

Tuscan Ridge Project

SCH# 2022020536

Final Environmental Impact Report

Prepared for
Butte County
Development Services Department



November 2024

Prepared by



Tuscan Ridge Project Final Environmental Impact Report

SCH# 2022020536

Lead Agency

Butte County Development Services Department
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1. Introduction and List of Commenters

1. INTRODUCTION AND LIST OF COMMENTERS

1.1 INTRODUCTION

This Final Environmental Impact Report (EIR) contains agency and public comments received during the public review period of the Tuscan Ridge Project (proposed project) Draft EIR. This document has been prepared by Butte County, as Lead Agency, in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, Section 15132. The Introduction and List of Commenters chapter of the Final EIR discusses the background of the Draft EIR and purpose of the Final EIR, identifies the comment letters received on the Draft EIR, and provides an overview of the Final EIR's organization.

1.2 BACKGROUND

The Draft EIR identifies the proposed project's potential environmental impacts and the mitigation measures that would be required to be implemented. The following environmental analysis chapters are contained in the Draft EIR:

- Aesthetics;
- Air Quality, Greenhouse Gas Emissions, and Energy;
- Biological Resources;
- Cultural and Tribal Cultural Resources;
- Geology and Soils;
- Hazards and Hazardous Materials;
- Hydrology and Water Quality;
- Land Use and Planning/Population and Housing;
- Noise;
- Public Services and Recreation;
- Transportation;
- Utilities and Service Systems;
- Wildfire;
- Effects Not Found to be Significant;
- Statutorily Required Sections; and
- Alternatives Analysis.

In accordance with CEQA, the Draft EIR was sent to the State Clearinghouse (SCH#: 2022020536) for distribution to State agencies on May 6, 2024 for a 45-day public review period. In addition, the Draft EIR and a Notice of Availability (NOA) for the Draft EIR were published on the Butte County website. Printed copies of the Draft EIR were made available for review at the Butte County Development Services Department (7 County Center Drive, Oroville, CA). A public meeting was held before the Planning Commission on May 23, 2024 to solicit public comments regarding the Draft EIR.



1.3 PURPOSE OF THE FINAL EIR

Under CEQA Guidelines Section 15132, the Final EIR shall consist of:

1. The Draft EIR or a revision of the Draft.
2. Comments and recommendations received on the Draft EIR.
3. A list of persons, organizations, and public agencies commenting on the Draft EIR.
4. The responses to significant environmental points raised in the review process.
5. Any other information added by the Lead Agency.

As required by CEQA Guidelines, Section 15090(a)(1)-(3), a Lead Agency must make the following three determinations in certifying a Final EIR:

1. The Final EIR has been completed in compliance with CEQA.
2. The Final EIR was presented to the decision-making body of the Lead Agency, and the decision-making body reviewed and considered the information in the Final EIR prior to approving the project.
3. The Final EIR reflects the Lead Agency's independent judgment and analysis.

Under CEQA Guidelines Section 15091, a public agency shall not approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings (Findings of Fact) for each of those significant effects. Findings of Fact must be accompanied by a brief explanation of the rationale for each finding supported by substantial evidence in the record. The Findings of Fact are included in a separate document that will be considered for adoption by the County's decision-makers.

Pursuant to CEQA Guidelines, Section 15093(b), when a Lead Agency approves a project that would result in significant and unavoidable impacts, the agency must state in writing the reasons supporting the action (Statement of Overriding Considerations). The Statement of Overriding Considerations shall be supported by substantial evidence, and are subject to adoption by the County's decision-makers along with the Findings of Fact. The proposed project would result in a significant and unavoidable impact related to having a substantial adverse effect on a scenic vista or in a non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage point) or, in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality (Impact 4.1-2); long-term changes in visual character associated with cumulative development of the proposed project in combination with future buildout of the Butte County General Plan (Impact 4.1-4); generation of GHG emissions that may have a significant impact on the environment or conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs (Impact 4.2-7); conflict with CEQA Guidelines section 15064.3, subdivision (b) (Impact 4.11-3). Thus, a Statement of Overriding Considerations must be adopted if the project is approved, which would be included in a separate document that will be considered for adoption by the County's decision-makers.

1.4 LIST OF COMMENTERS

Butte County received eight comment letters during the public comment period on the Draft EIR for the proposed project. The comment letters were authored by the following agencies, groups, and individuals.



Agencies

Letter 1	Butte County Air Quality Management District
Letter 2	Butte Local Agency Formation Commission
Letter 3	California Department of Fish and Wildlife
Letter 4	Department of Toxic Substances Control
Letter 5	Paradise Recreation and Park District
Letter 6	State Water Resources Control Board

Groups

Letter 7	Paradise Rod and Gun Club
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Individuals

Letter 8	John Stonebraker
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In addition, verbal comments were received during the public meeting held before the Planning Commission on May 23, 2024 to solicit public comments regarding the Draft EIR. A summary of the comments from the Draft EIR comment hearing are included as Letter 9.

Letter 9	Summary of Verbal Comments from Draft EIR Public Meeting (May 23, 2024)
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1.5 ORGANIZATION OF THE FINAL EIR

The Final EIR is organized into the following chapters:

1. Introduction and List of Commenters

Chapter 1 provides an introduction and overview of the document, describing the background and organization of the Final EIR. Chapter 1 also provides a list of commenters who submitted letters in response to the Draft EIR.

2. Responses to Comments

Chapter 2 presents the comment letters received and responses to each comment. Each comment letter received has been numbered at the top and bracketed to indicate how the letter has been divided into individual comments. Each comment is given a number with the letter number appearing first, followed by the comment number. For example, the first comment in Letter 1 would have the following format: 1-1. The response to each comment will reference the comment number.

3. Revisions to the Draft EIR Text

Chapter 3 summarizes minor changes made to the Draft EIR text since its release.

4. Mitigation Monitoring and Reporting Program

CEQA Guidelines, Section 15097, requires lead agencies to adopt a program for monitoring the mitigation measures required to avoid the significant environmental impacts of a project. The intent of the Mitigation Monitoring and Reporting Program (MMRP) is to ensure implementation of the mitigation measures identified within the EIR for the proposed project.



2. Responses to Comments

2. RESPONSES TO COMMENTS

2.1 INTRODUCTION

The Responses to Comments chapter contains responses to each of the comment letters submitted regarding the proposed project Draft EIR during the public review period and the verbal comments received at the Draft EIR comment meeting.

2.2 RESPONSES TO COMMENTS

The following eight letters were received by the County during the public comment period for the Draft EIR. Each bracketed comment letter is followed by numbered responses to each bracketed comment. In addition, comments from two verbal commenters were received during the public meeting held on May 23, 2024 before the Planning Commission to solicit public comments on the Draft EIR and are summarized in Letter 9. A numbered response is provided to the verbal comments, following the responses to the eight letters. The responses amplify or clarify information provided in the Draft EIR and/or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues (e.g., opinions on the merits of the project that are unrelated to its environmental impacts) are either discussed or noted for the record, as appropriate. Where revisions to the Draft EIR text are required in response to the comments, such revisions are noted in the response to the comment, and are also listed in Chapter 3 of this Final EIR. All new text is shown as double underlined and deleted text is shown as ~~struck through~~.

The changes to the analysis contained in the Draft EIR represent only minor clarifications/amplifications and do not constitute significant new information. In accordance with CEQA Guidelines, Section 15088.5, recirculation of the Draft EIR is not required. Each letter has been considered by the County and addressed, according to CEQA Guidelines Section 15088, prior to certification of this Final EIR.



Letter 1

629 Entler Avenue, Suite 15
Chico, CA 95928

(530) 332-9400
(530) 332-9417 Fax



STEPHEN ERTLE
Air Pollution Control Officer

PATRICK LUCEY
Assistant Air Pollution Control Officer

June 18, 2024

Butte County Department of Developmental Services
Attn: Mark Michelena, Principal Planner
7 County Center Drive
Oroville, CA 95965

Re: Draft Environmental Impact Report (DEIR) for Tuscan Ridge Planned Development Project

Dear Mr. Michelena,

- | | |
|-----|--|
| 1-1 | The Butte County Air Quality Management District (District) appreciates the opportunity to comment on the DEIR for the Tuscan Ridge Planned Development Project. Based on the information reviewed, the District has the following comments: |
| 1-2 | 1. Page 3.9: Gasoline dispensing facilities will require an Authority to Construct permit from the District prior to construction. |
| 1-3 | 2. Page 3.9: Demolition of the existing clubhouse may be subject to District Rule 270- <i>Asbestos Demolition and Renovation</i> . An Air District Asbestos Questionnaire should be completed prior to receiving a building permit that includes the demolition activity.
https://bcaqmd.org/asbestos/commercial/ |
| 1-4 | 3. Page 4.2-4, Table 4-2.2: The US EPA strengthened the primary Annual National Ambient Air Quality Standard (NAAQS) for fine particulate matter (PM _{2.5}) from 12 µg/m ³ to 9 µg/m ³ on February 7, 2024. |
| 1-5 | 4. Page 4.2-10, Table 4-2.3: The California Air Resources Board (CARB) redesignated Butte County as attainment for the California Ambient Air Quality Standard (CAAQS) for Annual PM _{2.5} and nonattainment-transitional for the ozone CAAQS on January 25, 2024. |
| 1-6 | 5. Page 4.2-40: Diesel-fired emergency backup generators rated at 50 horsepower or higher will require an Authority to Construct permit from the District prior to construction. |
| 1-7 | 6. Impact 4.2-1: The District concurs that impacts from construction-related criteria emissions are expected to be less than significant with the measures referenced to comply with District Rule 205 – <i>Fugitive Dust Emissions</i> . |
| 1-8 | 7. Impacts 4.2-2 & 4.2-6: The District concurs that operational-related emissions and the project's cumulative impact are expected to be less than significant with the implementation of Mitigation Measure 4-2.2. The District can participate as needed with an off-site mitigation program. That said, on-site mitigation measures should be prioritized where feasible. |



Letter 1 Cont.

1-9

8. Impact 4.2-3: The District concurs that impacts from construction and operational-related toxic air contaminant (TAC) emissions are expected to be less than significant while the project complies with state on-road and off-road diesel regulations and District permit requirements for gasoline dispensing facilities.

If you have any questions or comments, please contact me at (530) 332-9400 x108.

Sincerely,


Jason Mandly
Senior Air Quality Planner



LETTER 1: BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT

Response to Comment 1-1

The comment is an introductory statement and does not address the adequacy of the Draft EIR.

Response to Comment 1-2

The comment does not specifically address the adequacy of the Draft EIR. As stated on pages 4.2-34 and 4.2-35 in Chapter 4.2, Air Quality, Greenhouse Gas Emissions, and Energy, of the Draft EIR, the proposed project would be required to comply with all applicable Butte County Air Quality Management District (BCAQMD) rules and regulations, including Regulation 4, Permits. As stated on page 4.2-42 of the Draft EIR, the County would enforce compliance with all applicable BCAQMD rules and regulations as a condition of approval of the proposed project.

Response to Comment 1-3

The Phase I Environmental Site Assessment (ESA) prepared for the proposed project (see Appendix F of the Draft EIR) clearly states on page ii that given the age of the existing on-site structures, it is unlikely that asbestos containing building materials and lead-based paints (LBPs) were used in construction and/or maintenance. Thus, impacts related to asbestos or LBP were not further addressed in Chapter 4.6, Hazards and Hazardous Materials, of the Draft EIR, as asbestos or LBPs were not identified as a potential concern in the Phase I ESA. Please also see Response to Comment 1-2.

Response to Comment 1-4

In response to the comment, page 4.2-4 of the Draft EIR is hereby revised as follows:

Table 4.2-2 Ambient Air Quality Standards				
Pollutant	Averaging Time	CAAQS	NAAQS	
			Primary	Secondary
Ozone	1 Hour	0.09 ppm	-	Same as primary
	8 Hour	0.070 ppm	0.070 ppm	
Carbon Monoxide	8 Hour	9 ppm	9 ppm	-
	1 Hour	20 ppm	35 ppm	
Nitrogen Dioxide	Annual Mean	0.030 ppm	53 ppb	Same as primary
	1 Hour	0.18 ppm	100 ppb	-
Sulfur Dioxide	24 Hour	0.04 ppm	-	-
	3 Hour	-	-	0.5 ppm
	1 Hour	0.25 ppm	75 ppb	-
Respirable Particulate Matter (PM₁₀)	Annual Mean	20 ug/m ³	-	Same as primary
	24 Hour	50 ug/m ³	150 ug/m ³	
Fine Particulate Matter (PM_{2.5})	Annual Mean	12 ug/m ³	42 <u>9</u> ug/m ³	15 ug/m ³
	24 Hour	-	35 ug/m ³	Same as primary
Lead	30 Day Average	1.5 ug/m ³	-	-
	Calendar Quarter	-	1.5 ug/m ³	Same as primary
Sulfates	24 Hour	25 ug/m ³	-	-

(Continued on next page)



Table 4.2-2 Ambient Air Quality Standards				
Pollutant	Averaging Time	CAAQS	NAAQS	
			Primary	Secondary
Hydrogen Sulfide	1 Hour	0.03 ppm	-	-
Vinyl Chloride	24 Hour	0.010 ppm	-	-
Visibility Reducing Particles	8 Hour	see note below	-	-

ppm = parts per million
ppb = parts per billion
 $\mu\text{g}/\text{m}^3$ = micrograms per cubic meter

Note: Statewide Visibility Reducing Particle Standard (except Lake Tahoe Air Basin): Particles in sufficient amount to produce an extinction coefficient of 0.23 per kilometer when the relative humidity is less than 70 percent. This standard is intended to limit the frequency and severity of visibility impairment due to regional haze and is equivalent to a 10-mile nominal visual range.

Source: California Air Resources Board. California Ambient Air Quality Standards. May 4, 2016. Available at: <https://ww2.arb.ca.gov/sites/default/files/2020-07/aaqs2.pdf>.
<https://ww2.arb.ca.gov/resources/california-ambient-air-quality-standards>. Accessed October 2022-August 2024.

Page 8-1 of the Draft EIR is hereby revised as follows in accordance with the above changes:

- California Air Resources Board. California Ambient Air Quality Standards. May 4, 2016. Available at: <https://ww2.arb.ca.gov/sites/default/files/2020-07/aaqs2.pdf>.
<https://ww2.arb.ca.gov/resources/california-ambient-air-quality-standards>. Accessed April August 2024.

The change in the national ambient air quality standard for fine particulate matter ($\text{PM}_{2.5}$) from 12 to nine micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) would not change the applicable thresholds used for analysis of air quality impacts, thus, the analysis or conclusion of the Draft EIR would not change. The foregoing minor changes are for clarification purposes and do not affect the adequacy or conclusions of the environmental analysis contained in the Draft EIR.

Response to Comment 1-5

In response to the comment, page 4.2-10 of the Draft EIR is hereby revised as follows:

As presented in Table 4.2-3, BCAQMD is designated non-attainment for the federal and State 8-hour ozone, the State 1-hour ozone, State 24-hour PM_{10} standard, and State annual $\text{PM}_{2.5}$, and designated nonattainment-transitional for the State 1-hour Ozone and State 8-hour ozone. It should be noted that PM_{10} incorporates all fine particulate matter less than 10 microns in diameter and, as a result, $\text{PM}_{2.5}$ is accounted for within the BCAQMD PM_{10} standards, discussed below. Due to the nonattainment designations, the BCAQMD, along with the other air districts in the SVAB region, is required to develop plans to attain the federal and State standards for ozone and particulate matter. The air quality plans include emissions inventories to measure the sources of air pollutants to evaluate how well different control measures have worked, and show how air pollution would be reduced. In addition, the plans include the estimated future levels of pollution to ensure that the area would meet air quality goals. Each of the attainment plans currently in effect are discussed in further detail in the Regulatory Context section of this chapter.



Table 4.2-3 Butte County Attainment Status Designations		
Pollutant	California Standards	Federal Standards
1-hour Ozone	Nonattainment <u>Transitional</u>	--
8-hour Ozone	Nonattainment <u>Transitional</u>	Nonattainment
Carbon Monoxide	Attainment	Attainment
Nitrogen Dioxide	Attainment	Attainment
Sulfur Dioxide	Attainment	Attainment
24-hour Respirable Particulate Matter (PM ₁₀)	Nonattainment	Attainment
24-hour Fine Particulate Matter (PM _{2.5})	--	Attainment
Annual PM ₁₀	Attainment	--
Annual PM _{2.5}	Nonattainment Attainment	Attainment
Source: Butte County Air Quality Management District. Air Quality Standards & Air Pollutants. Available at: https://bcaqmd.org/planning/air-quality-standards-air-pollutants/ https://www.bcaqmd.org/air-quality-standards-attainment-planning . Accessed October 2022 August 2024.		

The change in attainment status for ozone and PM_{2.5} would not change the applicable thresholds of significance used for analysis of air quality impacts associated with the proposed project. Thus, the foregoing minor changes are for clarification purposes and do not affect the adequacy or conclusions of the environmental analysis contained in the Draft EIR. All other references to the attainment status of ozone and PM_{2.5} within the Draft EIR are hereby revised accordingly, as presented in Chapter 3, Revisions to the Draft EIR Text.

Response to Comment 1-6

Please see Response to Comment 1-2.

Response to Comment 1-7

The comment provides concurrence with the conclusion of Impact 4.2-1 on page 4.2-42 of the Draft EIR.

Response to Comment 1-8

The comment provides concurrence with the conclusion of Impacts 4.2-2 and 4.2-6 on pages 4.2-44 through 4.2-45 and page 4.2-58, respectively, of the Draft EIR.

Response to Comment 1-9

The comment provides concurrence with the conclusion of Impact 4.2-3 on page 4.2-49 of the Draft EIR.



Letter 2



BUTTE LOCAL AGENCY FORMATION COMMISSION

1453 Downer Street, Suite C • Oroville, California 95965-4950
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June 17, 2024

Mark Michelena, Principal Planner
7 Department of Development Services
Oroville, CA 95965

Via Email to: mmichelena@buttecounty.net

RE: Draft Environmental Impact Report (DEIR) for the Tuscan Ridge Planned Development Project

Dear Mark,

The Butte Local Agency Formation Commission (LAFCo) appreciates the opportunity to provide our observations concerning the Draft Environmental Impact Report (DEIR) prepared for the Tuscan Ridge Planned Development Project. The comments tier off our prior observations provided for the Notice of Preparation dated March 24, 2022.

General Comments

2-1

As LAFCo has not yet received any applications concerning this project site, our comments at this time are not to be considered as a measure of completeness for any future applications or requests to LAFCo. The following comments are provided in order to allow the County the opportunity to address LAFCo concerns related to the project description, environmental review and issues related to impacts to other agencies should this be necessary to effectively process any future applications. At such time an application is formally submitted, LAFCo will review all materials and make a completeness determination, which may require the submittal of additional information in order to effectively evaluate the proposed actions.

Government Code Section 56668 outlines seventeen factors that LAFCo's must consider in the review of a proposal. These factors are shown below with associated observations where necessary:

2-2

- a) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.

It has long been acknowledged that the County of Butte, City of Chico and Town of Paradise have supported an open space separation between the two cities to reduce the likelihood of urban sprawl along the Skyway scenic corridor. The significant separation between the five incorporated cities in the county is a purposeful, deliberate and desirable planning outcome of associated city and county general plans. Such focused planning for dense residential developments has allowed for more concentrated and efficient urban service delivery patterns, emergency services response, and reduced vehicle miles travelled. The DEIR must evaluate the impacts and effects of this proposal with respect to encouraging further development along the Skyway.



Letter 2 Cont.

Page 2 of 5

2-2 Cont.	<p><i>Additionally, as it is LAFCo's charge to encourage orderly development and the efficient delivery of services, it is essential to ask how this development will affect the Town of Paradise and its rebuilding efforts. Could this proposed housing stock be built within the Town with existing urban services? Will this proposal in any way discourage any rebuild efforts?</i></p>
2-3	<p>b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. "Services," as used in this subdivision, refers to governmental services whether or not the services are services, which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.</p> <p><i>The project proposes to utilize the services of the Paradise Irrigation District (PID) for the purposes of operating and maintaining the on-site water and wastewater systems. Such a request will be evaluated by LAFCo when appropriate. It should be noted that the PID has excess capacity within its existing service area and could accommodate this proposed growth of 168 homes within its current service boundaries and within the Town of Paradise. Directing growth to existing urban areas with adequate municipal services is often preferable to developing in areas disconnected from urban services.</i></p>
2-4	<p>c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.</p> <p><i>The Draft EIR appropriately calls out impacts related to the operation of the Paradise Rod and Gun Club who relies on the open space characteristics of the area to minimize its impacts on nearby residents. Further discussion of this topic is needed to ensure that the proposed project does not lead to the termination of this pre-existing use and the loss of one of the very few publicly available outdoor ranges in the County.</i></p>
2-5	<p>d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.</p> <p><i>The issue of orderly and efficient urban development patterns is a question with this proposal. The concerns of the Town of Paradise related to this proposal will be of significance to the commission when considering any future related actions.</i></p>
2-6	<p>e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.</p>
2-7	<p>f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.</p> <p><i>The Tuscan Ridge site is currently split between the Durham Park and Recreation District and the Paradise Recreation and Park District. This scenario may be problematic for the dedication of any park facilities or participation in park district programs. It would be useful to consider seeking the affected agencies including the Board of Supervisors, to initiate a boundary change through LAFCo.</i></p>



Letter 2 Cont.

Page 3 of 5

	g) A regional transportation plan adopted pursuant to Section 65080
2-8	<i>How might the proposed signalized intersection on the Skyway affect commuters between Chico and Paradise? Is this a necessary impact to thousands of commuters on the Paradise Ridge? Would the elimination of 16 fuel pumps reduce the traffic impact and avoid a signal?</i>
2-9	h) The proposal's consistency with city or county general and specific plans.
	i) The sphere of influence of any local agency, which may be applicable to the proposal being reviewed.
2-10	<i>The proposal is located outside of the spheres of influence of both the Town of Paradise and City of Chico. This is an indication that such a development proposal has not been considered or identified for urban growth by LAFCo and development of municipal services at this location raises questions of efficiency and logical urban growth boundaries.</i>
	j) The comments of any affected local agency or other public agency.
2-11	<i>The issue of orderly and efficient urban development patterns is a question with this proposal. The concerns of the Town of Paradise related to this proposal will be of significance to the commission when considering any future related actions.</i>
2-12	k) The ability of the newly formed or receiving entity to provide the services, which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.
2-13	l) Timely availability of water supplies adequate for projected needs as specified in Section 5352.5.
2-14	m) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7. <i>The DEIR does not clearly evaluate the impact of this new housing development on the Town of Paradise rebuild and any changes to expected housing starts?</i>
2-15	n) Any information or comments from the landowner or owners.
2-16	o) Any information relating to existing land use designations.
2-17	p) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the location of public facilities and the provision of public services, to ensure a healthy environment for all people such that the effects of pollution are not disproportionately borne by any particular populations or communities.
2-18	q) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone



Letter 2 Cont.

Page 4 of 5

2-18
Cont.

pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal.

2-19

LAFCo staff encourages the County to review the above factors and ensure that the proposed development is consistent with and addresses these factors in the DEIR. The failure to specifically address these factors may require the LAFCo to consider efforts to seek additional information and supplement the DEIR to support a LAFCo decision at a later date.

DEIR Comments by Section

Page 2-45: Table 2-1 Summary Impacts and Mitigation Measures

2-20

Impact 4.8-1: The DEIR indicates that the Project will have a Less Than Significant impact related to dividing a community and therefore offers no mitigation measures.

The resulting development will be split between the Paradise Recreation and Park District and the Chico Area Recreation and Park District. This should be remedied by requiring a boundary reorganization that would place the entire community into one District which most reasonably would be the Paradise Recreation and Park District as it currently covers the majority of the project site.

2-21

Impact 4.8-3: The DEIR indicates that the Project will have a Less Than Significant impact on growth inducement and therefore offers no mitigation measures.

It is unreasonable to believe the project as proposed will not encourage other landowners to consider requesting land use entitlements from the County. This could be reduced to a Less than Significant impact with the inclusion of firm conditions on the sizing of infrastructure (water, sewer), no access easements on the exterior boundaries of the project and reducing the commercial component of the plan to match the expected needs of only the project residents. For example, do 123 homes need a 16 pump gas station.

Page 3-9: Commercial Development / Access and Circulation

2-22

The proposal is characterized as a sustainable community with services for the residents. This is a reasonable goal. However, it would seem that the amount of commercial development and inclusion of a 16 pump gas station exceeds the needs of the 165 proposed residential uses. It is easy to conclude that this commercial development, specifically the 16 gas pumps, are intended or will attract non-project residents and thus, generating additional vehicle trips and unnecessary congestion at the Skyway entrance. Such uses ask the question, if commercial uses were reduced or eliminated, would a signalized intersection be necessary.

Page 3-10: Open Space and Trails.

2-23

The project proposes 36.7 acres of open space and associated trails. What will be the mechanism to maintain these facilities? The proposal should consider utilizing the Paradise Park and Recreation District as the recreation service provider as this is their specialty. The District also has experience in designing and maintaining wildfire defensible open spaces which the project will need to address.



Letter 2 Cont.

Page 5 of 5

2-24	<p>Page 3-10,11: Utilities</p> <p><i>The discussion of the management of the potable water system and wastewater system includes a good description of the potential relationship with the Paradise Irrigation District (PID) for the maintenance and operation of this infrastructure. As noted, this is a discretionary decision by the Local Agency Formation Commission (LAFCo) and may require additional studies by the District and LAFCo. Absent the availability of PID services, the DEIR indicates the County will require the formation of a county service area (CSA). A CSA is a dependent special district that must be approved by LAFCo as well. The DIER provides no description of this CSA formation process.</i></p>
2-25	<p>Page 4.8-53 – Table 4.8-6</p> <p>PUB-P6.3 – Quimby Act fees</p> <p><i>This section references the Chico Area Recreation and Park District, but no reference to the Paradise Recreation and Park District, which has jurisdiction over the majority of the project site. This should be corrected.</i></p>
2-26	<p>Page 4.8-54 and 57 – Table 4.8-6</p> <p>PUB-P6.3 and Policy 4.5.4A(2)</p> <p><i>This section incorrectly states that a sphere of influence amendment would not be required for an extraterritorial service extension by PID. Extraterritorial service connections can only be approved outside of an agency sphere of influence to address a documented public health and safety concern. The simple fact the site is unoccupied, indicates no public health or safety presently exist thus the LAFCo would likely require a sphere of influence amendment to consider this approach.</i></p>

Thank you for the opportunity to provide these observations and contribute to the dialogue. Feel free to contact myself at 538-6819 or email at slucas@buttecounty.net.

