INITIAL STUDY AND ENVIRONMENTAL REVIEW CHECKLIST

California Environmental Quality Act (CEQA)

PROJECT INFORMATION

1. Project Title: Orchardcrest Estates Tentative Subdivision Map (TSM20-0004)

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

3. Contact Person and Phone Number: Austin Forde, Assistant Planner
   530.552-3686; aforde@buttecounty.net

4. Project Location: The subject property is comprised of one parcel totaling 22.84 acres (APN 030-170-080). It is located on the north side of Highway 162 between 10th Street and Middlehoff Lane, Oroville, California. Lat. 39°30.01'.80"N/Long. 121°35'04.78"W.

5. Project Sponsor's Name and Address: William and Patricia Jaeger
   P.O. Box 1300
   Yuba City, CA 95992

6. General Plan Designation: Medium Density Residential (MDR)

7. Zoning: Medium Density Residential (MDR)

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

   The project would approve a 92-lot tentative subdivision map (TSM20-0004) for construction of a 22.84-acre site zoned Medium Density Residential (MDR). The site is located on the north side of Highway 162 (Oro Dam Boulevard) and Orchardcrest Way between 10th Street to the west and Middlehoff Lane to the east. The project site was previously part of Orchardcrest Estates Phase II development. Phase I was constructed adjacent and south of the proposed project site. The site would be accessed by new public streets connecting to Orchardcrest Drive, 10th Street and Middlehoff Lane. The proposed lots will be accessed directly from both 10th Street and Middlehoff Lane. Potable water and wastewater service will be provided by the Thermalito Water and Sewer District. Wastewater would be treated at the Sewerage Commission – Oroville Regional (SC-OR) facility. A new stormwater basin would be constructed at the northwest corner of the site. Storm flows would be metered via a smaller pipeline to an existing 33" pipe stub previously installed with Phase I. The site is currently vacant and was at one time used for agricultural orchard production. No structures are located on the site.

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

   The project site area is characterized as undeveloped open space/agricultural lands surrounded by single-family residential development zoned Very Low Density Residential and Medium Density Residential.

Direction	General Plan Designation	Zoning	Existing Land Use(s)
North	MDR/VLDR	MDR/VLDR	Vacant/Residential
South	VLDR	VLDR	Residential
East	VLDR	VLDR	Residential
West	VLDR	VLDR	Residential

The project site is located within unincorporated Butte County, adjacent to and west of the Oroville municipal boundary and located within the City's sphere of influence. The parcels are zoned MDR. The purpose of the MDR designation as defined in the Butte County General Plan is to allow single-family dwellings at densities up to 6 dwelling unit per acre. The project is allowed outright per the current General Plan and zoning designation.

The topography in the project site area is gentle and flat, with an elevation of 189 feet above sea level. Vegetation on the project site is primarily ruderal/weedy species. The site is bordered on all sides by existing single-family residential.

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

- Thermalito Water and Sewer District (water and sewer connection approval);
- Sewerage Commission – Oroville Region (wastewater treatment approval); and
- Butte County Development Services: Subdivision approval and Building Permits.

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

See Discussion 1.18

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

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

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

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

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

Austin Forde	10/27/2023
Austin Forde, Assistant Planner	Date

Dan Breedon	10/27/2023
Dan Breedon, Planning Manager	Date
	10/31/2023
Dave Swartz, California Engineering Company	Date

EVALUATION OF ENVIRONMENTAL IMPACTS

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

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

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

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

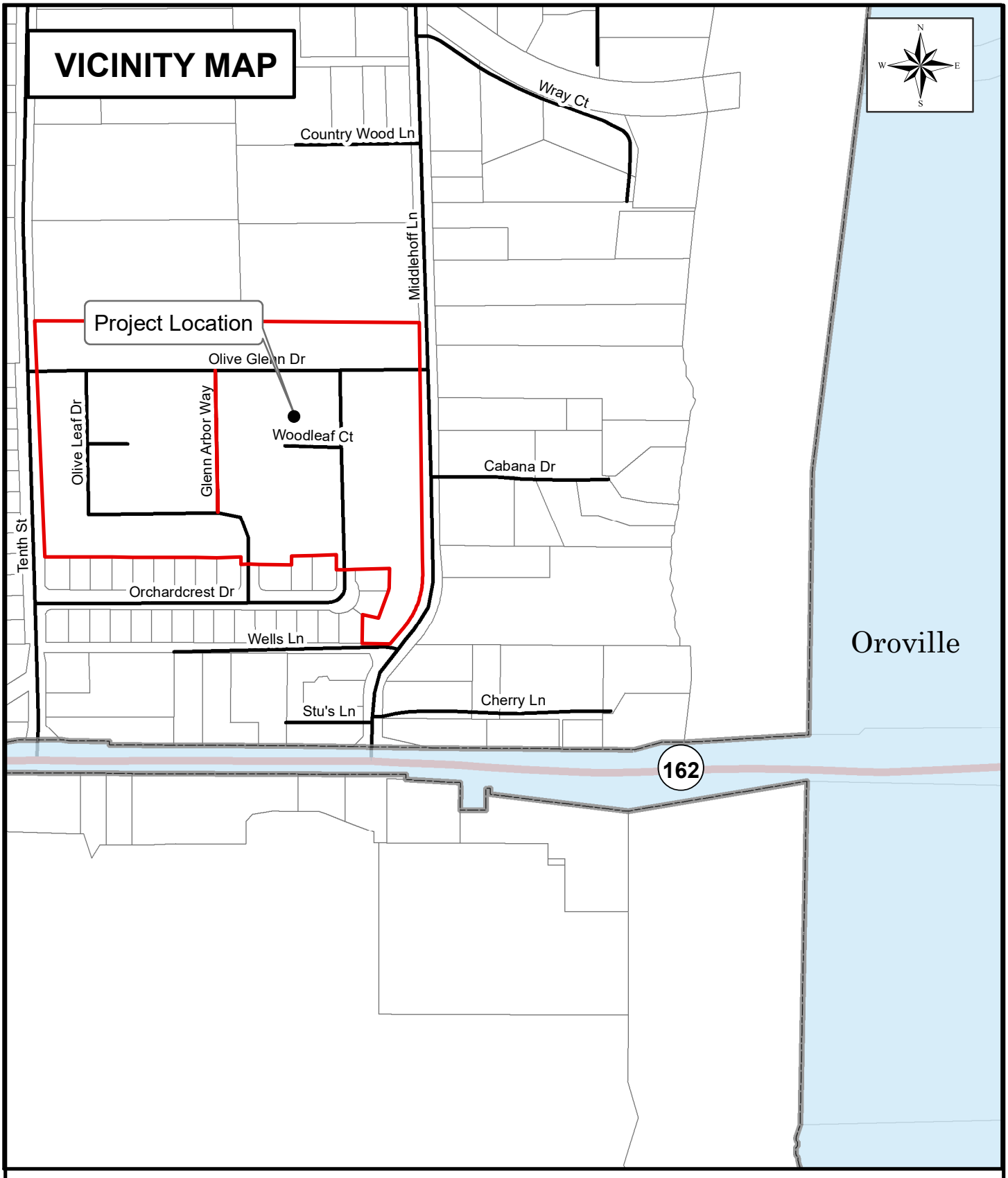
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify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

