

## CEQA ENVIRONMENTAL CHECKLIST FORM (FINAL)

1. **Project Title:** Two-lot minor subdivision of vacant 15.54-acre parcel in Byron (County File #CDMS20-00001)
2. **Lead Agency Name and Address:** Contra Costa County  
Department of Conservation and Development  
30 Muir Rd.  
Martinez, CA 94553
3. **Contact Person and Phone Number:** Syd Sotoodeh, Planner II  
(925) 655-2877  
syd.sotoodeh@dcd.cccounty.us
4. **Project Location:** Vacant parcel located on Bixler Road between Byer Road and Kellogg Creek Road in the Byron area (Assessor's Parcel Number: 002-020-010)
5. **Project Sponsor's Name and Address:** Gilbert A. Fitch & Associates  
c/o Don Fitch  
P.O. Box 21542  
Concord, CA 94521
6. **General Plan Designation:** AL- Agricultural Lands
7. **Zoning:** A-2 – General Agricultural District,  
-SG – Solar Generating District
8. **Description of Project:**

The applicant is requesting approval of a vesting tentative map for a minor subdivision application that would subdivide the subject 15.54-acre parcel into two parcels. Parcel "A" and Parcel "B" would each have a lot area of 7.77 acres. Access would be from Bixler Road through a shared 20-foot gravel road within a 30-foot access easement, with 20-foot radii curb returns. The first 50 feet of the access road would be paved. The application includes a request for a tree permit for project impacts to twenty code-protected trees, including nineteen river red gum (*Eucalyptus camaldulensis*) trees and one Aleppo pine (*Pinus halepensis*). It is proposed the trees be removed due to being located within the footprint of site improvements, poor health, or failure. The applicant is also requesting exceptions from the requirements of Title 9 of the County Ordinance Code relative to the widening of Bixler Road, the undergrounding of overhead utility services, and the collect and convey provisions relative to stormwater runoff.

Although not proposed as part of this project, it is anticipated that each parcel will eventually be developed with a new single-family residence, barn, and septic system. Water would be provided by two existing domestic water wells that were permitted by the Contra Costa Environmental Health Division in 2019. Three 3,000-gallon water tanks for each resulting lot are proposed to satisfy fire safety requirements of the East Contra Costa Fire Protection District (ECCFPD). The vesting tentative map includes locations for these proposed and existing improvements. In

addition, a grading permit will be required for the import of  $\pm 8,550$  cubic yards (CYS) of fill (Parcel A  $\pm 4,450$  CYS; Parcel B  $\pm 4,100$  CYS); for future residential foundation pads.

## 9. Surrounding Land Uses and Setting:

Surrounding Area: The project site is located within a rural area of unincorporated Byron, approximately one mile northeast of Byron's Main Street. The subject property is located along the eastern side of Bixler Road, 820 feet north of Byer Road and 1,048 feet south of Kellogg Creek Road. The majority of the surrounding properties are within an agricultural zoning district, with the exception of a handful of parcels approximately 1/2 mile to the south along Camino Diablo which are in a Single-Family Residential (R-40) zoning district, and parcels on our surrounding Byron's Main Street approximately 1 mile southwest which are zoned for Commercial (C), Retail-Business (R-B), or Single-Family Residential (R-6) uses. Similarly, most surrounding parcels have an Agricultural Lands (AL), Agricultural Core (AC), or Open Space (OS) general plan land use designation with the exception of the parcel directly south of the subject property which located within a Public-Semi-Public (PS) land use designation, and the residential-zoned parcels 1/2 mile to the south that are located within a Single-Family Residential – Very Low Density (SV) land use designation. Properties in this area are predominantly used as pastureland, dry cropland, or orchards, and, if developed, single-family residences with agricultural accessory buildings. The property directly south of the project site is owned by the County and is currently the location of the Orin Allen Youth Rehabilitation Facility, also known as the Byron Boys Ranch (OAYRF Boy's Ranch).

Subject Property: The subject property is a vacant 15.54-acre lot that has access from Bixler Road to the west. The property is rectangular in shape and is relatively flat with an overall elevation change of approximately 4 feet from the eastern property line to the western property line. The property is a disturbed (disked) agricultural field that has historically been used for annual cropland and is currently covered by non-native grasses. Of the twenty-nine trees inventoried that line the western boundary of the site along Bixler Road, all except one is *Eucalyptus camaldulensis*. Existing infrastructure includes two wells and associated well pads, a dry, remnant irrigation ditch located along the western boundary of the property, and two wooden weirs (i.e., dams/barriers) in the remnant ditch, one upstream and one downstream. The property is otherwise devoid of any buildings.

## 10. Other public agencies whose approval may be required (e.g., permits, financing, approval, or participation agreement). Please be advised that this may not be an exhaustive list and that approval may be required from other public agencies not listed here:

- Contra Costa County Public Works Department
- Contra Costa County Building Inspection Division
- East Contra Costa Fire Protection District
- Contra Costa County Health Services Department, Environmental Health Division
- California Department of Fish & Wildlife

**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, has consultation begun?**

A Notice of Opportunity to Request Consultation was sent on December 29, 2020, to Wilton Rancheria. As of the writing of this Initial Study, Wilton Rancheria has not responded to the Opportunity to Request Consultation. Therefore, consultation with Native American tribes has not occurred in relation to this project. As a courtesy, the County will provide a copy of this environmental document for the Tribe's comments.

### Environmental Factors Potentially Affected

The environmental factors checked below would have been potentially affected by this project, but have been mitigated in a manner as to not result in a significant effect on the environment:

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics           | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                                   |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources      | <input type="checkbox"/> Energy  |
| <input checked="" type="checkbox"/> Geology/Soils        | <input type="checkbox"/> Greenhouse Gas Emissions           | <input type="checkbox"/> Hazards & Hazardous Materials                 |
| <input type="checkbox"/> Hydrology/Water Quality         | <input type="checkbox"/> Land Use/Planning                  | <input type="checkbox"/> Mineral Resources                             |
| <input type="checkbox"/> Noise                           | <input type="checkbox"/> Population/Housing                 | <input type="checkbox"/> Public Services                               |
| <input type="checkbox"/> Recreation                      | <input type="checkbox"/> Transportation                     | <input type="checkbox"/> Tribal Cultural Resources                     |
| <input type="checkbox"/> Utilities/Services Systems      | <input type="checkbox"/> Wildfire                           | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

### Environmental Determination

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.



Syd Sotoodeh  
Project Planner  
Contra Costa County  
Department of Conservation & Development

March 7, 2022

Date

## ENVIRONMENTAL CHECKLIST

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>1. AESTHETICS – Except as provided in Public Resources Code Section 21099, would the project:</b>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) **No Impact:** Figure 9-1 of the Open Space Element of the County General Plan identifies major scenic ridges and waterways within the County and Figure 5-4 of the General Plan identifies scenic routes. The subject property is located near two scenic waterways as identified in Figure 9-1, including Discovery Bay approximately 1 mile northeast and Old River/Clifton Court Forebay approximately 2.5 miles southeast of the project site. The two nearest scenic ridgeways identified in Figure 9-1 are located west of Los Vaqueros Reservoir and northwest of the Marsh Creek Reservoir, each over 8 miles away from the subject property.

In addition to waterways and ridges, the project site is near a scenic highway and a scenic route identified in Figure 5-4 of the County General Plan. These include a section of the California Delta Highway (SR-4) identified as a scenic highway located approximately 3/4-mile north of the project site, and a section of the Byron Highway identified as a scenic route located approximately 1 mile west of the project site. Scenic views from SR-4 and the Byron Highway in this vicinity of Byron include short range views of grass covered crop and livestock lands, orchards, and long-range views of the Mount Diablo and other ridgeways to the west.

The project site is located in a relatively flat, low-lying area of Byron with very gradual elevation changes, if any. Thus, none of the adjacent properties have scenic views of the scenic waterways or scenic routes. Additionally, views of the subject property from the scenic waterways or scenic routes are limited due to the flat topography and distance between the property and the scenic resources. Due to the distance between the project site and the nearest scenic ridgeways, if approved and residences are constructed, the project would have a negligible impact on views of or from either ridgeway. Therefore, the proposed project would have no impact on scenic vistas.

- b) **No Impact:** As mentioned above, the subject property is located approximately 3/4-mile south of SR-4, otherwise known as the California Delta Highway, which is designated by the County as a scenic highway. According to the California State Scenic Highways map, SR-4 between Route 160 (near Antioch) and Route 84 (near Brentwood) has been designated by the California Department of Transportation (Caltrans) as an eligible scenic highway. The project site is located approximately 2-1/2 miles southwest of this eligible scenic highway. Generally, a scenic highway corridor includes the land adjacent to the scenic highway and extends to the landscape visible from the scenic highway. There are no rock outcroppings or existing buildings on the subject property that will be impacted as a result of the project. The site plan identifies a windrow of mature Eucalyptus trees along Bixler Road at the western boundary of the property. Twenty of these trees would be removed for site access improvements or as a result of poor health or failure, however, due to the flat topography between the subject property and SR-4, neither the windrow nor the parcel is visible from any portion of the scenic highway. Likewise, no portion of SR-4 is visible from the subject property or adjacent properties. Thus, although residences are likely to be constructed if the two-lot minor subdivision is approved, the project would not substantially damage scenic resources within a state scenic highway.
- c) **Less Than Significant Impact With Mitigation Incorporated:** The subject property is within a General Agricultural (A-2) zoning district and Solar Energy Generation (-SG) Combining District. The surrounding area of Byron is predominantly rural with single-family residential and agricultural development, as well as a youth rehabilitation facility, and town centers with limited commercial/retail business uses (Byron Main Street to the southwest and Discovery Bay to the north). Thus, the area is considered “non-urbanized.” As discussed in subsection-a, according to Figure 9-1 of the County General Plan, the project site is located more than 8 miles east/southeast of the nearest scenic ridges and there are no other known publicly accessible vantage points in this relatively flat area of the County. Furthermore, due to the naturally flat topography, the project site is not visible from other nearby scenic resources such as the California Delta Highway (SR-4), Byron Highway, or Discovery Bay and other waterways. The project site is visible from Bixler Road although partially screened by an existing windrow of primarily Eucalyptus trees along the western boundary of the subject property. The Tree Inventory Map included with the Arborist Report prepared for the project applicant identifies twenty trees within the windrow to be removed for site access improvements, or as a result of poor health or failure. As a result, screening of the property by the windrow would be diminished.