Sincerely,

Steve Lucas

Stephen Lucas
Executive Officer

CC: Commission
Scott Browne, LAFCo Counsel
Manager, Town of Paradise
General Manager, Paradise Irrigation District



LETTER 2: BUTTE LOCAL AGENCY FORMATION COMMISSION

Response to Comment 2-1

The comment is an introductory statement and does not address the adequacy of the Draft EIR.

Response to Comment 2-2

As discussed throughout the Draft EIR, and as clearly stated on page 3-4 of the Project Description chapter of the Draft EIR:

The project site currently has a County of Butte General Plan land use designation of Planned Unit Development (PUD) and is zoned Planned Development. In adopting the Butte County 2030 General Plan, the County prepared an EIR in 2010 and a supplemental EIR (SEIR) in 2012. Both the 2010 EIR and 2012 SEIR assume that the project site will be built out with a golf course and 165 dwelling units (see, e.g., 2010 Draft EIR, pg. 3-49 [Table 3-5]; and 2012 Draft SEIR, pg. 3-45 [Table 3-5]). However, the recently adopted Butte County General Plan 2040 includes the following language regarding the project site:

The Tuscan Ridge PUD will determine the mix of uses that will occur in a 165-acre area along the Skyway at the site of the former Tuscan Ridge Golf Course. A mix of residential uses, community commercial uses, and water and/or sanitary sewer facilities provided by a public or private entity may be developed in this area. Additionally, approximately 49 acres of the site would consist of landscaped areas, as well as recreational and open space areas to include bicycle and pedestrian trails.

Accordingly, the project site has been anticipated by the County for development with uses consistent with the proposed project. Following development of the proposed project, substantial open space would still exist between the City of Chico and the Town of Paradise. The Draft EIR includes an analysis of the proposed project's consistency with Butte Local Agency Formation Commission (LAFCo) policies in Table 4.8-6 of the Land Use and Planning/Population and Housing chapter of the Draft EIR. The ultimate determination of consistency rests with Butte LAFCo.

Growth inducing impacts associated with the proposed project are discussed in Chapter 6, Statutorily Required Sections, of the Draft EIR. As discussed therein on pages 6-2 and 6-3, the infrastructure included in the proposed project would serve only the project, and the construction of on-site utilities infrastructure would not be anticipated to result in elimination of obstacles to population growth in the area. The undeveloped parcels between Chico and Paradise are mostly zoned Agriculture (40-acre minimum) and Foothill Residential (20-acre minimum), which do not allow for similar type of development. Thus, the proposed project would not be anticipated to directly encourage further development along Skyway.

The portion of the comment related to the proposed project's effect on the rebuilding efforts of the Town of Paradise does not address the adequacy of the Draft EIR. It is not within the requirements of CEQA to consider issues beyond the physical environmental impacts associated with the proposed project. The Draft EIR addresses all physical environmental impacts of the proposed project, including on surrounding areas. In addition, the Town of Paradise did not provide



comments on the Draft EIR. Furthermore, the Paradise Irrigation District (PID) has issued a Letter of Intent to the project applicant, indicating willingness to serve the proposed project.¹

Response to Comment 2-3

The comment does not specifically address the adequacy of the Draft EIR. Please see Response to Comment 2-2. The comment has been noted for the record and will be forwarded to the decision-makers as part of their consideration of the proposed project.

Response to Comment 2-4

Pursuant to the reasoning of the California Supreme Court in *California Building Industry Assn. v. Bay Area Air Quality Management District* (2015) (2015) 62 Cal.4th 369, 377-378, a CEQA analysis is concerned with the project's impact on the environment rather than the environment's impact on the project. CEQA does not require an analysis of the existing environment's effects on the proposed project. Nonetheless, for informational purposes, the Draft EIR includes such discussions specifically related to the Paradise Rod & Gun Club. For example, as stated on page 4.9-47 in Chapter 4.9, Noise, of the Draft EIR, a condition of project approval would require disclosure statements to be provided to future residents of the proposed project, notifying them of the audibility of Paradise Rod & Gun Club shooting activities and potential for elevated noise levels during range hours of operation.

Response to Comment 2-5

The comment does not address the adequacy of the Draft EIR. Please see Response to Comment 2-2.

Response to Comment 2-6

The comment does not address the adequacy of the Draft EIR. Impacts related to agriculture are addressed in Chapter 5, Effects Not Found to be Significant, of the Draft EIR. As discussed therein, the project site is designated as Urban and Built-Up Land by the California Department of Conservation Farmland Mapping and Monitoring Program and is not considered Farmland. As also discussed in Table 4.8-6 of the Land Use and Planning/Population and Housing chapter of the Draft EIR, on page 4.8-19:

[...] while the land to the south of the project site is designated as AG in the General Plan and zoned AG-40, development of the proposed project would not preclude use of the land to the south of the project site for agricultural activities or grazing. In particular, as part of project approval, the project would be conditioned to record a declaration acknowledging the right to farm, pursuant to Butte County Code Chapter 35, prior to the recordation of the Final Map.

In addition, as noted throughout the Draft EIR, including within the Project Description chapter, the existing access easement within the western portion of the site for the adjacent agricultural property would remain with the proposed project. In accordance with CEQA Guidelines Section 15360, economic impacts are not required to be addressed under CEQA.

Response to Comment 2-7

Contrary to the comment, the project site is currently split between the Paradise Recreation and Park District (PRPD) and the Chico Area Recreation and Park District (CARD). However, the

¹ Paradise Irrigation District. *Paradise Irrigation District (PID) Intent to Manage and Maintain the Water and Wastewater System of the Tuscan Ridge Planned Development*. June 15, 2021.



County will include a condition of approval to modify the boundary, and incorporate a portion of the CARD into the PRPD. Based on the comment, page 4.10-4 in Chapter 4.10, Public Services and Recreation, of the Draft EIR is hereby revised as follows:

Five large special independent districts maintain many of the parks and recreational facilities in Butte County. The districts, which encompass most of the County's land area, operate as independent districts, meaning that each district is governed by a board of directors elected by the voters in that district. The districts in Butte County are non-enterprise districts, and depend mainly on property taxes for operating revenue, rather than user fees. Butte County's special districts include the Chico Area Recreation and Park District (CARD); Feather River Recreation and Park District (FRRPD); Paradise Recreation and Park District (PRPD); Durham Recreation and Park District (DRPD); and Richvale Recreation and Park District (RRPD). The majority of the project site is located within the PRPD area, while the southern portion of the project site is located within the CARD area. As a condition of project approval, a request shall be made to have the PRPD/CARD boundary extended south such that the entirety of the project site would be within the PRPD area and removed from the CARD area.

The above changes are for clarification purposes and do not affect the adequacy or conclusions of the environmental analysis contained in the Draft EIR.

Response to Comment 2-8

As stated on page 4.11-22 in Chapter 4.11, Transportation, of the Draft EIR, a Safety Assessment and Intersection Control Evaluation Summary was prepared by Fehr & Peers for the proposed project and was included as Appendix I to the Draft EIR.² According to the separate study, the intersection warrants a traffic signal due to peak hour intersection volumes. In addition, with regard to safety, as presented in the Safety Assessment and Intersection Control Evaluation Summary, the traffic signal would reduce the likelihood of broadside and head-on collisions, improve clarity of movements for motorists, reduce the frequency of wrong-way driving incidents, and help to reduce speeds. As stated on pages 4.11-22 and 4.11-23 in Chapter 4.11, Transportation, of the Draft EIR:

Based on the general plan policy expectations noted above, the number of project trips, the existing volume and speed on Skyway, multiple intersection control alternatives are offered for the primary access, while limited, right-turn only operations are recommended at the secondary access. The County has determined that the preferred primary access is a signalized intersection to be built by the project applicant, and the secondary access will be limited to right-turns only. Based on the 11th Edition of the ITE Trip Generation Manual, the estimated daily vehicle trips associated with the previously approved land use for the site of Golf Course would be 547 daily vehicle trips, which is approximately equivalent to the daily vehicle trips that would be generated by 54 single-family residences. According to the *Tuscan Ridge Safety Assessment and Intersection Control Evaluation Technical Memorandum*, this level of traffic did not necessitate a traffic signal or result in significant collisions at the intersection of Santa Rosa Road and Skyway. Accordingly, the timing for Mitigation Measure 4.11-4(a) below is based on the equivalent level of daily vehicle trips.

Because the level of traffic that would trigger the traffic signal is based on 54 single-family residences, elimination of the proposed gas station would not avoid the identified impact or the required mitigation measure.

² Fehr & Peers. *Tuscan Ridge Safety Assessment and Intersection Control Evaluation Summary – Updated*. April 14, 2023.



Response to Comment 2-9

Please see Response to Comment 2-2 and the discussion in Table 4.8-6 of the Land Use and Planning/Population and Housing chapter of the Draft EIR.

Response to Comment 2-10

Please see Response to Comment 2-2. As noted therein, the project site is designated for development in the County of Butte General Plan.

Response to Comment 2-11

Please see Response to Comment 2-2.

Response to Comment 2-12

Please see Response to Comment 2-2.

Response to Comment 2-13

The comment does not specifically address the adequacy of the Draft EIR. Impacts related to water supply are discussed in Chapter 4.12, Utilities and Service Systems, of the Draft EIR.

Response to Comment 2-14

Please see Response to Comment 2-2.

Response to Comment 2-15

The comment does not address the adequacy of the Draft EIR. The project site landowner is the same as the project applicant for the proposed project. Regarding general comments on the proposed project, pages 1-7 and 1-8 in Chapter 1, Introduction, of the Draft EIR summarizes the concerns brought forth in the comment letters and verbal comments received on the scope of the EIR as part of the Notice of Preparation public comment period.

Response to Comment 2-16

The comment does not address the adequacy of the Draft EIR. Existing land use designations are discussed in Chapter 3, Project Description, and Chapter 4.8, Land Use and Planning/Population and Housing, of the Draft EIR.

Response to Comment 2-17

The Draft EIR evaluates all environmental issue areas required for analysis, in accordance with the CEQA Guidelines Appendix G environmental checklist. CEQA Guidelines Appendix G does not include a section specifically dedicated to the topic of environmental justice.

Response to Comment 2-18

The comment does not specifically address the adequacy of the Draft EIR. Impacts related to wildfire hazards are discussed in Chapter 4.13, Wildfire, of the Draft EIR.

Response to Comment 2-19

Please see the preceding responses to comments and the analysis of applicable LAFCo policies in Table 4.8-6 on pages 4.8-54 through 4.8-58 in Chapter 4.8, Land Use and Planning/Population and Housing, of the Draft EIR. The comment will be forwarded to the decision-makers as part of their consideration of the proposed project.



Response to Comment 2-20

Please see Response to Comment 2-7.

Response to Comment 2-21

Please see Response to Comment 2-2. As stated on page 6-2 in Chapter 6, Statutorily Required Sections, of the Draft EIR, all water and wastewater improvements and infrastructure would be developed to accommodate the proposed project only. Whether other landowners would request land use changes is speculative. Consequently, any analysis of future land use entitlement requests would be speculative at this time and is not warranted under CEQA. All future development applications within the County will be subject to separate CEQA review by the County.

Response to Comment 2-22

Please see Response to Comment 2-8. In addition, according to the Intersection Operations Memorandum prepared by Fehr & Peers for the proposed project,³ land uses such as retail and gas stations attract pass-by trips, and were considered in project trip generation. Pass-by trips represent drivers already travelling adjacent to the project that decide to patronize the project site.

It should also be noted that congestion is related to level of service (LOS), which is no longer the metric for assessing transportation impacts under CEQA (see Section 15064.3). Nonetheless, the non-CEQA Intersection Operations Memorandum concluded that the new project intersections along Skyway (signal at Santa Rosa Road and a side-street stop controlled, left-turn restricted secondary driveway) would operate at acceptable LOS in both the AM and PM peak hours.

Response to Comment 2-23

The comment does not address the adequacy of the Draft EIR, as maintenance of open space and trails is not a CEQA issue. The comment will be forwarded to the decision-makers for their consideration.

Response to Comment 2-24

The PID has issued a Letter of Intent to the project applicant, indicating a willingness to serve the proposed project. Details concerning the formation of a County Service Area (CSA) are not related to physical environmental impacts, and, thus, are outside of the scope of CEQA. If it is later determined that a CSA would be used to fund operations and maintenance of the water and wastewater systems, the formation process would be required to adhere to Butte LAFCo requirements at that time. The comment has been noted for the record and will be forwarded to the decision-makers as part of their consideration of the proposed project.

Response to Comment 2-25

Please see Response to Comment 2-7. In response to the comment, revisions to Chapter 4.8 of the Draft EIR would be required to change the applicable payment of park facilities fees. Table 4.8-6 on page 4.8-53 in Chapter 4.8, Land Use and Planning/Population and Housing, of the Draft EIR is hereby revised as shown on the following page. Rather than include the entirety of Table 4.8-6 with revisions shown where appropriate, only the General Plan policy for which the project consistency discussion has been revised is presented. The minor changes are for clarification

³ Fehr & Peers. *Tuscan Ridge Intersection Operations Memorandum*. May 5, 2023.



purposes and do not affect the adequacy or conclusions of the environmental analysis contained in the Draft EIR.

Response to Comment 2-26

As stated on page 3-17 of the Draft EIR, the proposed project would require an extraterritorial service agreement or annexation of the project site into the PID service area for water and sewer service. If annexation is required, a sphere of influence (SOI) amendment would also be required to amend PID's SOI to include the project site. The commenter notes that a SOI amendment "would likely" be required for an extraterritorial service agreement. It is precisely due to this ambiguity that the Draft EIR does not specifically acknowledge this as a requirement. Whether an extraterritorial service agreement, annexation, and/or SOI amendment is required, the proposed project would be subject to all Butte LAFCo requirements, and the conclusions of the environmental analysis within the Draft EIR would not change.



**Table 4.8-6
 2030 Butte County General Plan and Butte LAFCo Policy Discussion**

<i>Public Facilities and Services</i>	
PUB-P6.3	<p>New residential development shall be assessed for Quimby Act fees to support park development in coordination with parks and recreation districts</p> <p>As discussed in Chapter 4.10, Public Services and Recreation, of this EIR, consistent with goals and policies in the 2030 Butte County General Plan, Chapter 16, Article IV-VII, Park Facility Fees in the Chico Urban Area PRPD, of the Butte County Code requires new development located within the Chico Urban Area to pay park facility fees to the Chico Area Recreation and Park District (CARD) for the provision of new and expanded park facilities within the CARD area in the unincorporated area of the County of Butte within the PRPD to pay park facility fees to PRPD. The purpose of the park and recreation facilities impact fee is to provide funding for expansion of park land and recreation facilities required to serve new development in the CARD PRPD area. The proposed project would be required to pay such fees, and, thus, would comply with Policy PUB-P6.3.</p>



Letter 3

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State of California - Natural Resources Agency



DEPARTMENT OF FISH AND WILDLIFE
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
916-358-2900
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



June 21, 2024

Mark Michelena
Principal Planner
Butte County Department of Development Services
7 County Center Drive
Oroville, CA 95965
mmichelena@buttecounty.net

Subject: Tuscan Ridge Planned Development Project
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
SCH No. 2022020536

Dear Mark Michelena;

The California Department of Fish and Wildlife (Department) received and reviewed the DEIR from Butte County Development Services (County) for the Tuscan Ridge Planned Development Project (Project) pursuant the California Environmental Quality Act (CEQA) statute and guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

CDFW ROLE

3-1

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Fish & G. Code, § 1802.) Similarly for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on Projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species

Conserving California's Wildlife Since 1870



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protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code. CDFW also administers the Native Plant Protection Act, Natural Community Conservation Program, and other provisions of the Fish and Game Code that afford protection to California's fish and wildlife resources.

PROJECT DESCRIPTION SUMMARY

The Project is located at 3100 Skyway Road on what was formerly the Tuscan Ridge Golf Course, located on the southeast side of Skyway in an unincorporated area of Butte County, between Chico and Paradise, California, and is identified by Assessor's Parcel Numbers 040-520-104 through -111.

The Project consists of a Planned Development and Vesting Tentative Subdivision Map to subdivide the parcels into 165 single-family residential lots, six commercial use lots, with 36.7 acres of open space, 4.1 acres of landscaped areas, 20.5 acres of roadway, and 49 acres of special utility district associated with the on-site water and sewer systems. As currently designed, the proposed commercial uses would include an approximately 3,600-square-foot (sf) gas station/convenience store with up to 16 fuel dispensers and up to approximately 76,000 sf of commercial space, across one- and two-story buildings, along the primary site entrance, as well as a mini-storage use with outdoor RV and boat storage in the eastern portion of the project site. The proposed Project would require County approval of a Planned Development Rezone, Vesting Tentative Subdivision Map, and a Minor Use Permit for development within the Scenic Highway Overlay Zone.

COMMENTS AND RECOMMENDATIONS

3-2

CDFW offers the comments and recommendations below to assist Lead Agency in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Based on the potential for the Project to have a significant impact on biological resources, CDFW concludes that an Environmental Impact Report is appropriate for the Project.

Comment 1. Crotch's Bumblebee

3-3

Crotch's Bumblebee (CBB) (*Bombus crotchii*) is currently a candidate species under the CESA. As a candidate species, it receives the same legal protections afforded to CESA-listed endangered and threatened species. The DEIR should include an analysis of the potential presence of this species within the project site beyond the potential to occur table when suitable foraging habitat is known to occur throughout the area between known occurrences and the area of proposed disturbance. Without appropriate avoidance and minimization measures for CBB and its habitat, project-related activities



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involving ground and vegetation disturbance could result in significant impacts, including loss of foraging resources, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, reduced health and vigor of eggs, young, and/or queens, and direct mortality of individuals. CDFW recommends CBB specific surveys be conducted by qualified biologists possessing CESA take authorization (i.e., CESA Memorandum of Understanding, Fish and G. Code, § 2081(a)), specific to CBB surveys, to determine if this species is present within the project site. The timing and number of the surveys should be appropriate to make a valid determination of presence or absence. CDFW believes a single survey for this species would not be sufficient to determine presence/absence and recommends utilizing the Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species for guidance on developing survey protocols (CDFW 2023). CDFW recommends the DEIR analyze the project's potentially significant impacts if the species is determined to be present during surveys and propose additional avoidance, minimization, and mitigation measures to reduce impacts to a less-than significant level. Measures may include, but are not limited to, the following: multiple field surveys to determine bumble bee presence and site utilization for nesting and foraging habitat, avoidance of nesting sites and foraging habitat, timing of grading, or planting of pollinator plant species.

Comment 2. Oak Woodlands

3-4

Based on the Arborist report for the Project, the parcel proposed for development contains 13.4 acres of mature blue oak woodland with a total of 748 blue oak trees (*Quercus douglasii*), 7 interior live oak (*Quercus wislizeni*), and 74 California foothill pine trees (*Pinus sabiniana*). The blue oak woodland on site has been fragmented due to previous site development and fire. Blue oak woodland is an endemic, CDFW-designated sensitive natural community. Sensitive natural communities have limited distribution and are often vulnerable to project impacts (CDFW 2018). The Project proposed the removal of 322 blue oak trees, 2 interior live oak and 42 California foothill pine trees with the following mitigation proposed: *All native trees with a diameter at breast height (DBH) 5 inches or greater shall be replaced at a 3:1 ratio. Trees shall be sourced from seed stock within the planting site's watershed (preferred) or County to the extent practicable. If container grown trees that were grown from seed sources located in the southern Cascade foothills.*

These mitigation ratios are inadequate for the replacement of mature native oak trees. Oak trees typically have a very slow growth rate. The mitigation ratios proposed by the DEIR, would not adequately replace the habitat value that would be lost as a result of the removal of these tree species, especially since the proposed project area and the surrounding land have already been significantly stressed from surrounding development and the Camp Fire. There would be a temporal loss of this habitat, due to the replacement oak trees not reaching comparable size and structure until many decades or more. CDFW recommends the DEIR provide mitigation at a ratio of 10:1 to compensate for loss of blue oak woodlands. In addition, the DEIR should include specifics of where the mitigation trees will be planted and establish success criteria for



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Cont.**

mitigation plantings. CDFW recommends these oak mitigation areas be permanently protected via a conservation easement to ensure the perpetual existence of oak woodland within the Project site.

3-5

Additionally, the DEIR defers the mitigation for impacts to blue oak woodlands and the removal of mature trees based on future unspecified success criteria for onsite restoration. CEQA Guidelines §15126.4 (a)(1)(B) states that formulation of mitigation measures should not be deferred until some future time. Because there are no specified success criteria for the onsite restoration, the mitigation measure is unenforceable and may not reduce the impacts to biological resources to a less-than-significant level. The mitigation measure should establish performance standards to evaluate the success of the proposed mitigation, provide a range of options to achieve the performance standards, and must commit the lead agency to successful completion of the mitigation. Mitigation measure should also describe when it will be implemented and explain why it is feasible. Therefore, CDFW recommends that the DEIR include measures that are enforceable and do not defer the details of the mitigation to the future.

Comment 3. Migratory Birds, Birds of Prey, Fully Protected Birds

The Project may result in adverse impacts to several species of songbirds and migratory ground-nesting raptors such as the western burrowing owl (*Athene cunicularia*) (Species of Special Concern), western horned lark (*Eremophila alpestris*), northern harrier (*Circus cyaneus*), and western meadowlark (*Sturnella neglecta*). Grassland foraging migratory birds that may be impacted include the white-tailed kite (*Elanus leucurus*) (Fully Protected) and northern shrike (*Lanius excubitor*).

3-6

Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) (16 U.S.C., §§ 703-712). CDFW implements the MBTA per Fish and Game Code, section 3513. Fish and Game Code, sections 3503, 3503.5 and 3800 provide additional protection to nongame birds, birds of prey, their nests and eggs. Additionally, Fish and Game Code, section 3511, prohibits take of birds designated as Fully Protected.

Potential habitat for nesting birds, birds of prey and Fully Protected birds is present within the Project area. The environmental document should disclose all potential activities that may have direct or indirect take to nongame native nesting birds within the project footprint and its close vicinity. Appropriate avoidance, minimization, and/or mitigation measures to avoid take must be included in the document. Measures to avoid the impacts should include nesting bird surveys, species specific work windows, biological monitoring, and installation of noise attenuation barriers.

3-7

Comment 4. Impacts to Hydrologic Features and Associated Habitats

The DEIR identified one ephemeral drainage, though it is not clear if that is the only hydrologic feature within the Project footprint. The environmental analysis should



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Cont.**

identify all perennial, intermittent, and ephemeral rivers, streams, and lakes within the Project footprint and any habitats supported by these features such as wetlands and riparian habitats. The environmental document should identify any potential impacts to fish and wildlife resources dependent on those hydrologic features and estimate the footprint area that will be temporarily and/or permanently impacted by the proposed Project, by hydrologic feature and habitat type. Notification to CDFW may be required pursuant to Fish and Game Code section 1602, if the Project proposes to: divert, obstruct, or change the natural flow or the bed, channel or bank of any river, stream, or lake; use material from a streambed; or result in the disposal or deposition of debris, waste, or other material where it may pass into any river, stream, or lake. In these cases, the environmental document should propose mitigation measures to avoid, minimize, and mitigate impacts to fish and wildlife resources.

If upon review of an entity's notification, CDFW determines that the Project activities may substantially adversely affect an existing fish or wildlife resource, a Lake and Streambed Alteration (LSA) Agreement will be issued which will include reasonable measures necessary to protect the resource. CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if one is necessary, the EIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the Project may avoid or reduce impacts to fish and wildlife resources. All LSA Notification types must be submitted online through CDFW's Environmental Permit Information Management System (EPIMS). For more information about EPIMS, please visit <https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS>. More information about LSA Notifications, paper forms and fees may be found at <https://www.wildlife.ca.gov/Conservation/Environmental-Review/LSA>.

Please note that other agencies may use specific methods and definitions to determine impacts to areas subject to their authorities. These methods and definitions often do not include all needed information for CDFW to determine the extent of fish and wildlife resources affected by activities subject to Notification under Fish and Game Code section 1602. Therefore, CDFW does not recommend relying solely on methods developed specifically for delineating areas subject to other agencies' jurisdiction (such as United States Army Corps of Engineers) when mapping lakes, streams, wetlands, floodplains, riparian areas, etc. in preparation for submitting a Notification of an LSA.



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ENVIRONMENTAL DATA

3-8

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

FILING FEES

3-9

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

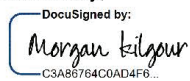
CONCLUSION

3-10

Pursuant to Public Resources Code § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to provide comments on the DEIR for the Project to assist the County in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. If you have any questions, please contact Brooks Taylor, Senior Environmental Scientist (Specialist), at (916) 907-3782 or brooks.taylor@wildlife.ca.gov.

Sincerely,

DocuSigned by:

C3A86764C0AD4F6...

Morgan Kilgour
Regional Manager



DocuSign Envelope ID: 42A75836-B053-4921-8119-7A3FEA7F600C

Letter 3 Cont.

Mark Michelena
Tuscan Ridge Planned Development Project
June 21, 2024
Page 7 of 7

ec: Tanya Sheya, Environmental Program Manager
tanya.sheya@wildlife.ca.gov
Ian Boyd, Senior Environmental Scientist (Supervisor)
ian.boyd@wildlife.ca.gov
Brooks Taylor, Senior Environmental Scientist (Specialist)
brooks.taylor@wildlife.ca.gov
California Department of Fish and Wildlife

REFERENCES

California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>. Accessed June 2024.

California Department of Fish and Wildlife. 2023. Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>. Accessed June 2024.



LETTER 3: CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Response to Comment 3-1

The comment is an introductory statement regarding the role of the California Department of Fish and Wildlife (CDFW) and provides a summary of the project description and setting. The comment does not address the adequacy of the Draft EIR.

Response to Comment 3-2

The comment is an introductory statement regarding the content of the following comments, which are addressed below. The comment does not address the adequacy of the Draft EIR.

Response to Comment 3-3

In response to the comment, it is important to understand the disturbed nature of the project site. As noted on page 3-1 of the Draft EIR:

The site is currently highly disturbed, with large graveled and/or paved areas void of vegetation, due to damage sustained immediately before, during, and after the 2018 Camp Fire. In mid-2018, prior to the Camp Fire, the site was used as a Pacific Gas and Electric Co. (PG&E) vegetation management camp. The site was subsequently burnt during the wildfire, then leveled and graveled for use as a base camp and staging area by PG&E and ECC Constructors during the wildfire response. PG&E continued to use portions of the site as a base camp for debris removal until March 2020. Primary site access is provided through an existing driveway from Skyway, which is located near the center of the site and has boulder accent walls on either side with two metal gates prohibiting public entry. A secondary access point from Skyway was created in the northeastern portion of the site during the site's use as a base camp, but has since been blocked off by boulders and is currently inaccessible.