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

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

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

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



Legend

- Railroad
- Roads
- Lakes
- Streams

0 162.5 325 650 975 Feet

1:5,000

TSM20-0004
Tentative Subdivision Map

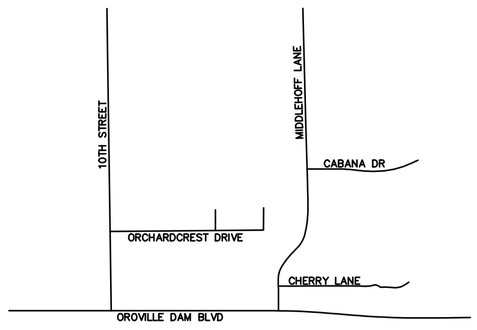
Site Map

TENTATIVE MAP
ORCHARDCREST SUBDIVISION

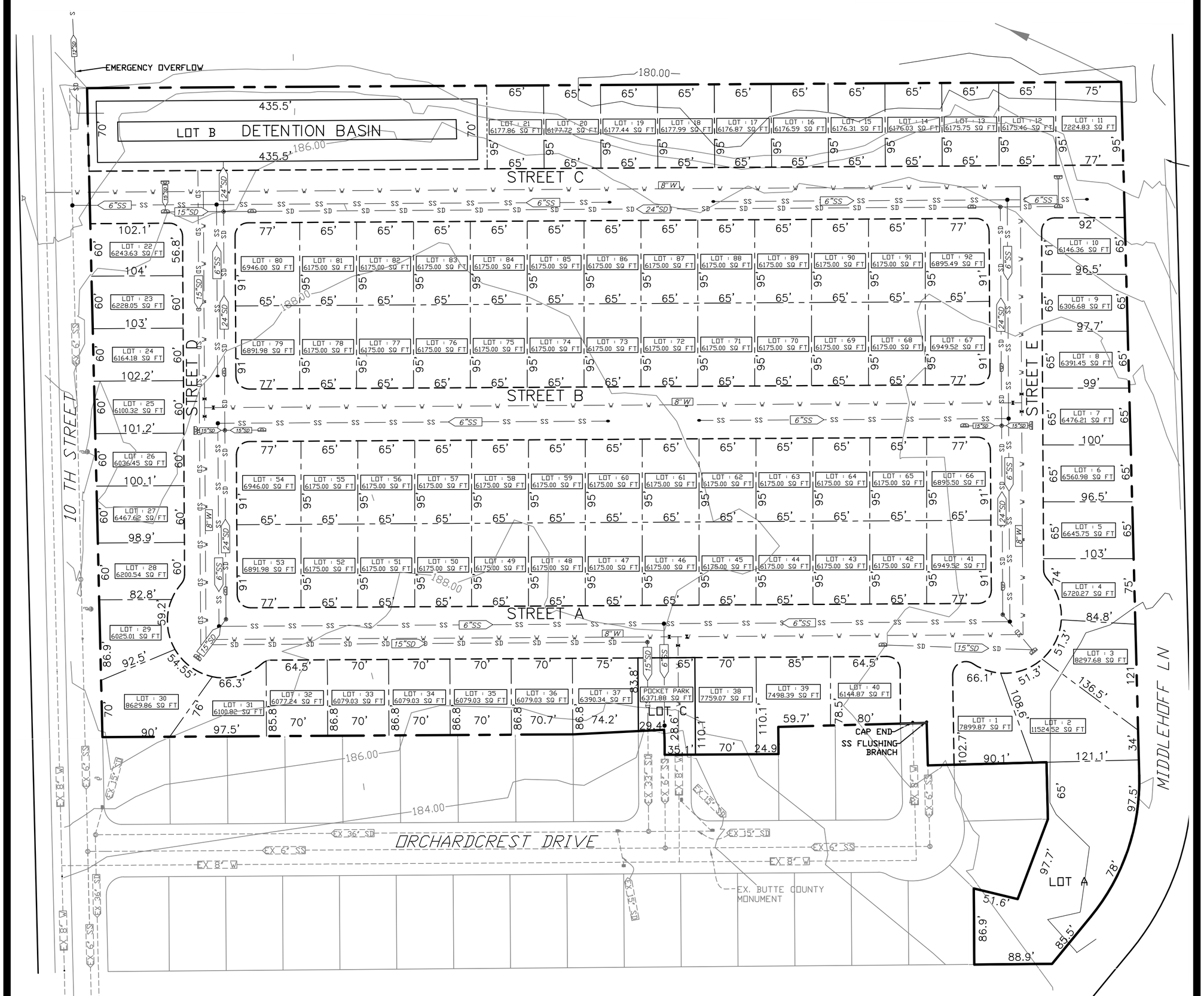
COUNTY OF BUTTE, CALIFORNIA
SUBMITTAL APRIL 2023

21 ACRE TENTATIVE SUBDIVISON MAP
BEING A PORTION OF SECTION 13 T. 19N., R. 3E., M.D.M.

SCALE 1" = 80'



VICINITY MAP
N.T.S.



PROJECT NOTES

EXISTING USE
VACANT
ZONING: MDR

PROPOSED USE
SINGLE FAMILY RESIDENTIAL 92 UNITS
WELL SITE (LOT A)
DETENTION BASIN (LOT B)
POCKET PARK (LOT C)
PLANNED UNIT DEVELOPMENT
PHASING PER MARKET CONDITIONS
ZONING: MDR - PD
DENSITY: 6 DU/ACRE

GROSS AREA: ± 21.0 ACRES
DIMENSIONS: ± 1182' X 742'

UTILITY PROVIDERS
STORM DRAIN: COUNTY OF BUTTE
SEWAGE: THERMALITO SEWER DISTRICT
WATER: THERMALITO WATER DISTRICT
ELECTRICAL: PG&E
TELEPHONE: SBC PAC BELL
NATURAL GAS: PG&E

DEDICATIONS
WATER AND SEWER FACILITIES SHALL BE DEDICATED TO THERMALITO IRRIGATION DISTRICT.
PUE'S AND LOT A SHALL BE DEDICATED TO THERMALITO IRRIGATION DISTRICT.
ALL PARCELS MUST CONNECT TO COMMUNITY SEWER AND WATER.
STORM DRAIN FACILITIES AND LOT B SHALL BE DEDICATED TO THE COUNTY OF BUTTE.

PRIVATE FACILITIES
ALL INTERIOR STREETS, CURB, GUTTER AND SIDEWALKS SHALL BE DEDICATED TO THE LOT OWNERS.

STREET NAMES
STREET NAMES ARE PRELIMINARY ONLY.
FINAL NAMES WILL BE ASSIGNED UPON SUBMITTAL TO AND APPROVED BY COUNTY.

OWNER
JAEGER - TRAYNAM PROPERTIES, LLC

PROJECT LOCATION
APN: 030-170-080
1140 10TH STREET, OROVILLE

DEVELOPER/SUBDIVIDER
JAEGER, WILLIAM L. TRAYNHAM, DONNIE
P.O. BOX 1300 P.O. BOX 547
YUBA CITY, CA 95992 ARBUCKLE, CA 95912

ENGINEER
CALIFORNIA ENGINEERING COMPANY, INC.
1110 CIVIC CENTER BLVD., STE. 404
YUBA CITY, CA 95993

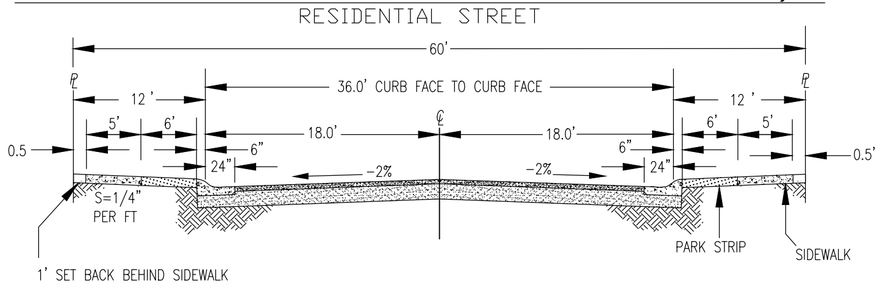
PROJECT ENGINEER
DAVID L. SWARTZ, R.C.E. 52840
PHONE (530) 751-0952

ABBREVIATIONS
EX - EXISTING
PROP - PROPOSED
PL - PROPERTY LINE
ROW - RIGHT OF WAY
W - WATER
SS - SANITARY SEWER
SD - STORM DRAIN
ESMT - EASEMENT
PUE - PUBLIC UTILITY EASEMENT
TYP - TYPICAL

LINETYPES
EXT BNDRY
PROP LOTS
EX SUBN LOTS
RIGHT OF WAY
EX CONTOUR 180.00

STREET SECTION

RESIDENTIAL STREET



STRUCTURAL SECTION COMPONENTS AS SHOWN ABOVE ARE THE MINIMUM. WHEN SOILS DICTATE, THICKNESS OF STRUCTURAL SECTION SHALL BE INCREASED IN ACCORDANCE WITH THE REQUIREMENTS OF THE DEPARTMENT OF PUBLIC WORKS. TI AND R VALUES MAY BE USED TO JUSTIFY STRUCTURAL SECTION.

MINIMUM STRUCTURAL SECTION
FOG SEAL
2" ASPHALT CONCRETE (TYPE B, 3/4" MAX., MED. GRAD.)
LIQUID ASPHALT, (PRIME COAT)
8" CLASS 2 AGGREGATE BASE (3/4" MAX. GRAD.)

CALIFORNIA ENGINEERING COMPANY INC
ESTD 1996
CIVIL ENGINEERING
LAND SURVEYING
FUNDING PROCUREMENT
CONSTRUCTION ADMINISTRATION
www.cecusa.net

1110 Civic Center Blvd. Suite 404 | Yuba City, CA 95993 | (530) 751-0952 Office

20-207

SHEET 1 OF 1

1.1 AESTHETICS

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

Setting

The project site is vacant and previously used for agricultural purpose. The parcels are currently vacant and designated for MDR uses. The topography in the project site area is gentle and flat, with an elevation at 189 feet above sea level. Vegetation in the project site area is comprised of weedy/ruderal and ornamental plants and shrubs on neighboring residential projects. Surrounding uses are single-family residential.

The Butte County General Plan depicts identified scenic resources in Butte County, including land-based and water-based Scenic Resources (Figure COS-6), County Scenic Highways (Figure COS-7), and Scenic Highway Overlay Zones (Figure COS-8). Based on the information provided in the General Plan, the project site is not located within, or in the vicinity of, identified scenic resources, or along a scenic highway or within a Scenic Highway Overlay Zone.

Discussion

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

Less than significant impact. The proposed project would subdivide 22.84 acres into 92 residential lots. Views to and from the site would change with construction of 92 new residences; however, the views are not considered scenic. No impact would occur under this threshold.

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

No impact. The project site and surrounding area is not identified as a scenic resource nor is Highway 162 10th Street or Middlehoff Lane a designated State or County scenic highway. No impact would occur under this threshold.

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

Less than significant impact. The project parcels are located in a MDR area west of the City of Oroville. The site is currently vacant. The project would change the views into the site; however, the development would be consistent with the residential development surrounding the site. Further, the project would be required to meet design standards contained in the Butte County Code. The project would have a less than significant effect on the visual character of the area. A less than significant impact would occur under this threshold.

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

Less than significant impact. Outdoor lighting for safety and security would be provided as part of the project. However, the proposed development would minimize ordinary nighttime lighting impacts to adjacent areas. Additionally, Chapter 24, Article 14 of Butte County Code requires that all outdoor lighting in residential areas be located, adequately shielded, and directed such that no direct light falls outside the property perimeter, or into the public right-of-way. As a result, the proposed project would not create new sources of substantial lighting or glare that would generate a significant impact.