As proposed, the two-lot minor subdivision would result in two parcels that are consistent with the A-2 zoning district requirements. Future construction would be subject to the setback requirements and development standards pursuant to the A-2 zoning district. Based on the proposed one-acre building envelopes shown on the site plan submitted by the applicant, there would be ample room to construct a single-family residence and agricultural accessory building on each lot that would conform to the applicable development standards.

**Potential Impact:** Although the project does not propose any development at this time, the removal of trees from the windrow and future development on the subject property could potentially alter the existing visual character of the area and impact public views of the site.

Thus, the following mitigation measure will ensure that any visual aesthetic impact will be less than significant.

### **Mitigation Measures**

**AES-1:** All project development is limited to the building pad area for all proposed parcels identified on the tentative parcel map and prepared by Gilbert A. Fitch & Associates and received on October 28, 2020.

**AES-2:** To the extent possible, replacement trees planted as restitution for the code-protected trees removed from the existing windrow shall be planted within or adjacent to the windrow.

- d) **Less Than Significant Impact:** If approved, the project would result in two new lots that are approximately 7.77 acres in size. At this time, there is no proposal for any development, however, it is reasonable to expect that with approval of the project, structures typical of other ranchette parcels in the area including new single-family residences and some agricultural buildings would eventually be constructed on each lot. Development will likely include some level of associated exterior lighting, however, due to the large size of each proposed lot, the project is not expected to negatively affect daytime or nighttime views.

### **Sources of Information**

Ellen Shea, Consulting Arborist. "Arborist Report & Tree Inventory Map." Received on 21 July 2020.

Caltrans. "Scenic Highways: California State Scenic Highways." Website and map. Accessed 18 August 2021. <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>

Contra Costa County General Plan. "Chapter 3: Land Use Element." 2005 – 2020. [http://www.co.contra-costa.ca.us/DocumentCenter/View/30913/Ch3-Land-Use-Element?bidId=.](http://www.co.contra-costa.ca.us/DocumentCenter/View/30913/Ch3-Land-Use-Element?bidId=)

Contra Costa County General Plan. "Chapter 5: Transportation and Circulation Element." 2005-2020. [http://www.co.contra-costa.ca.us/DocumentCenter/View/30915/Ch5-Transportation-and-Circulation-Element?bidId=.](http://www.co.contra-costa.ca.us/DocumentCenter/View/30915/Ch5-Transportation-and-Circulation-Element?bidId=)

Contra Costa County General Plan. "Chapter 9: Open Space Element." 2005-2020. [http://www.co.contra-costa.ca.us/DocumentCenter/View/30919/Ch9-Open-Space-Element?bidId=.](http://www.co.contra-costa.ca.us/DocumentCenter/View/30919/Ch9-Open-Space-Element?bidId=)

Contra Costa County Code. "Title 8 – Zoning." Accessed in 2020. [https://library.municode.com/ca/contra\\_costa\\_county/codes/ordinance\\_code?nodeId=TIT8ZO.](https://library.municode.com/ca/contra_costa_county/codes/ordinance_code?nodeId=TIT8ZO)

Gilbert A. Fitch & Associates, Inc. "Vesting Tentative Map." Received on 28 October 2020.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>2. AGRICULTURAL AND FOREST RESOURCES – Would the project:</b>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUMMARY:**

a-e) **No Impact:** The project site is within an area deemed to be “Farmland of Local Importance” area as shown on the California Department of Conservation’s *California Important Farmland Finder* map. As defined by each county’s local advisory committee and Board of Supervisors, farmland of local importance is land that is either producing or has the capability of production but does not meet the criteria to be considered Prime, Statewide, or Unique Farmland. The site is not under a Williamson Act contract with the County. As proposed, the subdivision of land will not conflict with the existing General Agricultural (A-2) zoning designation on the property or involve substantial changes to the existing agricultural environment. Additionally, the project site is not considered forest land as defined by California Public Resources Code Section 12220(g) or timberland as defined by California Public Resources Code Section 4526. Therefore, the project will have no impact on agricultural or forest resources.

**Sources of Information**

Contra Costa County Code. “Title 8 – Zoning.” Accessed in 2020.

[https://library.municode.com/ca/contra\\_costa\\_county/codes/ordinance\\_code?nodeId=TIT8ZO](https://library.municode.com/ca/contra_costa_county/codes/ordinance_code?nodeId=TIT8ZO).

California Department of Conservation. “California Important Farmland Finder.” Accessed in 2020.

<https://maps.conservation.ca.gov/DLRP/CIFF/>.

California Department of Conservation. "Farmland of Local Importance 2016." Accessed in 2021.  
[https://www.conservation.ca.gov/dlrp/fmmp/Documents/Farmland\\_of\\_Local\\_Importance\\_2016.pdf](https://www.conservation.ca.gov/dlrp/fmmp/Documents/Farmland_of_Local_Importance_2016.pdf)

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>3. AIR QUALITY – Would the project:</b>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) **Less Than Significant Impact:** Contra Costa County is within the San Francisco Bay air basin, which is regulated by the Bay Area Air Quality Management District (BAAQMD) pursuant to the *Spare the Air, Cool the Climate Final 2017 Clean Air Plan*. The purpose of the *Clean Air Plan* is to bring the air basin into compliance with the requirements of Federal and State air quality standards and to protect the climate through the reduction of criteria pollutants and greenhouse gases. BAAQMD has prepared CEQA Guidelines to assist lead agencies in air quality analysis, as well as to promote sustainable development in the region. The potential air quality impacts for this project were evaluated using the BAAQMD 2017 CEQA guidelines screening criteria. Pursuant to these guidelines, if a project does not exceed the screening criteria size it is expected to result in less than significant impacts to air quality. According to the Operational-Related Criteria Air Pollutant and Precursor Screening Level Sizes (Table 3-1) for single-family residential development, the operational screening size is 56 dwelling units, and the construction-related screening size is 114 dwelling units. The proposed two-lot subdivision could result in the future construction of new single-family residences on each parcel as well as associated agricultural buildings, however, these developments would be well below the BAAQMD operational or construction-related screening criteria for this type of project. Therefore, the subdivision of land and future development potential of the project would not be in conflict with the Clean Air Plan or obstruct its implementation.
- b) **Less Than Significant Impact:** As mentioned above, the proposed two-lot subdivision is not expected to exceed the threshold for criteria pollutant screening size for new single-family residences as determined by the BAAQMD, and thus would not result in significant emissions of criteria air pollutants during the construction period or during project operation. Although the proposed project could contribute incrementally to the level of criteria air pollutants in the

atmosphere, the project would have a less than significant impact on the level of any criteria pollutant.

- c) **Less Than Significant Impact:** The BAAQMD's 2017 CEQA Guidelines describe the quantifiable thresholds for use in determining whether operational and construction-related activities would have significant environmental impacts, including those related to substantial pollutant concentrations. Table 2-1 of the CEQA Guidelines identifies the air quality thresholds of significance for project operations and construction. As mentioned above, the proposed two-lot subdivision is not expected to exceed the threshold for criteria pollutant screening size for new agricultural lots or single-family residences as determined by the BAAQMD, and thus would not result in significant emissions of criteria air pollutants during project operation.

The project site is located within an area of Byron that is primarily agricultural with auxiliary uses such as single-family residences and agricultural buildings. Although the project does not include any development on the proposed new lots, it is reasonably expected that, if the subdivision is approved, a single-family residence and agricultural building are to be constructed on each lot in the future. Such construction and grading activities could result in localized emissions of dust and diesel exhaust typical of residential projects that could result in temporary impacts to sensitive receptors such as residences or schools. However, the project has established development areas for each lot that are more than 300 feet from the nearest sensitive receptors. Furthermore, the size of the project area means that any temporary emissions related to construction are expected to have a less than significant impact on sensitive receptors.

- d) **Less Than Significant Impact:** The BAAQMD's 2017 CEQA guidelines indicate that odor impacts can occur from two different situations: 1) siting a new odor source, or 2) siting a new sensitive receptor (e.g., residents). The future development of the lots would be within an established rural-residential area, at a location and density that is compatible with its zoning and general plan designation. The application of pesticides, or other chemicals, may occur periodically on the subject property relating to agricultural activities, however, this is common for agriculturally zoned land. The use of such chemicals would not be increased relative to current usage as a result of this subdivision. The General Agricultural (A-2) zoning district allows potentially odorous agricultural uses such as stockyards, rendering and fertilizing plants or yards, and canneries and other food processing facilities upon issuance of a land use permit. None of these uses are proposed as part of the two-lot minor subdivision but could potentially be proposed in the future, and any potential impacts would be reviewed pursuant to CEQA prior to approval of a land use permit for such odorous uses. Consequently, the project is not expected to result in significant other emissions, such as odors, that would adversely affect a substantial number of people.

### **Sources of Information**

Bay Area Air Quality Management District. "California Environmental Quality Act, Air Quality Guidelines." May 2017. [http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa\\_guidelines\\_may2017-pdf.pdf?la=en](http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en).

