

RESOLUTION NO. P2025-17

A RESOLUTION OF THE CITY OF OROVILLE PLANNING COMMISSION MAKING CERTAIN FINDINGS, REQUIRING CERTAIN MITIGATION MEASURES, CERTIFYING AN ENVIRONMENTAL IMPACT REPORT, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THOSE SIGNIFICANT AND UNAVOIDABLE IMPACTS IDENTIFIED IN THE OPHIR ROAD WAREHOUSE PROJECT ENVIRONMENTAL IMPACT REPORT.

WHEREAS, the project description includes the development of four warehouse buildings totaling a maximum of 3.2 million square feet (sf) on a 170.21-acre site identified by Assessor's Parcel Numbers (APNs) 078-010-047 and 078-020-035; and

WHEREAS, a Draft Environmental Impact Report (DEIR) was prepared, which identified several potentially significant effects; and

WHEREAS, while the DEIR concluded that most effects were less than significant or less than significant with mitigation, the document nevertheless identified three significant and unavoidable effects; and

WHEREAS, the City circulated the DEIR to the public and affected agencies for the requisite 45-day comment period, nine comment letters were received, and a Final Environmental Impact Report (FEIR) was duly prepared; and

WHEREAS, approval of the project as described first requires certification of a FEIR for the project with Findings and a Statement of Overriding Considerations by the City of Oroville Planning Commission; and

WHEREAS, at a duly noticed public hearing, the Planning Commission considered the comments and concerns of public agencies, property owners, and members of the public who are potentially affected by the approval of the proposed project described herein.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION as follows:

1. The Planning Commission hereby recommends the adoption of the attached Environmental findings, mitigation measures, and Statement of Overriding Considerations for a maximum build-out, and
2. Directs staff to review the impacts of any lesser project that might be submitted, and to consider whether the impacts from that project would still be significant and unavoidable.

PASSED AND ADOPTED by the Planning Commission of the City of Oroville at a regular meeting on October 23, 2025, by the following vote:

AYES: Commissioner(s) Zilich II, Jensen, Hamilton, Arace, Vice Chair Sheard,
Chair Jenkins
NOES: NONE
ABSTAIN: NONE
ABSENT: Commissioner Smith



Wyatt Jenkins, Chairperson

APPROVED AS TO FORM:


David Ritchie, City Attorney

ATTEST:


Kayla Reaster, Assistant City Clerk

**CEQA FINDINGS
PROPOSED PROJECT
OPHIR ROAD WAREHOUSE PROJECT, TO DEVELOP FOUR WAREHOUSE
BUILDINGS ON APN 078-010-047 AND 078-020-035 INCLUDING MITIGATION
MEASURES AND A STATEMENT OF OVERRIDING CONSIDERATIONS**

The City of Oroville (City), serving as the lead agency under the California Environmental Quality Act (CEQA), has prepared a Project EIR (EIR) for the proposed Ophir Road Warehouse Project, which is provided as part of the project documentation. The proposed project would result in the development of four warehouse buildings on undeveloped grassland. The proposed warehouse buildings would range from 774,000 sf to 869,200 sf, with a maximum total of approximately 3.2 million sf.

Approval requires a Development Review and a Use Permit. Due to the significant and unavoidable environmental effects identified in the Project EIR, CEQA requires the City Council to approve a Statement of Overriding Considerations if it ultimately approves the project. The described project's effects not found to be significant and effects found to be significant and unavoidable are both described in Section 1 and Section 2 below.

1. **Findings with regard to effects not found to be significant.** The EIR discussed several environmental effects that were determined to result in less than significant impacts, and certain other effects that result in less than significant effects after implementation of mitigation measures. Those specific effects are described in Chapter 2, Executive Summary, of the DEIR, with the Mitigation Measures located in the amended Mitigation Monitoring and Reporting Program (MMRP) as described in the FEIR.
2. **Findings with regard to effects found to be significant and unavoidable.**

Section 15126.2(c) of the State CEQA Guidelines require that an EIR describe any significant impacts, including those that can be mitigated but not reduced to a less than significant level. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications, and the reasons why the project is being proposed, notwithstanding their effect, should also be described.

A significant and unavoidable impact is one that would cause a substantial adverse effect on the environment and for which mitigation is not available to reduce the impact to a less-than-significant level. Most of the impacts of the described project would be less than significant or would be mitigated to a less-than-significant level. The impacts summarized below are those that would remain significant and unavoidable after implementation of all feasible mitigation.

- a. **Impact 4.2-3:** The described project would result in a significant and unavoidable impact related to the exposure of sensitive receptors to substantial pollutant concentrations. The described project would involve components that would result in emissions of toxic air contaminants (TACs) associated with heavy-duty truck traffic. The only mitigations possible would be to: 1) restrict the described project to require that the total cumulative square footage on-site does not exceed

1,555,900 sf; or 2) require the described warehouses to be occupied with tenants whose fleets are comprised of zero emission heavy-duty trucks and include Minimum Efficiency Reporting Values (MERV) 13 filters in the heating, ventilation, and air conditioning (HVAC) systems. None of these mitigations are feasible. As such, there feasible mitigation to mitigate the potential emissions exposure impacts does not exist.