1.2 AGRICULTURE AND FOREST RESOURCES

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

Setting

The subject parcel is zoned MDR and designated for this use in the Butte County General Plan. As stated, the project parcel is currently vacant. Land surrounding the site is zoned VLDR and MDR.

Regulatory Setting

Williamson Act/Land Conservation Act (LCA) Contracts

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

of community services to community residents. The Williamson Act authorizes each County to establish an agricultural preserve. Land that is within the agricultural preserve is eligible to be placed under a contract between the property owner and County that would restrict the use of the land to agriculture in exchange for a tax assessment that is based on the yearly production yield. The contracts have a 9-year term that is automatically renewed each year, unless the property owner or county requests a non-renewal or the contract is cancelled.

Farmland Mapping and Monitoring Program

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

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

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

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

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

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

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

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

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

The project site is identified by the Department of Conservation as containing lands classified as Grazing Land.

California Public Resources Code Section 4526

"Timberland" means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used

to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis.

California Public Resources Code Section 12220(g)

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

Butte County Right to Farm Ordinance

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

Discussion

The subject property is undeveloped; however, it was formerly used as an orchard. Surrounding uses include single-family residential to the east and south, agricultural land to the west and vacant land and industrial uses to the north. The project parcels are not under a Williamson Act contract. Surrounding parcels are designated VLDR and General Industrial and AG-40.

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

No impact. The California Farmland Mapping and Monitoring Program designates the project site area as Grazing Land. The site is zoned MDR. The proposed use and zoning is consistent with the General Plan land use designation; and thus, the conversion of grazing land has been evaluated per CEQA. No impact would occur under this threshold.

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

No impact. The proposed project site is zoned MDR. It is not zoned for agricultural use nor is it restricted by a Williamson Act contract. No impact would occur under this threshold.

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

No impact. The project site is not located in a timber resource zone. The project site is also not classified as forest land, pursuant to California Public Resources Code Section 12220(g). Therefore, the proposed project would not conflict with, or cause the rezoning of, a timber resource zoning designation. No impact would occur under this threshold.

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

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

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

No impact. The site is not designated for agricultural or forest use. There are no known changes to the existing environment that would result in the conversion of farmland to non-agricultural use or the conversion of forest land to non-forest use. No impact would occur under this threshold.

1.3 AIR QUALITY

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

Environmental Setting

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

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

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

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

In Butte County, winters are generally mild with daytime average temperatures in the low 50s°F and nighttime temperatures in the upper 30s°F. Temperatures range from an average January low of approximately 36°F to an average July high of approximately 96°F, although periodic lower and higher temperatures are common. Rainfall between

October and May averages about 26 inches but varies considerably year to year. Heavy snowfall often occurs in the northeastern mountainous portion of the County. Periodic rainstorms contrast with occasional stagnant weather and thick ground or "tule" fog in the moister, flatter parts of the valley. Winter winds generally come from the south, although north winds also occur.

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

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

Air Quality Attainment Status

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

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

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

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

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

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

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

Source: Butte County AQMD, 2018

Sensitive Receptors

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

Table 1.3-2. Sensitive Receptors in the Project Vicinity

SENSITIVE RECEPTORS	DISTANCE FROM PROJECT SITE TO RECEPTOR
Residence (47 Orchardcrest Way)	Adjacent to and south
Residence (1111 10th Street)	100 feet to the east
Residence (1096 Middlehoff Lane)	120 feet to the west
Residence (1165 Middlehoff Lane)	120 feet to the north
Source: Google Earth imagery	

Butte County Air Quality Management District

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

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

According to the State CEQA Guidelines, the significance criteria established by the applicable air quality management or air pollution control district may be relied on to make significance determinations for potential impacts on environmental resources. BCAQMD is responsible for ensuring that state and federal ambient air quality standards are not violated within Butte County. Analysis requirements for construction and operation-related pollutant emissions are contained in BCAQMD's *CEQA Air Quality Handbook: Guidelines for Assessing Air Quality and Greenhouse Gas Impacts for Projects Subject to CEQA Review*. Established with these guidelines are screening criteria to determine whether or not additional modeling for criteria air pollutants is necessary for a project. The CEQA Air Quality Handbook also contains thresholds of significance for construction-related and operation-related emissions: ROG, NOx and PM10. The screening criteria listed in Table 1.3-3 were created using CalEEMod version 2013.2.2 for the given land use types. To determine if a proposed project meets the screening criteria, the size and metric for the land use type (units or square footage) should be compared with that of the proposed project. If a project is less than the applicable screening criteria, then further quantification of criteria air pollutants is not necessary, and it may be assumed that the project would have a less than significant impact for criteria air pollutants. If a project exceeds the size provided by the screening criteria for a given land use type then additional modeling and quantification of criteria air pollutants should be performed (Butte County Air Quality Management District 2014).

Table 1.3-3. Screening Criteria for Criteria Air Pollutants

LAND USE TYPE	MAXIMUM SCREENING LEVELS FOR PROJECTS
Single-Family Residential	30 Units
Multi-Family (Low Rise) Residential	75 Units
Commercial	15,000 square feet
Educational	24,000 square feet
Industrial	59,000 square feet
Recreational	5,500 square feet

Retail	11,000 square feet

Source: Butte County AQMD, CEQA Air Quality Handbook, 2014

Discussion

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

No impact. The applicable air quality plan for the project area is the *Northern Sacramento Valley Planning Area 2015 Triennial Air Quality Attainment Plan*. In adopting this plan, BCAQMD assumes that growth within its jurisdiction will be in accordance with city and county general plans, for which air quality effects associated with build-out have been analyzed.

A project is deemed inconsistent with an air quality plan if it would result in population or employment growth that exceeds the growth estimates in the applicable air quality plan (i.e., generating emissions not accounted for in the applicable air quality plan emissions budget). The proposed project would be developed consistent with the MDR zoning designation; and thus, would not result in population growth in the County greater than that anticipated in the General Plan. Further, the project would not result in an increase in criteria air pollutants that would cause significant impacts to regional air quality.

Table 1.3-3 (Screening Criteria for Critical Pollutants) lists the established thresholds based on land use, including residential. The threshold for residential uses is 30 units. The proposed project would construct up to 92 new residences which would exceed the screening criteria referenced above. Project-specific emission estimates are shown under threshold b) below and would not exceed BCAQMD daily standards for both construction and operation. The project would not conflict with or obstruct the air quality plan. No impact would occur under this threshold.

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

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

Mobile source emissions are produced from motor vehicles and include tailpipe and evaporative emissions. Energy use associated with future development would also generate emission from heating and cooling systems, lighting, paint application, water use and wastewater. As referenced, a future development application would be evaluated per the screening criteria shown in Table 1.3-3. Per the zoning designation, the allowable number of units would exceed those specified in the screening table. Thus, project-specific air emissions modeling was performed to estimate daily construction and operational emissions.

Construction-related emissions are generally created throughout the course of project implementation and would originate from construction equipment exhaust, worker vehicle exhaust, dust from grading disturbance, exposed soil eroded by wind, and ROGs generated from architectural coating and asphalt paving. The California Emission Estimator Model (CalEEMod) version 2022.1 was used to estimate daily project construction emissions during the construction duration which is anticipated to begin in late 2024 and extend through early 2026. Emission calculations assume the site would be watered twice daily, off-sit paved roads would be swept daily and speeds on upaved roads within the site would limited to 25 miles per hour. Construction emissions and BCAQMD daily emission thresholds are shown in Table 1.3-4.

Table 1.3-4 Maximum Daily Construction Emissions

	ROG (lbs/day)	NOx (lbs/day)	PM_{10} (lbs/day)
2024	2.7	24.9	1.2
2025	1.3	10.8	0.7
2026	18.1	11.1	0.7
BCAQMD Threshold	137	137	80
Threshold Exceeded	No	No	No

Source: Butte County AQMD, CEQA Air Quality Handbook, 2014

Construction-related emissions would vary depending on the level of activity, length of the construction period, specific construction operations occurring, types of equipment operating on the site, number of personnel, wind and precipitation conditions, and soil moisture content. As shown in Table 1.3-4, project construction would not exceed the BCAQMD daily significance thresholds. While the project would not exceed the daily thresholds, there are a number of feasible control measures that can be reasonably implemented to reduce construction-related emissions to a less than significant level. These measures as well as other common air pollution control measures are recommended in *Appendix C of BCAQMD's CEQA Handbook (2014)* and are to be implemented as **Mitigation Measure AIR-1**, listed below.

Operational emissions are shown in Table 1.3-5. As shown, operational emissions would not exceed the BCAQMD thresholds. Impacts related to construction and operation would be less than significant.

Table 1.3-5 Maximum Daily Operational Emissions

Pollutant	ROG (lbs/day)	NOx (lbs/day)	PM_{10} (lbs/day)
All Sources	10.8	8.7	10.4
BCAQMD Threshold	**25**	**25**	**80**
Threshold Exceeded	No	No	No

Source: Butte County AQMD, CEQA Air Quality Handbook, 2014

c) Expose sensitive receptors to substantial pollutant concentrations?

Less than significant impact. Sensitive receptors in the project area and their distances from the project site area shown in Table 1.3-2. Based on the information provided in section b.), above, approval of the TSM would not generate emissions. Subsequent development would not generate emissions that would exceed BCAQMD significance criterion. However, implementation of **Mitigation Measure AIR-1** would ensure potential cumulative fugitive dust emission impacts remain less than significant.

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

Less than significant impact. Future single-family uses on the site are not expected to create objectionable odors. Future construction activities could include objectionable odors from tailpipe diesel emissions and from solvents in adhesives, paints, caulking materials and new asphalt. Since odor impacts would be temporary and limited to the area adjacent to the construction operations, odors would not impact a substantial number of people for an extended period of time. A less than significant impact would occur under this threshold.