Bay Area Air Quality Management District. "Spare the Air, Cool the Climate Final, 2017 Clean Air Plan." Adopted 19 April 2017. [http://www.baaqmd.gov/~media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a\\_-proposed-final-cap-vol-1-1-pdf.pdf?la=en](http://www.baaqmd.gov/~media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-1-pdf.pdf?la=en).

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>4. BIOLOGICAL RESOURCES – Would the project:</b>				
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 Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUMMARY:**

- a) **Less Than Significant Impact With Mitigation Incorporated:** A Biological Resources Assessment (Assessment) was prepared by Bargas Environmental Consulting (dated April 22, 2020) for the project site. Preparation of this report included a review of pertinent data sources and literature on relevant background information and habitat characteristics of the project area. In addition, a reconnaissance-level field survey of the property was conducted on March 24, 2020, to assess the current site conditions, to identify and map existing vegetation communities, wetlands and waterways, anthropogenic threats or disturbances, and to assess the potential for special status species occurrence and/or presence of their respective habitats. The Assessment describes the subject property as a disked (cultivated/plowed) agricultural field with relatively flat topography, with a Eucalyptus windrow, defined as a row of trees, along the western boundary of the property adjacent to Bixler Road, and existing infrastructure consisting of a remnant ditch

within the windrow with wooden weirs (i.e., dams/barriers) observed upstream and downstream, and two wells and associated well pads. The surrounding area is primarily agricultural and rural residential with a youth rehabilitation facility south of and adjacent to the subject property.

The Assessment came to the following conclusions:

Special-status Plants: Bargas found that thirty-three special status plant species are known to occur within a 5-mile radius of the subject property, with the majority of those species occurring approximately one to three miles southwest of the property within the valley and foothill habitat near the Vasco Hills. The nearest habitat of a special-status plant occurring less than a mile southwest of the subject property is that for the caper-fruited tropidocarpum (*Tropidocarpum capparideum*). However, this species prefers habitats consisting of alkaline hills in valley and foothill grassland. The subject property lacks alkaline habitats and the plant not observed during Bargas' field survey conducted during blooming season. Suitable habitats for the other special status species known to occur within 5 miles of the project site include serpentine environments, chaparral, rocky slopes, sandy or saline soils, coastal, freshwater, and brackish marsh habitat, or higher elevations, none of which are found on the subject property. The subject property contains an agricultural field habitat that is frequently disturbed by agricultural practices such as disking and lacks suitable habitat for special status plants or is outside of the documented higher elevations for certain species. This, along with the neutral clay soils present throughout the subject property, makes it unlikely that these special status plant species would occur.

Special-status Wildlife: Bargas identifies three mammals, eight birds, four reptiles, two amphibians, four fish, and three invertebrates known to occur within a five-mile radius of the subject property. A number of the species occurring in the greater vicinity have low or no potential to occur on the subject property due to unsuitable habitat for nesting or foraging (e.g., for California black rail, American peregrine, or song sparrow), a lack of adequate prey (e.g., for American badger or San Joaquin kit-fox), or being outside of a known distributional range for the species (e.g., San Francisco dusky-footed woodrat). In addition, there is no aquatic habitat or rock outcroppings in or adjacent to the project site for species found in such habitats (e.g., western pond turtle or Alameda whipsnake). Regular disking of the property due to ongoing agricultural activities decreases the likelihood of nesting within much of the project site (e.g., for burrowing owl). However, two species with a moderate or higher potential to occur include Swainson's hawk and white-tailed kite.

Swainson's hawk is considered to be a "state-threatened" species and is protected from direct take. This hawk inhabits open to semi-open areas at low to middle elevations in valleys, dry meadows, foothills, and level uplands, nesting almost exclusively in trees. Nests are constructed in isolated trees that are dead or alive along drainages and in wetlands, or in windbreaks in fields and around farmsteads. The trees within the Eucalyptus windrow on the subject property provide suitable nesting habitat, and the agricultural field represents suitable foraging habitat. Swainson's hawk has been observed soaring and foraging over the subject property and a historic nest location approximately 1/2-mile northwest of the subject property was identified through Bargas' CNDDDB record search. Thus, there is high potential for this species to be present within the project site. However, no dormant or active nests were identified on-site during Bargas' field survey.

White-tailed kite is a fully protected species under the California Fish and Game code and is protected from direct take. White-tailed kite inhabits lowland scrub and grasslands, primarily feeding on rodents. They nest in broad leaf deciduous trees, often in riparian zones adjacent to

foraging habitat. Although not typical, the Eucalyptus windrow on-site provides suitable nesting habitat. The agricultural field represents suitable foraging habitat. There is moderate potential for this species to be present in the project site.

**Potential Impacts:** There is no construction proposed with the project, however, if approved, it is reasonable to anticipate at a future time that the two-lot minor subdivision could result in the removal of trees from the Eucalyptus windrow along the western property frontage, grading and construction of a new private road, and construction of a single-family residence and accessory structures on each resultant lot. Future construction on the project site has the potential to impact special status nesting or foraging birds within the project site and adjacent areas. If grading or construction would occur during the nesting season, nesting or foraging birds could be disturbed. Bargas did not report any observations of Swainson's hawk or white-tailed kite on any site survey. However, there is a CNDDDB record of Swainson's hawk approximately 1/2-mile to the northwest of the project site and the subject property contains suitable nesting habitat for Swainson's hawk and suitable foraging habitat for both Swainson's hawk and white-tailed kite. Thus, the removal of trees from the windrow and development of the project could have a potentially significant adverse environmental impact on nesting Swainson's hawk and white-tailed kite, as well as other birds protected by the Migratory Bird Treaty Act (MBTA). Consistent with the "ranchette policy" as outlined in the Agricultural Resources section of the County General Plan Conservation Element, approximately 25% of the subject property would be developed resulting in a loss of a maximum of four acres of potential Swainson's hawk foraging habitat.

Thus, implementation of the following mitigation measures would bring potential project-related impacts on biological resources to less than significant levels:

**BIO-1: Preconstruction Avian Surveys – Swainson's hawk: Prior to the commencement of any tree removal, site grading, or construction activities, whichever occurs first,** Swainson's hawk surveys shall be conducted by a qualified biologist in accordance with the CDFW's guidelines for conducting nesting surveys for Swainson's hawk entitled: Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (CDFW 2000<sup>1</sup>). To meet the CDFW's recommendations for mitigation and protection of Swainson's hawks, surveys shall be conducted for a 1/2-mile radius around all project activities and shall be completed for at least two survey periods immediately prior to a project's initiation. The guidelines provide specific recommendations regarding the number of surveys based on when the project is scheduled to begin and the time of year the surveys are conducted. For example, if a project is scheduled to begin before June 20, surveys should be completed in Period II (March 20 to April 5) and in Period III (April 5 to April 20). Surveys should not be conducted in Period IV (April 21 to June 10, active nesting season). If the project is scheduled to commence later in the summer, surveys should be completed in Period III (April 5 to April 20) and in Period V (June 10 to July 30, post-fledging).

However, due to the relatively small disturbance area, if construction timing does not allow for the full series of Swainson's hawk surveys to be conducted, then during the Swainson's hawk nesting season (March 15 – September 15) and **no more than five (5) days prior to tree removal, site grading, or construction activities,** a

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<sup>1</sup> Swainson's Hawk Technical Advisory Committee. "Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley." 31 May 2000 <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990>

preconstruction survey shall be conducted by a qualified biologist to establish whether Swainson's hawk nests within 1/2-mile of the project site are occupied. If potentially occupied nests are found within 1/2-mile of the project site, then their occupancy will be determined by either observation from public roads or by observations of Swainson's hawk activity (e.g., foraging) near the project site.

If no active Swainson's hawk nests are identified during these surveys, no further consideration for Swainson's hawk is warranted, provided construction commences within 14 days of the final survey. If construction is postponed for more than 14 days, it will be necessary to conduct a follow up nesting survey to ensure that no new nesting has commenced in the project vicinity. No further surveys will be required after project initiation.

If Swainson's hawks are found to be nesting within 1,000 feet of the project site, the following minimization measures and construction monitoring are required:

- Nest protection buffers shall be established that are a minimum of 300 feet around the nest site, or as established by the qualified biologist in consultation with CDFW, or as required in any Fish and Game Section 2081 management authorization issued to the project by CDFW.
- If an active Swainson's hawk nest is located in a tree or shrub designated for removal, the removal shall be deferred until young are no longer dependent on the nest site, as determined by a qualified biologist.
- The qualified biologist shall prepare a memorandum that identifies the outcome of the occupied nests and the recommended timing for removal of the buffers or the commencement of tree removal. This memorandum shall be submitted to the CDD **prior to the time that the buffers are removed, or the commencement of tree removal.**

**BIO-2: Prior to issuance of grading or building permits or the removal of trees, whichever occurs first,** the applicant shall submit proof that any permits required by the CDFW for the incidental take of Swainson's hawk foraging habitat have been applied for or obtained; or show verification that no permits are required.

**BIO-3: Preconstruction Avian Survey – White-tailed Kite and Other Raptors/Migratory Birds:** A preconstruction nesting bird survey should be conducted by a qualified biologist **no more than five (5) days prior to the commencement of tree removal, site grading, or construction activities** during the nesting season (February 1 through August 31). The biologist shall survey all areas within 250 feet of the impact area for raptor and other migratory bird nests. If the survey does not identify any nests, no further mitigation would be recommended. If any bird listed under the Migratory Bird Treaty Act is found to be nesting within the project site or within the area of influence, an adequate protective buffer zone shall be established by a qualified biologist to protect the nesting site. This buffer shall be a minimum of 75 feet from the project activities for passerine/songbirds and a minimum of 200 feet for raptors. The distance shall be determined by the biologist based on the site conditions (topography, if the nest is in a line of sight of the construction, and the sensitivity of the birds nesting). The nest site(s) shall be monitored by a qualified biologist during construction initiation, and at least

once weekly thereafter, to see if the birds are stressed by the construction activities and if the protective buffer needs to be increased. If an active nest is located in a tree or shrub designated for removal, the removal shall be deferred until young are no longer dependent on the nest site, as determined by a qualified biologist.