In addition to the well-documented, highly disturbed nature of the project site, it is also important to consider the distribution data included in the Petition to List Crotch's bumble bee,⁴ which is summarized in Table 4.3-1 on page 4.3-12 of Chapter 4.3, Biological Resources, of the Draft EIR, as follows:

The vast majority of all sightings (historic and current) are around San Francisco to the Central Valley and south to San Diego. Very few historic sightings are reported north of Sacramento and only one current sighting is slightly north of Sacramento. The historic range shows three sightings along the Interstate 5 Corridor (Willows to Corning) and one west of Corning. The furthest north the current ranges show any occurrences is just slightly north of Sacramento. Based on the current information, and the fact that the site is highly disturbed, the species is very unlikely to occur on the project site.

As noted in the above-referenced documents, this species was historically common in the Central Valley of California, but now appears to be absent from most of it, especially in the center of its

⁴ The Xerces Society for Invertebrate Conservation, Defenders of Wildlife, Center for Food Safety. *A Petition to the State of California Fish and Game Commission to List The Crotch Bumble Bee (Bombus crotchii), Franklin's bumble bee (Bombus franklini), Suckley cuckoo bumble bee (Bombus suckleyi), and western bumble bee (Bombus occidentalis occidentalis) as Endangered under the California Endangered Species Act.* October 2018. See also California Department of Fish and Wildlife. *Report to the Fish and Game Commission: Evaluation of the Petition From The Xerces Society, Defenders of Wildlife, and the Center for Food Safety to List Four Species of Bumble Bees as Endangered Under the California Endangered Species Act.* April 4, 2019.



historic range. The County respectfully notes that the commenter does not provide substantial evidence demonstrating that the Draft EIR's conclusion is incorrect. Rather, the Draft EIR and above-referenced petition documents provide substantial evidence that both the highly disturbed nature of the project site and lack of recent known occurrences of Crotch's bumble bee in the project region support the Draft EIR's conclusion that "...the species is very unlikely to occur on the project site."

Response to Comment 3-4

As noted on page 4.3-23 in Chapter 4.3, Biological Resources, of the Draft EIR, although Butte County drafted a Final Oak Woodland Mitigation Ordinance in 2018, the proposed chapter for the Municipal Code has not been ratified. Similarly, a proposed countywide conservation plan called the Butte Regional Conservation Plan has been drafted, but has not been formally approved and adopted. As a result, there is not a County-specific policy on oak woodland mitigation. The key statutory provision pertaining to the loss of oak woodlands, Public Resources Code (PRC) Section 21083.4 (from the so-called Oak Woodlands Conservation Act [Stats. 2004, chapter 732, Section 1]), generally requires that counties "shall determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment." PRC 21083.4(b) states that counties should require oak woodlands mitigation alternatives to mitigate the significant effect of the conversion of oak woodlands, none of which include recommended mitigation ratios. The 10:1 mitigation ratio recommended by the commenter is not based on any adopted code. The Draft EIR's requirement to mitigate blue oaks at a 3:1 ratio is based on the biological consultant's expertise, and in many cases, exceeds the required mitigation compensation ratios used by other counties. For example, El Dorado County includes a graded scale for mitigation ratios, depending on the percent of oak woodland being impacted, with the highest ratio at 2:1.⁵ Placer County's conservation strategy, set forth in its adopted Conservation Program, uses an oak woodland mitigation ratio of 1.5:1.⁶ The County respectfully notes that the commenter does not provide substantial evidence demonstrating that a 3:1 replacement ratio is inadequate for the replacement of mature native oak trees.

Response to Comment 3-5

The comment states that the blue oak mitigation in the Draft EIR constitutes deferral because it is based on unspecified success criteria for on-site restoration. Contrary to the commenter's assertion, Mitigation Measure 4.3-9(c) includes the following specified success criteria:

Success criteria shall include, at a minimum, survival of a minimum of 60% of the required number of replacement trees by Year 5, and 50% of the required number of replacement trees by Year 7.

Therefore, the Mitigation Measure 4.3-9(c) does not constitute deferral, is enforceable, and is adequate pursuant to CEQA. Revisions to the Draft EIR are not required.

Response to Comment 3-6

Impacts to migratory birds, including the specific species referenced in the comment, are addressed under Impact 4.3-5 in Chapter 4.3, Biological Resources, of the Draft EIR. The analysis concludes that the proposed project could have a significant impact on migratory birds, and thus,

⁵ El Dorado County Community Development Agency. *El Dorado County Oak Resources Management Plan*. September 2017.

⁶ Placer County Community Development Resources Agency. *Placer County Conservation Program*. February 2020.



requires implementation of Mitigation Measures 4.3-5(a) through (c). Said mitigation measures require preconstruction nesting bird surveys, and if nesting birds are detected on-site, implementation of avoidance measures to protect nesting birds and their young (e.g., nesting buffers). Biological monitoring of active nests is also required. The potential for noise disturbance to nesting birds is also addressed by Mitigation Measure 4.3-5(c), which requires increased nesting buffers should the biological monitor observe that construction activities are affecting bird behavior. The County respectfully notes that the commenter does not provide substantial evidence demonstrating that the mitigation measures related to migratory nesting birds and raptors included in the Draft EIR are inadequate.

Response to Comment 3-7

Impact 4.3-7 in Chapter 4.3, Biological Resources, of the Draft EIR clearly indicates that the only hydrologic feature on the project site is the approximately 0.19-acre ephemeral channel. The evaluation notes that limited impact to the channel could occur as a result of project improvements, and thus, Mitigation Measure 4.3-7 is required to ensure necessary resource agency permits are obtained and compensation measures implemented to the satisfaction of the agencies.

Response to Comment 3-8

The comment does not address the adequacy of the Draft EIR.

Response to Comment 3-9

The comment does not address the adequacy of the Draft EIR. It is noted that the proposed project shall comply with all applicable requirements related to payment of applicable fees.

Response to Comment 3-10

The comment is a conclusion statement and does not address the adequacy of the Draft EIR.



Letter 4



SENT VIA ELECTRONIC MAIL

June 13, 2024

Mark Michelena
Principal Planner
Butte County Development Services Department
7 County Center Drive
Oroville, CA 95965
mmichelena@buttecounty.net

RE: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE TUSCAN RIDGE
PROJECT, DATED MAY 6, 2024 STATE CLEARINGHOUSE NUMBER [2022020536](#)

Dear Mark Michelena,

4-1

The Department of Toxic Substances Control (DTSC) received a Draft Environmental Impact Report (DEIR) for the Tuscan Ridge Project (Project). The Project site consists of 163.12 acres of what was formerly the Tuscan Ridge Golf Course. The site is highly disturbed, with large graveled and/or paved areas void of vegetation, due to damage sustained immediately before, during, and after the 2018 Camp Fire. Three unused and unoccupied structures associated with the previous Tuscan Ridge Golf Course currently exist on-site: a 2,440-square-foot grill building, an 1,830-square foot clubhouse, and a Quonset hut. In addition, an existing potable water well and associated system, including two 10,000-gallon aboveground storage tanks, as well as an existing wastewater treatment system, including septic tanks, leach field, and disposal ponds, are located in the southwestern portion of the site. The Project site currently has a County of Butte General Plan land use designation of Planned Unit Development.



Letter 4 Cont.

Mark Michelena
June 13, 2024
Page 2

**4-1
Cont.**

The proposed Project would include subdivision of the site to develop a total of 165 residential units, 15.9 acres of commercial development, 4.1 acres of landscape, 36.7 acres of open space, 49 acres of special utility district, various on-site road improvements, and a sanitary waste disposal station.

DTSC recommends and requests consideration of the following comments:

4-2

1. The DEIR should acknowledge the potential for historic or future activities on or near the Project site to result in the release of hazardous wastes/substances on the Project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The DEIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.

4-3

2. DTSC recommends the Butte County Development Services Department utilize a certified oversight on the [Certified Local Agencies](#) list or enter into DTSC's Standard Voluntary Agreement (SVA) program so a proper evaluation of the Project is completed. If entering into an SVA with DTSC, the [FLUXX portal link](#) is provided and the page also has a link to the [Fluxx User Guide](#) that can help you navigate the system. You will need to create a new profile and once in the system, click "Start a Request for Lead Agency Oversight Application. If you have any questions about the application portal, please contact the DTSC Brownfield Coordinator [Gregory Shaffer](#) or contact the [Application Portal Inbox](#).

4-4

3. DTSC recommends that all imported soil and fill material should be tested to ensure any contaminants of concern are within DTSC's and U.S. Environmental Protection Agency (USEPA) Regional Screen Levels (RSLs) for the intended land use. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material meets screening levels outlined in the [Preliminary Endangerment](#)



Letter 4 Cont.

Mark Michelena
June 13, 2024
Page 3

4-4
Cont.

[Assessment Guidance Manual](#) for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of the prior land use. Additional information can be found by visiting [DTSC's Human and Ecological Risk Office \(HERO\) webpage](#).

4-5

4. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with [DTSC's Preliminary Endangerment Assessment \(PEA\) Guidance Manual](#).

4-6

DTSC appreciates the opportunity to comment on the DEIR for the Tuscan Ridge Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

Sincerely,

Dave Kereazis

Dave Kereazis
Associate Environmental Planner
HWMP-Permitting Division – CEQA Unit
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov



Letter 4 Cont.

Mark Michelena
June 13, 2024
Page 4

cc: (via email)

Governor's Office of Planning and
Research State Clearinghouse
State.Clearinghouse@opr.ca.gov

Tamara Purvis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Tamara.Purvis@dtsc.ca.gov

Scott Wiley
Associate Governmental Program Analyst
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Scott.Wiley@dtsc.ca.gov



LETTER 4: DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Response to Comment 4-1

The comment provides a summary of the proposed project and does not address the adequacy of the Draft EIR.

Response to Comment 4-2

All potential hazards associated with the project site and/or proposed project are addressed in detail in Chapter 4.6, Hazards and Hazardous Materials, of the Draft EIR. As presented therein, for any identified potential impacts, mitigation measures sufficient to ensure all such impacts would be reduced to less-than-significant levels are identified and required to be implemented.

Response to Comment 4-3

The comment does not specifically address the adequacy of the Draft EIR. In addition, the Phase I ESA prepared for the proposed project, which was included as Appendix F to the Draft EIR, did not identify any significant on-site hazards that would justify the need to enter into a Standard Voluntary Agreement (SVA) program.

Response to Comment 4-4

The comment does not address the adequacy of the Draft EIR. In addition, as stated on page 4.2-40 in Chapter 4.2, Air Quality, Greenhouse Gas Emissions, and Energy, of the Draft EIR, soil hauling (i.e., the import/export of soil to and from the project site) is not anticipated to occur as part of project construction activities. The comment has been noted for the record and will be forwarded to the decision-makers as part of their consideration of the proposed project.

Response to Comment 4-5

Please see Response to Comment 1-3.

Response to Comment 4-6

The comment is a conclusion statement and does not address the adequacy of the Draft EIR.



Letter 5

From: Dan Efseaff <deffseaff@paradiseprrpd.com>
Sent: Tuesday, June 18, 2024 2:50 PM
To: mmichalena@buttecounty.net; Kevin Valente <kvalente@raneymanagement.com>
Cc: Sarah Hoffman <shoffman@paradiseprrpd.com>
Subject: Tuscan Ridge PUD Project Draft EIR - Preliminary Comments from PRPD

Hello,

5-1

I wanted to provide some preliminary comments on the **Tuscan Ridge Project SCH# 2022020536 Draft Environmental Impact Report**. While we've not conducted an exhaustive review, we have collected some comments and a potential areas of concern that we note below. We would welcome any opportunity to discuss any of these or other items of concern with the appropriate party. We offer the following points for your consideration on behalf of our district:

5-2

1) The project site is completely located within the service area of our District and this omission is concerning from the impacts and remedies standpoint. For example, within the impacts and mitigation text discussion of PUB-P6.3 in **Table 4.8-6** of Chapter **4.8** the author mistakenly states and applies the Chico Area Recreation and Park District (CARD). It should be corrected to state and use Paradise Recreation and Park District (PRPD).

5-3

2) In the project description of this six-phased Planned Development subdivision project mention is made of the establishment of 36.7 acres of "recreational " open space (and other land usage). Stated development improvements include (and may not be limited to) created lots, roadways, **trails**, landscaping, and utility installations. Our District should concur with impact mitigation measure **4.11-1(a)** which states: "Prior to recordation of final map/phase of development, the project applicant shall provide an irrevocable offer of dedication to Butte County and any future public or non-profit assignees (e.g. BCAG, **PRPD**, etc.) for a **public recreational access easement** along the project Skyway frontage . . . to accommodate a future Caltrans Class I bicycle facility . . ." However, the project description and EIR analysis of the project's **trails system** is too vague, etc. In the event that **PRPD** is intended to become the



Letter 5 Cont.

5-3 Cont.	holder of the recreational access easement for the Caltrans Class I bicycle facility and its related project connecting trails system then the mitigation measure warrants enhancement to make such improvements and easements dedication offer subject to PRPD review/approval and establishment of an assured maintenance funding mechanism.
5-4	3) In fact any public amenities areas (open space, landscaping, lighting, park, or recreational area) should have sufficient funds to develop an appropriate sized park with adequate well-built amenities, design that is durable with minimal maintenance, takes into account fire concerns (and changes in vegetation over time), any appropriate standards, and a long-term funding mechanism (with inflationary escalators) to provide long-term maintenance and replacement or required improvements over time. A maintenance district or endowment should be sufficient to cover future expenses, improvements, or upgrades.
5-5	4) Any Open Space areas should have a robust land management plan to detail maintenance tasks, techniques, and tools, identify conservation goals, anticipate impacting events (drought, fire, erosion, etc.) and articulate estimated costs for maintenance and to rectify predictable events.
5-6	5) As a public agency, we would like to see outdoor recreational and open space amenities provide opportunities and open to the public.
5-7	6) The Project should support bike paths from the site to Paradise and Chico, this will provide recreational opportunities and may help mitigate issues related to traffic or auto travel emissions.
5-8	7) In addition, PRPD is working on a District wide plan for trails and in addition to a bike path, one of the opportunities that arose is connecting
5-9	8) The Draft EIR provides an adequate description analysis of the project's impacts upon public recreation/park services of PRPD and applicable mitigation measures (application of the Quimby Act regulations at the time of final map recordation/residential lots creation; and application of PRPD development impact fees payment prior to single-family dwelling construction permit issuance).The project site's location



Letter 5 Cont.

5-9
Cont.

within the **PRPD** service area is remotely distant from most of existing/established District facilities, etc. Given this circumstance, at the time of project application of the Butte County **Quimby Act** subdivision regulations it may be more beneficial that the project applicant dedicates a park land area within the project to **PRPD instead of in lieu parkland fees** (and possibly create a project assessment district to assure maintenance of subject dedicated park acreage along with the Caltrans Class I bike path facility and related trails system).
[NOTE: Section 20-74 (Park Dedication Requirement) & Section 20-77 (Action by Advisory Agency on Park Dedication) & Section 20-78 of Chapter 20; Article IV-Subdivision Maps of the Butte County Code are applicable to this project. Section 20-78 provides a single-family areas formula for park land dedication that applies a factor of 0.008 acre per single-family dwelling unit lot creation. Although the project is to be phased, it calls for the overall establishment of 165 single-family residential lots. Thus 165 lots X 0.008-acre = 1.32-acres of parkland dedication.]

5-10

- 9) The Draft EIR provides detailed descriptions of possible **project alternatives** to the applicant's proposed project. Among the project alternatives the Draft EIR identifies that "**The Affordable Housing Alternative**" would be considered the Environmentally Superior Alternative. In the event that Butte County chooses to apply this alternative to the project then the EIR project impact and mitigation measures actions relative to **PRPD** need be amended accordingly.

As there are many aspects of this project that could potentially impact our district and citizens, we'd welcome the opportunity to answer any questions that you may have.

Thank you.

Dan Efseaff

District Manager | Paradise Recreation and Park District (PRPD)
(530) 872-6393 | www.paradisepripd.com



LETTER 5: PARADISE RECREATION AND PARK DISTRICT

Response to Comment 5-1

The comment is an introduction and does not address the adequacy of the Draft EIR.

Response to Comment 5-2

Please see Response to Comment 2-25.

Response to Comment 5-3

In response to the comment, Mitigation Measure 4.11-1(a) on page 4.11-18 in Chapter 4.11, Transportation, of the Draft EIR is hereby revised as follows:

- 4.11-1(a) *Prior to recordation of the first map/phase of development, the project applicant shall provide an irrevocable offer of dedication to Butte County and any future public or non-profit assignees (e.g., Butte County Association of Governments, Paradise Park and Recreation District, etc.) for a public recreational access easement along the project frontage with Skyway as shown in Figure 4.11-6 below, from the eastern to the western boundaries of the project site. Total dedication width shall be 28 to 30 feet in order to provide 8 to 10 feet of paved surface consistent with Caltrans Class I bicycle facility standards, along with 10 feet of width on either side for shoulders, signs, and maintenance vehicles, subject to Butte County Public Works Department and any future public or non-profit assignees review and approval.*

In accordance with the above revisions, Table 2-1 in Chapter 2, Executive Summary, of the Draft EIR is hereby revised similarly, as presented in Chapter 3, Revisions to the Draft EIR Text, of the Final EIR.

The foregoing minor changes are for clarification purposes and do not affect the adequacy or conclusions of the environmental analysis contained in the Draft EIR.

Response to Comment 5-4

Funding mechanisms are not related to physical environmental effects, and, therefore, are not required to be addressed under CEQA. As a condition of approval, a maintenance district or endowment would be established to sufficiently fund the development and long-term maintenance of an appropriately sized park with adequate well-built amenities that are durable with minimal maintenance and take into account fire concerns (and changes in vegetation over time).

Response to Comment 5-5

The comment does not address the adequacy of the Draft EIR. Please see Response to Comment 5-4.

Response to Comment 5-6

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and will be forwarded to the decision-makers as part of their consideration of the proposed project.



Response to Comment 5-7

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and will be forwarded to the decision-makers as part of their consideration of the proposed project. As stated on pages 4.11-17 and 4.11-18 of Chapter 4.11, Transportation, of the Draft EIR, it is beyond the scope of the proposed project to construct off-site bicycle improvements on other properties to the nearest existing facility. Rather, the County requires each project to build its portion of regional facilities to ultimately establish the connectivity envisioned in the Butte County Bicycle Plan.

Response to Comment 5-8

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and will be forwarded to the project applicant and decision-makers as part of their consideration.

Response to Comment 5-9

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and will be forwarded to the decision-makers as part of their consideration of the proposed project.

Response to Comment 5-10

The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and will be forwarded to the decision-makers as part of their consideration of the proposed project.



Letter 6



State Water Resources Control Board

June 13, 2024

Mark Michelena
Butte County
7 County Center Drive,
Oroville, CA 95965

BUTTE COUNTY (COUNTY), ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE
TUSCAN RIDGE PROJECT (PROJECT); STATE CLEARINGHOUSE #2022020536

Dear Mark Michelena:

Thank you for the opportunity to review the EIR for the proposed Project. The State Water Resources Control Board, Division of Drinking Water (State Water Board, DDW) is responsible for issuing water supply permits pursuant to the Safe Drinking Water Act. This Project is within the jurisdiction of the State Water Board, DDW's Valley District. DDW Valley District issues domestic water supply permits to the public water systems serviced with a new or modified source of domestic water supply or new domestic water system components pursuant to Waterworks Standards (Title 22 California Code of Regulations (CCR) chapter 16 et. seq.). A public water system requires a new water supply permit if it includes the creation of a new public water system. Paradise Irrigation District may need to apply for a new water supply permit for this Project.

6-1

A public water system, as defined in the California Health and Safety Code (Health & Saf. Code) section 116275(h), is "a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year."

Health & Saf. Code section 116527(b) requires that any person submitting a permit application for a proposed new public water system must first submit a technical report at least six months before initiating construction of any drinking water-related improvements. The technical report must include an examination of the possibility of connecting to or being annexed by an existing adjacent community water system. Please see the attached What is a Public Water System flyer.

6-2

The State Water Board, DDW, as a responsible agency under the California Environmental Quality Act, has the following comments on the County's EIR:

- The EIR indicates "The water system is currently permitted as a domestic water supply through the Butte County Environmental Health Division (Permit Number

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov



Letter 6 Cont.

Mark Michelena

- 2 -

June 13, 2024

6-2 Cont.	04-09182) and the SWRCB Division of Drinking Water (PDF page 333).” Please edit this to reflect the system was permitted and the system is currently inactive and unpermitted.
6-3	<ul style="list-style-type: none"> The Project will add a new well, treatment system, tanks, and a water distribution system to the existing on-site water system (PDF page 330 and page PDF 515). Operation of this system and new additions to the currently inactive Tuscan Ridge water system would require the system to obtain a new permit. The State Water Board, DDW encourages projects like this to connect with nearby community water systems where possible, instead of forming a new public water system. If no nearby system will agree to serve the Project, the applicant will need to submit a Health and Saf. Code section 116527(b) technical report to DDW. It may be beneficial to discuss considering to connect to a nearby community water system in the EIR.
6-4	<ul style="list-style-type: none"> Mitigation Measure 4.7-2(b) requires a new permit to be obtained from the State Water Board and/or Butte County Environmental Health to allow the use of the new water system as a community water system (PDF page 331) prior to approval of the final project improvement plans. However, the State Water Board would not approve a new permit until after the system has been constructed and a site visit has been conducted. Such events would occur after improvement plans for the County are finalized. Please revise the mitigation measure to reflect the correct order of events for approval of the domestic water supply permit. If approval of the County domestic water supply permit process is different, please clarify the County permit process and the State Water Board permit process separately within the mitigation measure.
6-5	<ul style="list-style-type: none"> The EIR indicates the additional new well is “subject to verification by the Vina GSA under EO N-7-22 (PDF page 330). However, the declared state of emergency and drought requirements associated with this executive order are no longer in effect. Please remove mention of this requirement. Please then explain if the Project will conflict with or obstruct implementation of a sustainable groundwater management plan.
6-6	<ul style="list-style-type: none"> Please discuss the current groundwater quality. Public water systems shall comply with the primary Maximum Contaminant Levels (MCLs) [Title 22 CCR, chapter 15, article 4, section 64431] and secondary MCLs [Title 22 CCR, chapter 15, article 16, section 64449]. Please discuss what treatment and treatment infrastructure may be needed.
6-7	<ul style="list-style-type: none"> In the Project description, please include a discussion on the required upgrades needed for existing infrastructure. Will the existing well and tanks need to be refurbished? Please also include the maintenance and operation required for the proposed domestic water system. Will treatment require onsite services and/or off-site disposal? How many employees will be required to maintain the system and how often will site visits occur?
6-8	<ul style="list-style-type: none"> The Project will install a new sewer collection system and sanitary waste disposal station (PDF page 93). The existing site also contains existing septic tanks, a leach field, and disposal ponds (PDF page 109). Title 22, CCR, article 4, section 64572 and Title 22 CCR, article 6, section 64560 requires separation of water service lines and domestic supply wells from sources of potential contamination



Letter 6 Cont.

Mark Michelena

- 3 -

June 13, 2024

6-8
Cont.

such as leach fields. Please indicate if the development of the new sewer and sanitary waste disposal will meet separation requirements. If not, discuss how drinking water will otherwise be protected.

6-9

Once the EIR is certified, please forward the following items in support of the new water system's permit application to the State Water Board, DDW Valley District Office at DWPRedding@waterboards.ca.gov:

- Copy of the EIR and Mitigation Monitoring and Reporting Plan (MMRP);
- Copy of all comment letters received and the lead agency responses as appropriate;
- Copy of the Resolution or Board Minutes adopting the EIR and MMRP; and
- Copy of the date stamped Notice of Determination filed at the Butte County Clerk's Office and the Governor's Office of Planning and Research, State Clearinghouse.

Please contact Lori Schmitz of the State Water Board at (916) 449-5285 or Lori.Schmitz@waterboards.ca.gov, for questions regarding this comment letter.

Sincerely,

Lori
Schmitz

Digitally signed by
Lori Schmitz
Date: 2024.06.13
08:19:59 -07'00'

Lori Schmitz
Environmental Scientist
Division of Financial Assistance
Special Project Review Unit
1001 I Street, 16th floor
Sacramento, CA 95814

Cc:

Office of Planning and Research, State Clearinghouse

Rebecca Tabor
District Engineer
Valley District

Michael Wiedeman
Water Resource Control Engineer
Valley District



LETTER 6: STATE WATER RESOURCES CONTROL BOARD

Response to Comment 6-1

The comment is an introductory statement and does not address the adequacy of the Draft EIR. The comment is noted; the project applicant will submit all required materials when applying for a permit from the agency.

Response to Comment 6-2

In response to the comment, the second paragraph on page 3-11 in Chapter 3, Project Description, is hereby revised as follows:

Water

The existing on-site water system consists of an on-site well at a depth of 735 feet. Water produced from the well is currently sent to two 10,000-gallon aboveground storage tanks using a 75-horsepower (hp) turbine pump, and is subsequently pulled from the tank using two 10-hp pumps and pressurized into a distribution system through four pressure tanks. The water system is generally located near the center of the southern border of the project site. The existing well was initially installed in 1999 for the purposes of irrigating the Tuscan Ridge Golf Course and providing services to the associated bistro. The well was subsequently used for potable water purposes by PG&E and ECC Constructors during their occupation of the site. The water system ~~is currently~~ was previously permitted as a domestic water supply through the Butte County Environmental Health Division (Permit Number 04-09182) and the State Water Resources Control Board (SWRCB) Division of Drinking Water and is currently inactive.

Similarly, the first paragraph on page 4.7-22, in Chapter 4.7, Hydrology and Water Quality, of the Draft EIR is hereby revised as follows:

The water system ~~is currently~~ was previously permitted as a domestic water supply through the Butte County Environmental Health Division (Permit Number 04-09182) and the SWRCB Division of Drinking Water and is currently inactive.

The foregoing minor changes are for clarification purposes and do not affect the adequacy or conclusions of the environmental analysis contained in the Draft EIR.

Response to Comment 6-3

The proposed project does not include a connection to a nearby community water system. An existing community water system is not located in the vicinity of the project site, and connection to such system was, therefore, determined to be infeasible for the proposed project. The project applicant will submit the referenced technical report when applying for a permit. The comment will be forwarded to the decision-makers as part of their consideration of the proposed project

Response to Comment 6-4

In response to the comment, Mitigation Measure 4.7-2(b) on page 4.7-20 of Chapter 4.7, Hydrology and Water Quality, of the Draft EIR is hereby revised as follows:

4.7-2(b) *Prior to ~~approval of final project improvement plans~~ certificate of occupancy, the project applicant shall ~~obtain~~ submit proof to the Butte County Director of Public Works that a new permit from the SWRCB and/or Butte County Environmental Health Division has been obtained to allow*



use of the new on-site water system as a community water system. All ~~Proof that all~~ SWRCB and/or Butte County Environmental Health Division ~~permit requirements shall be~~ have been incorporated into the project design and shown on the improvement plans. ~~Proof of compliance shall be submitted to the Butte County Director of Public Works for review and approval.~~

In accordance with the above revisions, Table 2-1 in Chapter 2, Executive Summary, of the Draft EIR is hereby revised similarly, as presented in Chapter 3, Revisions to the Draft EIR Text, of the Final EIR.