Mitigation Measures

Mitigation Measure AIR-1

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

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

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

Operational TAC Emissions

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

Fugitive Dust

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

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

- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- Post a sign in prominent location visible to the public with the telephone numbers of the contractor and the Butte County Air Quality Management District - (530) 332-9400 for any questions or concerns about dust from the project.

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

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

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

Timing: Requirements of the condition shall be adhered to throughout all grading and construction periods.

Monitoring: The Butte County Department of Development Services and the Public Works Department shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. Building inspectors shall spot check and shall ensure compliance on-site. Butte County Air Pollution Control District inspectors shall respond to nuisance complaints.

1.4 BIOLOGICAL RESOURCES

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

Environmental Setting

The project site is situated in the Butte Valley area within a primarily residential area west of the City of Oroville. The land use designation in this area is MDR.

Agriculture

The agricultural natural community is comprised of several land cover types including orchards and vineyards, rice, irrigated cropland, irrigated pasture, and non-native woodland. Agriculture occurs where the soils and topography are most suitable for production, which are generally the flat and well-drained areas located in the valley region of the County. Conversion of lands to an agricultural use has resulted in the removal of most of the historical native habitat. Agriculture natural community areas generally do not support the wildlife compared with most native habitats;

however, these areas continue to support abundant wildlife and provide essential breeding, foraging and roosting habitat for many resident and migrant wildlife species.

Jurisdictional Waters of the United States, including Wetlands

Waters of the United States (U.S.), including wetlands, are broadly defined to include navigable waterways, and tributaries of navigable waterways, and adjacent wetlands. Although definitions vary to some degree, wetlands are generally considered to be areas that are periodically or permanently inundated by surface water or groundwater, supporting vegetation adapted to life in saturated soil. Jurisdictional wetlands are vegetated areas that meet specific vegetation, soil, and hydrologic criteria defined by the U.S. Army Corps of Engineers (USACE). The USACE holds sole authority to determine the jurisdictional status of waters of the U.S., including wetlands. Jurisdictional wetlands and Waters of the U.S. include, but are not limited to, perennial and intermittent creeks and drainages, lakes, seeps, and springs; emergent marshes; riparian wetlands; and seasonal wetlands. Wetland and waters of the U.S. provide critical habitat components, such as nest sites and reliable source of water for a wide variety of wildlife species.

Special-Status Species

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

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

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

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

The California Natural Diversity Database (CNDDB) was reviewed to determine if any special-status species have the potential to occur on the project site or in the vicinity. Table 4.4-1 lists the regulatory status and habitat requirements for each special-status species identified within a two-mile radius of the project site.

Table 4.4-1. Special-Status Species

Scientific Name	Common Name	Federal Status	State Status	CNPS/DFG List	Habitat

PLANTS					
Castilleja rubicundula var. rubicundula	Pink creamsacs	None	None	1B.2	It is found in coastal and inland grasslands.
Juncus leiospermus var. ahartii	Ahart's dwarf rush	None	None	1B.2	Located on the margins of vernal pools
Paronychia ahartii	Ahart's paronychia	None	None	1B.1	Species of flowering plant endemic to California and found in three counties at the northern edge of the Sacramento Valley.
BIRDS					
Agelaius tricolor	Tricolored blackbird	None	Threatened		Habitat, Cattail or tule marshes; forages in fields, farms. Breeds in large freshwater marshes, in dense stands of cattails or bulrushes.
MAMMALS					
Eumops perotis californicus	Western mastiff bat	None	None		Dry desert washes, flood plains, chaparral, oak woodland, open ponderosa pine forest, grassland, montane meadows, and agricultural areas.
Lasionycteris noctivagans	Silver-haired bat	None	None		Arid habitats at low elevations
Corynorhinus townsendii	Townsend's big-eared bat	None	None		Lowland conifer-hardwood forest, ponderosa pine forest and woodlands
AMPHIBIANS					
Spea hammondii	western spadefoot	None	None		Predominantly a grassland species, although some populations can be found in pine-oak woodlands of the valley foothills.
CRUSTACEANS					
Lepidurus packardi	vernal pool tadpole shrimp	Endangered	None		Vernal pool type of habitat, and other freshwater aquatic habitats including ponds, reservoirs, ditches, road ruts, and other natural and artificial temporary water bodies.

Branchinecta lynchi	vernal pool fairy shrimp	Threatened	None	Same as above
Linderiella occidentalis	California linderiella	None	None	Same as above
FISH				
Oncorhynchus mykiss irideus pop. 11	Steelhead - Central Valley DPS	Threatened	None	The CV steelhead Distinct Population Segment (DPS) includes all naturally spawned CV steelhead populations in the Sacramento and San Joaquin rivers and their tributaries.
Oncorhynchus tshawytscha pop. 6	Chinook salmon - Central Valley spring-run ESU	Threatened	Threatened	Central Valley spring-run Chinook salmon historically ranged throughout all major snowmelt tributaries of both the Sacramento and San Joaquin rivers.

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

Vegetation on the project site area is primarily comprised of ruderal species. Ornamental species are located on adjacent properties.

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

No impact. The project parcel is vacant, disturbed and has been used for agricultural production. Thus, the proposed project would not degrade or reduce sensitive habitat values on the project site that would cause significant impacts to sensitive species. No impact would occur under this threshold.

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

No impact. The project site is not identified as containing a Sensitive Natural Community (SNC). There is no riparian habitat on the project site. No impact would occur under this threshold.

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

No impact. The project site based on the existing topography and aerial imagery, does not have any wetlands that would be impacted by existing and any future development. No impact would occur under this threshold.

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

No impact. Wildlife movement corridors are routes frequently utilized by wildlife that provide shelter and sufficient food supplies to support wildlife species during migration. Movement corridors generally consist of riparian, woodlands, or forested habitats that span contiguous acres of undisturbed habitat. Wildlife movement corridors are an important element of resident species home ranges, including deer and coyote.

The project site is not located within Butte County migratory deer corridors. No major migratory routes or corridors have been designated through the project site, and the existing developed components of the project area (i.e., roads, agriculture, industrial and residential uses; fenced parcels) preclude use of the area as a migratory wildlife corridor for large mammals. No impact would occur under this threshold.

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

No impact. The project would result in 92 new residential lots; however, because the site is vacant and disturbed, it would not conflict with any local policies or ordinances protecting biological resources and is consistent with goals and policies identified in Butte County General Plan 2040. No impact would occur under this threshold.

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

No impact. The Butte Regional Conservation Plan (BRCP) is a joint Habitat Conservation Plan (HCP)/National Community Conservation Plan (NCCP) for the western half of the Butte County. The project site is located within the proposed plan area of the BRCP. However, as the plan has not been adopted, the proposed project will not conflict, nor interfere with, the attainment of the goals of the proposed plan. Thus, no impact to sensitive biological resources that would require mitigation under the future habitat conservation plan would occur. No impact would occur under this threshold.

1.5 CULTURAL RESOURCES

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

Environmental Setting

Butte County contains a rich diversity of archaeological, prehistoric and historical resources. The General Plan 2040 EIR observes that the "archaeological sensitivity of Butte County is generally considered high, particularly in areas near water sources or on terraces along water courses" (Butte County General Plan EIR, 2010, p. 4.5-7).

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

Discussion

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

No impact. Historic use of the project site for agricultural purposes has resulted in ground-disturbing activities. This has likely destroyed any cultural resources that may have been located on the surface. The project site does not contain known historic resources. No impact would occur under this threshold

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

Less than significant impact with mitigation incorporated. While no prehistoric or historic resources are known to be located on the project site, prehistoric, protohistoric, and historic cultural resources may occur within the general area. Native Americans used the region for seasonal and/or permanent settlement, as well as for the gathering of plants, roots, seeds, and seasonal game. Historically, Euro-Americans also utilized the region for mining farming, and cattle ranching. With past use of the project area by prehistoric and historic populations, unanticipated archaeological discoveries may be encountered during ground-disturbing activities, resulting in potentially significant impacts. To avoid potential impacts to undiscovered prehistoric resources, historic

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

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

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

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

The Butte County Conservation Element has established two policies that address the inadvertent discovery of human remains. COS-P17.5 requires human remains discovered during construction to be treated with dignity and respect and to fully comply with the federal Native American Graves Protection and Repatriation Act and other appropriate laws. COS-P17.6 requires work to stop if human remains are found during construction until the County Coroner has been contacted, and, if the human remains are determined to be of Native American origin, the North American Heritage Commission and most likely descendant have been consulted.

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

Mitigation Measures

Mitigation Measure CUL-1

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

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

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

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

1.6 Energy

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

Discussion

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

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

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

Long-term energy consumption would occur after build-out of the project. Residences and outbuildings would consume electricity for lighting and heating. The project would generate additional vehicle trips by residents commuting to and from home which would result in the consumption of transportation fuel.