- b) **Less Than Significant Impact:** The subject property contains one man-made, remnant ditch along the western boundary of the property and adjacent to Bixler Road within a Eucalyptus windrow. However, during their field survey on March 24, 2020, Bargas found that the ditch is dominated by upland annual grasses and had no indicators of wetland hydrology or hydrophytic vegetation. The ditch did not exhibit evidence of recent water flow, or a high-water mark as would ordinarily be found if water flow was present. Furthermore, the ditch is currently blocked with a series of wooden weirs and is not functioning as an irrigation or drainage system. Thus, according to Bargas, the project site lacks sensitive riparian habitats and as such, the development of the project has a less than significant potential to impact riparian habitats or sensitive natural communities.
- c) **No Impact:** The U.S. Army Corp of Engineers (Corps) and the U.S. Environmental Protection Agency (EPA) are two of the primary Federal agencies which enforce the Clean Water Act and administer the associated permitting program. As such, these agencies define wetland as areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. As discussed above in subsection-b, a remnant ditch that is currently blocked by wooden weirs upstream and downstream and that does not exhibit evidence of any recent water flow or an ordinary high-water mark is located along the western boundary of the property at Bixler Road. Additionally, according to Bargas' Assessment, the subject property does not appear to contain wetlands/waters that may be considered jurisdictional by the Corps, the EPA, the California Department of Fish & Wildlife, or the Regional Water Quality Control Board because the site lacks evidence of all three parameters (wetland soils, hydrology, and vegetation) that are used to indicate wetlands. In addition, according to the Assessment, no wetlands or other waters have previously been mapped within or near the subject property. Thus, the proposed project would have no impact or substantial adverse effect on a state or federally protected wetland.
- d) **Less Than Significant Impact:** According to the Assessment by Bargas, the subject property is not within a natural or manmade wildlife corridor. Thus, development of the project has a less than significant potential to impact wildlife corridors or to interfere substantially with the movement of native resident or migratory wildlife species. Furthermore, implementation of mitigation measures **BIO-1** through **BIO-3** would further reduce potential project-related impacts on wildlife movement to less than significant levels.
- e) **Less Than Significant Impact:** The Contra Costa County Tree Protection and Preservation Ordinance (Tree Ordinance) provides for the protection of certain trees by regulating tree removal while allowing for reasonable development of private property. On any property proposed for development approval, the Ordinance requires tree alteration or removal to be considered as part of the project application. The subject property contains a number of mature Eucalyptus trees in a windrow along Bixler Road, which are considered protected trees under the County Tree Ordinance. The Project proposes to remove a portion of these code-protected trees or to work within the driplines of code-protected trees to install a new shared access road. In addition, the

consulting arborist has recommended the removal of several code-protected trees that are outside the footprint of development but are either dead or hazardous. Thus, due to the anticipated construction activities as part of the proposed project and the poor health and structure of trees near the project site, a request for a tree permit for the removal of approximately twenty (20) code-protected trees is included with this proposed minor subdivision. As such, approval of the proposed project would include a tree permit with conditions of approval for the restitution of any tree approved for removal, protection of remaining trees where work may occur within the drip lines of the trees, and all of the tree protection measures from the project's arborist report. As a result of CDD staff applying the Tree Protection and Preservation Ordinance to the proposed project, there would be no conflict with the Tree Ordinance.

- f) **No Impact:** The East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (ECCC HCP/NCCP) was adopted by the County in October of 2006. The purpose of this plan is to provide a framework to protect natural resources while streamlining the environmental permitting process for impacts to covered special status species within the rapidly expanding region of Eastern Contra Costa. The subject property is located outside of the HCP/NCCP urban development area and thus HCP ordinance no. 2007-53 does not apply to the project. Therefore, the project would not conflict with any conservation plan.

**Sources of Information**

Bargas Environmental Consulting. "Biological Resource Assessment, Bixler Road Parcel C (43 LSM 7) Contra Costa County." Prepared for Justin Posey. 22 April 2020.

East Contra Costa County Habitat Conservancy. "Agency Comment Response Form, MS20-0001." 18 February 2020.

Ellen Shea, Consulting Arborist. "Arborist Report & Tree Inventory Map." Received on 21 July 2020.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>5. CULTURAL RESOURCES – Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) **No Impact:** The California Public Resources code defines a historical resource as a resource that has been listed or is eligible for listing on the California Historical Register of Historical Resources, a resource included in a local register of historical resources, or a resource identified as significant in a historical survey meeting the requirements of the Public Resources Code. Neither the subject property nor any of the existing structures located on the otherwise vacant

parcel are listed in or eligible for listing in the California Register of Historic Resources or the Contra Costa County Historic Resources Inventory. Thus, the vacant parcel is not a historical resource pursuant to Section 15064.5 of the CEQA Guidelines.

- b) **Less Than Significant With Mitigation Incorporated:** According to the letter from the California Historical Resources Information System (CHRIS), dated September 15, 2021, Study #11826 (Theodoratus et al. 1980) may have included all or parts of the proposed area in their maps, however, the report is unclear as to whether the researchers surveyed the proposed project area. CHRIS further indicates that the project area has a low possibility of containing unrecorded archaeological sites, and thus does not recommend further study. As shown on Figure 9-2 (Archeological Sensitivity Map) of the Contra Costa County General Plan, the project site and its surroundings are known have moderately sensitive areas with respect to archaeological resources.

Potential Impacts: Upon approval of the project, the future development of the site could include ground disturbance which has the potential for uncovering previously unknown cultural resources.

The following mitigation measures will ensure that in the event cultural resources are discovered, the proper actions are taken to reduce the adverse environmental impacts to cultural resources to a less than significant level:

**CUL-1:** If deposits of prehistoric or historical archaeological materials are encountered during ground disturbance activities, all work within 50 feet of the discovery shall be redirected. A qualified archaeologist certified by the Society for California Archaeology (SCA) and/or the Society of Professional Archaeology (SOPA), and the Native American Tribe that has requested consultation and/or demonstrated interest in the project shall be contacted to evaluate the significance of the finds and suggest appropriate mitigation(s) if deemed necessary.

**CUL-2:** If the deposits are not eligible, avoidance is not necessary. If the deposits are eligible, they will need to be avoided by impacts or such impacts must be mitigated. Upon completion of the archaeological assessment, a report should be prepared documenting the methods, results, and recommendations. The report should be submitted to the Northwest Information Center and appropriate Contra Costa County agencies.

Prehistoric materials can include flake-stone tools (e.g., projectile points, knives, choppers) or obsidian, chert, or quartzite tool-making debris; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, and cultural materials); and stone milling equipment (e.g., mortars, pestles, handstones). Historical materials can include wood, stone, concrete, or adobe footings, walls and other structural remains; debris-filled wells or privies; and deposits of wood, glass ceramics, and other refuse.

- c) **Less Than Significant With Mitigation Incorporated:** The project record does not have any prior cultural resource studies conducted at the subject property which indicates that human remains exist at the subject property.

Potential Impact: There is a possibility that human remains could be present, and that accidental discovery could occur.

Implementation of the following mitigation measure would reduce the potential to disturb any human remains, including those outside of formal cemeteries, to a less than significant level:

**CUL-3:** Should human remains be uncovered during grading, trenching, or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until the County coroner has had an opportunity to evaluate the significance of the human remains and determine the proper treatment and disposition of the remains. Pursuant to California Health and Safety Code Section 7050.5, if the coroner determines the remains may be those of a Native American, the coroner is responsible for contacting the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, the NAHC will then determine a Most Likely Descendant (MLD) tribe and contact them. The MLD tribe has 48 hours from the time they are given access to the site to make recommendations to the land owner for treatment and disposition of the ancestor's remains. The land owner shall follow the requirements of Public Resources Code Section 5097.98 for the remains.

**Sources of Information**

California Historical Resources Information System (CHRIS). “MS20-0001 / APN 002-020-010 on Bixler Rd.” Agency Comment Response Letter. 15 September 2021.

Contra Costa County General Plan. “Chapter 9: Open Space Element.” 2005-2020.  
[http://www.co.contra-costa.ca.us/DocumentCenter/View/30919/Ch9-Open-Space-Element?bidId=.](http://www.co.contra-costa.ca.us/DocumentCenter/View/30919/Ch9-Open-Space-Element?bidId=)

Contra Costa County. “Historic Resources Inventory.” Revised 2019. Accessed in 2021.  
[https://www.contracosta.ca.gov/DocumentCenter/View/1116/Historic-Resources-Inventory-HRI?bidId=.](https://www.contracosta.ca.gov/DocumentCenter/View/1116/Historic-Resources-Inventory-HRI?bidId=)

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>6. ENERGY – Would the project:</b>				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUMMARY:**

a-b) **No Impact:** The proposed two-lot minor subdivision does not include any development or construction and as such does not propose to consume any energy resources that would potentially be inefficient or unnecessary. However, if approved, it is reasonable to anticipate the project may result in the future construction of two new single-family residences. In December 2015, a Climate Action Plan (CAP) was adopted by the Contra Costa County Board of Supervisors in order to identify and achieve a reduction in greenhouse gas (GHG) emissions by the year 2020 as mandated

by the State under AB32. The design and operation strategies set forth in the CAP for reducing GHG emissions include measures such as installing energy efficient appliances that would also reduce the project’s consumption of energy resources during operation. Any future development of the project site will require compliance with all California Code Title 24 (CalGreen) building energy efficiency standards for single-family residences that are in effect at the time that building permit applications are submitted, including any standards regarding the provision of solar energy. During construction, the project may require temporary electrical power. The General Contractor would be required to apply for a temporary power permit from the County and to comply with all applicable building standards for a temporary power connection. Therefore, there will be no impact on electrical energy resources or state or local plans for renewable energy or energy efficiency due to the two-lot minor subdivision or the construction or operation of new single-family residences.