In addition, page 4.12-17 in Chapter 4.12, Utilities and Service Systems, of the Draft EIR is hereby revised as follows:

Mitigation Measure(s)

Implementation of the following mitigation measure, which requires the project applicant to obtain the applicable permits from the SWRCB and Butte County Environmental Health Division ~~prior to the installation of the~~ for water supply and wastewater treatment infrastructure, would reduce the above potential impact to a *less-than-significant* level.

4.12-1 *Implement Mitigation Measures 4.7-2(b) and 4.7-2(c).*

The foregoing minor changes are for clarification purposes and do not affect the adequacy or conclusions of the environmental analysis contained in the Draft EIR.

Response to Comment 6-5

In response to the comment, page 4.7-9 and 4.7-10 of the Draft EIR are hereby revised as follows:

~~Executive Order N-7-22~~

~~On March 28, 2022, Executive Order (EO) N-7-22 was issued to enhance water supply resilience and increase drought response within the State. EO N-7-22 limits a county, city, or other public agency's ability to permit modified or new groundwater wells. Specifically, before local entities can permit new or modified groundwater wells in high and medium priority groundwater basins, EO N-7-22 requires the GSA monitoring the basin to verify in writing that the permitted action is not inconsistent with the GSP or other groundwater management program for the basin. Additionally, the permitting entity must determine that the well will not interfere with nearby wells and will not cause subsidence that could negatively affect nearby infrastructure.~~

All other references to Executive Order (EO) N-7-22 are hereby revised accordingly, as presented in Chapter 3, Revisions to the Draft EIR Text.

In addition, the second paragraph on page 4.7-19 in Chapter 4.7, Hydrology and Water Quality, of the Draft EIR is hereby revised as follows:

A number of improvements to the existing on-site water system would be required in order to upgrade the system to accommodate the proposed project, including the installation of an additional water supply well (subject to verification by the Vina GSA under EO N-7-22), a water treatment system, a water distribution system, water meters at each service connection, and additional water tanks for storage. [...].



Similarly, the second paragraph on page 4.7-22 of the Draft EIR is hereby revised as follows:

A number of improvements to the existing on-site water system would be required in order to upgrade the system to accommodate the proposed project, including the installation of an additional water supply well, a water treatment system, a water distribution system, water meters at each service connection, and additional water tanks for storage. The proposed water system would be subject to the standards and monitoring requirements set forth by federal, State, and local laws, including, but not limited to, public health standards of Title 22 of the CCR, ~~CSA review standards of EO N-7-22~~, the California Safe Drinking Water Act, and Butte County standards. [...]

The foregoing minor changes are for clarification purposes and do not affect the adequacy or conclusions of the environmental analysis contained in the Draft EIR.

Impacts related to conflicts with a sustainable groundwater management plan are discussed under Impact 4.7-3 in Chapter 4.7, Hydrology and Water Quality, of the Draft EIR, which concluded that a less-than-significant impact would occur.

Response to Comment 6-6

Groundwater quality is addressed in Chapter 4.7, Hydrology and Water Quality, of the Draft EIR, while water supply is addressed in Chapter 4.12, Utilities and Service Systems, of the Draft EIR. With respect to the quality and treatment of water supplied to the project site, as stated on page 4.12-1 in Chapter 4.12, Utilities and Service Systems, of the Draft EIR, all water supplied by the on-site water system for domestic purposes is required to meet all applicable Maximum Contaminant Levels (MCLs) and Action Levels (ALs) established by the SWRCB Division of Drinking Water (DDW). In addition, as stated on page 4.12-14, as part of compliance with the new permit, the existing system would be upgraded through several improvements to ensure the water system meets water treatment and distribution requirements. The water system improvements would be required to comply with public health standards set forth by CCR Title 22, Chapter 15 (Domestic Water Quality and Monitoring Regulations), Proposition 65 (formerly the California Safe Drinking Water Act), and Butte County Code Chapter 23B. Whether new treatment infrastructure would be required would be determined as part of the permitting process. If required, treatment infrastructure would be anticipated to be minor improvements, such as filters attached to the existing well, and would not result in any physical environmental effects beyond what has been analyzed in the Draft EIR.

Response to Comment 6-7

The proposed improvements to the existing on-site water system are presented on page 3-11 of the Project Description chapter of the Draft EIR. As also stated in the Project Description chapter, on page 3-17, upon approval of all pertinent permits, the PID would own, operate, and maintain the water and wastewater systems as an independent utility. The existing permits to own and operate the water distribution and wastewater system would be transferred to PID. Details regarding the maintenance and operation of the water system are not relevant to CEQA and would be determined as part of the extraterritorial services agreement or annexation into the PID service area, or, in the absence of such, formation of a CSA. The comment has been noted for the record and will be forwarded to the decision-makers as part of their consideration of the proposed project.

Response to Comment 6-8

The proposed project would be required to meet the separation requirements. Compliance with such requirements would be ensured as part of the permitting process.



Response to Comment 6-9

The comment does not address the adequacy of the Draft EIR.



Letter 7

Paradise Rod and Gun Club

June 20, 2024

To whom it may concern:

7-1

The Paradise Rod and Gun Club (PRGC) is a non-profit organization that was formed in 1946 and had a shooting range on some property in the Coutolenc Road area. In about 1998, the PRGC purchased some land located at 3420 Skyway with the intent to build a shooting range. After following the requirements set forth by the Butte County Planning Commission and the Butte County Board of Supervisors, the PRGC received a Use Permit January 11, 2002 to allow the club to build and use Archery, Rifle, Pistol and Shotgun Trap Ranges and began operation of the said ranges.

The PRGC has been operating the range with zero reportable accidents since operations began in 2002. The accident-free operations are due to strict adherence to the conditions of the Use Permit, the PRGC Range Rules, Policies and Procedures Manual and the PRGC By-Laws.

The PRGC has improved conditions at the range property by establishing an Environmental Stewardship Plan that has been in place for over six years to ensure that we protect our environment, our club members and our neighboring properties. The PRGC has used the best and most current architectural designs and enhanced the shooting platforms where possible, to further reduce sound exposures by placing conex boxes strategically in areas to deflect sound away from neighboring properties; installed dirt and vegetative backstops to reduce the chance of an errant bullet from escaping the club property and contain any sounds created from the range operations to the PRGC property as much as possible; and perform regular lead testing of rain water runoff to determine what we can do to further prevent lead exposure to neighboring properties. The PRGC has voluntarily solicited information and assistance from the Butte Fire Safe Council to work with Cal Fire and other agencies to find other ways to reduce vegetative fire threats to our property and also protecting neighboring properties.

When working to get the Use Permit through Butte County, the PRGC worked with the County in having an Environmental Impact Report done that include several sound test locations to determine the sound exposure to neighboring properties.

7-2

The PRGC is committed to being good neighbors, but not at the expense of closing down any range operations due to other entities wishing to develop neighboring properties for commercial or residential uses. The proposed development to the west of the PRGC Property could threaten the PRGC property and uses in many different ways. Although there were no major problems with the previous owners and their business, we do have many concerns that this new project could affect the PRGC Operations.

7-3

First, we believe that there must be a full environmental impact report and things that should be included in the report is mitigations on how the neighboring development could affect noise to the PRGC operations and conversely, how the noise will be mitigated by the neighboring property owners for the concern of the neighboring residences and businesses. Currently, no one complains about any noise in the area caused by the PRGC operations and therefore, since the range has been in operations for over twenty-two years, those concerns must be mitigated by the developing property managers and the Environmental Impact Report should clearly evaluate how this will be and will not be mitigated.

7-4

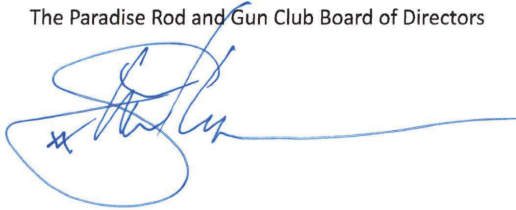
Secondly, we believe that there must be a full environmental impact report to include the concern about natural rain water runoff. The PRGC through the Environmental Stewardship Plan tests and controls lead runoff from range operations and filtered water runs off of the property directly into the canyon,



Letter 7 Cont.

7-4 Cont.	towards the creek. We believe that the concern for water runoff due to a development, may increase erosion to the areas near the edges of the proposed development and could cause undo and unnecessary environmental damage to the properties below and the PRGC would have nothing to do with it. We would like the EIR to address these issues of damage below and to indemnify the PRGC from causing any rain water damage to the neighboring properties.
7-5	Third, when we had our own EIR done, it was determined that we needed to plant bushes and shrubs along the Skyway Scenic By-way to ensure the beauty of the Scenic By-Way. It was also determined that we needed a deceleration and acceleration lane added at our own expense to ease impacts on the existing traffic. We therefore believe that there must be a full environmental impact report to determine the damages that the development could do to the scenic environment of the Skyway and the increased traffic, merging difficulties and cross traffic dangers that would occur. We don't believe that just adding a stop light would be beneficial, as it would ruin the beautiful scenic by-way and create more traffic back-ups, especially for those driving up the Skyway; having to stop and not get back up to highway speeds until reaching the crest of the hill adjacent to the PRGC property. This increased fuel consumption by using increased power will create more pollution to the area and affecting the members who are outside at the PRGC property.
7-6	
7-7	Finally at the March 2022 Public Hearing, the PRGC then President Chris Main, made a presentation and had some concerns that should probably be considered during a full environmental impact report. Those comments included that the PRGC requested to have a written full disclosure notification referenced in escrow, to perspective land owners of the proximity of the range and of the potential for noise and for future resales of properties. Another comment was that the PRGC asked for assurances that the new development does not force the PRGC to close, including a waiver or release of all claims against the PRGC due to noise or other operations.
7-8	In conclusion, as stated earlier on, the PRGC is committed to being good neighbors. However, consideration must be given to the facts that the club has been in operation for over twenty-two years without any incidents and that the PRGC as an organization is doing everything possible and looking into new innovative ideas to make the range operations and property safer for the club members, the environment and neighboring properties and future property owners. Therefore, we feel that a full environmental impact report would be in the best interest of everyone involved, including the environment. Thank you in advance for your consideration.

The Paradise Rod and Gun Club Board of Directors



LETTER 7: PARADISE ROD AND GUN CLUB

Response to Comment 7-1

The comment does not address the adequacy of the Draft EIR.

Response to Comment 7-2

The comment does not address the adequacy of the Draft EIR. Please see Response to Comment 2-4.

Response to Comment 7-3

A full EIR has already been prepared for the proposed project. Impacts related to noise are discussed in Chapter 4.9, Noise, of the Draft EIR. Please see Response to Comment 2-4.

Response to Comment 7-4

The Draft EIR prepared for the proposed project addressed impacts related to stormwater, including water quality and erosion, in Chapter 4.7, Hydrology and Water Quality, and under Impact 4.5-2 in Chapter 4.5, Geology and Soils. As determined therein, all potential impacts related to such would be mitigated to less-than-significant levels with implementation of the mitigation measures set forth in the Draft EIR.

A detailed description of the proposed drainage system design is included under Impact 4.7-4 in Chapter 4.7, Hydrology and Water Quality, of the Draft EIR. Mitigation Measure 4.7-4 requires submittal of a final drainage report addressing existing conditions, the effects of the proposed improvements, all appropriate calculations, watershed maps, changes in flows and patterns, proposed on- and off-site improvements to accommodate flows from the project, and water quality protection features and methods to be used during construction, as well as long-term post-construction water quality measures.

Regarding erosion, as explained under Impact 4.5-2 and stated on page 4.5-12 of the Draft EIR, with the preparation of a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the NPDES Construction General Permit (as enforced through Mitigation Measure 4.5-2) and preparation of a grading and sediment control plan in accordance with the County Code, development of the proposed project would not result in substantial soil erosion or the loss of topsoil on- or off-site.

Response to Comment 7-5

The Draft EIR prepared for the proposed project includes a discussion of potential impacts related to aesthetics in Chapter 4.1, Aesthetics. As presented therein, the proposed project would be subject to Mitigation Measure 4.1-2, which requires the project applicant to prepare a Landscape Plan, which would include vegetation screening along Skyway. Nonetheless, the Draft EIR concludes that, although development of the proposed project would result in minimal intrusion to the existing public views from Skyway looking southwest and southeast and Mitigation Measure 4.1-2 would help to further screen public views of the project site, the project's change to existing public viewsheds of the site from a predominantly undeveloped landscape to single-family residences and commercial development would be considered a significant and unavoidable impact. A discussion of potential impacts related to transportation is included in Chapter 4.11, Transportation, of the Draft EIR. Please also see Response to Comment 2-8.



Response to Comment 7-6

The comment is unclear, but seems to be referring to the potential for increased engine power associated with the stop-and-go for vehicles traveling uphill along Skyway due to the proposed traffic signal. A discussion of fuel consumption and air quality emissions is included in Chapter 4.2, Air Quality, Greenhouse Gas Emissions, and Energy, of the Draft EIR. As discussed therein, operation of the proposed project, including the associated mobile source emissions, would not be anticipated to result in the production of substantial concentrations of localized carbon monoxide (CO), toxic air contaminants (TACs), or criteria pollutants. Vehicle emission factors included in the California Emissions Estimator Model (CalEEMod), which was used to estimate the proposed project's emissions, are based on the California Air Resources Board's (CARB's) Emissions Factors (EMFAC) model data, which considers regional vehicle characteristics. Thus, mobile emissions calculated by CalEEMod are representative of typical mobile emissions associated with vehicles traveling within Butte County, including related to engine power and fuel consumption. Please also see Response to Comment 2-8.

Response to Comment 7-7

As discussed on page 4.9-47 in Chapter 4.9, Noise, of the Draft EIR, the County would require the following condition of approval as part of project approval:

- Disclosure statements shall be provided to future residents of the proposed project, notifying them of the audibility of Paradise Rod & Gun Club shooting activities and potential for elevated noise levels during range hours of operation (i.e., daytime hours).

Response to Comment 7-8

The comment is a conclusion statement and does not address the adequacy of the Draft EIR. Contrary to the comment, a full EIR has already been prepared.



Letter 8

From: John S. <john@upperridge.info>
Sent: Thursday, June 20, 2024 3:54 PM
To: Michelena, Mark <MMichelena@buttecounty.net>
Subject: Tuscan Ridge draft EIR comments

.ATTENTION: This message originated from outside Butte County. Please exercise judgment before opening attachments, clicking on links, or replying..

- 8-1 The first 1253 pages of this 1321-page document appeared at first to be the most thorough environmental impact review within Butte County in years.
- 8-2 Then the lack of rigor in the tacked-on Appendix M invited further scrutiny into the entire draft EIR and the process behind it. The preparers ask us to treat the outputs of their models as fact when the inputs are dubious and the calculations occur in a black box not subject to public review.
- 8-3 It is not feasible for unpaid members of the public to identify within 45 days all of the errors produced by paid preparers over more than two years.
- 8-4 Section 1.3 on Page 1-2 says "The project site is predominantly bound by Skyway to the north and large undeveloped parcels to the east, south, and west..." But it should say "bounded". This is the first of innumerable slipups that should have been caught before public review.
- 8-5 I will not attempt to call out each of these minor errors. Instead I will start with Appendix M and work back.
- Reax's Introduction repeatedly references "the proposed Tuscan Ridge Project located on Skyway Road in unincorporated Butte County." There is no Skyway Road in unincorporated Butte County. The Project is located on Skyway. Not Skyway Road, not Skyway Avenue. Skyway. Getting this wrong over and over displays Reax's refusal to check primary sources like https://urldefense.proofpoint.com/v2/url?u=https-3A_www.buttcounty.net_DocumentCenter_View_4587_Road-2DName-2DList-2DPDF&d=DwlFAG&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=Gwn-CCemEOYkISmkNtMI30P40CMV4q71luxQ9XZmcsA&m=4y3AO_koAc2RVm05jXrUSSsE27XkuWxeQIUNhVzLipqG9D0z_f8OdqXaPTv97JfF&s=K1kMAVCTAW-2_yzWoykE0jmbOVavsR45mQ1n7iNyWCg&e=, their ignorance of the local area, and their failure to obtain assistance from anyone with ground knowledge. Thus the subcontractor was not able to sanity-check the incoherent outputs of their model.
- Reax then replicates the error from Page 1-2, using the past participle of 'bind' rather than that of 'bound'. Unlike the main body of the document, Appendix M only gets worse from here.
- 8-6 Section 3.1 claims "Average annual precipitation is approximately 50 inches", which is true for locations in Paradise at about 1700 feet elevation. Many other sections of the document say 25 or 26, which is true for valley locations at about 200 feet elevation. The analysis on page 1248 closely matches https://urldefense.proofpoint.com/v2/url?u=https-3A_urldefense.com_v3_-5F-5Fhttps-3A_www.prism.oregonstate.edu_normals_-5F-5F-3B-21-21KNMwiTCp4spf-21F9s6Eh1nzf24tvQBjv5IT5-2Dq9OWp7jmoYpLLbRKHDU1GKZPLYs7wxuqpRtPiKvc65K4BE8E7D-5FdLGCox5dgZsUY-24&d=DwlFAG&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=Gwn-CCemEOYkISmkNtMI30P40CMV4q71luxQ9XZmcsA&m=4y3AO_koAc2RVm05jXrUSSsE27XkuWxeQIUNhVzLipqG9D0z_f8OdqXaPTv97JfF&s=4ooJYH9qrQ_LLGNTVILE6puHfsWgrOr08G1eVlxgUwY&e= which show a 1991-2020 average of 34-38" for the cells of the Project.



Letter 8 Cont.

8-7	The one section which misses on the high side by about 40% is the one attempting to downplay wildfire risks related to the Project. Feeding the wildfire model incorrect inputs has generated incorrect conclusions here in Appendix M and also in Section 4.13.
8-8	Composite analysis of three sites completely disparate from one another and from the Project site -- one in the valley, one in a wind-tunnel canyon, and one in mature forest which dissipates wind -- also feeds incorrect inputs into the model.
8-9	Reax then chooses a model which they admit is unsuited to this task and attempts to manually massage the inputs to produce desirable outputs.
8-10	Ember modeling must, yet here fails to, consider that winds aloft are not the same as surface winds. When a flaming pine cone becomes airborne as its treetop branchlet burns, the winds carrying it exceed those at the winds at ground level, as does the distance it can travel while hot enough to start a spot fire. In the Camp Fire, the 2020 lightning fires, and the Dixie Fire, we saw extreme fire behavior and rates of spread the models did not consider possible.
8-11	Additionally, we saw that buildings are ladder fuel. Buildings ignited by direct flame impingement sent flames into the canopy which launched embers to start new fires downwind. Reax chooses a model which treats buildings as Non-burnable and then tries to work around it by swapping in Low Flame Length fuel type TL6 instead. Whatever the model suggests in this scenario is Garbage In, Garbage Out and merits no credence.
8-12	Reax's compactor takes in all this garbage and expels a 21-hour ETA for an ignition 7 miles upwind with 25 mph surface winds gusting to 50+. Which rate of spread, they conclude, is not likely to prohibit orderly evacuation. They then acknowledge that their MTT model assumes the fire will remain a surface fire, which it absolutely will not under those conditions, and that their MTT model is not capable of reflecting the fire behavior we (but not Reax) experienced first-hand. The Camp Fire reached the southwest corner of Paradise, more than 10 miles from the point of ignition, in less than three hours. The posited travel times from Paradise to Chico with or without the Project are not grounded in reality.
8-13	Further, the analysis does not consider what sort of traffic control might be added at Santa Rosa. A roundabout would create far more delay for westbound traffic than a Restricted Crossing U-Turn. And a traffic light would create massive backups for westbound traffic, should westbound traffic bother to stop, or if disabled would create backups for vehicles exiting the project unless eastbound Skyway lanes had already been converted to counterflow westbound. This serious shortcoming impacts section 4.11 as well.
8-14	Page 4.11-2 falsely states that Skyway provides access to SR 99 for the Sierra Nevada foothills. Paradise, Magalia, and the Project site are located in the Southern Cascade, as correctly pointed out on Page 4.1-2. EIRs and IS/MNDs commonly contradict themselves, more so as Large Language Models spit out hokum like "Skyway is a four lane-facility". Note the position of the hyphen. Also note that this section of Skyway is posted 55 (see Appendix I), not 50 as falsely stated here, and that the observed distribution of vehicle speeds matches a 70-mph freeway.



Letter 8 Cont.

8-14 Cont.	The Town of Paradise portion of Honey Run Road has been repaved and reopened. The County portion from Town limits west to Horning Ranch (near Merlin Lane) is just as narrow and winding as the Town portion west of Honey View. This paragraph, like so many in the document, is somewhere between misguided and misleading due to unfamiliarity with the local area. It is an injustice that CEQA burdens informed locals with proofreading these expensive manuscripts unpaid.
8-15	General Plan 2030 Table CIR-4 calls for maintaining Skyway as a high capacity, limited access expressway. The Appendix I option that "should not introduce delay onto Skyway mainline" is the Restricted Crossing U-Turn. The option "contributing to the highest delays on Skyway and the highest emissions" is the stop light. Yet "Mitigation Measure" 4.11-4(a) demands the stop light, which is the least compatible with GHG goals and least compatible with CIR-4. This single imposition will elicit greater resistance to the Project than all the Project's own impacts combined.
8-16	Measure 4.11-4(b) requires the right-in/right-out structure at the secondary access prior to the first certificate of occupancy under Phase C, D, E, or F of the Project. This should be built at the outset while only construction trucks are entering. When Skyway drivers are acclimated to the RIRO, that limits the downside of an RCUT at the lower primary access.
8-17	The stretch of Skyway along most of the Project frontage is laser straight with clear sight lines. Appendix I shows that more than 99% of drivers exceed the posted limit and the 85th percentile speed is 70 mph. Sufficient advance notice that the light 10 to 15 seconds ahead is about to turn red might get drivers to slow down in time and avoid the sort of pileups we've seen at Neal Road. But the sentiment that eliminated the pedestrian safety features in Paradise will reject any chokepoint on westbound Skyway.
8-18	The preparers carefully say "The County has determined that the preferred primary access is a signalized intersection." Such determination involved no public process. The County should lay out more clearly why they, not we travelers, prefer to bring peak flows of thirty vehicles per minute to a dead halt and reduce Skyway's capacity in contravention of CIR-4.
8-19	If the Michigan Left/RCUT is too sophisticated, the intersection can be designed so the two westbound lanes of Skyway never see a red light. Vehicles turning left onto Santa Rosa southbound or left onto Skyway westbound will need to wait for a green. This will force eastbound Skyway to stop. But the westbound through lanes can continue while vehicles exiting the Project merge from an acceleration lane on the left.
8-20	The design in Figure 1 of Appendix I should be modified so the third westbound lane west of the signal is a white-stripe merge lane; so the curved dashed line directs the left-hand northbound lane into such; so the right-hand northbound lane is right turn only; and so westbound through traffic has a permanent green arrow. This will eliminate delays for Skyway westbound and for vehicles exiting the project to the east who can no longer get stuck behind someone turning left from the right lane. This option, which Fehr & Peers failed to consider, must be evaluated alongside the Figure 1 design and the Figure 3 design before the intersection is signalized, which means such analysis must begin long before we get close to 548 daily trips to and from the Project.
8-21	The traffic signal would itself produce growth-inducing impacts the Draft EIR fails to consider. The barrier to developing the 500-foot-wide flat north of the proposed signal would be significantly lowered by the Figure 1 design. Not so much by the design where westbound through traffic has a perpetual green.



Letter 8 Cont.

- 8-22** The traffic signal would also significantly increase noise impacts on the proposed residential lots as heavy vehicles air-brake down the hill or accelerate from a dead halt. The already optimistic noise analysis would have to be recalculated.
- 8-23** That "bicycle [sic] and pedestrians are accommodated on Skyway in Chico" is between misleading and false. A discontinuous bicycle lane begins just east of Bruce Road. It disappears again before Notre Dame, where vehicles get five lanes and bicycles must lane-split. It is simply false that the (lower) intersection of Honey Run and Skyway is also the city limit -- which actually lies more than 1000 feet northwest at the Steve Harrison Bikeway.
- There should be a continuous separated bicycle facility along Skyway from the bike path stub at (lower) Honey Run to the Yellowstone Kelly Trail in Paradise, which currently ends at Princeton Way. The Project should be required to contribute toward that goal by providing bicycle infrastructure from its western extremum to its northern extremum.
- Mitigation Measure 4.11-1(a) should clarify that the dedication must extend to the northern boundary, along Skyway, not the eastern boundary, within the storage yard behind the Gun Club. Additionally, it must join the existing public right-of-way, not terminate into private property as shown in figure 4.11-6.
- 8-24** Again, the nearest existing bicycle facility is the Class I bikeway between the Steve Harrison and Honey Run Road, which is just outside Chico, not within it. Again the preparers reveal their unfamiliarity with this area.
- I have biked from Paradise to Chico hundreds of times. I have biked back up Honey Run dozens of times, up Skyway a single-digit number of times since it is so unsafe and unpleasant, and ridden the 40/41 back up the hill most often. Unlike the preparers, I know that of which I speak.
- 8-25** Mitigation Measure 4.11-2 is not a mitigation but an exacerbation. The median number of passengers boarding or deboarding the 40/41 at the Project will be zero. Most of the time, the eastbound bus will be asked to decelerate, turn into this development, proceed to the empty bus shelter, turn back around, and accelerate back up the hill. This wastes fuel, wastes everyone's time, and makes it more difficult for the bus to stay on schedule. Westbound is far worse, as the bus now needs to make the left onto Santa Rosa and the left back out, either waiting for the green or waiting for traffic to clear at the U-turn. This EIR attempts to create the exact sort of inefficiency B-Line has been trying to get rid of, such as at Sierra Sunrise. Even if the facility on Street H were to be built, it would not be served.
- This illustrates how disconnected CEQA bureaucracy has become from actual environmental impacts.
- If the Project were foolishly allowed to proceed with a traffic light rather than RCUTs, a bus stop at the intersection plus a crosswalk might be able to serve one or two passengers per day. But generally B-Line and Veolia refuse to stop in locations like this. The 20 does not stop at Southgate or Estates. "Mitigation Measure" 4.11-2 should be scrapped.
- 8-26** Raney, representing the applicant, is happy to pretend this area is served by transit rather than, like Southgate or Estates, bypassed by an intercity express. This charade allows them to claim the Subsidized or Discounted Transit Program deduction to manipulate the VMT calculation.