CALGreen (CCR Title 24, Part 11) is a code with mandatory requirements for all residential and nonresidential buildings. The 2019 Standards for new construction of, and additions and alterations to, residential and nonresidential buildings went into effect on January 1, 2020. The 2022 Update was approved in September 2022 and became effective January 1, 2023. CALGreen is intended to (1) reduce GHG emissions from buildings; (2) promote environmentally responsible, cost-effective, healthier places to live and work; (3) reduce energy and water consumption; and (4) respond to the directives by the Governor. In short, the code is established to reduce construction waste; make buildings more efficient in the use of materials and energy;

and reduce environmental impact during and after construction. CALGreen contains requirements for storm water control during construction; construction waste reduction; indoor water use reduction; material selection; natural resource conservation; site irrigation conservation; and more. Compliance with state Title 24 and CALGreen standards would ensure the project would not result in wasteful, inefficient, or unnecessary consumption of energy resources. No further Project-specific mitigation measures would be required. Implementation of the Project would not result in wasteful, inefficient, or unnecessary consumption of energy resource that may have a significant impact on the environment. Impacts would be **less than significant** and no mitigation would be required.

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

Less than significant impact. Many of the state and federal regulations regarding energy efficiency are focused on increasing building efficiency and renewable energy generation, as well as reducing water consumption and Vehicles Miles Traveled. As stated above, Project design would be required to include energy conservation measures intended to meet and exceed regulatory requirements, including reducing idling time of heavy equipment during construction activities (see Mitigation Measure AIR-1). Additionally, future development would be in compliance with the most recent Title 24 and CalGreen building code standards at the time of project construction. Therefore, the proposed project would implement energy reduction design features and comply with the most recent energy building standards. The project would not result in wasteful or inefficient use of nonrenewable energy sources. Impacts would be less than significant under this threshold.

1.7 Geology and Soils

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

Discussion

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

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

No impact. There are no known active faults underlying, or adjacent to, the project site. The Cleveland Hill fault is the only active fault zone in Butte County identified in the most recent Alquist-Priolo Earthquake Fault Zoning Map. The only known active fault in Butte County is the Cleveland Hill fault zone, located approximately 5 miles northeast of the project site. Because the nearest active fault is located a considerable distance from the project site, the likelihood of a surface rupture at the project site is low. No impact would occur under this threshold.

ii) Strong seismic ground shaking?

No impact. Like most of north central California, the site will likely be subjected to strong seismic ground shaking. All buildings and other improvements are designed and constructed in accordance with seismic standards in the Uniform Building Code. No impacts would occur under this threshold.

iii) Seismic-related ground failure, including liquefaction?

No impact. According to Butte County General Plan 2040, areas that are at risk for liquefaction can be found on the valley floor, especially near the Sacramento and Feather Rivers, and their tributaries, which have a higher potential to contain sandy and silty soils. Liquefaction is a phenomenon where loose, saturated, granular soils lose their inherent shear strength due to excess water pressure that builds up during repeated movement from seismic activity. Factors that contribute to the potential for liquefaction include a low relative density of granular materials, a shallow groundwater table, and a long duration and high acceleration of seismic shaking. Liquefaction usually results in horizontal and vertical movements from lateral spreading of liquefied materials and post-earthquake settlement of liquefied materials. Liquefaction potential is greatest where the groundwater level is shallow, and submerged loose, fine sands occur within a depth of approximately 50 feet or less. According to the Butte County General Plan Health and Safety Element, much of the western and southwestern portion of Butte County is subject to liquefaction. As stated, the project would result in the construction of up to 92 single-family residences. Development would be evaluated for liquefaction potential and if needed, design measures would be implemented to address this issue. No impact would occur under this threshold.

iv) Landslides?

No impact. The project area is level. As a result, the landslide potential for the project site and surrounding area is low to none. The Landslide Potential (HS-7) and Subsidence Areas (HS-10) maps in the Health and Safety Element of the Butte County General Plan indicates that there is a low to no potential for landslides in this area. No impact would occur under this threshold.

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

Less than Significant impact. Construction activities associated with the project would be subject to the National Pollutant Discharge Elimination System (NPDES) General Construction Activities Storm Water permit program. This program requires implementation of erosion control measures during and immediately after construction

that are designed to avoid significant erosion during the construction period. In addition, the project operation would be subject to State Water Resources Control Board requirements for the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) to control pollution in stormwater runoff from the project site, including excessive erosion and sedimentation. The SWPPP must be obtained prior to any soil disturbance activities. Implementation of standard erosion control BMPs during future construction-related activities, together with adherence to State requirements regarding grading activities and preparatrion of a Water Quality Management Plan (WQMP) to address post-construction water quality and erosion control methods would ensure that potential erosion impacts are less than significant.

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

No impact. The project is not located on an unstable geologic unit or soil and will not cause instability that would result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. However, implementation of recommendations in a site-specific geotechnical report would reduce potential impacts associated with geologic characteristics of the project site. No impact would occur under this threshold.

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

Less than Significant Impact. Figure HS-9 of the General Plan Health and Safety Element indicates that the project site has a high expansive soil potential. The Butte County Building Division may require soil tests and preparation of a Geotechnical Report prior to issuance of a building permit to determine if the soils on the site have an expansive potential. Implementation of recommendations in a site-specific geotechnical report would reduce potential impacts associated with expansive soils to less than significant.

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

No impact. All units would be connected to the Thermalito Water and Sewer District wastewater conveyance system. Wastewater would be conveyed off-site and treated at the Sewage Commission – Oroville Region wastewater treatment plant. The project would not require septic systems.

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

Less than significant impact. No previously recorded fossil sites have been identified on the project site or within the surrounding area. Butte County General Plan 2040 and the accompanying Environmental Impact Report do not indicate the project area is sensitive for paleontological resources. Therefore, it is not likely that unique paleontological resources would be found in the project area during future development of the project. However, the discovery of fossils, and the subsequent opportunity for data collection and study, is a rare event that could occur from construction grading activities associated with development. While the probability of encountering fossils on the project site is low; implementation of Mitigation Measure CUL-1 would reduce potential impacts associated with the unanticipated discovery of subsurface resources including cultural and paleontological resources, to less than significant.

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1.8 GREENHOUSE GAS EMISSIONS

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

Environmental Setting

Discussion

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

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

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

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

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

Less than significant impact. The project's consistency with the Butte County General Plan would ensure compliance with the GHG emission reduction strategies in the Butte County CAP, which in turn, support

County-wide efforts to meet statewide GHG emission reduction goals. Therefore, impacts are less than significant.

1.9 HAZARDS AND HAZARDOUS MATERIALS

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

Discussion

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

Less than significant impact. Limited quantities of miscellaneous hazardous substances, such as gasoline, diesel fuel, hydraulic fluid, solvents, oils, etc. would be used to maintain vehicles and motorized equipment during construction-related activities during development of the project. Accidental spill of any of these substances could impact water and/or groundwater quality. Depending on the relative hazard of the material, if a spill were to occur of significant quantity, the accidental release could pose a hazard to construction workers, the public, as well as the environment. Construction personal who are experienced in containing accidental releases

of hazardous materials will be present to contain and treat affected areas in the event a spill occurs. If a larger spill were to occur, construction personal would generally be on-hand to contact the appropriate agencies.

It is not anticipated that large quantities of hazardous materials would be permanently stored or used within the project site. Chemicals would be comprised of household cleaners, petroleum-based products for vehicle maintenance and equipment operation, paints, solvents and other common items. These materials would not be present in sufficient strength or quantity to create a substantial risk of fire or explosion, or otherwise pose a substantial risk to human or environmental health. A less than significant impact would occur under this threshold.

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

Less than significant impact. It is not anticipated that construction or operation of residential development would create a significant hazard to the environment or to the public due to the accidental release of hazardous materials into the environment. Accidental release of hazardous materials routinely used during construction activities or those associated with materials stored on-site are addressed in section a.), above. A less than significant impact would occur under this threshold.

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

No impact. No existing or proposed schools have been identified within one-quarter mile of the project site. The nearest school is the Plumas Avenue Elementary School located at 440 Plumas Avenue in Oroville, approximately 1.4 miles north of the site. No impact would occur under this threshold.

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

No impact. A review of regulatory agency databases (i.e., Geotracker website- https://geotracker.waterboards.ca.gov/) , which includes lists of hazardous materials sites compiled pursuant to California Government Code Section 65962.5, did not identify any sites at or adjacent to the project site that have used, stored, disposed of, or released hazardous materials. No impact would occur under this threshold.

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

No impact. The project site is located approximately 1.5 miles northeast of the Oroville Municipal Airport. Per the Butte County Airport Land Use Compatibility Plan, the project site is located within Airport Influence Area Zone D. Thus, while aircraft overflights may be audible, future development of the residences would not result in a safety hazard or excessive noise exposure for people residing on the subject property. No impact would occur under this threshold.

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

No impact. The proposed project would design, construct, and maintain driveways in accordance with applicable standards associated with vehicular access allowing for adequate emergency access and evacuation. Development of the project per the MDR zoning designation, would not include any actions that physically interfere with emergency response or emergency evacuation plans. Development of the project would add

trips to adjacent roadway; however, as discussed in the Focused Transportation Analysis (W-Trans, April 2022), the project would not adversely affect traffic operation at the intersections evaluated. No impact would occur under this threshold.

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

Less than significant impact. The project is not located in a moderate or very high fire hazard severity zone as shown in Figure HS-11 in the Butte County General Plan Health and Safety Element and designated by the California Department of Forestry and Fire Protection. The project site is within a Local Responsibility Area (LRA), which means that Butte County has fiscal responsibility for preventing and suppressing fires. The nearest staffed fire station is the Butte County Fire Station #63, located at 176 Nelson Avenue in Oroville, California, approximately two miles northeast of the site. Oversight by Butte County Fire/Cal Fire would ensure the proposed project would not expose people or structures to a significant risk or loss, injury or death involving wildland fires. A less than significant impact would occur under this threshold.