**Sources of Information**

Contra Costa County. “Climate Action Plan.” Adopted by the Contra Costa County Board of Supervisors on 15 December 2015. <http://www.co.contra-costa.ca.us/DocumentCenter/View/39791/Contra-Costa-County-Climate-Action-Plan?bidId=>.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>7. GEOLOGY AND SOILS – <i>Would the project:</i></b>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

a) i, iv) **No Impact:** According to the California Geological Survey (CGS), the subject property is not mapped within an Earthquake Fault Zone (EFZ). A preliminary geotechnical report was prepared by Peters & Ross for the proposed two-lot minor subdivision and future residences. In addition, a geological peer review of the preliminary report and project site was performed by the County Peer Review Geologist. According to the Peer Review Geologist, the nearest potentially active fault trace as mapped in an Alquist-Priolo EFZ is the Greenville fault, located approximately 10 miles southwest of the property. Other potentially active faults, the Concord and Calaveras faults, pass more than 20 miles to the west and southwest of the site. The project is not located within a landslide hazard zone as designated by the California Geological Survey, nor were any landslides identified near or at the project site by Peters & Ross or the Peer Review Geologist. In addition, the subject property is located in an area of the County that is relatively flat with very little topographical rise. Therefore, there is no impact on or due to the project with respect to the rupture of a known earthquake fault or the presence of landslides.

ii) **Less Than Significant With Mitigation Incorporated:** As stated above, the project site is not within an EFZ and therefore the risk of fault rupture at the site is remote. However, according to the U.S. Geological Survey, there is a 72 percent chance of at least one magnitude 6.7 or greater earthquake striking the San Francisco Bay region between 2014 and 2044. Thus, there are potentially substantial adverse effects due to secondary seismic hazards including ground shaking, ground failure, and liquefaction. The project does not include any development of the two proposed parcels; however, it is anticipated that, if approved, the private road which will serve as the primary access to the site and new single-family residences and accessory structures on each lot would eventually be constructed. Therefore, the project may be subjected to earthquakes that will cause strong ground shaking. Current California Building Code (CBC; 2019) requires the use of seismic parameters in the design of all structures requiring building permits. These parameters are based on soil profile types and proximity of faults deemed capable of generating strong/violent earthquake shaking. In addition, the project proposes imported fill for future mat foundations ( $\pm 4,450$  cubic yards for resultant Parcel A and  $\pm 4,100$  cubic yards for resultant Parcel B). The Peer Review Geologist points out that compliance with building codes does not guarantee that significant structural damage would not occur during a maximum magnitude earthquake. Nevertheless, building codes are intended to keep earthquake risks to an acceptable minimum, and compliance with the operative provisions of the CBC along with compliance with the County Grading Ordinance, a conservative design, and quality construction are the best means of controlling the life loss and damage potential of earthquakes. Provided the structures and improvements are designed in accordance with the most recent CBC and upon implementation of

the mitigation measures below (**GEO-1** through **GEO-3**), adverse effects due to strong seismic ground shaking would be reduced to a less than significant level.

iii) **Less Than Significant With Mitigation Incorporated:** According to the CGS, all or a portion of the subject property lies within a liquefaction zone, thus the proposed project is subject to the provisions of the Seismic Hazard Mapping Act. Peters & Ross conducted four exploratory test borings of the project site to a maximum depth of 21.5 feet, and two electric piezocone penetrometer tests (also referred to as CPT) to assess the potential for liquefaction. According to the preliminary geotechnical report, the analysis indicated liquefaction could result in total estimated settlement between 3 and 5 inches, and differential settlement ranging from 2 to 4 inches for each of the identified building areas on the submitted vesting tentative map. Thus, the project geotechnical engineer recommends that any new residences be supported by reinforced earth (i.e., three layers of Tensar TX130S geogrid, or equivalent) starting at the bottom of the import fill and spaced at 18-inches, vertically. The reinforced earth would be in addition to a 5-foot-thick engineered fill pad as proposed to Peters & Ross by the project proponent. In addition, if a future subsurface investigation of the portion of the proposed access roadway within the liquefaction hazard zone determines that liquefiable soils exist, mitigation can be performed to reduce the impact on the project to less than significant.

According to the County's Peer Review Geologist, the scope of the subsurface investigation by Peters & Ross is adequate, and their proposed mitigation measures are comprehensive. However, the Peer Review Geologist indicates that for the analysis of liquefaction, the data is dependent on the two CPT logs. That analysis indicates that most settlement is due to liquefaction of sand layers (and cyclic softening of clays) that occurs between depths of 12 to 39 feet. The Peer Review Geologist is concerned that the preliminary geotechnical report provided little ability to verify the interpretation that is based on the computer model run of CPT data and thus there are potentially significant impacts due to liquefaction. However, the Peer Review Geologist also indicated that the forecasted amount of settlement appears to represent a "worst case" scenario.

Potential Impacts: Although the subject property is not located within a designated EFZ and is in an area of the County that is relatively flat and thus landslides are unlikely, there is a potential for direct or indirect risks of loss, injury or death involving secondary seismic hazards such as ground shaking, ground failure, and liquefaction. Furthermore, the project is located within a liquefaction seismic hazard zone and is subject to the provisions of the Seismic Hazard Mapping Act.

Accordingly, staff recommends that the following mitigation measures be incorporated at the project design level to reduce the potential hazards resulting from ground shaking, ground failure, and liquefaction to a less than significant level:

**GEO-1:** **At least 45 days prior to filing of the Final Map**, the project proponent shall submit an updated geotechnical report for review by the Community Development Division (CDD) and the County Peer Review Geologist which provides an updated estimate of differential settlement, that clarifies that the estimate is for a reinforced earth pad for dwellings, and that specifies over what distance the settlement will occur. In addition, the project structural engineer shall provide assessment of the performance of proposed mat foundations based upon the updated estimate of differential settlement and indicating if the mat foundation will withstand the settlement or require leveling in the aftermath of an earthquake that generates the anticipated differential settlement.

**GEO-2:** At least 45 days prior to filing of the Final Map, the project proponent shall submit to the CDD for review and approval, a deed disclosure informing future owners of both Parcel A and Parcel B that: (i) the soils on the site are expansive, (ii) the sands in the subsurface have been determined to be subject to liquefaction, (iii) the water table is extremely shallow, and (iv) portions of the property have been confirmed to be a subject to inundation of the 500-year flood. The deed disclosure shall also provide a bibliographic citation to the geotechnical report of Peters & Ross (7/18/2019), indicate where a copy of the report can be obtained, and key geotechnical recommendations shall be summarized.

**GEO-3:** Geotechnical observation and testing shall be administered during construction activities. The monitoring shall commence during clearing, and extend through grading, placement of fill and aggregate base, installation of drainage facilities, and foundation related work. These observations will allow the project geotechnical engineer to compare actual exposed conditions with anticipated conditions, and to verify that the contractor's work conforms with the geotechnical aspects of the plans and specifications. **Prior to requesting a final grading inspection**, the project proponent shall submit a report from the project geotechnical engineer that documents their observation and testing services to that stage of construction, including monitoring, and testing of backfill required for utility and drainage facilities.

Similarly, **prior to requesting a final building inspection** for all buildings for human occupancy in the project as defined by the building code (2,000 person hrs./year), the project proponent shall submit a letter or report from the geotechnical engineer documenting the monitoring services associated with implementation of final grading, drainage, paving and foundation-related work. If the final inspection of all buildings is to be performed at one time, the geotechnical engineer's final report may address the entire project; if final inspections are to be staged over a period of time, there shall be geotechnical letters for each building/grouping of buildings at the time that the final building inspection is requested.

- b) **Less Than Significant Impact:** Any areas that are disturbed during construction of the project would be covered by the proposed improvements or landscaping. Since all areas of the property that will be disturbed will be covered by new structures, pervious and impervious surfaces, or landscaping, the potential for soil erosion or loss of topsoil is less than significant. Additionally, a routine provision for grading permits in Contra Costa County is a requirement for submittal of an erosion control plan. This plan is subject to technical review by inspectors of the County Grading Section. Normally there are refinements to erosion control plans as the winter rainy season approaches. Additional details are included in the refined erosion control plan, including such items as provisions for (a) storage of extra erosion control materials on site and (b) monitoring of the performance of disturbed areas on the site during/immediately following significant rainstorms. If erosion control facilities are damaged or failing to perform as intended, the erosion control measures being implemented on the site are refined to correct the deficiency. Implementation of an erosion control plan during grading and/or construction activities would further ensure that the project results in less than significant impacts on erosion or the loss of topsoil.

- c) **Less Than Significant Impact with Mitigations Incorporated:** As discussed above in subsection-a, the subject property is a relatively flat agricultural field and is not located within a landslide hazard zone as designated by the CGS. Nor were any landslides identified near or at the project site by the consulting geotechnical engineer or the County Peer Review Geologist. The USGS defines lateral spread as “landslides that commonly form on gentle slopes and that have rapid fluid-like flow movement, like water.” There are no slopes on the subject property. Thus, due to the relatively flat topography, the risk of landslides or lateral spreading failure is low and does not require further evaluation.

As discussed in subsection-a above, all or a portion of the subject property lies within a liquefaction zone. The proposed two-lot minor subdivision does not include any development or construction beyond potential site preparation and grading of a private access roadway. However, if approved, the project may result in the construction of two new single-family residences.