Letter 8 Cont.

- 8-27** Buried on page 816 amid the CalEEMod vomitus is a VMT reduction based on transit accessibility. The Chapter 7 Alternatives Analysis leans heavily on CAPCOA VMT discounts based on spurious correlations. In urban areas, denser neighborhoods are better for walking and not so good for finding places to park; thus more people walk or bike. In a remote subdivision with no school or post office or supermarket, the generated daily trips are not walkable no matter how tightly you cluster the residences. Low to medium income residents are also more likely to walk or bike within towns and cities, so CAPCOA includes another calculated correlation which does not apply to housing surrounded by miles of grazing land. The Affordable Housing Alternative absolutely would not "result in a 25.4 percent reduction from the home-based VMT per resident", which claim is not just false but disingenuous.
- 8-28**
- 8-29** Even were this claim true, creating 443 residences with home-based VMT 5.3 above the mitigation threshold is more harmful than creating 165 residences with home-based VMT 13.2 above. In the one area where the Affordable Housing Alternative is claimed to produce less impact than the primary proposal, the impact is actually worse. Table 7-1 is hokum engineered to discredit the one alternative which would actually reduce the impacts of the project.
- 8-30** The Reduced Footprint Alternative is alleged to exacerbate wildfire due to fuel sources in the retained open space, which for this brownfield are sparse grass and gravel. As demonstrated repeatedly since 2017, urbanized areas have far greater BTU density than grassland or savanna. No land use plan is shown for this alternative since it would either include or conspicuously lack noncombustible buffers around blocks of townhouses. An earnest analysis would find the Reduced Footprint Alternative to be Environmentally Superior.
- The Project objectives could be met without infringing the Scenic Highway setback and without placing residents so close to Skyway noise. This deserves further study, including a proper land use plan for the Reduced Footprint Alternative, before the Project proceeds as proposed.

John Stonebraker
Upper Ridge Community Council
Magalia, CA



LETTER 8: JOHN STONEBRAKER

Response to Comment 8-1

The comment does not address the adequacy of the Draft EIR.

Response to Comment 8-2

The comment does not provide specific details sufficient to allow for a detailed response.

Response to Comment 8-3

The comment does not provide specific details sufficient to allow for a detailed response.

Response to Comment 8-4

Minor typographical errors such as the example noted by the commenter are inconsequential to the conclusions and analysis of the Draft EIR.

Response to Comment 8-5

Please see Response to Comment 8-4.

Response to Comment 8-6

In a landscape-scale wildfire risk analysis, it is crucial to consider the broader region's climatology, as the likelihood of ignition and the spread of fires affecting the project site are shaped by surrounding conditions. The rainfall values cited in Section 3.1 of the Fire Risk Reduction Plan (FRRP) prepared for the proposed project by Reax Engineering, Inc. (see Appendix M of the Draft EIR) are approximations based on historical data from Remote Automated Weather Stations (RAWS) across the broader region of the project site, included for summarization purposes. Importantly, rainfall itself is not a direct input to the fire spread modeling; rather, its influence is reflected through fuel moisture content (FMC) values, which are used to represent the effects of drought on fire risk.

As discussed in Section 5.3 of the FRRP, the FMC values represent the extreme drought conditions specific to the project area. As shown in the figures provided in Section 4.2 of the FRRP, values for FMC are based on analysis of historical weather stations using software developed by the U.S. Forest Service (USFS) in collaboration with others and publicly available and open source data. Fire weather, fuel moisture calculations, and fire danger indices are produced using such software and data, which is mandated for fire preparedness and response decisions by all federal and most State agencies.

Response to Comment 8-7

The specific section referenced by the commenter is unclear. However, the selected fire modeling scenarios included in the FRRP are provided with inputs that represent statistically extreme fire weather conditions, with peak vegetative fuel loading representative of conditions prior to the Camp Fire. The assessment of wildfire risk is intentionally associated with worst-case scenarios. The commenter incorrectly asserts that the FRRP "attempts to downplay" wildfire risks related to the proposed project, as limitations of the modeling tools are discussed throughout the report. The fire modeling work was cross-checked by the Fire Captain-Deputy Fire Marshal and Research Data Specialist of California Department of Forestry and Fire Protection (CAL FIRE)/Butte County Fire Department.



Response to Comment 8-8

Please see Responses to Comments 8-6 and 8-7.

Response to Comment 8-9

As discussed in Section 5.2 of the FRRP, Reax Engineering, Inc. used the FlamMap fire modeling and analysis system, which is an open-source software developed by the USFS, RMRS, Missoula Fire Sciences Laboratory in collaboration with Altura Solutions. Operational wildfire modeling tools such as the FlamMap system and its components, including Minimum Travel Time, are publicly available, well-documented, and actively in use by various local, State, and government agencies for fuels management, fire risk analysis, and emergency response planning. Landscape and vegetative fuels data inputs are from the federal LANDFIRE program, and wind and weather data inputs are from RAWs instrumentation, all of which are publicly available and widely used for fire modeling and assessment purposes. Contrary to the assertion of the commenter, the inputs to the model are associated with worst-case scenarios to ensure the analysis serves the interests of community fire safety.

To date, published and verified physical models adopted by authoritative agencies that represents structures as burnable fuels are not available. As such, and to ensure the model captures the effect of fire spreading through communities, Reax Engineering, Inc. modified “non-burnable” land cover to a burnable fuel type.

Please also see Responses to Comments 8-6 and 8-7.

Response to Comment 8-10

Ember models implemented in the FlamMap modeling and minimum travel time (MTT) do consider winds aloft. Thus, the analysis within the Draft EIR remains adequate. Please also see Response to Comment 8-7.

Response to Comment 8-11

Please see Response to Comment 8-9.

Response to Comment 8-12

The fire modeling tools and data inputs used in the analysis are not a “black box” compactor, nor have any methods been obfuscated in the FRRP. FlamMap and MTT use surface fuel model inputs in addition to inputs for canopy base height, canopy bulk density, canopy cover, and stand height. The data are derived from satellite imagery with field data integration. Submodels that calculate wind-driven crown fire behavior are incorporated in the modeling software. The effect of crown fire is observed in simulation by increased rates of spread.

The limitations of the models and interpretation of outputs are discussed throughout the FRRP. The model results are compared against reported conditions of the Camp Fire, which was comprehensively analyzed and documented in a report by the National Institute of Standards and Technology (NIST).⁷ As previously stated, the methods and results of the FRRP were evaluated and verified by the Fire Captain-Deputy Fire Marshal and Research Data Specialist of CAL FIRE/Butte County Fire Department.

⁷ Maranghides, A., Link, E., Mell, W. R., Hawks, S., Wilson, M., Brewer, W., Brown, C., Vihaneck, B., & Walton, W. D. (2021). *A Case Study of the Camp Fire – Fire Progression Timeline*. NIST Technical Note 2135. January 2021. Available at: <https://doi.org/10.6028/nist.tn.2135>. Accessed September 2024.



The methodology used for the evacuation study, including travel times, conducted for the proposed project by Fehr & Peers (included as Attachment A to Appendix M of the Draft EIR) is described beginning on page 4.13-23 of the Draft EIR. The comment does not provide justification or sufficient detail to support the opinion that the travel times presented in the Draft EIR are not “grounded in reality.”

Response to Comment 8-13

The comment refers to Appendix M of the Draft EIR, the FRRP, which includes the Fehr & Peers' Tuscan Ridge Transportation Impact Study – Wildfire Assessment Memorandum. However, it is unclear what portion of Appendix M the commenter is referring to. Appendix I of the Draft EIR, the Tuscan Ridge Safety Assessment and Intersection Control Evaluation Summary, includes traffic operations analysis for the various intersection control alternatives, as well as considerations for how intersection control alternatives could interact with contraflow operation of Skyway during an evacuation. The commenter does not provide evidence to support the statements regarding a roundabout or traffic signal creating more delay or backups than the restricted crossing U-turn (RCUT) under an evacuation scenario. Furthermore, “far more delay” is not a threshold or design standard of Butte County. As long as the recommended traffic control complies with the County’s design standards, based on the evaluation criteria and applicable threshold, the traffic control analysis is adequate under CEQA.

Response to Comment 8-14

Please see Response to Comment 8-4. In response to the comment, the second paragraph on page 4.11-2 in Chapter 4.11, Transportation, of the Draft EIR is hereby revised as follows:

Skyway

Skyway is generally an east-west arterial/expressway that provides access to SR 99 for eastern Chico and communities in the Sierra Nevada foothills, including unincorporated Butte County, Paradise, Magalia and more. Within the study area, Skyway is a four-lane-facility with ~~50~~ 55 miles per hour (MPH) posted speed limits. Skyway becomes E. Park Avenue west of SR 99.

The foregoing minor changes are for clarification purposes and do not affect the adequacy or conclusions of the environmental analysis contained in the Draft EIR.

As stated on page 2 of the Safety Assessment and Intersection Control Evaluation Summary prepared for the proposed project, vehicular travel speeds on Skyway have been observed to regularly exceed the posted speed limit of 55 MPH. The Safety Assessment and Intersection Control Evaluation Summary also acknowledges that, based on a speed survey conducted in March 2023 along the project frontage under free-flow conditions, vehicular travel had a median speed of roughly 65 MPH and 85th percentile speed of roughly 70 MPH. Vehicle speeds in excess of the posted speed limit along Skyway were considered in analysis within the Safety Assessment and Intersection Control Evaluation Summary.

Lastly, regarding the portion of the comment referring to Honey Run Road, the description of the County portion of Honey Run Road included on page 4.11-2 in Chapter 4.11, Transportation, of the Draft EIR is accurate. Minor variances in the description of Honey Run Road would not affect the adequacy or conclusions of the environmental analysis contained in the Draft EIR.



Response to Comment 8-15

The criteria applied to the CEQA standard of significance, as stated on page 4.11-16 of the Draft EIR, relies on consistency with applicable design standards. The traffic signal required pursuant to Mitigation Measure 4.11-4(a) would be consistent with the County design standards, and, therefore, would not cause the threshold to be exceeded or constitute a significant impact under CEQA. In addition, the traffic signal was selected by the County as the preferred traffic control measure based on safety and feasibility. The comment will be forwarded to the decision-makers as part of their consideration of the proposed project.

Response to Comment 8-16

The comment asserts an opinion but does not directly address the adequacy of the Draft EIR. As discussed on page 3-1 of Chapter 3, Project Description, of the Draft EIR, the secondary access point from Skyway was created in the northeastern portion of the site and used during the 2018 Camp Fire wildfire response until March 2020 during the site's use as a base camp and staging area. Furthermore, as stated on page 3-10 of the Draft EIR, the eastern entrance would primarily serve the proposed sanitary waste disposal station and mini-storage use proposed in the eastern portion of the site, while also providing secondary access to the residences within the northeastern portion of the site. The residential units and commercial uses to be served by the secondary access would be constructed in the later phases of the proposed project. The comment will be forwarded to the decision-makers as part of their consideration of the proposed project.

Response to Comment 8-17

The comment does not address the adequacy of the Draft EIR. The comment will be forwarded to the decision-makers as part of their consideration of the proposed project.

Contrary to the comment, Appendix I of the Draft EIR shows that anywhere from 30 percent to 97 percent of drivers exceed 55 miles per hour (MPH), depending on which segment and lane of Skyway was analyzed.

Response to Comment 8-18

The comment does not address the adequacy of the Draft EIR. The comment will be forwarded to the decision-makers as part of their consideration of the proposed project. Please also see Response to Comment 2-8.

Response to Comment 8-19

The comment does not address the adequacy of the Draft EIR. The comment will be forwarded to the decision-makers as part of their consideration of the proposed project. Please also see Response to Comment 2-8.

Response to Comment 8-20

The intersection control design suggested in the comment would likely increase the speed differential between through and merging movements and could increase the likelihood and severity of sideswipe and rear-end collisions. Based on such safety factors and due to the atypical nature of the suggested configuration, the intersection control as described in the comment would not be recommended. The commenter's preference for an alternative intersection control design will be forwarded to the decision-makers as part of their consideration of the proposed project.



Response to Comment 8-21

The comment states that the traffic signal required by Mitigation Measure 4.11-4(a) could cause an impact beyond transportation. CEQA requires that impacts of mitigation measures be evaluated in the environmental document, but can be "...in less detail than the significant effects of the project as proposed," (CEQA Guidelines § 15126.4(a)(1)(d).). Potential impacts of the signal were incorporated into the analysis throughout the Draft EIR, as applicable, and discussed in Appendix I with respect to transportation safety. A discussion of growth inducing impacts is included in Chapter 6, Statutorily Required Sections, of the Draft EIR. Whether development of other land in the vicinity of the project site would occur as a result of the proposed project is speculative, and analysis of such speculative conditions is not warranted under CEQA. All future development applications within the County will be subject to separate CEQA review by the County.

Response to Comment 8-22

Please see Response to Comment 8-21. In addition, as stated in on page 4.9-12 of Chapter 4.9, Noise, of the Draft EIR, impacts of the environment on a project (as opposed to impacts of a project on the environment) are beyond the scope of required CEQA review. Therefore, for the purposes of the CEQA analysis, the relevant inquiry is not whether the proposed project's future residents would be exposed to existing or post-construction environmental noise-related effects, but instead whether project-generated noise would exacerbate the existing conditions. Nonetheless, for informational purposes, the Draft EIR included consideration of both the proposed project's contribution to on- and off-site noise levels, as well as exposure of future residents of the proposed project to potential effects associated with the existing and post-construction noise environment, in order to demonstrate compliance with the 2030 Butte County General Plan. As stated on page 4.9-22 of the Draft EIR, while not an environmental issue required for analysis under CEQA, the County would condition the proposed project to address identified noise effects on future residents of the project as part of project approval. Further, as discussed under Impact 4.9-2 on page 4.9-44 of Chapter 4.9, Noise, of the Draft EIR, future Skyway traffic noise levels at the outdoor activity areas (backyards) of the nearest proposed residences would exceed the 2030 Butte County General Plan 60 dB DNL exterior noise level standard for residential uses, and, therefore, the County would require as a condition of approval construction of noise barriers to reduce future Skyway traffic noise level exposure.

Response to Comment 8-23

The minor typographical errors regarding nearby bicycle facilities do not change the conclusions or analysis of the Draft EIR. As stated on pages 4.11-17 and 4.11-18 of the Draft EIR, "the County requires each project to build its portion of regional facilities to ultimately establish the connectivity envisioned in the Butte County Bicycle Plan." In addition, Mitigation Measure 4.11-1(a) clearly states the extent of the required public recreational access easement along the project frontage of Skyway. The comment will be forwarded to the decision-makers as part of their consideration of the proposed project.

In response to the comment, the third paragraph on page 4.11-7 of Chapter 4.11, Transportation, of the Draft EIR is hereby revised as following:

The nearest intersection to the project site in the study area is Honey Run Road and Skyway, as shown in Figure 4.11-5. There are crosswalks and Americans with Disabilities Act (ADA) compatible ramps at the intersection, despite the fact that there are no connecting sidewalks on Honey Run Road or Skyway. ~~This intersection serves as the boundary on Skyway between Chico on the west and Butte County on the east.~~ The City



of Chico design standards are more urban than County standards; therefore, bicycle and pedestrians are accommodated on Skyway in Chico, but not in the jurisdiction of the County.

The foregoing minor changes are for clarification purposes and do not affect the adequacy or conclusions of the environmental analysis contained in the Draft EIR.

Response to Comment 8-24

In response to the comment, the last paragraph on page 4.11-17 of Chapter 4.11, Transportation, of the Draft EIR is hereby revised as follows:

However, the proposed project trail network is inconsistent with the *Butte County General Plan* policy CIR-P5.6. While the proposed network of multi-use trails does “incorporate internal circulation networks that encourage bicycle use,” the proposed facilities do not “connect to the external bicycle circulation system.” The *Butte County Bicycle Plan* proposes a Class I facility along Skyway that is continuous, convenient and connects regional travel. This Class I facility does not yet exist between the project site and the neighboring communities of Chico and Paradise, so residents, workers, or visitors traveling to or from the proposed project would not have adequate bicycle facilities as expected in the *General Plan* and *Bicycle Plan*. It is beyond the scope of this project to construct off-site bicycle improvements on other properties to the nearest existing facility, ~~which is located in Chico.~~ [...]

The foregoing minor changes are for clarification purposes and do not affect the adequacy or conclusions of the environmental analysis contained in the Draft EIR. Please also see Response to Comment 8-4.

Response to Comment 8-25

The comment includes unverifiable claims on the number of passengers that would board/deboard Butte Regional Transit (B-Line) Route 40/41 once the proposed project is constructed, but evidence is not provided to support such assertions. The comment also provides opinions on transit efficiency. As long as the recommended transit mitigation is consistent with programs, plans, ordinances, or policies addressing the circulation system related to transit facilities, based on the evaluation criteria, the analysis of potential impacts is adequate under CEQA. Furthermore, Mitigation Measure 4.11-2 provides optionality: “At buildout of 165 housing units or as determined by BCAG in an unmet transit needs analysis...” Bus service and/or a bus turn-out implementation could depend on Butte Associations of Government (BCAG) evaluation in any case. The County consulted with BCAG regarding Mitigation Measure 4.11-2, which reflects their recommendation for the location of the future bus turnout within the project site, as opposed to along Skyway.

Response to Comment 8-26

Contrary to the comment, Raney Planning and Management, Inc. is a third-party consultant, hired by, and is under contract with, the County, and is not representing the project applicant.

Mitigation Measure 4.11-3 requires the project applicant to develop a Transportation Demand Management (TDM) Plan, which may include a variety of California Air Pollution Control Officers Association (CAPCOA) strategies. The Draft EIR analysis did not rely on implementation of the CAPCOA T-9 Measure, Subsidized or Discounted Transit Program, to manipulate the vehicle miles traveled (VMT) calculation, as Impact 4.11-3 related to VMT was determined to remain



significant and unavoidable, even with implementation of all feasible mitigation, due to uncertainties regarding the ability for the mitigation measure to reduce VMT to below the applicable threshold of significance.

Response to Comment 8-27

The Operational Mobile Mitigation table in Appendix A of the Draft EIR referenced by the commenter includes a list of potential mobile operational measures that can be applied to the CalEEMod model if applicable to the project. As clearly shown therein, none of such mitigation measures were applied in the model.

Response to Comment 8-28

As discussed on page 7-12 in Chapter 7, Alternatives Analysis, of the Draft EIR, the CAPCOA sets forth VMT reduction strategies where the effectiveness of the strategies is supported by substantial evidence. High-density and affordable housing are both identified as CAPCOA VMT reduction strategies with formulas provided to determine reduction percentages of VMT. The Draft EIR relied on these formulas to calculate the reduction in VMT per capita for the project alternatives. Therefore, the ultimate conclusion in the Alternatives Analysis chapter of the Draft EIR that transportation-related impacts of the Affordable Housing Alternative would be fewer compared to the proposed project remains adequate.

Response to Comment 8-29

As presented in Chapter 4.11, Transportation, of the Draft EIR, the applicable threshold for impacts related to VMT is VMT per capita, as opposed to total VMT. While the Affordable Housing Alternative would result in greater total VMT as compared to the proposed project due to the additional residential units, the Alternative would reduce VMT per capita. Nonetheless, as discussed on page 7-28 of Chapter 7, Alternatives Analysis, of the Draft EIR, the Affordable Housing Alternative would not reduce VMT per capita to below the applicable threshold, mitigation would still be required, and the significant and unavoidable impact related to VMT would remain significant and unavoidable.

In addition, as identified in Chapter 7, Alternatives Analysis, of the Draft EIR, the Affordable Housing Alternative would result in greater impacts related to Aesthetics and Utilities and Service Systems and similar impacts as the proposed project for the remaining issue areas for which project impacts were identified. The Draft EIR also clearly acknowledges that the Affordable Housing Alternative would not avoid the significant and unavoidable impacts related to Aesthetics, Air Quality, GHG Emissions, and Energy, and Transportation. Thus, increased impacts associated with the Affordable Housing Alternative as compared to the proposed project were acknowledged in the Draft EIR.

Response to Comment 8-30

As stated under Impact 4.13-2 in the Wildfire chapter of the Draft EIR, “[a]ccording to the FRRP prepared for the proposed project, the majority of the project site is barren, which would not contribute to the spread of wildfire. However, the project site also contains grasses, shrubs, and multiple types of vegetative litter that have moderate to very high fire ROS and flame lengths.” The Draft EIR goes on to state on page 4.13-30:

Overall, because the proposed project would remove a substantial amount of existing fuel sources and would comply with State and local requirements, operation of the project would not exacerbate the risk of a wildfire spreading from undeveloped land to the



proposed structures or the potential of fire spreading from the site to surrounding areas. However, the proposed project would preserve approximately 36.7 acres of open space on-site which would maintain fuel sources during project operation.

As discussed in the Alternatives Analysis chapter of the Draft EIR, because the Reduced Footprint Alternative would involve a smaller disturbance area than the proposed project, a greater portion of the project site would be preserved as open space. As a result, the Alternative would maintain a greater amount of on-site fuel sources during project operation, thereby potentially exacerbating wildfire risk.

As clearly presented in Table 7-1 and stated on page 7-34 of the Draft EIR, the Reduced Footprint Alternative would have fewer impacts than the proposed project in more resource areas than the other alternatives analyzed in the Draft EIR. However, for the reasons described on page 7-34, the Reduced Footprint Alternative was not chosen as the Environmentally Superior Alternative. The commenter's request for a more robust analysis of the Reduced Footprint Alternative is noted for the record and forwarded to the decision-makers for their consideration of the proposed project.



TUSCAN RIDGE PROJECT DRAFT EIR COMMENT MEETING SUMMARY

Letter 9

Date: May 23, 2024
Time: 10:30 AM
Location: Butte County Development Services Department

Verbal Comments (arranged in order of “appearance” of commenter):

Public Comments

Commenter 1 (John Stonebraker)

- 9-1
 - Commenter states that the Elevated Wildfire Risk Appendix uses an inadequate model because the model does not understand urban conservation, and attempts to replace the “non-burnable” built environment with the fuel model that exists on the Tuscan Ridge project site. Commenter notes that the model does not align with the events of the 2018 Camp Fire.
- 9-2
 - Commenter states that the model does not understand ember cast, and disagrees that the proposed intersection would not impede wildfire evacuation.
- 9-3
 - Commenter states that the CalEEMod results show the proposed gas station would receive over 4,000 trips per day and 1.5 million trips per year, and the traffic report says over 7,000 daily trips in each direction would occur on Skyway. Commenter states that such daily trip generation is “inconceivable.”
- 9-4
 - Commenter disagrees that the Reduced Footprint Alternative was not selected as the Environmentally Superior Alternative.
- 9-5
 - Commenter claims that the High Density Alternative reduction in VMT is inaccurate.
- 9-6
 - Commenter claims that the traffic signal required as mitigation would increase environmental impacts, such as noise and emergency access during wildfire evacuation. Commenter proposed alternative mitigation, such as implementing a RCUT at the upper access to the project site, then evaluating if appropriate for the lower access point. Commenter notes that Fehr & Peers preferred the RCUT, and County preferred the traffic signal, which might be shortsighted.

Commenter 2 (Paradise Rod and Gun Club Board Member)

- 9-7
 - Commenter clarifies the correct name of the Paradise Rod and Gun Club.
 - Commenter states that they will provide written comments, and that they want to be good neighbors to the proposed development.
 - Commenter states that the proposed development is not anticipated to impact their adjacent facility, and that they have been working to reduce wildfire fuel sources.



LETTER 9: PUBLIC COMMENT MEETING SUMMARY

Response to Comment 9-1

Please see Response to Comment 8-9.

Response to Comment 9-2

Please see Response to Comment 8-10.

Response to Comment 9-3

The comment does not address the adequacy of the Draft EIR.

Response to Comment 9-4

Please see Response to Comment 8-30.

Response to Comment 9-5

Please see Response to Comment 8-28.

Response to Comment 9-6

Contrary to the comment, the Safety Assessment and Intersection Control Evaluation Summary prepared by Fehr & Peers did not provide any recommendation or preference for any one traffic control alternative over the other. The County used the information provided within the Safety Assessment and Intersection Control Evaluation Summary regarding safety, operations, and evacuation impacts, as well as other practical considerations, such as feasibility, to determine that the preferred primary access is a signalized intersection. In addition, please see Responses to Comments 2-8 and 8-21.

Response to Comment 9-7

Please see Responses to Comments 7-1 through 7-8. The comment does not address the adequacy of the Draft EIR. The comment has been noted for the record and will be forwarded to the decision-makers as part of their consideration of the proposed project.



3. Revisions to the Draft EIR Text

3. REVISIONS TO THE DRAFT EIR TEXT

3.1 INTRODUCTION

The Revisions to the Draft EIR Text chapter presents minor corrections, additions, and revisions made to the Draft EIR published by the Lead Agency (Butte County).

The changes represent minor clarifications/amplifications of the analysis contained in the Draft EIR and do not constitute significant new information that, in accordance with CEQA Guidelines, Section 15088.5, would trigger the need to recirculate portions or all of the Draft EIR.

3.2 DESCRIPTION OF CHANGES

New text is double underlined and deleted text is ~~struck through~~. Text changes are presented in the page order in which they appear in the Draft EIR.

1 INTRODUCTION

Pages 1-5 and 1-6 of the Draft EIR are hereby as follows:

The update also included a mix of residential uses, ~~community commercial~~ general commercial and neighborhood commercial uses, and water and/or sanitary sewer facilities, along with approximately 49 acres of landscaped areas, as well as recreational and open space areas to include bicycle and pedestrian trails associated with the site.

The foregoing minor changes are for clarification purposes only and do not affect the adequacy or conclusions of the environmental analysis contained in the Draft EIR.

2 EXECUTIVE SUMMARY

For clarification purposes, Table 2-1 in Chapter 2, Executive Summary, of the Draft EIR is hereby revised to reflect minor revisions made to Mitigation Measures 4.7-2(b) and 4.11-1(a) as part of this Final EIR, as presented throughout this chapter. Rather than include the entirety of Table 2-1 with revisions shown where appropriate, only the mitigation measure that has been revised is presented in this chapter. The revisions to Table 2-1 are for clarification purposes only and do not change the conclusions of the Draft EIR. Please refer to the end of this chapter for Table 2-1.

3 PROJECT DESCRIPTION

The second paragraph on page 3-11 in Chapter 3, Project Description, of the Draft EIR hereby revised as follows:

Water

The existing on-site water system consists of an on-site well at a depth of 735 feet. Water produced from the well is currently sent to two 10,000-gallon aboveground storage tanks using a 75-horsepower (hp) turbine pump, and is subsequently pulled from the tank using two 10-hp pumps and pressurized into a distribution system through four pressure tanks.