1.10 HYDROLOGY AND WATER QUALITY

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

Discussion

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

No impact. All wastewater would be conveyed to and treated at the SC-OR treatment plant. All stormwater would be conveyed to a proposed detention basin at the northeast corner of the site where it would be metered into a new line connecting to an existing 33-inch storm drain pipe located along the southern site boundary. According to the Thermalito Drainage Master Plan, the site lies within the Middlehoff Basin (A-10). This drainage area is in the southeast corner of the Thermalito area, north of Oro Dam Boulevard, and bounded by Middlehoff Lane to the east. This drainage area is 97 acres in size. All runoff flows in a natural

drainage and to a gravel tailings area south of Oro Dam Boulevard. No wastewater or stormwater leaving the site would violate water quality standards, waste discharge requirements or substantially degrade surface or groundwater quality.

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

Less than significant impact. The Sacramento Valley Groundwater Basin supplies a portion of the municipal and agricultural water demands for the City of Oroville and surrounding unincorporated areas. The project site is located over the Sacramento Valley Groundwater Basin which underlies the majority of eastern Butte County. The project would be served by the Thermalito Water and Sewer District as stated in a will serve letter dated June 12, 2023. The water district obtains water from multiple sources, including four groundwater wells. The District is not dependent on groundwater and can meet water use projections to 2045 with surface water supplies. The wells are used to provide back-up water supply when the primary supply of surface water through the Water Treatment Plant is shut down or reduced in capacity; when additional water is needed to augment the surface water supply during peak demand periods and for water blending to reduce the total effects of the disinfectant by-products associated with the water treatment microfiltration process.

According to the Butte County Groundwater Management Plan (2005), groundwater supplies approximately 31% of potable water demand county-wide. Water demand for the unincorporated areas of the county was projected to grow from 8,322.3 million gallons in 2000 to 9,736.4 million gallons in 2030, an increase of 17 percent. Development of permanent structures and pavement would have a net increase of up to 97% in impervious surface area relative to existing conditions. However, as stated, stormwater runoff would be directed to detention basin during precipitation events. The additional impervious area associated with the single-family residences would be negligible and would not cause a measurable reduction in surface infiltration or a decrease in deep percolation to the underlying aquifers. The project site is not located in a groundwater recharge area for the Sacramento Valley Groundwater Basin. Impacts to groundwater supplies and recharge would be less than significant.

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

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

Less than significant impact. Future development would alter existing site drainage with the construction of impervious surfaces. During construction-related activities, specific erosion control and surface water protection methods for each construction activity would be implemented on the project site by construction personnel. The type and number of measures implemented would be based upon location-specific attributes (i.e., slope, soil type, weather conditions). These control and protection measures, or BMPs, are standard in the construction industry and are commonly used to minimize soil erosion and water quality degradation. Application of BMPs administrated through the construction process would minimize the potential increase of surface runoff from erosion. See response to 1.10 (a) above. The project would not alter the course of a stream or river. Impacts would be less than significant.

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

Less than significant impact. The increase in impervious surface area from construction of permanent buildings and pavement would alter drainage patterns on-site. As stated, storm flows would be retained on site in a new basin and metered into an existing 33-inch pipe which would discharge into

a natural drainage and then into a gravel tailings area south of Oro Dam Boulevard. If the drainage pipe were to become plugged, water from the detention basin would flow into an existing drainage to the north of the site. This would avoid any on- or off-site flooding. Impacts would be less than significant.

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

Less than Significant Impact. The single-family residences would increase runoff from impervious surfaces which would be conveyed through drop inlets to an on-site detention basin. Water that does not percolate into the soil would be conveyed to an existing drainage pipe and carried off-site as stated above. The increase in runoff quantity would not exceed the capacity of the proposed basin and existing stormwater drainage system. Further, the project would not generate substantial additional sources of polluted runoff. Impacts would be less than significant.

iv) Impede or redirect flood flows?

Less than Significant Impact. The floodplain mapping of the project area identifies the project site being located within flood zones X (FEMA Map 06007C0790E, January 6, 2011). Areas designated Flood Zone X are not subject to inundation by 100-year flood events. No impact would occur under this threshold.

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

No impact. As stated, the project is located within Flood Zone X. The proposed action would not result in a risk of pollutant release during a flood hazard, tsunami or seiche event. No impact would occur under this threshold.

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

No impact. The project site is located within the Butte County Groundwater Management Plan area and East Butte Subbasin. Approval of the proposed project would not affect water quality, groundwater demand or recharge. As stated, all stormwater would be discharged off-site into a natural drainage and then into gravel tailings located south of Oro Dam Boulevard (Highway 162). No impact would occur under this threshold.

1.11 LAND USE AND PLANNING

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

Setting

Butte County General Plan

The General Plan represents the basic community values, ideals and aspirations with respect to land use, development, transportation, public services, and conservation policy that will govern Butte County through 2030. The Land Use Element of the General Plan designates the land use of areas within the county and includes a description of the characteristics and intensity of each land use category. The land use designation for the project parcel is *Very Low Density Residential*.

Butte County Zoning Ordinance

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

Medium Density Residential

The purpose of the Medium Density Residential (MDR) zone is to allow for a mixture of housing types in a medium density setting. Permitted housing types in the MDR zones include single-family homes and accessory dwelling units. Non-residential uses conditionally permitted in the MDR zone include public and quasi-public uses, park and recreational facilities, personal services, medical offices and clinics, and general retail. The maximum permitted residential density in the MDR zone is six (6) dwelling units per acre. The MDR zone implements the Medium Density Residential land use designation in the General Plan.

a) Physically divide an established community?

No impact. The project site is located in a developed area of Butte County proximal to and west of the City of Oroville municipal boundary. Surrounding uses are comprised of single-family residences. The project parcel is vacant. The proposed land use action would provide 92 new single-family residences on a vacant site surrounded by existing residences. It would not physically divide an established community. No impact would occur under this threshold.

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

No impact. The project would be allowed outright per the existing General Plan land use designation and zoning designation. Further, the project would not be in conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating environmental effects. No impact would occur under this threshold.

1.12 MINERAL RESOURCES

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

Discussion

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

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

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

No impact. The project site is not within or near any designated locally important mineral resource recovery site. No impact would occur under this threshold.

1.13 NOISE

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

Environmental Setting

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

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

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

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

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

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

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

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

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

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

Notes:

1. "Non-Urban designations" are Agriculture, Timber Mountain, Resource Conservation, Foothill Residential and Rural Residential. All other designations are considered "urban designations" for the purposes of regulating noise exposure.

2. Each of the noise levels specified above shall be lowered by 5 dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises. These noise level standards do not apply to residential units established in conjunction with industrial or commercial uses (e.g. caretaker dwellings).

3. The County can impose noise level standards which are up to 5 dB less than those specified above based upon determination of existing low ambient noise levels in the vicinity of the project site.

4. In urban areas, the exterior noise level standard shall be applied to the property line of the receiving property. In rural areas, the exterior noise level standard shall be applied at a point 100 feet away from the residence. The above standards shall be measured only on property containing a noise sensitive land use. This measurement standard may be amended to provide for measurement at the boundary of a recorded noise easement between all affected property owners and approved by the County.

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

Butte County Noise Ordinance

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

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

Discussion

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

Less than significant impact. According to the Butte County General Plan 2040 Draft Environmental Impact Report (January 2023), Section 5.13, Noise, Figure 5.13-16, the proposed project site is north of the 60 dBA CNEL contour for noise generated by traffic operations on Highway 162. The contour line appears to be approximately 100 feet north of the Highway 162 centerline. Based on the distance between the site and Highway 162, approximately 550 feet, and the fact that traffic related noise levels attenuate approximately 3 dBA pe doubling of distance from the source, on-site noise levels along the southern site boundary are estimated to be 54 dBA. Thus, baseline conditions are less than the traffic noise standard shown above in Table 1.13-1. Whether the project would cause an adverse traffic noise impact depends on baseline traffic volumes and the number of peak hour trips the project would add to existing conditions. Typically, a doubling of sound energy is required to cause a noticeable change in sound levels (i.e., +/- 3 dBA). For the purpose of this evaluation, a traffic noise impact would occur if the project traffic generated by the project would cause baseline noise levels to exceed 60 dBA.

Based on the *Draft Transportation Impact Study for the Orchardcrest Subdivision Project* (W-Trans, February 2023), peak hour evening (PM) volumes on Highway 162 at the 10th Street intersection are approximately 1,178. Peak hour volumes on Highway 162 at the Middlehoff Lane intersection are approximately 1,171 vehicles. The Average Daily Trips (ADT) are approximately 11,110. The project would add approximately 86 PM peak hour trips. This would be a seven percent increase and less than what would be required to cause a noticeable increase in noise and an exceedance of the 60 dBA threshold referenced above. The project would have a less than significant impact to existing residences.

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

No impact. Construction activities may generate short-term vibration; however, this would be temporary and unlikely to affect adjacent residences. No impact would occur under this threshold.

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

No impact. The Oroville Municipal Airport is located approximately 1.5 miles southeast of the site. The proposed project is located outside the 55 dBA CNEL contour line as depicted in Exhibit 6-4 of the Butte County Airport Land Use Compatibility Plan. No noise impact would occur under this threshold.

1.14 POPULATION AND HOUSING

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

Discussion

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

No impact. The proposed project would be allowed outright per the General Plan and zoning designation. While the project result in the construction of 92 new residences, it is allowed by right; and thus, would not induce population growth within the area beyond what has been anticipated in the General Plan 2040 Environmental Impact Report. No impact would occur under this threshold.

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

No impact. No housing is located on the subject parcels. Thus, the project would not displace existing individuals or housing. No impact would occur under this threshold.