Potential Impacts: If developed with new single-family residences, there is a potentially significant impact on the project due to liquefaction. Accordingly, staff recommends that mitigation measures be incorporated as part of the project to reduce the potential hazards resulting from liquefaction to a less than significant level. Thus, implementation of mitigation measures **GEO-1** through **GEO-3** in subsection-a above would ensure that any potential impacts resulting from liquefaction are reduced to less than significant levels.

- d) **Less Than Significant Impact with Mitigations Incorporated:** According to the preliminary geotechnical report, the project site is generally underlain by sandy lean clay to fat clay materials interbedded with fine to coarse grained sand materials with varying amounts of silt and clay extending to the depths explored. Peters & Ross indicate that highly expansive sandy fat clay materials were encountered in some of the test borings. When expansive materials are subjected to increases in moisture content, they swell if unconfined. If concrete slabs or shallow foundations confine the expansive materials, they can exert significant pressures when subjected to moisture increases. These pressures can cause slabs and shallow foundations to heave and crack. When the expansive materials dry, they shrink, causing slabs and shallow foundations to settle. Thus, expansive clays, which are common in the San Francisco Bay Area, have the potential to cause extensive damage to structures, particularly when combined with the Bay Area’s significant seasonal moisture changes due to its pronounced wet and dry seasons.

Peters & Ross indicate that use of a mat foundation system bearing on a 5-foot thickness of imported, non-expansive fill is proposed by the project applicant to reduce the hazard posed by expansive soils. In addition, Peters & Ross present specific criteria and standards in their report for clearing and earthwork, subgrade preparation, fill compaction, backfilling of utility trenches, foundation design, providing positive drainage away from the foundation and concrete slabs-on-grade, along with driveway pavement design. In addition, future geotechnical services are proposed including plan review prior to submitting plans for issuance of building permits to ensure that the design is consistent with the intent of geotechnical recommendations; and observation and testing services during construction to ensure the consulting geotechnical recommendations are properly interpreted and implemented by the contractor.

Potential Impacts: If developed with new single-family residences, there is a there is a potentially significant impact on the project due to the presence of expansive soils. Accordingly, staff recommends that mitigation measures be incorporated as part of the project to reduce the potential hazards resulting from expansive soils to a less than significant level. Implementation of

mitigation measures **GEO-1** through **GEO-3** in subsection-a above would ensure that any potential impacts due to expansive soils are reduced to less than significant levels.

- e) **Less Than Significant Impact:** The proposed project does not include any development at this time; however, it is expected that future residential development would include septic systems including leach fields. The preliminary geotechnical review report provided by Peters & Ross does not indicate that the subject property contains corrosive soils which could potentially have severe limitations for septic system leach fields and piping. A site evaluation, soil profile, and percolation tests performed by Basix Consulting & Designs, LLC on behalf of the project applicant and in the presence of a Contra Costa County Environmental Health Specialist (June 25, 2020) found that the proposed septic areas for each proposed lot would satisfy the requirements for sewage disposal set forth in the Contra Costa County *Health Officer Standards for Sewage Disposal*. The site evaluation found that average percolation rates range between 14 minutes per inch and 24 minutes per inch which would provide for adequate sizing of the septic system for any future residence. Thus, the soils are capable of adequately supporting the use of septic tanks for the disposal of wastewater. In addition, County Environmental Health would review and approve all proposed septic systems prior to issuance of a building permit. Therefore, there would be a less than significant impact of the project on soil suitability for the use of septic tanks.
- f) **Less Than Significant Impact With Mitigations Incorporated:** The geotechnical report has not identified any unique geologic features which would be directly or indirectly destroyed by the project. The project site consists of soils and other geologic features which are typical in the surrounding Byron area. In addition, there are no known paleontological resources located at the project site that would be designated as unique. Furthermore, the County Peer Review Geologist indicated that the alluvial deposits on the relatively flat project site which are at/near the ground surface are very young and unlikely to contain unique geologic or palaeontologic resources.

Potential Impact: Nevertheless, ground disturbance during the project's construction phase has the potential for disturbing previously unknown unique paleontological resources. The following mitigation measure will ensure that in the event any unique paleontological resources are discovered, the proper actions are taken to reduce the adverse environmental impacts to less than significant levels.

**GEO-4:** Should unique paleontological materials be uncovered during grading, trenching, or other on-site excavation(s), all earthwork within 30 yards of the materials shall be stopped until the CDD has been notified, and a qualified paleontologist contacted and retained to evaluate the significance of the find, and, if deemed necessary, suggest appropriate mitigation(s).

### Sources of Information

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Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>8. GREENHOUSE GAS EMISSIONS – Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) **Less Than Significant Impact:** As discussed in the Air Quality section of this study, the Bay Area Air Quality Management District (BAAQMD) adopted the *Bay Area 2017 Clean Air Plan* that, in addition to various criteria air pollutants, addresses greenhouse gas (GHG) emissions at a regional scale. Although the project plans submitted for the proposed two-lot minor subdivision do not propose development of the lots, the subdivision of land could result in the future construction of new single-family residences on each parcel as well as associated agricultural buildings. The construction and future operation of new single-family residences and agricultural buildings is likely to generate GHG emissions. However, based on the screening criteria provided in the 2017 BAAQMD CEQA Guidelines, the amount of GHG generated would not result in a significantly adverse environmental impact. The screening criteria are not thresholds of significance but were developed to provide a conservative indication of whether or not a proposed project could result in potentially significant air quality impacts. According to these guidelines, a project that does not exceed the Operational GHG Screening Size is not expected to result in significant environmental impacts relating to the generation of GHG. For single-family residential development, the operational screening size is 56 dwelling units, and the construction-related screening size is 114 dwelling units (Table 3-1 of the BAAQMD CEQA Guidelines). Two new dwelling units is well below the operational and construction-related screening size for single-family residences. Thus, this project is expected to have a less than significant impact, either directly or indirectly, on the environment with respect to greenhouse gas emissions.
  
- b) **Less Than Significant Impact:** As discussed above in subsection-a and in accordance with the Contra Costa County Climate Action Plan, which was discussed in the Air Quality section of this study, any impacts of the proposed project would result in negligible increases to the amount of greenhouse gas emissions in the County. The 2017 Thresholds of Significance set forth in the BAAQMD CEQA Guidelines include an analysis and screening criteria for determining if a project would contribute to a significant impact to the environment due to the projected greenhouse gas (GHG) emissions. As is done with the regulated air pollutants, if the proposed

project would generate GHG emissions above the identified threshold, then the project would be seen as having the potential for a significant impact. As indicated in the Air Quality CEQA Thresholds of Significance (Table 2-1) of the BAAQMD CEQA Guidelines, a project with total Operational-Related GHG emissions from other than stationary sources<sup>2</sup> that are at a minimum 1,100 metric tons (MT) of CO<sub>2e</sub> per year level or otherwise are not in compliance with a qualified GHG Reduction Strategy would have a significant impact on the environment. While development of the two-lot subdivision is not proposed at this time, it is reasonable to anticipate that the project could result in the construction of new single-family residences sometime in the future, but any emissions generated as a result of the operational activities of two new single-family residences will be far less than the 1,100 MT carbon dioxide threshold and will not result in significant levels of GHG that will conflict with any applicable plan, policy, or regulation pertaining to the reduction of GHG. There may be some increase in greenhouse gases as a result of the project, but they would be considered less than significant due to the temporary nature of the construction phase of the project. Additionally, any cumulative impacts of the proposed project to the amount of greenhouse gas emissions in the County would be negligible and well below the operational and construction-related screening size identified by the BAAQMD for single-family residences. Therefore, the proposed minor subdivision would not substantially conflict with plans, policies, or regulations adopted for the purpose of reducing the emissions of greenhouse gases.

**Sources of Information**

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Bay Area Air Quality Management District. “Spare the Air, Cool the Climate Final, 2017 Clean Air Plan.” Adopted 19 April 2017. [http://www.baaqmd.gov/~media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a\\_-\\_proposed-final-cap-vol-1-1-pdf.pdf?la=en](http://www.baaqmd.gov/~media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-_proposed-final-cap-vol-1-1-pdf.pdf?la=en).

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>9. HAZARDS AND HAZARDOUS MATERIALS – <i>Would the project:</i></b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<sup>2</sup> Stationary sources include, e.g., emergency generators (diesel or natural gas); stationary-source projects are those land uses that would accommodate processes and equipment that emit GHG emissions and would require an Air District permit to operate.

<b>Environmental Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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 create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

a-c) **Less Than Significant Impact:** The proposed project is a two-lot minor subdivision of a 15.54-acre parcel of land and does not include any development. Subsequent to approval of the proposed two-lot minor subdivision application, a single-family residence and accessory structures could be built on each parcel. There would be associated use of fuels and lubricants, paints, and other construction materials during the construction period. The use and handling of hazardous materials during construction would occur in accordance with applicable federal, state, and local laws, including California Occupational Health and Safety Administration (Cal/OSHA) requirements. With compliance with existing regulations, the project would have a less than significant impact from construction.

Project operation would involve the routine transport, use, and disposal of hazardous materials in very small quantities as they relate to household use. Contra Costa County regulates household hazard disposal, and the home’s occupants would be responsible for proper handling and disposal of household materials. Because any hazardous materials used for household operations would be in small quantities, long-term impacts associated with handling, storing, and dispensing of hazardous materials from project operation would be considered less than significant.

Therefore, the potential for impacts associated with handling, storing, and dispensing of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment from project construction or operation would be less than significant.

c) **Less Than Significant Impact:** The Orin Allen Youth Rehabilitation Facility, also known as the Byron Boys Ranch (OAYRF Boy’s Ranch), which provides high school classes to approximately 100 juvenile residents, is located adjacent to and south of the subject property. The nearest school is Excelsior Middle School, located approximately 0.75-miles west of the site. As discussed above

in subsection-a-b, there is no anticipated use, storage, dispensing, or transport of significant quantities of hazardous materials for either the construction or operation of the project. Additionally, there is no anticipated increase in the type of agricultural activities that may result in a significant quantity of hazardous materials or emissions beyond what the subject property or surrounding agricultural land uses produce, store, or transport. Therefore, the project will have a less than significant impact in this respect.