The water system is generally located near the center of the southern border of the project site. The existing well was initially installed in 1999 for the purposes of irrigating the Tuscan Ridge Golf Course and providing services to the associated bistro. The well was subsequently used for potable water purposes by PG&E and ECC Constructors during their occupation of the site. The water system ~~is currently~~ was previously permitted as a domestic water supply through the Butte County Environmental Health Division (Permit Number 04-09182) and the State Water Resources Control Board (SWRCB) Division of Drinking Water and is currently inactive.

The following staff-initiated change is based on input from the California Department of Forestry and Fire Protection (CAL FIRE) and is for clarification purposes only. The third paragraph on page 3-11 of the Draft EIR is hereby revised as follows:

[...] A minimum of approximately 400,000 gallons of water storage is anticipated to be required to meet minimum fire flows; however, the water storage requirements would be determined in consultation with the Butte County Fire Department and CAL FIRE. An approximately 487,000-gallon water tank would be located in the northeastern portion of the project site, adjacent to the proposed mini-storage facility. The tank would be approximately 72 feet in diameter and 16 feet in height, and would be surrounded by a 125-foot by 125-foot security fence. It should be noted that the water storage requirements estimate is based on the proposed non-residential buildings including fire sprinklers, which is not required; if the non-residential buildings do not include fire sprinklers, the water storage capacity requirements may increase to approximately 550,000 gallons. A new permit through the SWRCB and/or Butte County Environmental Health Division would be required to allow use of the system as a community water system.

All other references to the water storage requirements and/or proposed water storage tank size throughout the remainder of the Draft EIR are hereby similarly revised, as presented throughout this chapter.

The last paragraph on page 3-17 in Chapter 3 is hereby revised as follows:

In addition to the above County approvals, the project ~~would~~ may also require the following approvals by the Butte LAFCo, as a Responsible Agency:

- Extraterritorial service agreement or annexation of the project site into the PID service area for water and sewer service. If annexation is required, an SOI amendment would also be required to amend PID's SOI to include the project site.
- Modify the boundaries of the Paradise Recreation and Parks District (PRPD) and the Chico Area Recreation and Park District (CARD) such that the entirety of the project site would be within the PRPD area and removed from the CARD area.

The foregoing minor changes are for clarification purposes only and do not affect the adequacy or conclusions of the environmental analysis contained in the Draft EIR.

4.2 AIR QUALITY, GREENHOUSE GAS EMISSIONS, AND ENERGY

Table 4.2-2 on page 4.2-4 of the Draft is hereby revised as follows:



Table 4.2-2 Ambient Air Quality Standards				
Pollutant	Averaging Time	CAAQS	NAAQS	
			Primary	Secondary
Ozone	1 Hour	0.09 ppm	-	Same as primary
	8 Hour	0.070 ppm	0.070 ppm	
Carbon Monoxide	8 Hour	9 ppm	9 ppm	-
	1 Hour	20 ppm	35 ppm	
Nitrogen Dioxide	Annual Mean	0.030 ppm	53 ppb	Same as primary
	1 Hour	0.18 ppm	100 ppb	-
Sulfur Dioxide	24 Hour	0.04 ppm	-	-
	3 Hour	-	-	0.5 ppm
	1 Hour	0.25 ppm	75 ppb	-
Respirable Particulate Matter (PM₁₀)	Annual Mean	20 ug/m ³	-	Same as primary
	24 Hour	50 ug/m ³	150 ug/m ³	
Fine Particulate Matter (PM_{2.5})	Annual Mean	12 ug/m ³	42.9 ug/m ³	15 ug/m ³
	24 Hour	-	35 ug/m ³	Same as primary
Lead	30 Day Average	1.5 ug/m ³	-	-
	Calendar Quarter	-	1.5 ug/m ³	Same as primary
Sulfates	24 Hour	25 ug/m ³	-	-
Hydrogen Sulfide	1 Hour	0.03 ppm	-	-
Vinyl Chloride	24 Hour	0.010 ppm	-	-
Visibility Reducing Particles	8 Hour	see note below	-	-

ppm = parts per million
ppb = parts per billion
ug/m³ = micrograms per cubic meter

Note: Statewide Visibility Reducing Particle Standard (except Lake Tahoe Air Basin): Particles in sufficient amount to produce an extinction coefficient of 0.23 per kilometer when the relative humidity is less than 70 percent. This standard is intended to limit the frequency and severity of visibility impairment due to regional haze and is equivalent to a 10-mile nominal visual range.

Source: California Air Resources Board. California Ambient Air Quality Standards. May 4, 2016.
Available at: <https://www2.arb.ca.gov/sites/default/files/2020-07/aaqs2.pdf>. Accessed October 2022-August 2024.
<https://www2.arb.ca.gov/resources/california-ambient-air-quality-standards>.

Page 4.2-10 of the Draft EIR is hereby revised as follows:

As presented in Table 4.2-3, BCAQMD is designated non-attainment for the federal and State 8-hour ozone, the State 1-hour ozone, State 24-hour PM₁₀ standard, and State annual PM_{2.5}, and designated nonattainment-transitional for the State 1-hour Ozone and State 8-hour ozone. It should be noted that PM₁₀ incorporates all fine particulate matter less than 10 microns in diameter and, as a result, PM_{2.5} is accounted for within the BCAQMD PM₁₀ standards, discussed below. Due to the nonattainment designations, the BCAQMD, along with the other air districts in the SVAB region, is required to develop plans to attain the federal and State standards for ozone and particulate matter. The air quality plans include emissions inventories to measure the sources of air pollutants to evaluate



how well different control measures have worked, and show how air pollution would be reduced. In addition, the plans include the estimated future levels of pollution to ensure that the area would meet air quality goals. Each of the attainment plans currently in effect are discussed in further detail in the Regulatory Context section of this chapter.

Table 4.2-3 Butte County Attainment Status Designations		
Pollutant	California Standards	Federal Standards
1-hour Ozone	Nonattainment <u>Transitional</u>	--
8-hour Ozone	Nonattainment <u>Transitional</u>	Nonattainment
Carbon Monoxide	Attainment	Attainment
Nitrogen Dioxide	Attainment	Attainment
Sulfur Dioxide	Attainment	Attainment
24-hour Respirable Particulate Matter (PM₁₀)	Nonattainment	Attainment
24-hour Fine Particulate Matter (PM_{2.5})	--	Attainment
Annual PM₁₀	Attainment	--
Annual PM_{2.5}	Nonattainment <u>Attainment</u>	Attainment
Source: Butte County Air Quality Management District. <i>Air Quality Standards & Air Pollutants</i> . Available at: https://bcaqmd.org/planning/air-quality-standards-air-pollutants/ https://www.bcaqmd.org/air-quality-standards-attainment-planning . Accessed October 2022 August 2024.		

The first paragraph under Impact 4.2-1 on page 4.2-41 of the Draft EIR is hereby revised as follows in accordance with the above changes:

As construction of the proposed project would generate emissions of criteria air pollutants, including ROG, NO_x, and PM₁₀, intermittently within the site and in the vicinity of the site, until all construction has been completed, construction is a potential concern, as the proposed project is located in a nonattainment-transitional area for ozone and PM.

Page 4.2-42 of the Draft EIR is hereby revised as follows in accordance with the above changes:

Conclusion

Based on the above, emissions resulting from project construction activities are not anticipated to exceed the BCAQMD's applicable construction thresholds of significance. Thus, construction activities associated with development of the proposed project would not substantially contribute to the BCAQMD's nonattainment-transitional status for ozone or PM, and, as a result, would not conflict with or obstruct implementation of the applicable air quality plan. Accordingly, a **less-than-significant** impact would occur.

The first paragraph under Impact 4.2-2 on page 4.2-43 of the Draft EIR is hereby revised as follows in accordance with the above changes:

As discussed above, due to the nonattainment designations of the area, the BCAQMD has developed plans to attain the State and federal standards for ozone and PM.



Pages 4.2-48 and 4.2-49 are hereby revised as follows in accordance with the above changes:

Criteria Pollutants

Exposure to criteria air pollutants can result in adverse health effects. The AAQS presented in Table 4.2-2 are health-based standards designed to ensure safe levels of criteria pollutants that avoid specific adverse health effects. Because the SVAB is designated as nonattainment-transitional for State and federal eight-hour ozone ~~and State PM₁₀~~ standards, the BCAQMD, along with other air districts in the SVAB region, has adopted federal and state attainment plans to demonstrate progress towards attainment of the AAQS. Full implementation of the attainment plans would ensure that the AAQS are attained and sensitive receptors within the SVAB are not exposed to excess concentrations of criteria pollutants. The BCAQMD's thresholds of significance were established with consideration given to the health-based air quality standards established by the AAQS, and are designed to aid the district in implementing the applicable attainment plans to achieve attainment of the AAQS. Thus, if a project's criteria pollutant emissions exceed the BCAQMD's mass emission thresholds of significance, a project would be considered to conflict with or obstruct implementation of the BCAQMD's air quality planning efforts, thereby delaying attainment of the AAQS. Because the AAQSs are representative of safe levels that avoid specific adverse health effects, a project's hinderance of attainment of the AAQS could be considered to contribute towards regional health effects associated with the existing nonattainment-transitional status of ozone ~~and PM₁₀~~ standards.

As discussed in Impacts 4.2-1 and 4.2-2, and following implementation of Mitigation Measure 4.2-2, the proposed project would not result in emissions that exceed the BCAQMD's thresholds of significance. Consequently, implementation of the proposed project is not anticipated to conflict with the BCAQMD's adopted attainment plans nor would the proposed project inhibit attainment of regional AAQS. Therefore, implementation of the proposed project would not contribute towards regional health effects associated with the existing nonattainment-transitional status of ozone ~~and PM₁₀~~ standards.

The second paragraph in the Cumulative Impacts and Mitigation Measures section on page 4.2-57 is hereby revised as follows in accordance with the above changes:

A project's emissions may be individually limited, but cumulatively considerable when taken in combination with past, present, and future development projects. The geographic context for the cumulative air quality analysis includes Butte County and surrounding areas within the portion of the SVAB that is designated nonattainment-transitional for ozone ~~and PM₁₀~~.

The first paragraph on page 4.2-58 is hereby revised as follows in accordance with the above changes:

The proposed project is within a nonattainment-transitional area for ozone ~~and PM₁₀~~. By nature, air pollution is largely a cumulative impact. The population growth and vehicle usage within the nonattainment area from the proposed project, in combination with other past, present, and reasonably foreseeable projects within Butte County and surrounding areas, contributes to the region's adverse air quality impacts on a cumulative basis, and could either delay attainment of AAQS or require the adoption of additional controls on existing and future air pollution sources to offset emission increases. Thus, the project's emissions of criteria air pollutants would contribute to cumulative regional air quality effects.



The foregoing minor changes are for clarification purposes only and do not affect the adequacy or conclusions of the environmental analysis contained in the Draft EIR.

4.7 HYDROLOGY AND WATER QUALITY

Page 4.7-9 and 4.7-10 of the Draft EIR are hereby revised as follows:

~~Executive Order N-7-22~~

~~On March 28, 2022, Executive Order (EO) N-7-22 was issued to enhance water supply resilience and increase drought response within the State. EO N-7-22 limits a county, city, or other public agency's ability to permit modified or new groundwater wells. Specifically, before local entities can permit new or modified groundwater wells in high and medium priority groundwater basins, EO N-7-22 requires the GSA monitoring the basin to verify in writing that the permitted action is not inconsistent with the GSP or other groundwater management program for the basin. Additionally, the permitting entity must determine that the well will not interfere with nearby wells and will not cause subsidence that could negatively affect nearby infrastructure.~~

The second paragraph on page 4.7-19 of the Draft EIR is hereby revised as follows:

A number of improvements to the existing on-site water system would be required in order to upgrade the system to accommodate the proposed project, including the installation of an additional water supply well (subject to verification by the Vina GSA under EO N-7-22), a water treatment system, a water distribution system, water meters at each service connection, and additional water tanks for storage. [...].

Mitigation Measure 4.7-2(b) on page 4.7-20 of the Draft EIR is hereby revised as follows:

4.7-2(b) ~~Prior to approval of final project improvement plans certificate of occupancy, the project applicant shall obtain submit proof to the Butte County Director of Public Works that a new permit from the SWRCB and/or Butte County Environmental Health Division has been obtained to allow use of the new on-site water system as a community water system. All Proof that all SWRCB and/or Butte County Environmental Health Division permit requirements shall be have been incorporated into the project design and shown on the improvement plans. Proof of compliance shall be submitted to the Butte County Director of Public Works for review and approval.~~

The first paragraph on page 4.7-22 of the Draft EIR is hereby revised as follows:

[...] The water system ~~is currently~~ was previously permitted as a domestic water supply through the Butte County Environmental Health Division (Permit Number 04-09182) and the SWRCB Division of Drinking Water and is currently inactive.

The second paragraph on page 4.7-22 of the Draft EIR is hereby revised as follows:

[...] A minimum of 300,000 gallons of water storage is anticipated to be required to meet minimum fire flows; however, the water storage requirements would be determined in consultation with the Butte County Fire Department and CAL FIRE. An approximately 487,000-gallon water tank would be located in the northeastern portion of the project site, adjacent to the proposed mini-storage facility. The tank would be approximately 72 feet in diameter and 16 feet in height, and would be surrounded by a 125-foot by 125-foot security



fence. It should be noted that the water storage requirements estimate is based on the proposed non-residential buildings including fire sprinklers, which is not required; if the non-residential buildings do not include fire sprinklers, the water storage capacity requirements may increase to approximately 550,000 gallons. A new permit through the SWRCB and/or Butte County Environmental Health Division would be required to allow use of the system as a community water system.

The second paragraph on page 4.7-22 of the Draft EIR is hereby revised as follows:

A number of improvements to the existing on-site water system would be required in order to upgrade the system to accommodate the proposed project, including the installation of an additional water supply well, a water treatment system, a water distribution system, water meters at each service connection, and additional water tanks for storage. The proposed water system would be subject to the standards and monitoring requirements set forth by federal, State, and local laws, including, but not limited to, public health standards of Title 22 of the CCR, ~~GSA review standards of EO N-7-22~~, the California Safe Drinking Water Act, and Butte County standards. [...]

The foregoing minor changes are for clarification purposes only and do not affect the adequacy or conclusions of the environmental analysis contained in the Draft EIR.

4.8 LAND USE AND PLANNING/POPULATION AND HOUSING

Page 4.8-3 of the Draft EIR is hereby revised as follows:

Planned Unit Development (PUD)

The PUD land use designation identifies future developments that will be considered under a PUD application, as identified in Figure LU-3 of the 2030 Butte County General Plan and Figure LU-2A of the 2040 Butte County General Plan. The intent of the PUD land use designation is to encourage and take advantage of opportunities for more integrated, flexible and superior design than is available through the application of conventional regulation. The Tuscan Ridge PUD is intended to determine the mix of uses that would occur in a 165-acre area along Skyway at the site of the former Tuscan Ridge Golf Course. A mix of residential uses, ~~community-commercial~~ general commercial and neighborhood commercial uses, and water and/or sanitary sewer facilities provided by a public or private entity may be developed in this area. Additionally, approximately 40.8 acres of the site would consist of landscaped and recreational/open space areas, which would include bicycle and pedestrian trails.

Table 4.8-6 on pages 4.9-49, 4.9-52, and 4.8-53 in Chapter 4.8, Land Use and Planning/Population and Housing, of the Draft EIR is hereby revised as shown on the following page. Rather than include the entirety of Table 4.8-6 with revisions shown where appropriate, only the General Plan policies for which the project consistency discussion has been revised is presented. The minor changes are for clarification purposes only and do not affect the adequacy or conclusions of the environmental analysis contained in the Draft EIR.



Table 4.8-6
2030 Butte County General Plan and Butte LAFCo Policy Discussion

Health and Safety	
<p>HS-P11.4 New development projects shall meet current fire safe ordinance standards for adequate emergency water flow, emergency vehicle access, signage, evacuation routes, fuel management, defensible space, fire safe building construction and wildfire preparedness.</p>	<p>[...] The proposed project would be required to comply with all applicable State and local standards and regulations associated with prevention of wildfire hazards, including Chapter 38A of the Butte County Code of Ordinances, which serves to adopt and amend, as applicable, the California Fire Code (CFC). The proposed project would also be required to comply with the applicable requirements of Section 903 of the CFC regarding automatic fire sprinkler and/or fire extinguishing system requirements. It should be noted that while all non-residential structures require fire flow, they do not all require automatic fire sprinklers. As such, even a modestly sized non-residential building with a high enough fire flow could cause a significant increase in storage, if a fire were to last for a long enough duration. However, as discussed in Chapter 4.12, Utilities and Service Systems, of this EIR, fire flow for the proposed project would be provided by the proposed water system, including a 487,000-gallon water storage tank, that would be developed on-site. <u>It should be noted that the water storage requirements estimate is based on the proposed non-residential buildings including fire sprinklers, which is not required; if the non-residential buildings do not include fire sprinklers, the water storage capacity requirements may increase to approximately 550,000 gallons.</u></p> <p>As discussed in Chapter 4.13, Wildfire, of this EIR, the project site is located with a High FHSZ. The proposed project would be required to comply with all applicable State and local standards and regulations associated with prevention of wildfire hazards, including Chapter 38A of the Butte County Code of Ordinances, which serves to adopt and amend, as applicable, the CFC. The proposed project would also be required to comply with the applicable requirements of Section 903 of the CFC regarding automatic fire sprinkler and/or fire extinguishing systems. As discussed in Chapter 4.12, Utilities and Service Systems, of this EIR, fire flow for the proposed project would be provided by the proposed water system that would be developed on-site. An</p>
<p>HS-P12.4 All development projects in wildland urban interface areas in High or Very High Fire Hazard Severity Zones shall provide, at a minimum, small-scale water systems for fire protection.</p>	



Table 4.8-6
2030 Butte County General Plan and Butte LAFCo Policy Discussion

approximately 487,000-gallon water storage tank would also be located in the northeast portion of the project site, adjacent to the proposed mini-storage facility. The tank would be approximately 72 feet in diameter and 16 feet in height. The proposed water storage tank is designed to meet both the maximum day demand plus fire flow in storage and meet the peak hour demand through the well and distribution system for all pressure zones, pursuant to Title 22 CCR, Chapter 16, Section 64554(a)(3). Under the reasonable assumption that the proposed commercial uses would meet requirements established by the CBC, the required fire flow storage would be 180,000 gallons. In addition, it should be noted that while all non-residential structures require fire flow, they do not all require automatic fire sprinklers. As such, even a modestly sized non-residential building with a high enough fire flow could cause a significant increase in storage, if a fire were to last for a long enough duration. Nonetheless, by adding the maximum day demand for domestic use of 220,083 gallons (see the discussion under Impact 4.12-2) to the estimated fire flow storage requirement, the total storage requirement would be 400,083CBC gallons. Thus, the tank's oversize of 487,000 gallons of total storage volume and 457,000 gallons of active storage volume for domestic water usage when one foot of freeboard is maintained at the top of the tank would be sufficient to meet the total storage requirement. It should be noted that the water storage requirements estimate is based on the proposed non-residential buildings including fire sprinklers, which is not required; if the non-residential buildings do not include fire sprinklers, the water storage capacity requirements may increase to approximately 550,000 gallons. Any additional water tanks needed to support the proposed project would be constructed using materials that meet appropriate California Department of Forestry and Fire Protection (CAL FIRE) standards. Furthermore, implementation of Mitigation Measure 4.12-1(c) would ensure that the proposed water storage tank meets the requirements established by Title 22 CCR, Chapter



Table 4.8-6
2030 Butte County General Plan and Butte LAFCo Policy Discussion

	16, Section 64554(a)(3). Therefore, the proposed project would be consistent with Policy HS-P12.4.
<i>Public Facilities and Services</i>	
PUB-P6.3	<p>New residential development shall be assessed for Quimby Act fees to support park development in coordination with parks and recreation districts</p> <p>As discussed in Chapter 4.10, Public Services and Recreation, of this EIR, consistent with goals and policies in the 2030 Butte County General Plan, Chapter 16, Article IV-VII, Park Facility Fees in the Chico Urban Area <u>PRPD</u>, of the Butte County Code requires new development located within the Chico Urban Area to pay park facility fees to the Chico Area Recreation and Park District (CARD) for the provision of new and expanded park facilities within the CARD area in the unincorporated area of the County of Butte within the PRPD to pay park facility fees to PRPD. The purpose of the park and recreation facilities impact fee is to provide funding for expansion of park land and recreation facilities required to serve new development in the CARD PRPD area. The proposed project would be required to pay such fees, and, thus, would comply with Policy PUB-P6.3.</p>



4.10 PUBLIC SERVICES AND RECREATION

The last paragraph on page 4.10-4 of the Draft EIR is hereby revised as follows:

Five large special independent districts maintain many of the parks and recreational facilities in Butte County. The districts, which encompass most of the County's land area, operate as independent districts, meaning that each district is governed by a board of directors elected by the voters in that district. The districts in Butte County are non-enterprise districts, and depend mainly on property taxes for operating revenue, rather than user fees. Butte County's special districts include the Chico Area Recreation and Park District (CARD); Feather River Recreation and Park District (FRRPD); Paradise Recreation and Park District (PRPD); Durham Recreation and Park District (DRPD); and Richvale Recreation and Park District (RRPD). The majority of the project site is located within the PRPD area, while the southern portion of the project site is located within the CARD area. As a condition of project approval, a request shall be made to have the PRPD/CARD boundary extended south such that the entirety of the project site would be within the PRPD area and removed from the CARD area.

The third paragraph on page 4.10-12 of the Draft EIR is hereby revised as follows:

Furthermore, all structures included in the proposed project would be constructed consistent with the CBC and CFC. In compliance with the CBC (specifically Section 903.2.8, Group R), the design of the residences would include the installation and use of automatic fire sprinklers, and fire alarm systems would be incorporated pursuant to CFC requirements. Fire flow for the proposed project would be provided by the proposed water system that would be developed on-site. Specifically, a minimum of 300,000 gallons of water storage is anticipated to be required to meet minimum fire flows; however, the water storage requirements would be determined in consultation with the BCFD. An approximately 487,000-gallon water tank would be located in the northeastern portion of the project site, adjacent to the proposed mini-storage facility. The tank would be approximately 72 feet in diameter and 16 feet in height, and would be surrounded by a 125-foot by 125-foot security fence. The proposed water storage tank is designed to meet both the maximum day demand plus fire flow in storage and meet the peak hour demand through the well and distribution system for all pressure zones, pursuant to Title 22 CCR, Chapter 16, Section 64554(a)(3). Such features would reduce the potential for fires to occur within the proposed structures, which would reduce the demand for fire protection services from the project site. It should be noted that the water storage requirements estimate is based on the proposed non-residential buildings including fire sprinklers, which is not required; if the non-residential buildings do not include fire sprinklers, the water storage capacity requirements may increase to approximately 550,000 gallons.

The fourth paragraph on page 4.10-16 of the Draft EIR is hereby revised as follows:

Given that the project would include development of open space and passive recreation areas, as well as payment of fees to meet the demand created by future residents, the project would not be anticipated to substantially increase demand on existing or future parks or recreational facilities in the surrounding area. In addition, the proposed project is consistent with the project site's current General Plan land use designation of Planned Unit Development (PUD), and the County has assumed development of the 165-acre project site would include a mix of residential uses, ~~community-commercial~~ general commercial and neighborhood commercial uses, and water and/or sanitary sewer facilities, as well as landscaped and recreational/open space areas. As such, development of the proposed



project, including the increase in demand on parks generated by project residents, has been anticipated by the County.

The fourth paragraph on page 4.10-17 of the Draft EIR is hereby revised as follows:

Additionally, as discussed above, the proposed project is consistent with the project site's current General Plan land use designation of PUD, and the County has assumed development of the 165-acre project site would include a mix of residential uses, ~~community commercial~~ general commercial and neighborhood commercial uses, and water and/or sanitary sewer facilities, as well as landscaped and recreational/open space areas. As such, development of the proposed project, including the increase in demand on public facilities generated by project residents, has been anticipated by the County.

The foregoing changes are for clarification purposes only and do not affect the adequacy or conclusions of the environmental analysis contained in the Draft EIR.

4.11 TRANSPORTATION

The second paragraph on page 4.11-2 of the Draft EIR is hereby revised as follows:

Skyway

Skyway is generally an east-west arterial/expressway that provides access to SR 99 for eastern Chico and communities in the Sierra Nevada foothills, including unincorporated Butte County, Paradise, Magalia and more. Within the study area, Skyway is a four-lane-facility with ~~50~~ 55 miles per hour (MPH) posted speed limits. Skyway becomes E. Park Avenue west of SR 99.

The third paragraph on page 4.11-7 of the Draft EIR is hereby revised as follows:

The nearest signalized intersection to the project site in the study area is Honey Run Road and Skyway, as shown in Figure 4.11-5. There are crosswalks and Americans with Disabilities Act (ADA) compatible ramps at the intersection, despite the fact that there are no connecting sidewalks on Honey Run Road or Skyway. ~~This intersection serves as the boundary on Skyway between Chico on the west and Butte County on the east. The City of Chico design standards are more urban than County standards; therefore, bicycle and pedestrians are accommodated on Skyway in Chico, but not in the jurisdiction of the County.~~

The last paragraph on page 4.11-17 of the Draft EIR is hereby revised as follows:

However, the proposed project trail network is inconsistent with the *Butte County General Plan* policy CIR-P5.6. While the proposed network of multi-use trails does "incorporate internal circulation networks that encourage bicycle use," the proposed facilities do not "connect to the external bicycle circulation system." The *Butte County Bicycle Plan* proposes a Class I facility along Skyway that is continuous, convenient and connects regional travel. This Class I facility does not yet exist between the project site and the neighboring communities of Chico and Paradise, so residents, workers, or visitors traveling to or from the proposed project would not have adequate bicycle facilities as expected in the *General Plan* and *Bicycle Plan*. It is beyond the scope of this project to construct off-site bicycle improvements on other properties to the nearest existing facility, ~~which is located in Chico.~~ [...]



Mitigation Measure 4.11-1(a) on page 4.11-18 of the Draft EIR is hereby revised as follows:

- 4.11-1(a) *Prior to recordation of the first map/phase of development, the project applicant shall provide an irrevocable offer of dedication to Butte County and any future public or non-profit assignees (e.g., Butte County Association of Governments, Paradise Park and Recreation District, etc.) for a public recreational access easement along the project frontage with Skyway as shown in Figure 4.11-6 below, from the eastern to the western boundaries of the project site. Total dedication width shall be 28 to 30 feet in order to provide 8 to 10 feet of paved surface consistent with Caltrans Class I bicycle facility standards, along with 10 feet of width on either side for shoulders, signs, and maintenance vehicles, subject to Butte County Public Works Department and any future public or non-profit assignees review and approval.*

The minor changes are for clarification purposes only and do not affect the adequacy or conclusions of the environmental analysis contained in the Draft EIR.