Finding. The City finds that feasible mitigation measures do not exist that the City could adopt at this time would reduce the impacts of full buildout of the described project to less than significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the City finds that specific economic, social, and other benefits identified in the Statement of Overriding Considerations support the approval of the described project.

Facts and Reasoning that support the finding: The described project would involve components that would result in emissions of TACs. In particular, development of the described project would result in emissions of diesel particulate matter (DPM) from the use of heavy-duty diesel trucks to transport goods to and from the project sites. As such, the described project would result in the production of substantial concentrations of TAC emissions associated with heavy-duty truck traffic. Operation of such trucks on roadways in the vicinity and within the project site would result in hazard indexes at the maximally exposed receptor below the applicable Butte County Air Quality Management District (BCAQMD) thresholds of significance. However, cancer risks at the maximally exposed receptor would exceed the applicable BCAQMD thresholds of significance.

Implementation of Mitigation Measure 4.2-3 would restrict the described project to require that the total cumulative square footage on-site does not exceed 1,555,900 sf, or for the described warehouses to be occupied with tenants whose fleets are comprised primarily of zero emission heavy-duty trucks. However, the feasibility of Mitigation Measure 4.2-3 relies on the adequate availability of zero emission heavy-duty trucks at the time of building occupancy for the warehouse buildings if the cumulative total on-site square footage is 1,555,901 sf or greater. In the event that there is a disruption in the manufacturing of zero emission heavy-duty trucks or that sufficient vehicles are not commercially available, Mitigation Measure 4.2-3 may not be feasible at the time of occupancy for the remaining two warehouse buildings.

In addition, the inclusion of MERV 13 filters in the HVAC systems for the existing sensitive receptors to the west of the project site, along Serene Lane, would dramatically reduce resident fine particulate matter (PM_{2.5}) exposure. However, even with the installation of MERV 13 filters, cancer risks would still exceed the BCAQMD's threshold of significance. In addition, because installation of such filters in the existing residences would require resident approval, neither the City of Oroville, nor the project developer, can legally impose such improvements on the private properties. Therefore, the project's contribution to the cumulative health risk would remain significant and unavoidable.

b. **Impact 4.2-7:** The project would result in a significant and unavoidable impact

related to the generation of greenhouse gas (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. Implementation of the described project would cumulatively contribute to increases of GHG emissions that are associated with global climate change. Sources of GHG emissions include area sources, mobile sources or vehicles, utilities (electricity and natural gas), water usage, wastewater generation, and the generation of solid waste. The described project was evaluated for impacts related to GHG emissions in accordance with the City's Climate Action Plan (CAP) and the California Air Resources Board (CARB) 2022 Scoping Plan Update. The vehicle miles traveled (VMT) impacts created by the described project would be considered significant and unavoidable and the described project is not located within a half mile of existing transit stops. Therefore, the described project would not be consistent with Action LUT-7.1 of the City's CAP or the CARB 2022 Scoping Plan Update. The only mitigations possible would be to: 1) require the project developer to develop a Transportation Demand Management (TDM) Plan; or 2) ensure project consistency with Action LUT-2.1 of the City's CAP and ensure that natural gas is prohibited in the described structures. None of these mitigations are feasible. As such, feasible mitigation to mitigate the potential GHG emissions impacts does not exist.

Finding. The City finds that feasible mitigation measures do not exist that the City could adopt at this time that would reduce the impacts to less than significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the City finds that specific economic, social, and other benefits identified in the Statement of Overriding Considerations support the approval of the described project.

Facts and Reasoning that support the finding: The VMT impacts created by the described project would be considered significant and unavoidable. As shown in Chapter 4.9, Transportation, of the DEIR, the described project would generate 25.4 home-based work VMT per employee, which is greater than the threshold of 6.7. The described project would exceed the applicable thresholds due to several factors, including location, land use, and jobs/housing balance. Even with the implementation of Mitigation Measure 4.9-2, which requires the project developer to develop a TDM Plan in compliance with Section 10.28.010 of the City of Oroville Municipal Code, such plans have a maximum VMT reduction for employee work trips of approximately four percent. Therefore, due to uncertainties regarding the ability for the mitigation measure to reduce the impact to a less-than-significant level, VMT impacts would be considered significant and unavoidable, and the described project would not be consistent with Action LUT-7.1 of the City's CAP or the CARB 2022 Scoping Plan Update.

In addition, consistency with Action LUT-2.1 of the City's CAP cannot be confirmed at this time, as the project developer has not yet committed to the use of electric powered construction equipment in at least 25 percent of the construction fleet for the described project. Implementation of Mitigation Measure 4.2-7(a) would ensure project consistency with Action LUT-2.1 and would ensure that natural gas is prohibited in the described structures, consistent with the 2022 Scoping Plan Update. However, the

feasibility of Mitigation Measure 4.2-7(a) relies on the adequate availability of electric heavy-duty off-road vehicles at the time of construction. In the event that there is a disruption in the manufacturing of electric heavy-duty off-road vehicles or that sufficient vehicles are not commercially available, Mitigation Measure 4.2-7(a) may not be feasible at the time of construction, and the project's inconsistency with Action LUT-2.1 would remain.