- d) **No Impact:** Pursuant to the Hazardous Waste and Substances Site List (Cortese List) maintained by the California Department of Toxic Substances Control (DTSC), the subject property is not identified as a hazardous materials site.
- e) **No Impact:** The project is not located within the vicinity of any public airport or public use airport and will not conflict with an airport land use plan. The nearest airport facility to the project site is the Byron Airport, which is approximately 2.6 miles south of the project site. Thus, the proposed project would not present any safety hazard to airports or excessive noise for people residing or working in the project area.
- f) **Less Than Significant Impact:** The proposed project is a two-lot minor subdivision of a 15.54-acre parcel of land fronting Bixler Road and located approximately 0.75-mile south of the California Delta Highway and one mile east of Byron Highway, which are part of the State Route 4 system. The California Delta Highway and Byron Highway in this area are identified as arterial routes in the Transportation and Circulation Element of the General Plan (Figure 5-2) and would be used in the event of an emergency requiring evacuation of the local neighborhood. The project would not interfere with the existing infrastructure of Bixler Road or of either nearby Highways. In addition, any potential future development of the lots as single-family residences would not be significant enough to require a transportation analysis for the purpose of emergency response and evacuation plans. The proposed project will not impact the minimum sight distances for vehicles entering and exiting the site. The proposed project will not affect any existing communication/utility structures such as power poles or telecommunications towers, which may be necessary for an existing emergency response or evacuation plan. Accordingly, the project would have a less than significant impact on emergency response and emergency evacuation plans.
- g) **Less Than Significant Impact:** The project site is an agricultural lot and the parcel as well as the surrounding area is characterized as a “Non-Wildland, Non-Urban” on the California Department of Forestry and Fire Protection’s for local responsibility areas and thus, would not be considered to have a high hazard risk due to wildfires. Areas approximately 1.15-miles south and approximately 0.6-mile northeast of the subject property are classified as having a moderate fire hazard severity. The project site is in the East Contra Costa Fire Protection District (ECCFPD) service area. Projects with the potential for development are generally referred to the Fire District for review and comment to ensure that the proposal does not conflict with applicable fire codes. There was no indication from the ECCFPD review of the project that the proposed minor subdivision poses a significant fire risk or fire access risk. The project does not include any development; however, any future proposed development will be required to comply with ECCFPD requirements and with current building codes, including those requiring the installation of automatic fire sprinklers in new single-family residences. Therefore, there is a less than significant impact or less than significant direct or indirect risk of exposing people to loss, injury, or death involving wildland fire.

**Sources of Information**

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Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>10. HYDROLOGY AND WATER QUALITY – Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a, e) **Less Than Significant Impact:** A Stormwater Control Plan (SWCP) is required for applications to subdivide land where the resulting project may result in a total amount of impervious surface area exceeding 10,000 square feet. If at least 10,000 square feet of area can be identified for development, a SWCP shall be prepared and submitted for the review and approval of the Public Works Department, in compliance with the Stormwater Management and Discharge Control Ordinance (§1014), and the County’s Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. As the project exceeds the threshold requiring submittal of a SWCP due to the proposed driveways and buildings, the applicant submitted a Preliminary SWCP for review by the County’s Public Works Department. No proposed drainage facilities are shown on the tentative parcel map and the applicant requested an exception from the collect and convey requirements of the County Ordinance Code due to the large size of the proposed parcels. According to the submitted Preliminary SWCP, the site will be self-treating, no bio-retention basins will be utilized, and the existing drainage ditch along the westerly property line is too high in elevation to receive drainage from the project. Based on comments received from staff of the County Public Works Department (January 4, 2021), Public Works is not opposed to the granting of an exception to collect and convey requirements provided there are no existing drainage problems in the area, no concentrated runoff is being directed to adjacent parcels, and the existing drainage pattern is maintained. No development is proposed with the project as submitted, although some grading is to be included for the proposed private road and development sites identified on the vesting tentative map. If approved, the project is likely to result in the eventual construction of new single-family residences and accessory structures on each lot. No Final SWCP is required for this project until an application for building permits is submitted per the January 2021 memo from the Department of Public Works. Thus, the proposed project is anticipated to be in compliance with applicable water quality standards and/or discharge standards and will not significantly degrade water quality. Furthermore, there is no evidence in the record that the project would conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.
- b) **Less Than Significant Impact:** The project does not include any construction, however, if the minor two-lot minor subdivision is approved, single-family residential development is expected in the future along with any associated agricultural uses. Development of the new parcels will be subject to the Rural Residential Development Policies for Section 8-v of the Conservation Element of the General Plan including “ranchette” policies requiring each parcel to have an on-site producing water well or to install a test well having a minimum of three gallons per minute (GPM) flow rate. The applicant obtained permits in June of 2019 from the Contra County Environmental

Health Division (CCEHD) for two water well sites (#1 and #2) on the subject property. The wells were installed onsite and CCEHD approved final inspection in December of 2019. Based on comments received from the CCEHD related to the well permits, the wells are adequate for subdivision or residential use. In addition, according to the CCEHD, the wells are not located in an area of the County that is known to be water short, thus, the applicant was not required to conduct flow tests through the CCEHD. Nonetheless, the applicant submitted flow test statements prepared by Drill Tech with this minor subdivision application indicating that each well site produced over 50 GMP over a four-hour testing period. In addition to the existing domestic water well sites, the applicant proposes three, 3,000-gallon water storage tanks on each proposed parcel. The anticipated water usage for single-family residential development or associated agricultural uses is not expected to substantially decrease groundwater supplies. Thus, by complying with the Environmental Health Division regulations for wells, the project will have a less than significant impacts on groundwater supplies.

- c) **Less Than Significant Impact (i-iv):** Division 914 of the County Ordinance Code requires that all storm water entering and/or originating on this property to be collected and conveyed, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks or to an existing adequate public storm drainage system which conveys the storm water to an adequate natural watercourse. The subject property contains one man-made, remnant ditch along the western boundary of the property and adjacent to Bixler Road within a Eucalyptus windrow. However, during their biological reconnaissance field study conducted on March 24, 2020, Bargas Environmental Consulting found that the ditch is dominated by upland annual grasses and had no indicators of wetland hydrology. The ditch did not exhibit evidence of recent water flow, or a high-water mark as would ordinarily be found if water flow was present. Furthermore, the ditch is currently blocked with a series of wooden weirs and is not functioning as an irrigation or drainage system. No proposed drainage facilities are shown on the vesting tentative map and the applicant requested an exception from the collect and convey requirements of the County Ordinance Code due to the large size of the proposed parcels. According to the submitted preliminary SWCP, the site will be self-treating, and no bio-retention basins will be utilized. As discussed above in subsection-a, Public Works is not opposed to the granting of an exception to collect and convey requirements provided there are no existing drainage problems in the area, no concentrated runoff is being directed to adjacent parcels, and the existing drainage pattern is maintained. A Final SWCP is not required for this project until an application for building permits is submitted per the January 2021 memo from the Department of Public Works. Thus, in complying with California Regional Water Quality Board C.3 requirements for storm water design elements, a completed and County-approved SWCP ensures that the project will regulate surface runoff in a manner that prevents erosion, siltation and on- or off-site flooding.

Based on the Federal Emergency Management Agency (FEMA) National Flood Hazard map, the eastern portion of the subject property is located within a low to moderate risk Flood Hazard Zone (Flood Zone B) that experiences a 0.2% Annual Chance Flood Hazard. The project does not include any construction, however, upon approval of the minor subdivision and as shown on the vesting tentative map, future single-family residential development would be located in the western area of the resultant parcels which are located in Flood Zone X. Considering that the project generally avoids building areas of the subject property within Flood Zone B, it is anticipated that the project will not significantly impede or redirect flood flows in the area.

Therefore, the potential for the proposed project significantly altering drainage patterns in a manner that would result in substantial erosion, polluted runoff, or flooding is less than significant.

- d) **No Impact:** Seiche, tsunami, and mudflow events are generally associated with large bodies or large flows of water. The Byron area is not included in any tsunami inundation area identified by the California Geological Survey (CGS) hazard maps. According to the Safety Element of the County General Plan, the project site is not located in a hazard zone for mudflows. A seiche is a standing water wave in a standing body of water such as a large lake or reservoir that is caused by an earthquake, a major landslide, or strong winds causing front and back oscillations of the water, similar to a storm surge. The nearest reservoir is the Clifton Court Forebay located approximately 2.75 miles southeast of the subject property and thus unlikely to be affected by any potential seiche. As such, there would be a less than significant risk of pollutants being released from the site due to inundation through flooding, tsunamis, mudflows, or seiche, therefore, there would be no impact in this analysis category.