4.12 UTILITIES AND SERVICE SYSTEMS

Page 4.12-7 of the Draft EIR is hereby revised as follows:

Executive Order N-7-22

~~On March 28, 2022, Executive Order (EO) N-7-22 was issued to enhance water supply resilience and increase drought response within the State. EO N-7-22 limits a county, city, or other public agency's ability to permit modified or new groundwater wells. Specifically, before local entities can permit new or modified groundwater wells in high and medium priority groundwater basins, EO N-7-22 requires the Groundwater Sustainability Agency (GSA) monitoring the basin to verify in writing that the permitted action is not inconsistent with the Groundwater Sustainability Plan (GSP) or other groundwater management program for the basin. Additionally, the permitting entity must determine that the well will not interfere with nearby wells and will not cause subsidence that could negatively affect nearby infrastructure.~~

Page 4.12-14 and 4.12-15 of the Draft EIR is hereby revised as follows:

In addition, the proposed improvements to the existing system would include the installation of an additional water supply well to provide water system redundancy in the event that issues arise with the primary, existing well. The new well would be required to be constructed in accordance with the California Waterworks Standards (CCR Title 22, Chapter 16). Additionally, construction of the new well would require issuance of a Permit to Construct a Small Diameter Well from the BCPH EH Division ~~and would be required to be consistent with GSA review standards of EO N-7-22.~~ Pursuant to the provisions of the Permit to Construct a Small Diameter Well, the new well would be required to be constructed in accordance with American Water Works Association (AWWA) Standard A100-06.

An approximately 487,000-gallon water storage tank would also be located in the northeast portion of the project site, adjacent to the proposed mini-storage facility. The tank would be approximately 72 feet in diameter and 16 feet in height and surrounded by a security fence. The proposed water storage tank is designed to meet both the maximum day demand plus fire flow in storage and meet the peak hour demand through the well and distribution



system for all pressure zones, pursuant to Title 22 CCR, Chapter 16, Section 64554(a)(3). Under the reasonable assumption that the proposed commercial uses would meet requirements established by the California Building Code, the required fire flow storage would be 180,000 gallons.³⁹ In addition, it should be noted that while all non-residential structures require fire flow, they do not all require automatic fire sprinklers. As such, even a modestly sized non-residential building with a high enough fire flow could cause a significant increase in storage, if a fire were to last for a long enough duration. Nonetheless, by adding the maximum day demand for domestic use of 220,083 gallons (see the discussion under Impact 4.12-2) to the estimated fire flow storage requirement, the total storage requirement would be 400,083 gallons. Thus, the tank's oversize of 487,000 gallons of total storage volume and 457,000 gallons of active storage volume for domestic water usage when one foot of freeboard is maintained at the top of the tank would be sufficient to meet the total storage requirement. It should be noted that if the non-residential buildings do not include fire sprinklers, the water storage capacity requirements would be approximately 550,000 gallons. Any additional water tanks needed to support the proposed project would be constructed using materials that meet appropriate California Department of Forestry and Fire Protection (CAL FIRE) standards.

Page 4.12-17 of the Draft EIR is hereby revised as follows:

Mitigation Measure(s)

Implementation of the following mitigation measure, which requires the project applicant to obtain the applicable permits from the SWRCB and Butte County Public Health Environmental Health Division ~~prior to the installation of the~~ for water supply and wastewater treatment infrastructure, would reduce the above potential impact to a *less-than-significant* level.

4.12-1 *Implement Mitigation Measures 4.7-2(b) and 4.7-2(c).*

The second paragraph on page 4.12-19 of the Draft EIR is hereby revised as follows:

Finally, as previously discussed, the proposed project would include installation of an approximately 487,000-gallon water storage tank, or a 550,000 gallon water storage tank if the commercial buildings do not include fire sprinklers, in the northeast portion of the project site, adjacent to the proposed mini-storage facility. The proposed water storage tank is designed to meet both the maximum day demand plus fire flow in storage and meet the peak hour demand through the well and distribution system for all pressure zones, pursuant to Title 22 CCR, Chapter 16, Section 64554(a)(3).

The minor changes are for clarification purposes only and do not affect the adequacy or conclusions of the environmental analysis contained in the Draft EIR.

4.13 WILDFIRE

The last paragraph on page 4.13-31 of the Draft EIR is hereby revised as follows:

The proposed project would include installation of various infrastructure components, including an internal roadway network, wastewater infrastructure, and other utilities, including an approximately 487,000-gallon water tank. It should be noted that the water storage requirements estimate is based on the proposed non-residential buildings including fire sprinklers, which is not required; if the non-residential buildings do not include fire sprinklers, the water storage capacity requirements may increase to approximately 550,000 gallons. All potential physical environmental impacts that could result from



implementation of the proposed project have been evaluated throughout the technical chapters of this EIR.

The minor changes are for clarification purposes only and do not affect the adequacy or conclusions of the environmental analysis contained in the Draft EIR.

8 REFERENCES

Page 8-1 of the Draft EIR is hereby revised as follows in accordance with the above changes:

7. California Air Resources Board. California Ambient Air Quality Standards. May 4, 2016. Available at: <https://ww2.arb.ca.gov/sites/default/files/2020-07/aaqs2.pdf>. <https://ww2.arb.ca.gov/resources/california-ambient-air-quality-standards>. Accessed April August 2024.

The minor changes are for clarification purposes only and do not affect the adequacy or conclusions of the environmental analysis contained in the Draft EIR.



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
4.7 Hydrology and Water Quality			
4.7-2 Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during operations.	S	<p>4.7-2(b) Prior to approval of final project improvement plans certificate of occupancy, the project applicant shall obtain submit proof to the Butte County Director of Public Works that a new permit from the SWRCB and/or Butte County Environmental Health Division has been obtained to allow use of the new on-site water system as a community water system. All Proof that all SWRCB and/or Butte County Public Health Environmental Health Division permit requirements shall be have been incorporated into the project design and shown on the improvement plans. Proof of compliance shall be submitted to the Butte County Director of Public Works for review and approval.</p>	LS
4.11. Transportation			
4.11-2 Conflict with a program, plan, ordinance, or policy addressing the circulation system related to bicycle and pedestrian facilities.	S	<p>4.11-1(a) Prior to recordation of the first map/phase of development, the project applicant shall provide an irrevocable offer of dedication to Butte County and any future public or non-profit assignees (e.g., Butte County Association of Governments, Paradise Park and Recreation District, etc.) for a public recreational access easement along the project frontage with Skyway as shown in Figure 4.11-6 below [***see Chapter 4.11 of the Draft EIR for this figure***], from the eastern to the western boundaries of the project site. Total dedication width shall be 28 to 30 feet in order to provide 8 to 10 feet of paved surface consistent with Caltrans Class I bicycle facility standards, along with 10 feet of width on either side for shoulders, signs, and maintenance vehicles,</p>	LS



**Table 2-1
Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		subject to Butte County Public Works Department and any future <u>public or non-profit assignees</u> review and approval.	



4. Mitigation Monitoring and Reporting Program

4. MITIGATION MONITORING AND REPORTING PROGRAM

4.1 INTRODUCTION

Section 15097 of the California Environmental Quality Act (CEQA) requires all State and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a “mitigated negative declaration” or specified environmental findings related to environmental impact reports.

The following is the Mitigation Monitoring and Reporting Program (MMRP) for the Tuscan Ridge Project (proposed project). The intent of the MMRP is to ensure implementation of the mitigation measures identified within the EIR for the proposed project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this MMRP shall be funded by the applicant.

4.2 COMPLIANCE CHECKLIST

The MMRP contained herein is intended to satisfy the requirements of CEQA as they relate to the EIR prepared for the proposed project. This MMRP is intended to be used by Butte County staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMRP were developed in the EIR.

The EIR presents a detailed set of mitigation measures that will be implemented throughout the lifetime of the project. Mitigation is defined by CEQA Guidelines, Section 15370, as a measure 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; or
- Compensates for the impact by replacing or providing substitute resources or environments.

The intent of the MMRP is to ensure the implementation of adopted mitigation measures. The MMRP will provide for monitoring of construction activities as necessary and in-the-field identification and resolution of environmental concerns.

Monitoring and documenting the implementation of mitigation measures will be coordinated by Butte County. The table attached to this report identifies the mitigation measures, the monitoring action for each mitigation measure, the responsible party for the monitoring action, and timing of the monitoring action. The applicant will be responsible for fully understanding and effectively



implementing the mitigation measures contained within the MMRP. The County will be responsible for monitoring compliance.

4.3 MITIGATION MONITORING AND REPORTING PROGRAM

The following table indicates the mitigation measure number, the impact the measure is designed to address, the measure text, the monitoring agency, implementation schedule, and an area for sign-off indicating compliance.



MITIGATION MONITORING AND REPORTING PROGRAM Tuscan Ridge Project				
Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule Sign-off
4.1-2	Have a substantial adverse effect on a scenic vista or, in a non-urbanized area, substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage point) or, in an urbanized area, conflict with applicable zoning and other regulations governing scenic quality.	<p>4.1-2 In conjunction with submittal of improvement plans, the project applicant shall submit a Landscape Plan, prepared by a licensed landscape contractor, landscape architect, landscape designer, or horticulturist, for review and approval by the Butte County Department of Development Services. The Landscape Plan shall include the information identified in Section 24-114 of the Butte County Code of Ordinances, as well as the following additional requirements:</p> <ul style="list-style-type: none"> • Installation of vegetation screening along the proposed development areas closest to Skyway, which could be combined with earthen berms, walls with earth tones, or a combination of both. <ul style="list-style-type: none"> ○ The vegetation screening shall be in the form of native tree plantings and may be satisfied with the replacement plantings required as part of Mitigation Measure 4.3-9(c) set forth within this EIR. Any plantings used for screening purposes shall be a minimum of one gallon and include larger stock to the extent available. ○ The applicant shall consider the co-benefit of noise 	Butte County Development Services Department	In conjunction with submittal of Improvement Plans



MITIGATION MONITORING AND REPORTING PROGRAM Tuscan Ridge Project				
Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule Sign-off
4.1-3	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	<p>barriers required pursuant to conditions of approval to support this requirement.</p> <ul style="list-style-type: none"> All development on lots closest to Skyway shall maintain a consistent material and color theme. All screening trees within the 350-foot setback from Skyway shall be native and drought-tolerant. <p>4.1-3 Prior to Improvement Plan approval, the project applicant shall submit a lighting plan for the project to Butte County Community Development Department for review and approval, demonstrating that proposed lighting is Dark-Sky compliant as specified by the International Dark-Sky Association. The lighting plan shall include, but not necessarily be limited to, the following provisions:</p> <ul style="list-style-type: none"> Shield or screen lighting fixtures to direct the light downward and prevent light spill on adjacent properties; Place and shield or screen area lighting needed for construction activities and/or security so as not to disturb adjacent residential areas; For public lighting, prohibit the use of light fixtures that are of unusually high intensity or brightness (e.g., harsh mercury vapor, low-pressure sodium, or fluorescent bulbs) or that blink or flash; and 	Butte County Development Services Department	Prior to Improvement Plan approval



MITIGATION MONITORING AND REPORTING PROGRAM Tuscan Ridge Project					
Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
4.1-4	Long-term changes in visual character associated with development of the proposed project in combination with future development viewable from Skyway.	<ul style="list-style-type: none"> Use appropriate building materials (such as low-glare glass, low-glare building glaze or finish, neutral, earth-toned colored paint and roofing materials), shielded or screened lighting, and appropriate signage to prevent light and glare from adversely affecting adjacent properties. 	See Mitigation Measure 4.1-2	See Mitigation Measure 4.1-2	
4.1-5	Creation of new sources of light or glare associated with development of the proposed project in combination with future development viewable from Skyway.	4.1-4 Implement Mitigation Measure 4.1-2. 4.1-5 Implement Mitigation Measure 4.1-3.	See Mitigation Measure 4.1-3	See Mitigation Measure 4.1-3	
4.2 Air Quality, Greenhouse Gas Emissions, and Energy					
4.2-2	Conflict with or obstruct implementation of the applicable air quality plan during project operation.	4.2-2 The project applicant shall participate in an Off-site Mitigation Program coordinated through BCAQMD to offset the project's contribution of ROG and NOX pollutants that exceed the BCAQMD thresholds of significance. The total payment for the proposed project is estimated to be up to \$495,057.24, which would be sufficient to	Butte County Development Services Department BCAQMD	Prior to issuance of the first certificate of occupancy for each phase of development or, if the project is not phased, prior to issuance of the first	



MITIGATION MONITORING AND REPORTING PROGRAM Tuscan Ridge Project

Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
		reduce the total ROG and NOX emissions of the proposed project to below the BCAQMD applicable thresholds of significance. Prior to issuance of the first certificate of occupancy for each phase of development, the project applicant shall pay the fee amount proportionate to said phase to BCAQMD, or, if the project is not phased, the total payment for the project shall be made prior to issuance of the first certificate of occupancy. Proof of payment(s) shall be submitted to the Butte County Development Services Department. The final details of the Off-site Mitigation Program shall be determined in coordination with, and reviewed and approved by, the BCAQMD and Butte County Development Services Department.		certificate of occupancy	
4.2-6	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).	4.2-6 Implement Mitigation Measure 4.2-2.	See Mitigation Measure 4.2-2	See Mitigation Measure 4.2-2	
4.2-7	Generation of GHG emissions that may have a significant impact on the environment or	4.2-7 Implement Mitigation Measure 4.11-3.	See Mitigation Measure 4.11-3	See Mitigation Measure 4.11-3	



MITIGATION MONITORING AND REPORTING PROGRAM Tuscan Ridge Project				
Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule Sign-off
	conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.			
4.3 Biological Resources				
4.3-1	Have a substantial adverse effect, either directly or through habitat modifications, on special-status plant species.	<p>4.3-1(a) An appropriately timed botanical survey (May through June) conducted by a qualified botanist within the vicinity of the development footprint shall be conducted within the project site to determine presence or absence of special-status plant species, inclusive of Butte County Checkerbloom and veiny monardella. If feasible, the survey shall be paired with reference population inspections of known populations in the region to ensure that the timing of the survey is suitable. If the survey determines that special-status plant species are absent, further mitigation shall not be required. If a population of a special-status plant species is identified within 50 feet from the development footprint of the project site, mitigation shall be required.</p> <ul style="list-style-type: none"> <u>Avoidance:</u> In consultation with a qualified botanist, and to the maximum extent feasible, the project shall be reconfigured in such a way as to avoid substantial direct and indirect impacts to the species. Avoidance measures shall include a permanent disturbance-free buffer around the plant population(s). The size of the 	Butte County Development Services Department	Prior to the commencement of construction activities during the appropriate survey period (May through June)



MITIGATION MONITORING AND REPORTING PROGRAM Tuscan Ridge Project					
Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
		<p>buffer will be determined by the botanist, based on the species, scope of the population, and type of construction disturbance occurring near the plant population. The disturbance-free buffer shall be no less than 10 feet and no greater than 100 feet.</p> <ul style="list-style-type: none">• <u>Compensation:</u> If open space that will not be developed as part of the project contains a healthy population of the impacted plant species, and the areas comprise equal or more area and equal or more plants than the impact footprint of the project, then onsite preservation can be used as mitigation. <p>The mitigation site shall be confirmed by a qualified botanist to support populations of the impacted species and protected in perpetuity with a deed restriction, conservation easement, or other such vehicle which prohibits future disturbance. Also, a qualified botanist should prepare a Preservation Plan for the site containing, at a minimum, the following elements:</p> <ul style="list-style-type: none">○ A monitoring plan and performance criteria for the preserved plant population;			



MITIGATION MONITORING AND REPORTING PROGRAM Tuscan Ridge Project

Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
		<ul style="list-style-type: none"> o A description of remedial measures to be performed if performance criteria are not met; and o A description of maintenance activities to be conducted on the site during the maintenance period including weed control, trash removal, irrigation, and control of herbivory by livestock and wildlife. <p>If onsite preservation is not feasible, offsite preservation can be used if an equivalent population occurs within an offsite parcel that can be deed restricted or otherwise encumbered to prevent future impacts. The same criteria for preservation of an onsite population would be required for offsite preservation. If neither suitable onsite populations nor offsite preservation is available, mitigation can be achieved through restoration of an onsite population and subsequent onsite preservation as discussed above.</p>			
		<p>4.3-1(b) If special-status plant species are identified during the botanical survey, then prior to commencement of ground-disturbing activities, a qualified botanist shall conduct an</p>	Butte County Development Services Department	If special-status plant species are identified, prior to commencement of	



MITIGATION MONITORING AND REPORTING PROGRAM Tuscan Ridge Project				
Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule Sign-off
		<p>environmental awareness training for all construction personnel. The training shall include information on the identification of special-status plant species, including Butte County Checkerbloom and veiny monardella, as well as their habitat, other sensitive natural communities, required practices before the start of construction, general measures that are being implemented to conserve the species as they relate to the proposed project, penalties for non-compliance, and boundaries of the development footprint and of the permitted disturbance zones. Supporting materials containing training information shall be prepared and distributed to construction personnel during the training. Upon completion of training, all construction personnel shall sign a form stating that they have attended the training and understand all of the measures. Proof of training completion shall be kept on-file with the project applicant, as well as submitted to the Butte County Department of Development Services.</p> <p>4.3-1(c) If the project cannot be designed to avoid impacts to a rare plant population, and if onsite populations within preserved open space are not sufficient to offset the impact, then onsite restoration and preservation shall be utilized to establish and preserve an onsite population that is equivalent to or greater in extent than the impacted population. A Habitat Restoration Plan shall be developed for the species by a qualified botanist and/or</p>	<p>Butte County Development Services Department</p>	<p>ground-disturbing activities</p> <p>If special-status plant species are identified and cannot be avoided or preserved, prior to the start of project construction</p>



MITIGATION MONITORING AND REPORTING PROGRAM Tuscan Ridge Project

Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
		<p>restoration ecologist and approved by the County prior to the start of project construction. The objective of the mitigation measure would be to replace the special-status plant numbers and area lost during project implementation. The mitigation could include increasing the extent of a smaller onsite population within the preserved open space portions of the site. The Habitat Restoration Plan shall be based on the best available science and ecological research for the impacted species. The restoration plan shall include a monitoring program wherein the mitigation site shall be monitored for a period of 10 years (e.g., Years 1-3, 5, 7, and 10) from the date of initial restoration installation. At a minimum, the Habitat Restoration Plan shall contain the following:</p> <ul style="list-style-type: none"> • Identification of appropriate locations on-site as determined by the botanist or plant ecologist (i.e., areas with habitat types, suitable soils, aspect, hydrology, etc.) to restore lost plant populations. • A description of any additional plant species to be used in the mitigation. For example, it is known that Butte County checkerbloom occurs near blue oak trees, including under the canopies of such trees. Therefore, planting of additional blue oak trees to replace those that were lost during site impacts (i.e., trees lost due to 			



MITIGATION MONITORING AND REPORTING PROGRAM Tuscan Ridge Project				
Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule
		<p>development of the golf course and fire recovery camp and/or due to the Camp Fire) and thus increase the potential habitat for this species may be a critical element for restoration of Butte County checkerbloom.</p> <ul style="list-style-type: none"> • A description of the propagation and planting techniques to be employed in the restoration effort, including evidence that the plant materials are provided from local sources (onsite is preferred) and grown under sanitary nursery conditions. • A timetable for implementation of the restoration plan. • A monitoring plan, performance criteria, and final success criteria. • Adaptive management measures to be performed if initial restoration measures are unsuccessful in meeting the performance criteria. • A site maintenance plan. The site maintenance plan may include weed control, irrigation, control of herbivory by livestock and wildlife, and public education to reduce potential tromping or vandalism impacts. • Documentation of any research used to prepare the Habitat Restoration Plan. 		
4.3-4	Impacts to bats either directly (e.g., cause a wildlife population to	4.3-4(a) A detailed bat survey shall be conducted by a qualified bat biologist within 30 days of any tree removal or partial or complete building	Butte County Development	Within 30 days of any tree removal or



MITIGATION MONITORING AND REPORTING PROGRAM Tuscan Ridge Project

Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
	drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications.	<p>demolition to determine if bats are roosting or breeding in the onsite trees or buildings prior to the work. The biologist shall look for individuals, guano, staining, and vocalization by direct observation. Ideally, the survey should be conducted during the times of year when bats are active, from March 1 to April 15 and from August 15 to October 15; however, the survey could be conducted at any point during the year. If bats are detected between October 15 and March 1, demolition shall be delayed until after March 1 or until a qualified biologist determines that bats are absent. An initial survey could be conducted to provide early warning if bats are present, but a follow-up survey will be necessary within 30 days of demolition. If bats are not observed to be roosting or breeding in the structures, then further action shall not be required, and tree removal and/or demolition can proceed.</p> <p>If a non-breeding bat colony is found in the trees or structures to be demolished, the individuals shall be humanely evicted using accepted methods. For example, humane eviction can include opening up the tree canopy or partial dismantlement of the buildings prior to demolition. This eviction shall be conducted under the direction and supervision of a qualified biologist to ensure that no harm or "take" would occur to any bats as a result of tree removal or demolition activities. Although not likely, if a maternity colony is detected, then a minimum 25-foot</p>	Services Department	partial or complete building demolition	



MITIGATION MONITORING AND REPORTING PROGRAM Tuscan Ridge Project				
Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule
		<p>construction-free buffer shall be established around the structure and remain in place until it has been determined by the bat biologist that the nursery is no longer active.</p> <p>4.3-4(b) If protected bat species are identified during the bat survey, then prior to commencement of tree removal or demolition activities, a qualified bat biologist shall conduct an environmental awareness training for all construction personnel. The training shall include information on the identification of protected bat species, including Townsend's big-eared bat, as well as their habitat, other sensitive natural communities, required practices before the start of tree removal or demolition activities, general measures that are being implemented to conserve the species as they relate to the proposed project, penalties for non-compliance, and boundaries of the development footprint and of the permitted disturbance zones. Supporting materials containing training information shall be prepared and distributed to personnel during the training. Upon completion of training, all personnel shall sign a form stating that they have attended the training and understand all of the measures. Proof of training completion shall be kept on-file with the project applicant, as well as submitted to the Butte County Department of Development Services.</p>	Butte County Development Services Department	If protected bat species are identified, prior to commencement of tree removal or demolition activities
4.3-5	Impacts to migratory nesting birds and raptors either directly (e.g.,	4.3-5(a) If initial site disturbance activities, including tree removal, grading, and mobilization of project equipment and materials, would occur	Butte County Development	If initial site disturbance commences during



MITIGATION MONITORING AND REPORTING PROGRAM Tuscan Ridge Project

Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
	cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications.	<p>during the breeding season (February 1 to August 31), a qualified biologist shall conduct pre-construction surveys for nesting migratory birds onsite and within 250 feet of the construction footprint, including laydown areas and ingress and egress, where accessible. The survey shall occur no later than 14 days of the onset of ground disturbances if such disturbances are to commence during the nesting bird season. If site impacts will be phased such that impacts to some areas will occur more than 14 days after impacts to other areas, additional surveys shall be conducted so that nesting bird surveys correspond with the timing of impacts such that all areas of the site are surveyed within 14 days of the direct implementation of impacts within those areas. Results of the survey shall be submitted to the Butte County Department of Development Services. If nesting migratory birds are not found, further mitigation is not required.</p> <p>If a nesting migratory bird is detected during the surveys, an appropriate construction-free buffer shall be established. If active raptor nests are found, construction activities shall not take place within 500 feet of the nest until the young have fledged. If active songbird nests are found, a 100-foot non-disturbance buffer shall be established. The buffer shall be monitored periodically by the biologist to ensure compliance, and the buffer shall not be removed until the biologist has confirmed that</p>	Services Department	the nesting bird season, between February 1 to August 31, no later than 14 days of the onset of ground disturbances	



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Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
		<p>the nest(s) is complete and young of the nest have fledged.</p> <p>4.3-5(b) If nesting migratory birds are identified during the pre-construction surveys, then prior to commencement of construction activities, a qualified biologist shall conduct an environmental awareness training for all construction personnel. The training shall include information on the identification of nesting migratory birds, as well as their habitat, other sensitive natural communities, required practices before the start of construction activities, general measures that are being implemented to conserve the species as they relate to the proposed project, penalties for non-compliance, and boundaries of the development footprint and of the permitted disturbance zones. Supporting materials containing training information shall be prepared and distributed to personnel during the training. Upon completion of training, all personnel shall sign a form stating that they have attended the training and understand all of the measures. Proof of training completion shall be kept on-file with the project applicant, as well as submitted to the Butte County Department of Development Services.</p>	Butte County Development Services Department	If nesting migratory birds are identified, prior to commencement of construction activities	
		<p>4.3-5(c) When it has been determined that the size of the non-disturbance buffer requires the project biologist to monitor the nest, that monitoring shall include observations about the bird's</p>	Butte County Development Services Department	During construction activities	



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Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
		<p>behaviors relative to the construction activities. Should construction activities cause a nesting bird to do any of the following in a way that would be considered a result of construction activities, then the exclusionary buffer shall be increased such that activities are far enough from the nest to stop the following agitated behavior(s): vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest. The revised non-disturbance buffer shall remain in place until the chicks have fledged or as otherwise determined by a qualified biologist in consultation with the County.</p> <p>Construction activities may only resume within the non-disturbance buffer after a follow-up survey by the project biologist has been conducted and a report has been prepared indicating that the nest (or nests) is no longer active, and that new nests have not been identified.</p>			
4.3-6	Impacts to ringtail either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications.	<p>4.3-6(a) A ringtail survey shall be conducted by a qualified biologist within 30 days prior to any tree removal or partial or complete building demolition to determine if ringtails are denning and/or breeding in the onsite trees or buildings prior to the start of construction work. The survey can be paired with the bat survey, given the overlap in suitable habitat types (Mitigation Measure 4.3-3). The biologist shall look for individuals, scat, and prints, and they may utilize tools such as camera scopes to investigate suitable crevices such as tree</p>	Butte County Development Services Department	Within 30 days prior to any tree removal or partial or complete building demolition	



MITIGATION MONITORING AND REPORTING PROGRAM Tuscan Ridge Project

Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
		<p>hollows. If ringtails are detected during the times of year when ringtails may be breeding, from March 15 through July 31, and a natal den (i.e., an active breeding den) is detected, tree removal and demolition must be delayed within a 300-foot disturbance-free buffer of the natal den until after a qualified biologist determines that ringtails are absent. The buffer shall be delineated with bright and secure fencing such as chain-link and/or snow fencing.</p> <p>If a non-breeding ringtail den is found in the trees or structures to be demolished, construction or demolition actions shall not commence until the ringtail has self-relocated. Self-relocation when a natal den is not present can be encouraged by utilizing methods that are considered safe for ringtails such as implementing work up to 50 feet from the den. If no ringtails are observed to be denning in these trees or structures, further action shall not be required, and tree removal and/or demolition can proceed.</p>			
		<p>4.3-6(b) If ringtails are identified during the ringtail and/or bat survey, then prior to commencement of any tree removal or partial or complete building demolition, a qualified bat biologist shall conduct an environmental awareness training for all construction personnel. The training shall include information on the identification of ringtail, as well as their habitat, other sensitive natural</p>	Butte County Development Services Department	If ringtails are identified, prior to commencement of tree removal or partial or complete building demolition	