1.15 PUBLIC SERVICES

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

Discussion

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

Fire protection?

Less than significant impact. Fire protection services are provided by Butte County Fire Department. Approval of the proposed land use action may increase demand for fire protection services. However, the applicant would be required to pay fire protection impact fees to help offset the impacts of that development. Such fees would be used to fund capital costs associated with acquiring land for new fire stations, constructing new fire stations, purchasing fire equipment, and providing for additional staff as needed. Fire protection impact fees would be paid at the time of building permit issuance. A less than significant impact would occur under this threshold.

Police protection?

Less than significant impact. The Butte County Sheriff's Office provides law enforcement service to the site. Increased development in the County impacts the ability of the Sheriff's Department to adequately provide services to outlying areas. The 92 new residences may increase demand for law enforcement services; however, it is not expected that the action would require any new law enforcement facilities or the alteration of existing facilities to maintain acceptable performance objectives. Future development would be partially offset through project-related impact fees. A less than significant impact would occur under this threshold.

Schools?

Less than significant impact. The project site is located within the Thermalito Union Elementary School District and the Oroville Union High School District. The proposed action would result in the construction of 92 new residences which could impact demand for school services within these Districts. School fees would be paid at the time of building permit issuance. A less than significant impact would occur under this threshold.

Parks?

Less than significant impact. Increase in the demand for recreational facilities is typically associated with increases in population. As discussed in Section 1.14 - *Population and Housing,* the proposed project will not generate growth in the local population in excess of what was anticipated in the General Plan 2040. Further, approval of the project would require payment of development fees to off-set any increase in demand for park services. Thus, impacts would be less than significant under this threshold.

Other public facilities?

No impact. No other public facilities would be impacted by the proposed project. No impact would occur under this threshold.

1.16 RECREATION

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. Recreation.				
Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒

Discussion

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Less than significant impact. Development of the proposed project may increase demand for recreational facilities. As discussed in Section 1.14 - *Population and Housing*, the proposed project would generate growth in the local population; however, not the extent unanticipated in General Plan 2040. The project may increase use of existing parks and recreational facilities in the surrounding area; however, payment of impact fees would help off-set any increase in demand for these services. Impacts would be less than significant under this threshold.

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

No impact. The proposed project does not include plans for additional recreational facilities nor would it require expansion of existing recreational facilities. Therefore, the proposed project would not result in any adverse physical effects on the environment from construction or expansion of recreational facilities. No impact would occur under this threshold.

1.17 TRANSPORTATION

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. Transportation.				
Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	☐	☐	☒	☐
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d) Result in inadequate emergency access?	☐	☐	☐	☒

Setting

Roadway Network

Regional and local access to the project site is provided by Highway 162 (Oroville Dam Boulevard) via Middlehoff Lane to the east and 10th Street to the west. New public streets would connect to these streets as well as Orchardcrest Drive to the south.

Bicycle and Pedestrian Transportation

Bicycle facilities include bike paths (Class I), bike lanes (Class II), and bike routes (Class III).

Class I Bike paths provide a completely separated facility designed for the exclusive use of bicycles and pedestrians within minimal cross flows by motorists. Caltrans standards call for Class I two-way bike paths to have 8 feet of pavement width with 2 foot wide graded shoulders on either side, for a total right-of-way width of 12 feet. Designated one-way bike paths are allowed 5 feet of minimum pavement width. Class I bike paths must also be at least 5 feet from the edge of a paved roadway, 8 feet from an obstruction, and meet specified minimum horizontal and vertical curve requirements for the speeds anticipated.

Class II Bike lanes provides restricted on-street right-of-way designated for the exclusive or semi-exclusive use of bicycles with through travel by motor vehicles or pedestrians prohibited, but with vehicle parking and crossflows by pedestrians and motorists permitted. Caltrans standards generally require a minimum 4-foot bike lane with 6-inch white strip separating the roadway from the bike lane. Where raised curbs without permitted parking or designated marked parking exists, a minimum 5-foot bike lane adjacent to the traffic lane is required. Where parking is permitted, but unmarked, the 6-inch white stripe separating the traffic lane from the bike lane must be a minimum of 12 feet from the raised curb.

Class III Bike routes provides a preferred shared route with motorists on the street, or to a more restricted extent, with pedestrians on sidewalks where designated by signs or permanent markings. The main purpose of designated bike routes is to provide continuity to the bikeway network by connecting discontinuous segments of Class I and II bikeways and may also be used to direct bicyclists to a route of higher degree of service or use. Roadways designated as Class III bike routes should have sufficient width to accommodate motorists, bicyclists, and pedestrians. Other than a street sign, there are no special markings required for a Class III bike route.

Pedestrian facilities include sidewalks, crosswalks, pedestrian signals, and paved shoulders adjacent to rural roads. The County of Butte's Development Standards typically require proposed residential developments located in the County's urban areas to construct curb, gutter, and sidewalk improvements within the County roadways fronting development.

Discussion

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

Less than significant impact. The following summarizes project impacts to pedestrian, bicycle and transit facilities.

Pedestrian. The project site is located in a primarily residential area. Pedestrian facilities include sidewalks, crosswalks, pedestrian signal phases, curb ramps, curb extensions, and various streetscape amenities such as lighting and benches. A network of sidewalks and curb ramps are located in the immediate vicinity of the neighborhood; however, sidewalk gaps occur along many of the roadways and at intersections near the project site. Existing gaps and obstacles along the connecting roadways impact convenient and continuous access for pedestrians and present safety concerns in those locations where appropriate pedestrian infrastructure would address potential conflict points. The following summarizes sidewalk infrastructure surrounding the project site:

- **10th Street** – The only sidewalks provided on 10th Street are between Orchardcrest Drive and approximately 90 feet north of Oroville Dam Boulevard. There are no crosswalks or streetlighting provided on 10th Street.

- **Middlehoff Lane** – Middlehoff Lane has no existing sidewalks, crosswalks, or street lighting.

- **Oroville Dam Boulevard (SR 162)** – Sidewalks are provided on the south side of the roadway between Middlehoff Lane and Feather River Boulevard and on the north side between approximately 300 feet east of Middlehoff Lane and the SR 70 North Ramps intersection. Lighting is provided by overhead streetlights.

There are no other existing sidewalks near the project site, nor are there any planned future pedestrian facilities along the project frontages according to the *City of Oroville General Plan 2030* and *Butte County General Plan 2040*. The proposed project would provide sidewalks along the residential streets consistent with County's *Improvement Standard No. S-1*, "Typical Standards for: Vertical & Rolled Curb, Gutter & Sidewalk," and the City of Oroville's *Improvement Standards*, "Standard for Residential Streets". As a result, the proposed street design would satisfy the minimum sidewalk width requirements for both Butte County and the City of Oroville. It is anticipated that the project would include sidewalks on all project streets and on the frontages with 10th Street and Middlehoff Lane, though a gap would remain on the west side of Middlehoff Lane to the south of the project site and north side of SR 162 to the east of Middlehoff Lane. While impacts related to pedestrian facilities would be less than significant, the *Draft Transportation Impact Study for Orchardcrest Subdivision Project* (February 2023) recommends that the project include an off-site sidewalk or pedestrian pathway that would connect the site to the existing sidewalk on the north side of SR 162 approximately 300 feet east of Middlehoff Lane.

Bicycle. There are no existing facilities proximal to the site; however, Class II bike lanes are proposed on Highway 162 (Oroville Dam Boulevard), Middlehoff Lane, and 7th Street. Under existing conditions, bicyclists ride in the roadway and/or on sidewalks along all other streets within the project study area. The shared use of 10th Street and Middlehoff Lane with vehicles and the existing eight-foot shoulders on SR 162 provide adequate access for cyclists in the near-term and the planned Class II bike lanes on Middlehoff Lane and Highway 162 would enhance access for cyclists in the future. While project impacts to bicycle facilities would

be less than significant, the *Draft Transportation Impact Study for Orchardcrest Subdivision Project* (February 2023) recommends the project frontage on Middlehoff Lane be designed to allow for the future striping of Class II bike lanes by Butte County.

Transit. Butte Regional Transit (B-Line) provides fixed route bus service throughout Butte County, though there are no transit stops within a half-mile of the project site. Because of the distance, the existing stops are not considered accessible by pedestrians. Routes 20, 24, and 25 are accessible within one mile of the project site, which are accessible for cyclists. The *Draft Transportation Impact Study for Orchardcrest Subdivision Project* (February 2023) determined that transit facilities serving the project site are adequate for the limited anticipated demand.

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

Less than significant impact. To assist in SB 743 implementation, Butte County has adopted Interim Transportation Thresholds for VMT, applying a two-step screening process and new thresholds appropriate to the unique needs of the County. Those projects within the County meeting specific screening criteria under the adopted thresholds have been determined to have a de minimis effect on VMT, and staff may determine that a project-specific evaluation of VMT impacts is unnecessary. One of these screening criteria applies to those projects within adopted city spheres of influence (SOI) or a planning area of an established community and that meet additional conditions, as discussed below.

The proposed project is within the City of Oroville Sphere of Influence and all streets would be designed to City of Oroville standards. Additionally, the proposed project site is part of the City of Oroville General Plan (adopted March 2015) planning area which was evaluated in an EIR (SCH #2014052001) to meet CEQA requirements. Further, the proposed project is consistent with the Butte County General Plan 2040 and the Butte County 2021 Climate Action Plan. Finally, the payment of appropriate impact fees and development of pedestrian connections for the proposed project so as to encourage local trips will be required by the County.