Based on the above, the described project's incremental contribution to the cumulatively significant effects of GHG emissions and global climate change would remain cumulatively considerable and significant and unavoidable.

- c. **Impact 4.9-2:** The project would result in a significant and unavoidable impact related to conflicting or being inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). The described project would be expected to generate 25.4 home-based work VMT per employee, which is greater than the City's threshold of 6.7. The only mitigation possible would be to participate in a voluntary TDM program. This mitigation is not feasible. As such, feasible mitigation to mitigate the potential VMT impacts does not exist.

Finding. The City finds that feasible mitigation measures that the City could adopt at this time that would reduce the impacts to less than significant do not exist. To the extent that this adverse impact will not be substantially lessened or eliminated, the City finds that specific economic, social, and other benefits identified in the Statement of Overriding Considerations support the approval of the described project.

Facts and Reasoning that support the finding: The described project would generate 25.4 home-based work VMT per employee, which is greater than the City's threshold of 6.7. The described project would exceed the applicable thresholds due to several factors, including location and land use. With respect to location, the described project is in a rural area within Oroville's City limits. Because bicycle and pedestrian facilities do not exist in the project vicinity, and public transportation offers limited service in the area, the described project would generate greater vehicle trips because alternative transportation is not feasible. Similarly, because land uses in the project area generally consist of light industrial uses and scattered single-family housing, future employees would have to commute from further away, thus generating longer vehicle trips. Compliance with Mitigation Measure 4.9-1 would qualify as a voluntary TDM program. However, according to the Transportation Impact Analysis Report (TIA) prepared for the project described by Fehr & Peers (see Appendix L of the DEIR),¹ such TDM programs have a maximum VMT reduction for employee work trips of approximately four percent. Therefore, due to uncertainties regarding the ability for the mitigation measure to reduce the impact to a less-than-significant level, VMT impacts would be considered significant and unavoidable.

¹ Fehr & Peers. *Transportation Impact Analysis Report for the City of Oroville Ophir Road Warehouse EIR*. June 13, 2023.

OVERRIDING CONSIDERATIONS

Pursuant to Section 21081 of the California Public Resources Code and Section 15093 of the CEQA Guidelines, the City of Oroville adopts and makes the following statement of overriding considerations regarding the remaining significant unavoidable impacts of the project, as discussed above, and the anticipated economic, social, and other benefits of the project.

The City of Oroville finds and determines that (1) the majority of the significant impacts of the project will be reduced to acceptable levels by implementation of the mitigation measures recommended in these findings; (2) The City of Oroville's approval of the project as described will result in certain significant adverse environmental effects that cannot be avoided or reduced to a less-than-significant level even with the incorporation of all feasible mitigation measures into the project; and (3) other feasible mitigation measures or feasible project alternatives that will further mitigate, avoid, or reduce to a less-than-significant level the remaining significant environmental effects do not exist.

In light of the environmental, social, economic, and other considerations identified in the findings for the project, and the considerations set forth below related to this project, the City of Oroville chooses to approve the project as described if an application were filed because, in its view, the economic, social, technological, and other benefits resulting from the project substantially outweigh the project's significant and unavoidable adverse environmental effects.

The following statements identify the reasons why, in City of Oroville's judgment, the benefits of the project outweigh the significant and unavoidable effects. The substantial evidence supporting the enumerated benefits of the project are herein incorporated by reference below; in the project itself; and in the record of proceedings as defined above. Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the described project outweigh its significant adverse environmental effects and is an overriding consideration warranting approval.

The City of Oroville finds that the project, as described in the EIR and potentially subsequently approved, will have the following economic, social, technological, and environmental benefits:

- The project would create short-term construction jobs that would provide income to local residents. Additionally, the potential tenants of the warehouses described would provide permanent jobs to the local community, boosting employment rates and income. The additional jobs generated by the project will spur an increase in demand for goods and services in the surrounding area, thereby expanding the local revenue base, and expanding the local labor force.
- Approval of the project supports the key project objective of serving residents and businesses north of Sacramento and into Oregon by providing a location that is adjacent to or within a mile of a State Highway or Interstate.

- Approval of the project supports the key project objective of serving several logistics purposes, including central intake and storage, final product assembly and packaging, consolidation for distribution to stores and wholesale customers, and “last mile” delivery direct to the end user, benefitting local residents.
- The project would result in off-site roadway improvements along a segment of Ophir Road, consistent with the City’s Circulation Element, thus fulfilling an established goal of the City, as well as adding value to and improving the road bordering the project site.
- The project would be built in compliance with all applicable regulations related to energy consumption and fuel efficiency, which would ensure that the described project would be designed to be energy efficient to the maximum extent possible and would result in the new development being more efficient than existing buildings in the region.
- Approval of the project would generate long-term and significant sustainable property tax and sales tax revenue for the City of Oroville by way of industrial and commercial development of the project site.