MITIGATION MONITORING AND REPORTING PROGRAM Tuscan Ridge Project

Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
4.3-7	Have a substantial adverse effect on riparian habitat or other sensitive natural community, or State or Federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.	<p>communities, required practices before the start of any tree removal or partial or complete building demolition, general measures that are being implemented to conserve the species as they relate to the proposed project, penalties for non-compliance, and boundaries of the development footprint and of the permitted disturbance zones. Supporting materials containing training information shall be prepared and distributed to personnel during the training. Upon completion of training, all personnel shall sign a form stating that they have attended the training and understand all of the measures. Proof of training completion shall be kept on-file with the project applicant, as well as submitted to the Butte County Department of Development Services.</p> <p>4.3-7 Prior to the initiation of ground-disturbing activities, the project applicant shall submit a formal wetland delineation to the USACE for verification to determine the extent of all hydrological features, their jurisdictional status, and the extent of any impacts of the currently proposed project. A summary of the wetland delineation shall be submitted to the Butte County Department of Development Services.</p> <p>If jurisdictional waters are not identified on the site, further mitigation is not required. However, if the project is unable to avoid features deemed to be under the jurisdiction of either the USACE or RWQCB, the proposed project shall comply with all State and federal</p>	Butte County Development Services Department USACE RWQCB CDFW	Prior to the initiation of ground disturbing activities	



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Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
		laws and regulations related to disturbance of such jurisdictional waters, such as obtaining a Section 404 Clean Water Act permit from the USACE, Section 401 water quality certification from the RWQCB, and/or Section 1602 Streambed Alteration Agreement from the CDFW prior to initiating any construction within the identified area of jurisdictional water. The project applicant shall comply with all conditions set forth by agency permit conditions, which could include purchase of suitable credits at an approved wetland mitigation bank or creation/enhancement of suitable aquatic features on or off-site. Compensation measures should include habitat replacement at a minimum of a 1:1 replacement-to-loss ratio, as well as reseeded of vegetation in temporarily disturbed areas. It is expected that all compensation measures can be accommodated at one or more locations along the channel or elsewhere onsite in areas that are proposed for preservation as open space. If these areas cannot fully accommodate the compensation measures, then offsite restoration would be necessary. Compensation measures should either result in the creation of new habitat as replacement for habitat lost or enhance the quality of existing habitat for native plants and wildlife. A fully executed copy of the permit(s) shall be provided to the Butte County Department of Development Services.			
4.3-9	Conflict with any local policies or ordinances	4.3-9(a) <u>Avoidance Measures:</u> Prior to approval of <u>Improvement Plans</u> , to the extent feasible and	Butte County Development	Prior to approval of Improvement Plans	



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Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
	protecting biological resources, such as a tree preservation policy or ordinance.	<p>to the satisfaction of the Butte County Department of Development Services, the project shall be designed to reduce the number of living native trees that are removed. All trees that may potentially be retained and that occur near the project footprint shall be mapped and incorporated into project plans to ensure that trenching and grading do not impact the trees. The location of each tree and their corresponding critical root zones (CRZ), approximately 1.25 times the dripline area of the tree, shall be included in project plans.</p> <p>4.3-9(b) <u>Minimization Measures:</u> Once the grading and demolition plans are finalized, and prior to grading and tree removal, a certified arborist shall review the final grading plan and prepare a Tree Resources Protection Plan for review and approval by the Butte County Department of Development Services that identifies which trees require protection measures during project buildout. The plan shall incorporate tree protection measures outlined below to protect trees that occur near the project footprint, including any areas used for material storage, laydown, parking, ingress/egress, or soil borrowing, from development impacts.</p> <ul style="list-style-type: none"> Each tree to be retained that is near the project development footprint shall be enclosed by a "tree protection zone," to be established prior to site grading and retained for the duration of construction. Where possible, tree 	Services Department	Once the grading and demolition plans are finalized, and prior to grading and tree removal	



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Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule	Sign-off
		<p>protection zones shall be designed to encompass an area approximately 1.5 times the dripline area of the trees. The zones shall be marked with sturdy and highly visible fencing material. Off-limits signs shall be posted on the fences that state that equipment is not to enter the tree protection zone. Signs will not be posted on the trunk of any trees. Fencing shall be maintained and not removed during the project development period. The type of fencing to be utilized will be at the direction of the consulting arborist.</p> <ul style="list-style-type: none"> • Stockpiling of materials, soils, and equipment storage shall not be permitted within the fenced tree protection zone. • Any activities that must take place within the dripline of retained trees shall be done by hand or with light equipment that does not cause soil compaction. If roots will be impacted, a certified arborist shall be present to provide guidance on the action. • Any limb or root pruning to be conducted on retained trees shall be approved and supervised by the consulting arborist and shall follow best management practices developed by the International Society of Arboriculture. If feasible, any pruning work within the vicinity of the trees shall be scheduled for fall or 			



MITIGATION MONITORING AND REPORTING PROGRAM Tuscan Ridge Project				
Impact Number	Impact	Mitigation Measures	Monitoring Agency	Implementation Schedule
		<p>winter, when the trees are dormant or semi-dormant.</p> <ul style="list-style-type: none"> Should any roots need to be severed during construction, any exposed or cut roots shall be covered with burlap, soil, or mulch as soon as possible until the native soil can be backfilled. Clean and sharp tools (chainsaw or axe) shall be used for pruning roots. Equipment such as excavators shall not be used for root pruning, as the damage from such equipment can be extensive. Supplemental irrigation shall be applied to retained trees as determined by the consulting arborist. If any of the retained trees should be damaged during the construction phase, they shall be evaluated at the earliest possible time by the consulting arborist so that appropriate measures can be taken. The project applicant shall provide a copy of the final Tree Resources Protection Plan to all contractors and project managers, including the architect, civil engineer, and landscape designer or architect, as well as the Butte County Department of Development Services. 		
		<p>4.3-9(c) <u>Compensation Measures:</u> To mitigate for the trees that are removed as part of project buildout, replacement trees shall be</p>	Butte County Development Services	Semi-annually for a period of 7 years following project



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		<p>accommodated within the open space of the site. Replacement trees shall be installed, maintained, and monitored semi-annually for a period of 7-years (e.g., Years 1-3, 5, and 7). A Habitat Restoration Plan shall be prepared by a qualified restoration ecologist for review and approval by the Butte County Department of Development Services to guide the tree planting effort. The Habitat Restoration Plan shall include a summary of impacts and mitigations, and it should define a planting strategy, a maintenance approach, monitoring methods, and adaptive management measures to overcome potential interim setbacks and failures (e.g., from vandalism, herbivory, or general dieback). The plan shall include success criteria that must be met for the restoration/tree planting effort to be considered completely implemented. Success criteria shall include, at a minimum, survival of a minimum of 60% of the required number of replacement trees by Year 5, and 50% of the required number of replacement trees by Year 7. The required replacement trees are determined by an accounting of the number of trees that are removed from the site and their corresponding replacement ratios. All native trees with a diameter at breast height (DBH) 5 inches or greater shall be replaced at a 3:1 ratio. Trees shall be sourced from seed stock within the planting site's watershed (preferred) or County to the extent practicable. If container grown trees that were grown from seed sources located in the southern Cascade</p>	Department	construction	



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		<p>Mountain foothills are available, they can be used in place of contract grown trees.</p> <p>For the Tuscan Ridge Project, the replacement plantings constitute a blue oak woodland habitat restoration/enhancement. If onsite areas of the site cannot accommodate the required numbers of trees, an offsite location shall be identified to accommodate the remainder of the blue oak woodland habitat restoration. This means, the offsite location shall be appropriate for restoration and/or enhancement of blue oak woodlands.</p>			
4.3-10	Cumulative loss of habitat for special-status species.	4.3-10 Implement Mitigation Measures 4.3-1(a) through 4.3-1(c), 4.3-4(a) and 4.3-4(b), 4.3-5(a) through 4.3-5(c), 4.3-6(a) and 4.3-6(b), 4.3-7, and 4.3-9(a) through 4.3-9(c).	See Mitigation Measures 4.3-1(a) through 4.3-1(c), 4.3-4(a) and 4.3-4(b), 4.3-5(a) through 4.3-5(c), 4.3-6(a) and 4.3-6(b), 4.3-7, and 4.3-9(a) through 4.3-9(c)	See Mitigation Measures 4.3-1(a) through 4.3-1(c), 4.3-4(a) and 4.3-4(b), 4.3-5(a) through 4.3-5(c), 4.3-6(a) and 4.3-6(b), 4.3-7, and 4.3-9(a) through 4.3-9(c)	
4.4 Cultural and Tribal Cultural Resources					
4.4-2	Cause a substantial adverse change in the significance of a unique archeological resource pursuant to CEQA Guidelines, Section 15064.5 or disturb human remains.	4.4-2 The following requirements shall be included through a notation on all project improvement plans prior to their approval and shall be implemented during project construction, to the satisfaction of the County Engineer: In the event subsurface deposits believed to be cultural or human in origin are	Butte County Development Services Department County Engineer	Prior to the approval of Improvement Plans and during project construction	



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	including those interred outside of dedicated cemeteries.	<p>discovered during construction, all work shall halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for precontact and historic archaeologists, shall be retained by the applicant to evaluate the significance of the find. The following notations on project improvement plans shall apply, depending on the nature of the find:</p> <ul style="list-style-type: none"> If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and agency notifications are not required. If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify Butte County, the applicable landowner, and a traditionally and culturally affiliated California Native American tribe. Appropriate treatment measures that preserve or restore the character and integrity of a find may be, but are not limited to, processing materials for reburial, minimizing handling of historical objects, 	NAHC Butte County Coroner		



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		<p>leaving objects in place within the landscape, construction monitoring of further construction activities, and/or returning objects to a location within the project area where they will not be subject to future impacts. Work shall not resume within the no-work radius until the determination is made through consultation, as appropriate, that the site either: 1) is not a historical resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines; or 2) that the treatment measures have been completed to the County's satisfaction.</p> <ul style="list-style-type: none"> If the find includes human remains, or remains that are potentially human, the professional archaeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance (Assembly Bill [AB] 2641). The archaeologist shall notify Butte County and the Butte County Coroner (per Section 7050.5 of the Health and Safety Code). The provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California PRC, and AB 2641 			



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		shall be implemented. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC, which then shall designate a Native American Most Likely Descendant (MLD) for the proposed project (Section 5097.98 of the PRC). The designated MLD shall have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC shall mediate (Section 5097.94 of the PRC). If an agreement is not reached, the landowner shall rebury the remains where they shall not be further disturbed (Section 5097.98 of the PRC). The burial shall also include either recording the site with the NAHC or the appropriate information center, using an open space or conservation zoning designation or easement, or recording a reinterment document with Butte County (AB 2641). Work shall not resume within the no-work radius until the County, through consultation as appropriate, determines that the			



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		<i>treatment measures have been completed to their satisfaction.</i>			
4.4-3	Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC 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: listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or a resource determined by the Lead Agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1.	4.4-3 Implement Mitigation Measure 4.4-2.	See Mitigation Measure 4.4-2	See Mitigation Measure 4.4-2	



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4.5-2	Result in substantial soil erosion or the loss of topsoil.	<p>4.5 Geology and Soils</p> <p>4.5-2 Prior to issuance of any grading permits, the contractor shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for review and approval by the CVRWQCB. The contractor shall file the Notice of Intent (NOI) and associated fee to the SWRCB. The SWPPP shall serve as the framework for identification, assignment, and implementation of BMPs. The contractor shall implement BMPs to reduce pollutants in stormwater discharges to the maximum extent practicable. Construction (temporary) BMPs for the project may include, but are not limited to: fiber rolls, straw bale barrier, straw wattles, storm drain inlet protection, velocity dissipation devices, silt fences, wind erosion control, stabilized construction entrance, hydroseeding, revegetation techniques, and dust control measures. The SWPPP shall be submitted to both the County Director of Public Works and the County Engineer for review and approval and shall remain on the project site during all phases of construction. Following implementation of the SWPPP, the contractor shall subsequently demonstrate the SWPPP's effectiveness and provide for necessary and appropriate revisions, modifications, and improvements to reduce pollutants in stormwater discharges to the maximum extent practicable.</p>	Butte County Director of Public Works CVRWQCB County Engineer	Prior to issuance of any grading permits
4.5-3	Be located on a geological unit or soil that is unstable, or that	4.5-3 Prior to approval of Improvement Plans, a qualified geotechnical engineer, in coordination with the County Engineer, shall	County Engineer	Prior to approval of Improvement Plans



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	would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse, or be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code, creating substantial risks to life or property.	<p>review the Improvement Plans and specifications to assess whether all recommendations from the Geotechnical Engineering Report¹ prepared for the proposed project have been properly implemented and shall evaluate if additional recommendations are required. The recommendations include, but are not limited to:</p> <ul style="list-style-type: none"> • Site clearing during demolition and subgrade preparation to expose firm and stable soils; • Grading to address areas containing undocumented fill; • The use of continuous and/or isolated spread foundations that extend at least 12 inches below lowest adjacent soil grade; and • Several recommendations regarding the materials used for fill, such as requiring the use of compactable, well-graded, granular soils with a Plasticity Index not exceeding 15, an Expansion Index of 20 or less, and particles less than three inches in maximum dimension. 			
4.6 Hazards and Hazardous Materials					
4.6-2	Create a significant hazard to the public or the environment through reasonably foreseeable	4.6-2(a) Prior to initiation of ground-disturbing activities, the project applicant shall complete testing of on-site soils along the former rail alignment for contaminants including CAM 17	Butte County Development Services Department	Prior to initiation of ground-disturbing activities	

¹ Wallace Kuhl & Associates. Geotechnical Engineering Report Tuscan Ridge Subdivision. May 6, 2021.



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	upset and accident conditions involving the likely release of hazardous materials into the environment.	metals, organochlorine pesticides, total petroleum hydrocarbons, and polycyclic aromatic hydrocarbons. In addition, on-site soils in the vicinity of the ASTs and the mobile fuel area shall be tested for total petroleum hydrocarbons, BTEX, and fuel oxygenates. All on-site soil testing shall be conducted in accordance with U.S. Environmental Protection Agency (USEPA) testing methods. In the event that soils are determined to be hazardous by exceeding the USEPA Regional Screening Levels, the soil shall be transported and disposed of at a Class I facility permitted by the California Department of Toxic Substances Control. Hazardous waste shall be transported for disposal by a licensed hazardous waste hauler under a uniform hazardous waste manifest. The results of soil sampling and analysis, as well as verification of proper remediation and disposal, if warranted, shall be submitted to the Butte County Community Development Services Department for review and approval.	Butte County Development Services Department	Prior to initiation of ground-disturbing activities	
		4.6-2(b) Prior to initiation of ground-disturbing activities, the project applicant shall obtain documentation of on-site stained soil removal activities associated with the mobile fueling area from PG&E environmental services. Proof of attainment shall be submitted to the Butte County Community Development Services Department for review and approval.			



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		If documentation of on-site stained soil removal activities cannot be obtained, the project applicant shall complete testing of on-site soils within the vicinity of mobile fueling area in accordance with the requirements set forth in Mitigation Measure 4.6-2(a). The results of soil sampling and analysis, as well as verification of proper remediation and disposal, if warranted, shall be submitted to the Butte County Community Development Services Department for review and approval.			
4.7 Hydrology and Water Quality					
4.7-1	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during construction.	4.7-1 Implement Mitigation Measure 4.5-2.	See Mitigation Measure 4.5-2	See Mitigation Measure 4.5-2	
4.7-2	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during operations.	4.7-2(a) Prior to approval of final project improvement plans, a detailed Best Management Practice (BMP) and water quality maintenance plan shall be submitted to the County Director of Public Works, and the County Engineer for review and approval. The BMP and water quality maintenance plan shall meet the standards of the California Stormwater Quality Association (CASQA) Stormwater BMP Handbook for New Development and Redevelopment. Site design measures, source control measures, hydromodification management, and Low Impact Development (LID) standards, as necessary, shall be	County Director of Public Works County Engineer	Prior to approval of final project Improvement Plans	



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		<p>incorporated into the design and shown on the improvement plans.</p> <p>4.7-2(b) Prior to certificate of occupancy, the project applicant shall submit proof to the Butte County Director of Public Works that a new permit from the SWRCB and/or Butte County Environmental Health Division has been obtained to allow use of the new on-site water system as a community water system. Proof that all SWRCB and/or Butte County Environmental Health Division requirements have been incorporated into the project design and shown on the improvement plans shall be submitted to the Butte County Director of Public Works for review and approval.</p>	Butte County Director of Public Works	Prior to certificate of occupancy	
		<p>4.7-2(c) Prior to approval of final project improvement plans, the project applicant shall obtain a new Waste Discharge Requirements (WDR) Permit from the SWRCB for the proposed improvements to the existing on-site wastewater treatment system. All WDR Permit requirements shall be incorporated into the project design and shown on the improvement plans. Proof of compliance shall be submitted to the Butte County Director of Public Works for review and approval.</p>	Butte County Director of Public Works	Prior to approval of final project Improvement Plans	
		<p>4.7-2(d) Prior to the completion of construction, the applicant shall prepare and submit, for the County's review, an acceptable Stormwater Control Operation and Maintenance Plan identifying the maintenance entity for the</p>	Butte County Director of Public Works	Prior to the completion of construction	



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		<p>project's storm drainage system and maintenance requirements for the review and approval by the Butte County Director of Public Works. Typical routine maintenance consists of the following:</p> <ul style="list-style-type: none">• Limit the use of fertilizers and/or pesticides. Mosquito larvicides shall be applied only when absolutely necessary.• Visually inspect for ponding water to ensure that filtration is occurring.• After all major storm events, inspect basins to ensure that the system is functioning as intended and is not clogged.• Continue general landscape maintenance, including pruning and cleanup throughout the year.• Irrigate throughout the dry season. Irrigation shall be provided with sufficient quantity and frequency to allow plants to thrive.• Excavate, clean and or replace and screen or filter media to ensure ongoing infiltration.			
4.7-4	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	4.7-4 As part of the Improvement Plan submittal process, the preliminary drainage report provided during environmental review shall be submitted in final format. The final drainage report may require more detail than that provided in the preliminary report, and will be reviewed in concert with the Improvement	Butte County Director of Public Works County Engineer	As part of the Improvement Plan submittal process	



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	impervious surfaces, in a manner which would: substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	Plans to confirm conformity between the two. The report shall be prepared by a Registered Civil Engineer and shall, at a minimum, include: written text addressing existing conditions; the effects of the proposed improvements; all appropriate calculations; watershed maps; changes in flows and patterns; and proposed on- and off-site improvements to accommodate flows from the project. The report shall identify water quality protection features and methods to be used during construction, as well as long-term post-construction water quality measures. The final drainage report shall be prepared in conformance with the requirements set forth by Butte County at the time of Improvement Plan submittal and shall be approved by the County Director of Public Works, and the County Engineer.			
4.11 Transportation					
4.11-1	Conflict with a program, plan, ordinance, or policy addressing the circulation system related to bicycle and pedestrian facilities.	4.11-1(a) Prior to recordation of the first map/phase of development, the project applicant shall provide an irrevocable offer of dedication to Butte County and any future public or non-profit assignees (e.g., Butte County Association of Governments, Paradise Park and Recreation District, etc.) for a public recreational access easement along the project frontage with Skyway as shown in Figure 4.11-6 below [***see Chapter 4.11 of the Draft EIR for this figure***], from the eastern to the western boundaries of the project site. Total dedication width shall be 28 to 30 feet in order to provide 8 to 10 feet of	Butte County Public Works Department	Prior to recordation of the first map/phase of development	



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		<p>paved surface consistent with Caltrans Class I bicycle facility standards, along with 10 feet of width on either side for shoulders, signs, and maintenance vehicles, subject to Butte County Public Works Department and any future public or non-profit assignees review and approval.</p> <p>4.11-1(b) Prior to map recordation, the project applicant shall construct or bond for improvements related to construction of bicycle lanes (Class II) or better (e.g., Class I or IV) on the internal collector street connecting to the on-site Class I bicycle facility. The project applicant shall construct the bicycle lanes concurrent with initial site improvements.</p>	Butte County Public Works Department	Prior to map recordation	
4.11-2	Conflict with a program, plan, ordinance, or policy addressing the circulation system related to transit facilities.	<p>4.11-2 Prior to map recordation, the project applicant shall include an easement to develop the frontage along Skyway for future deceleration and acceleration lanes, as well as a designated location for a bus turnout within the development near the primary project entrance on "Street H" and north of the roundabout at the terminus of Street H (i.e., on northbound Street H approximately 400 feet from the Skyway and Street H intersection or as close to the retail uses as feasible) or another acceptable location identified through coordination with BCAG. Street H shall be designed to accommodate bus turnarounds. At buildout of 165 housing units or as determined by BCAG in an unmet transit needs analysis, the project applicant shall install a bus turnout at the agreed-upon</p>	Butte County Public Works Department BCAG	Prior to map recordation	



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4.11-3	Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).	<p>location in conformance with City of Chico Standard Plan No. S-28, or BCAG standards if adopted prior to construction. In conjunction with the installation of the bus turnout, the applicant shall construct the deceleration and acceleration lanes at the project's main access along Skyway to the satisfaction of BCAG and Butte County Public Works Department.</p> <p>4.11-3 Prior to issuance of building permits, the project applicant shall develop a TDM Plan for review and approval by the Butte County Department of Public Works. The TDM Plan shall contain VMT reduction strategies identified in the Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (California Air Pollution Control Officers Association [CAPCOA], 2021) or an equivalent reference where the effectiveness of strategies is supported by substantial evidence. The TDM Plan may include, but would not necessarily be limited to, the CAPCOA strategies presented in Table 4.11-3 below.</p>	Butte County Public Works Department	Prior to issuance of building permits	

**Table 4.11-3
 Applicable CAPCOA Strategies**

Category	Measure	Strategy Description	VMT Mitigation Reduction Potential
Neighborhood Design	T-21-A/B	Implement Carshare Program	0 – 0.18% of vehicle travel in the community, based upon



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				(Conventional or Electric)	number of vehicles deployed and project VMT		
		T-7		Implement Commute Trip Reduction Marketing	0 – 4 4.0% of vehicle travel in the community, based upon employee commute VMT.		
		T-9		Implement Subsidized or Discounted Transit Program	0 – 5.5% of vehicle travel in the community, based upon employee/resident vehicles accessing the site.		
		T-23		Provide Community-Based Travel Planning	0 – 2.3% of vehicle travel in the community, based upon residences in community		
		Sources: Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (CAPCOA, 2021), Fehr & Peers, 2022.					
4.11-4	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) or result in inadequate emergency access.	4.11-4(a) Prior to building permit issuance for the 55th single-family unit, commercial uses, or any combination thereof that results in the equivalent of 548 daily trips or more, whichever comes first, the project applicant shall construct a three-way traffic signal at the intersection of Santa Rosa Road and Skyway, and frontage improvements necessary to support the signal. The configuration shall maintain the existing lane configuration on Skyway, with two through lanes and one turn storage lane in both directions. Acceleration lanes shall be eliminated due to the timed			Butte County Public Works Department	Prior to building permit issuance for the 55 th single-family unit, commercial uses, or any combination thereof that results in the equivalent of 548 daily trips or more, whichever comes first	



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		<p>control. Separate left- and right-turn lanes shall be provided at the primary project access to better serve egressing project trips. Frontage improvements shall consist of appropriate advanced warning signage, flashing beacons, pavement markings, and intersection lighting on Skyway to increase the visibility of the signal and alert drivers that a stop is approaching at the primary access point. Design and installation of improvements shall be in compliance with the California Highway Design Manual and the California Manual on Uniform Traffic Control Devices. In no case shall these improvements be delayed until the certificate of occupancy for the 55th single family home or commercial uses.</p> <p>4.11-4(b) Prior to recordation of the first map/phase of development, the applicant shall construct or enter into a subdivision improvement agreement to secure future improvements at the secondary access road and Skyway, which shall include a deceleration and acceleration lane as shown conceptually in Figure 4.11-7 [***see Chapter 4.11 of the Draft EIR for this figure***]. The intersection shall include a paved emergency vehicle access median cut-out on Skyway, as well as a contrasting surface treatment within the triangular area between the right-turn deceleration lane and acceleration lane that delineates space, as shown in Figure 4.11-7. Secondary access improvements shall be constructed prior to the issuance of a</p>	Butte County Public Works Department	<p>Prior to recordation of the first map/phase of development</p> <p>Secondary access improvements shall be constructed prior to the issuance of a certificate of occupancy for the first unit under Phase C, D, E, or F of the project, whichever comes first</p>	



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		<p>certificate of occupancy for the first unit under Phase C, D, E, or F of the project, whichever comes first, as shown on the project phasing plan.</p> <p>4.11-4(c) Prior to issuance of any grading or site improvement permits, the applicant shall submit a Construction Traffic Management Plan to address the potential for high-speed conflicts at the Santa Rosa Road/Skyway intersection. The Traffic Management Plan shall use the 85th percentile prevailing speed of 70 miles per hour as noted in the Tuscan Ridge Safety Assessment and Intersection Control Evaluation Technical Memorandum prepared for the project in order to determine design parameters. The plan shall address both ingress and egress, including prohibiting right turns, and how left turns will be accomplished.</p>	Butte County Public Works Department	Prior to issuance of any grading or site improvement permits	
4.12 Utilities and Service Systems					
4.12-1	Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects	4.12-1 Implement Mitigation Measures 4.7-2(b) and 4.7-2(c).	See Mitigation Measures 4.7-2(b) and 4.7-2(c)	See Mitigation Measures 4.7-2(b) and 4.7-2(c)	



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4.12-3	Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	4.12-3 Implement Mitigation Measure 4.7-2(c).	See Mitigation Measure 4.7-2(c)	See Mitigation Measure 4.7-2(c)	
4.13 Wildfire					
4.13-2	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.	4.13-2 In conjunction with the submittal of and prior to the approval of Improvement Plans, the applicant shall submit a Vegetation Management Plan (VMP), as defined in the FRRP prepared for the proposed project, for review and approval by Butte County Fire, BCCFA, and the Butte County Department of Development Services. Proof of compliance with the VMP shall be submitted for review and approval by Butte County Fire annually.	Butte County Fire BCCFA Butte County Development Services Department	In conjunction with the submittal of and prior to the approval of Improvement Plans Annual proof of compliance with the VMP	