County staff finds that no further VMT analysis is required. Thus, the project would be consistent with CEQA Guidelines Section 15064.3, subdivision (b). A less than significant impact would occur under this threshold.

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

No impact. The proposed project would add new access to 10th Street, Middlehoff Lane and Orchardcrest Street. However, it would not change the configuration (alignment) of area roadways and would not introduce types of vehicles that are not already traveling on area roads. No impact would occur under this threshold.

d) Result in inadequate emergency access?

No impact. Emergency vehicles access the area using Highway 162, 10th Street and Middlehoff Lane. The project would construct frontage improvements along both 10th Street and Middlehoff Lane as well as provide internal collector streets. All new streets, intersections and frontage improvements would be designed consistent with Butte County and City of Oroville standards to ensure emergency access is maintained. No impact would occur under this threshold.

1.18 TRIBAL CULTURAL RESOURCES

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. Tribal Cultural Resources.				
Has a California Native American Tribe requested consultation in accordance with Public Resources Code section 21080.3.1(b)?	☒ Yes		☐ No	
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	☐	☐	☐	☒
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	☐	☐	☐	☒

Environmental Setting

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

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

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

Three letters were sent to the Paskenta Band of Nomlaki Indians, the Mooretown Rancheria, and the Mechoopda Indian Tribe of Chico Rancheria, as required per AB 52. No responses for consultation were received.

Discussion

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

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

No impact. Per Assembly Bill AB 52 (Statutes of 2014) Notification Request, Public Resources Code Section 21080.3(b), the County sent letters to the Paskenta Band of Nomlaki Indians, the Mooretown Rancheria, and the Mechoopda Indian Tribe of Chico Rancheria. As stated, no responses for consultation were received. The project site is vacant; thus, no impact to historic resources would occur under this threshold.

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

No impact. See discussion 4.17(a) – *Tribal Cultural Resources.* No impact would occur under this threshold.

1.19 UTILITIES AND SERVICE SYSTEMS

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

Discussion

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

No impact. Wastewater would be disposed of in a public sewer system owned and operated by the Thermalito Water and Sewer District and conveyed to the Sewage Commission – Oroville Region treatment facility located in the City of Oroville. Potable water would also be provided by the Thermalito Water and Sewer District. The project would connect to existing water and sewer lines located along either 10th Street, Middlehoff Lane or Orchardcrest Avenue. A will serve letter from the Thermalito Water and Sewer District was provided to the applicant on June 12, 2023.

Future development would require the installation of a stormwater management system. As stated in Section 1.10, *Hydrology and Water Quality*, all stormwater would be routed through an onsite detention basin located at the northwest corner of the site. Flows would be metered via a smaller pipeline to an existing 33-inch pipe stub installed during Phase I of the Orchardcrest development.

The project site is currently served by electric power (PG&E), natural gas (PG&E), public water/sewer, stormwater and wireless phone service. Water, sewer and stormwater connection stubs were installed during construction of Phase I as stated. The project would not result in the relocation or construction of new or expanded infrastructure including water services, wastewater treatment, stormwater drainage, natural gas, or telecommunication facilities. No impact would occur under this threshold.

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

Less than significant impact. As stated, potable water is supplied by the Thermalito Water and Sewer District. As reported in the draft 2020 Urban Water Management Plan (UWMP), the District serves a population of approximately 10,106 people. Customers include single and multiple family residences, a variety of commercial and industrial uses, and public facilities including schools and recreational facilities. Land uses within the District are primarily very low and low density residential. The service area population projections were based on review of the data used in previous District plans, the City of Oroville General Plan, Butte County General Plan, Butte County Association of Governments (BCAG), and Local Agency Formation Commission (LAFCo). Projected water use through 2045 was estimated based on the projected population for the target year and 2020 consumption records. Single-family residential demand in 2025 is estimated to be 1,680 acre feet and 2,070 acre feet by 2040. Per Table 6-9 in the UMWP, total reasonably available water supply in 2025 is 2,636 acre feet and 3,101 acre feet by 2040. Based on projected supply and demand, future water availability will exceed demand.

According to CalEEMod 2022.1 water demand projections, the indoor and outdoor water demand for the project would be 13,969,436 gallons annually. This would equate to 43-acre feet or approximately 3% of annual single-family demand in 2025 and 2% of annual demand in 2040. Demand projections included anticipated development based on land use in the Butte County General Plan and as stated, anticipated supplies exceed demand in 2025 through 2040. Thus, impacts would be less than significant.

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

Less than significant impact. Wastewater disposal for the proposed project site is provided by the Sewage Commission – Oroville Region (SC-OR) facility which was created in 1973 under a joint powers agreement (JPA) between the City of Oroville, Thermalito Water and Sewer District, and Lake Oroville Area Public Utility District (LOAPUD). The City of Oroville operates and maintains a sewage collection system in portions of the Thermalito Water and Sewer District's service area. The sewage collection systems of the City of Oroville terminate at the SC-OR treatment facility. SC-OR's treated effluent is discharged to the Feather River south of the City of Oroville. The Thermalito Water and Sewer District 2020 Urban Water Management Plan reported that approximately 582-acre feet of wastewater is collected annually and conveyed SC-OR for treatment.

The project would be consistent with the Butte County zoning code and within the water demand projections in 2025 through 2040 as stated above. Wastewater generated by the project would be treated at the SC-OR facility. Volumes are not anticipated to exceed treatment projections which are based on overall water demand estimated by the three entities that comprise the JPA that oversees its management and operation. Impacts would be less than significant.

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

Less than significant. Construction and operation of the project would result in a minor increase of solid waste that would require disposal at the Neal Road Recycling and Waste Facility. The Neal Road Facility has a maximum permitted throughput of 1,500 tons per day, and an estimated current daily average throughput of 466 tons per day. Solid waste generation was estimated using the California Emission Estimator Model (CalEEMod) version 2022.1. Assuming a 75% recycling rate as mandated by AB341, 92 single-family residences would generate approximately 12 tons annually or 280 pounds per day. The Neal Road Facility has a maximum permitted throughput of 1,500 tons per day, and an estimated current daily average throughout of 466 tons per day. Therefore, the facility would have adequate capacity to accommodate solid waste generated by the project. A less than significant impact would occur under this threshold.

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

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

1.20 WILDFIRE

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

Environmental Setting

The project site is located in a Local Responsibility Area for fire protection. The project site is located outside the fire hazard severity zones as identified by the State Department of Forestry and Fire Protection.

Discussion

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

No impact. The project site would be accessed via a Highway 162, 10th Street and Middlehoff Road which are state and county-maintained roads. There would be no lane closures or other actions that would impact emergency access or interfere with an emergency evacuation plan. No impact would occur under this threshold.

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

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

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

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

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

No impact. The project site area is located within a developed area and the topography is flat. The project area does not exhibit flooding potential (see discussion Section 1.10.d – Hydrology and Water Quality) or landslide potential (see discussion Section 1.7.a – Geology Soils). Therefore, no impacts from post-fire instability or drainage changes would occur. No impact would occur under this threshold.

1.21 MANDATORY FINDINGS OF SIGNIFICANCE

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

Discussion

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

Less than significant impact with mitigation incorporated. Potential impacts to biological resources and cultural resources associated with future development of the proposed project were analyzed in this Initial Study. With implementation of **Mitigation Measure CUL-1**, all direct, indirect, and cumulative impacts to cultural resources could be mitigated to less than significant. No special status species or their habitat was identified on the site. Development of the subject parcel would not cause fish or wildlife populations to drop below self-sustaining levels or restrict the movement/distribution of a rare or endangered species.

Development of the proposed project would not affect significant historic resources or known archaeological or paleontological resources. **Mitigation Measure CUL-1** has been identified to address the potential discovery of unknown resources during excavation or other soil disturbance associated with development. Additionally, the project applicant is required to comply with *California Code of Regulations (CCR) Section 15064.5(e)*, *California Health and Safety Code Section 7050.5*, and *Public Resources Code (PRC) Section 5097.98* as a matter of policy in the event human remains are encountered at any time. Implementation of **Mitigation Measure**

CUL-1, as well as regulations governing human remains, would reduce potential impacts to cultural and paleontological resources to less than significant.

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

Less than significant impact with mitigation incorporated. Development of the proposed project would have no impact, a less than significant impact or a less than significant impact with mitigation incorporated with respect to all environmental issues pursuant to CEQA. Due to the limited scope of direct physical impacts to the environment associated with the project, potential impacts are project-specific.

The proposed project site is located within an area has been designated by the County for MDR development. Short-term construction-related air quality impacts that would result from construction of the site improvements and build-out of residences will be reduced to less than significant with implementation of Mitigation Measure AIR-1.

The cumulative effects resulting from build out of the Butte County General Plan 2040 were previously identified in the General Plan 2040 EIR. The type, scale, and location of the type of development that is proposed for the site is consistent with County's General Plan and zoning designation and is compatible with the pattern of development on adjacent properties. Because of this consistency, the potential cumulative environmental effects of the proposed project would fall within the impacts identified in the County's General Plan EIR. Build-out of the project would be subject to required "fair share" development impact fees, which will be paid at the time of development.

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

Less than significant impact with mitigation incorporated. There have been no impacts discovered through the review of this application demonstrating that approval of the TSM or future development of the parcels would cause substantial adverse effects to human beings either directly or indirectly. However, development of the residences has the potential to cause both temporary and future impacts related to air quality and cultural resources. With implementation of mitigation measures included in this Initial Study, these impacts would be mitigated to less than significant.

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

Reference: Government Code Sections 65088.4.
Public Resources Code Sections 21080, 21083.5, 21095; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

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