future development of Parcels 1 and 2 would generate solid waste associated with the two residences. The material would be taken to the Oroville Transfer Station and then hauled to the Neal Road Recycling and Waste Facility located southeast of Chico. Solid waste generation was estimated using the California Emission Estimator Model (CalEEMod) version 2016.3.2. Assuming a 75% recycling rate as mandated by AB341, two single-family residences would generate approximately 0.5 tons annually or 3 pounds per day. The Neal Road Facility has a maximum permitted throughput of 1,500 tons per day, and an estimated current daily average throughout of 466 tons per day. Therefore, the facility would have adequate capacity to accommodate solid waste generated by the project. A less than significant impact would occur under this threshold.

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

No impact. The proposed project would comply with statues and regulations related to solid waste. Waste generated by the proposed project would consist only of domestic refuse, which would be

collected in approved trash bins and removed from the project site by a waste hauler or by the residents. 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?		☒ Yes		☐ No
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
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 has been designated as a moderately high fire hazard by the State Department of Forestry and Fire Protection. The project site is also within a designated State Responsibility Area (SRA), which means that the State has fiscal responsibility for preventing and suppressing wildfires.

Discussion

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

No impact. If Parcels 1 and 2 were developed, it is unlikely the improvements would require lane closures on Thompson Flat Road; however, some use restrictions may be needed to accommodate construction of the driveways. If so, a Traffic Control Plan approved by Butte County Department of Public Works would be implemented to ensure access for residents and emergency vehicles is maintained. Temporary restrictions would not affect emergency access or interfere with an emergency evacuation plan. No impact would occur under this threshold.

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 located in a rural area and dominated by annual grassland vegetation. It is sloped within higher elevations to the north and surrounded by agricultural land and rural residential development. The nearest fire station to the project site is Cal Fire Headquarters Station #63 located 1.5 miles southwest of the site. No conditions or factors have been identified in the project area that would exacerbate wildfire risks. No 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. No off-site infrastructure improvements are anticipated with future development of Parcels 1 and 2. Future driveway constructions would be regulated by Public Resources Code 4290 and 4291, which establish standards for access, signage, maintenance of defensible space and vegetation management during and after construction. No increase in the risk of wildland fires would occur with the approval of the project. 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 is sloped and surrounded by rural development. The site is not located in a floodplain or in proximity to a natural drainage course (see discussion Section 1.10.d – Hydrology and Water Quality) or have landslide potential (see discussion Section 1.7.a – Geology Soils). Therefore, no impacts from post-fire instability or drainage changes have been identified. 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. Approval of the TPM would no impact on biological or cultural resources. Potential impacts to biological resources and cultural resources associated with future development of Parcels 1 and 2 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 Parcels 1 and 2 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 Measure BIO-1** would be implemented if needed to address potential impacts to nesting birds during construction.

Development of Parcels 1 and 2 would not affect significant historic resources or known archaeological or paleontological resources. As referenced, there is a historic segment of the Lower Miocene Canal and section of riveted pipe on Parcel 2. Neither feature is considered historically significant. 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. Development of Parcels 1 and 2 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 development of Parcels 1 and 2, potential impacts are project-specific in nature.

The proposed project site is located within an area has been designated by the County for AG 20 uses. If Parcel 1 and 2 were developed, short-term construction-related air quality impacts that would result from construction of the site improvements and build-out of Parcels 1 and 2 will be reduced to less than significant levels with implementation of **Mitigation Measure AIR-1**. **Mitigation Measure GHG-1** would reduce potential impacts from the generation of greenhouse gas emissions to less than significant. Implementation of **Mitigation Measure NOI-1** would avoid temporary construction noise impacts at neighboring sensitive receivers to the north and east. Potential impacts associated with lighting would be addressed with implementation of **Mitigation Measure AES-1** if needed.

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 that would likely occur on Parcels 1 and 2 is consistent with County's General Plan and zoning designation and is compatible with the pattern of development on adjacent properties. Because of this consistency, the potential cumulative environmental effects of the proposed project would fall within the impacts identified in the County's General Plan EIR. Build-out of Parcels 1 and 2 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 with mitigation incorporated. There have been no impacts discovered through the review of this application demonstrating that approval of the TPM or future development of Parcels 1 and 2 would cause substantial adverse effects to human beings either directly or indirectly. However, development of Parcels 1 and 2 has the potential to cause both temporary and future impacts related to aesthetics, 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.

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.

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17. California Department of Water Resources, Northern Region Office. Geology of the Northern Sacramento Valley, California. September 2014.

18. California Emission Estimator Model, 2016.3.2

19. Peak & Associates, Inc., *Cultural Resources Assessment for the McClellan Parcel Split Project, Butte County*, December 11, 2019.

Mitigation Measure AES-1

All lighting, exterior and interior, shall be designed and located so as to confine direct lighting to the premises. A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted. No lighting shall be of the type or in a location such that it constitutes a hazard to vehicular traffic, either on private property or the abutting highway or street.

Plan Requirements: The mitigation shall be placed on an additional map sheet recorded concurrently with the Parcel Map. This mitigation shall be placed on all building permit and site development plans.

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

Monitoring: Building inspectors shall check and ensure compliance on-site. The Development Services Department shall investigate and respond to any complaints of excess glare or light originating from the project site.

Mitigation Measure AIR-1

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

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

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

Mitigation Measures and Monitoring Requirements

Kevin and Linda McClellan Tentative Parcel Map (TPM19-0006)

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 ground disturbance or 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. 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).

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 CUL-1

If grading activities reveal the presence of prehistoric or historic cultural resources (i.e., artifact concentrations, including arrowheads and other stone tools or chipping debris, cans glass, etc.; structural remains; or human skeletal remains) work within 50 feet of the find shall immediately cease until a qualified professional archaeologist can be consulted to evaluate the find and implement appropriate mitigation procedures. If human skeletal remains are encountered, State law requires immediate notification of the County Coroner (530.538.7404). If the County Coroner determines that the remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State Law, to arrange for Native American participation in determining the disposition of such remains. The provisions of this mitigation shall be followed during construction of all improvements, including land clearing, road construction, utility installation, and building site development.

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

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

Monitoring: The Department of Development Services and/or Public Works Department shall ensure the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. Should cultural resources be discovered, the landowner shall notify the Planning Division and a professional archaeologist. The Planning Division shall coordinate with the developer and appropriate authorities to avoid damage to cultural resources and determine appropriate action. State law requires the reporting of any human remains.

Mitigation Measure GHG-1

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

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

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

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

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

Mitigation Measure NOI-1:

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 (6:00 a.m. to 7:00 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: The measure shall be placed on an additional map sheet which is to be recorded with the Parcel Map. This note shall also be placed on all building and site development plans.

Timing: 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.

Project Sponsor(s) Incorporation of Mitigation into Proposed Project

I/We have reviewed the Initial Study for the Kevin and Linda McClellan Tentative Parcel Map (TPM19-0006) application and particularly the mitigation measures identified herein. I/We hereby modify the applications on file with the Butte County Planning Department to include and incorporate all mitigations set forth in this Initial Study.

_____ _____

Project Sponsor/Project Agent Date

_____ _____

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Kevin McClellan
Project Sponsor/Project Agent

6-25-2020
Date

Linda McClellan
Project Sponsor/Project Agent

6-25-2020
Date