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Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>11. LAND USE AND PLANNING – Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Cause a significant environmental impact due to conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) **No Impact:** The subject property consists of a vacant lot located in a rural area of unincorporated Byron that is characterized by large agricultural lots and other ranchette lots in the vicinity with a very low population density. Property in this area is predominantly used as pastureland, dry cropland, or orchards, and, if developed, single-family residences with agricultural accessory buildings. The property directly south of the project site is owned by the County and is currently the location of the OAYRF Boy's Ranch. The project site is approximately 15.54 acres in area and is not large enough to constitute an independent, established “community” within its boundaries. The project does not include any development and no aspect of the project would change the existing agricultural and residential land uses on the lot or any of the surrounding lots. Furthermore, the proposed project does not consist of a new roadway or other improvements that would impede or disrupt the manner in which people enter and exit the Byron area. Thus, the proposed project would not physically divide an established community.
- b) **Less Than Significant Impact:** The proposed two-lot minor subdivision of an approximately 15.54-acre parcel of land is subject to the land use plans and policies below:

Land Use Element:

The subject property is in an Agricultural Lands (AL) General Plan land use designation. Generally speaking, the purpose of the AL designation is to preserve and protect land capable of and generally used for the production of food, fiber, and plant materials, as well as other types of agricultural, open space, or non-urban uses such as landfills. The AL land use designation allows for a density of up to 0.2 units per net acre. As proposed, the two-lot subdivision would result in approximately 0.13 units per net acre. Thus, the proposed subdivision of land will not alter or conflict with the land use by allowing the potential for more residential units than what is allowed for the area. In addition, the AL designation allows for the subdivision of lands that conform with the requirements of the “ranchette policy” as outlined in the Agricultural Resources section of the County General Plan Conservation Element. The AL designation also allows for secondary uses such as single-family residences and accessory structures on lots which would remain predominantly agricultural in nature.

Policies for the Primary Zone of the Delta:

General Plan Policy 3-54 is specific to all public and private management and development activities within the Primary Zone of the Delta. The subject property is located within the Secondary Zone of the Delta as designated by the Delta Protection Commission. Thus, the project will not conflict with any of the policies in this section.

Policies for the Southeast County area:

General Plan Policies 3-68 to 3-77 are specific to the guidance of uses and development for the Southeast County area. Generally speaking, the majority of the Policies for the Southeast County area are intended for particular regions (e.g., Byron Airport, Los Vaqueros Reservoir, Altamont Pass, Byron Hot Springs), uses (e.g., wind turbine development, existing and planned recreation), resources (e.g., mineral, or meteorological), or transportation/circulation (e.g., access roads, Union Pacific Railroad, transit service). However, policies 3-68 and 3-69 are applicable to the project.

- The intent of policy 3-68 is to support the concept of allowing for multiple uses that are compatible with the predominantly agricultural and public purposes of the area and stress the need to preserve designated agricultural lands for agricultural uses.
- The intent of policy 3-69 is to limit new land uses within the Southeast County area to those which are compatible with the primary agriculture and watershed purposes of the area (e.g., farming, ranching, etc.). The policy outlines the uses which are generally consistent with the planned agricultural areas, including single-family residences on larger lots.

The two-lot minor subdivision does not involve an amendment to the General Plan land use designation or rezoning and the resultant parcels would remain agricultural in nature and use. The project does not include development but may result in the development of two new single-family residences on lots approximately 7.77-acres in area which would remain compatible with the predominantly agricultural purpose of the area.

Conservation Element: The Conservation Element of the General Plan lists three overall conservation goals (8A-8C):

- Conservation Goal 8A: To preserve and protect the ecological resources of the County.
- Conservation Goal 8B: To conserve the natural resources of the County through control of the direction, extent, and timing of urban growth.
- Conservation Goal 8C: To achieve a balance of uses of the County's natural and developed resources to meet the social and economic needs of the County's residents.

The subject property is not located within an area of known ecological sensitivity and the entire project site has been previously disturbed, primarily through maintenance of the vacant parcel (i.e., periodically clearing grasses). The project does not affect any known gas or mineral resources and, through the implementation of mitigation measures throughout this Initial Study, would not significantly affect air, biological, water, aesthetic, or cultural resources in Contra Costa County. In addition, the subject property is in an area that is designated as important agricultural lands as shown on Figure 8-2 of the General Plan Conservation Element. The goal of establishing important agricultural lands in the General Plan is to encourage and enhance agriculture, conserve agricultural land outside of the Urban Limit Line, and limit urban land uses where applicable. The project will be a subdivision of land and not conflict with any Agricultural Resource Policies of the Conservation Element adopted for the purpose of avoiding or mitigating an environmental effect. The project will also conform with the "ranchette" policies of Section 8-v including the identification and location of wells and septic tanks as shown on the vesting tentative map. The subject property is not under a Williamson Act contract with the County nor will the project impact or conflict with any properties in the area that are under Williamson Act contracts. Any

potential development on the proposed parcels will not eliminate the capacity of the land to be utilized as an agricultural resource.

Zoning

The two-lot minor subdivision project is consistent with the criteria for lot size and permitted land uses with the General Agricultural (A-2) zoning district. Any potential future development would subject to the provisions of the A-2 zoning district and will not impact the regulations with the purpose of avoiding an environmental effect.

Therefore, the proposed two-lot minor subdivision and future development of single-family residences and accessory structures would have a less than significant potential for conflict with any applicable land use policy with the purpose of avoiding or mitigating an environmental effect.

Sources of Information

Contra Costa County General Plan. “Chapter 3: Land Use Element.” 2005 – 2020.

<http://www.co.contra-costa.ca.us/DocumentCenter/View/30913/Ch3-Land-Use-Element?bidId=>.

Contra Costa County General Plan. “Chapter 8: Conservation Element.” 2005-2020.

<http://www.co.contra-costa.ca.us/DocumentCenter/View/30918/Ch8-Conservation-Element?bidId=>.

Contra Costa County Code. “Title 8 – Zoning.” Accessed in 2020.

[https://library.municode.com/ca/contra\\_costa\\_county/codes/ordinance\\_code?nodeId=TIT8ZO](https://library.municode.com/ca/contra_costa_county/codes/ordinance_code?nodeId=TIT8ZO).

Gilbert A. Fitch & Associates. Inc. “Vesting Tentative Map.” Received on 28 October 2020.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>12. MINERAL RESOURCES – Would the project:</b>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUMMARY:

a-b) **No Impact:** According to Figure 8-4 (Mineral Resource Areas) of the Contra Costa County General Plan, the subject property is not located within an area identified as a significant mineral resource area and staff is unaware of any prior studies done at the subject property that indicate the presence of mineral resources. Peters & Ross performed four exploratory test borings on the site in 2019 to a maximum depth of 21.5 feet. No known mineral resources were identified by Peters & Ross within the project vicinity, and there is no reason to believe that they exist at the project site. Thus, the project would not 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, nor would it result in the loss of availability of a locally-important mineral resource recovery site.

**Sources of Information**

Contra Costa County General Plan. “Chapter 8: Conservation Element.” 2005-2020.  
[http://www.co.contra-costa.ca.us/DocumentCenter/View/30918/Ch8-Conservation-Element?bidId=.](http://www.co.contra-costa.ca.us/DocumentCenter/View/30918/Ch8-Conservation-Element?bidId=)

Peters & Ross. “Geotechnical Investigation, Posey Residences APN 002-020-010, Bixler Road, Byron, California” 18 July 2019

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>13. NOISE – Would the project result in:</b>				
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 applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUMMARY:**

a-b) **Less Than Significant Impact:** The proposed two-lot minor subdivision of land does not include any development and thus no additional noise beyond existing levels is expected at the project site. However, potential future development of the lots is expected to include the introduction of work vehicles and power equipment for the duration of construction of single-family residences and/or agricultural buildings as well as earthmoving equipment for the proposed grading. Due to the large size of the subject property as well as the distance between existing residences in the vicinity and the proposed development sites, the temporary noise generated from any future construction is not expected to significantly impact the project site or surrounding parcels. Nor are potential construction-related activities expected to generate excessive groundborne vibrations or groundborne noise levels that would impact the project site or the surrounding area. Groundborne vibration is most commonly associated with railroads, freeways, bus lines, heavy construction and grading activities, large truck traffic, and airports. Groundborne noise is produced when ground vibrations cause resonances in the floors and walls of buildings, which then radiate a rumbling noise directly into the rooms. The project proposes no such uses. In addition, staff will recommend conditions of approval limiting the hours and days of construction

and to require the General Contractor to observe best construction practices to reduce temporary noise impacts due to construction activities on the surrounding area. The noise element of the County General Plan specifies noise exposure levels between 55-70 dB DNL as normally acceptable in agricultural settings. In addition, the project site is not located within a 60 dB DNL noise contour area as shown on Figure 11-5K of the County General Plan Noise Element; therefore, no additional acoustical engineering elements will be required to be incorporated into future residential construction plans. Once any future construction is complete, the use of the project site is not anticipated to permanently increase ambient noise levels. Therefore, the proposed subdivision and future development of single-family residences would have a less than significant impact due to temporary or permanent increases in ambient noise levels in the vicinity.

- c) **No Impact:** The project site is not located within two miles of a public airport or private airstrip, nor is it located within an area covered by the County’s Airport Land Use Compatibility Plan. The nearest airport facility is the Byron Airport, approximately 2.4 miles south of the project site. Thus, the proposed project would not expose people residing or working in the project area to excessive noise levels from either Byron Airport or a private airstrip and there is no impact.

**Sources of Information**

Contra Costa County General Plan. “Chapter 11: Noise Element.” 2005-2020. <http://www.co.contra-costa.ca.us/DocumentCenter/View/30921/Ch11-Noise-Element?bidId=>.

Gilbert A. Fitch & Associates. Inc. “Vesting Tentative Map.” Received on 28 October 2020.

Caltrans. “Transportation and Construction Vibration, Guidance Manual.” September 2013; updated April 2020.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>14. POPULATION AND HOUSING – Would the project:</b>				
a) Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUMMARY:**

- a) **No Impact:** The proposed two-lot minor subdivision, if approved, would potentially increase the housing stock in Contra Costa County by two dwelling units, a change that would not result in substantial population growth. If approved, the project would further limit the substantial increase in population of the area by limiting the ability of the parcel to be subdivided further. The most recent demographic data for population and housing compiled by the US Census Bureau for the Byron area is based on the 2019 American Community Survey (2019 ACS). Available data

indicates an average estimate of 3.26 people per household in the Byron area, and a population of approximately 1,304 people. The expected population increase with construction of two additional residences would be approximately 7 people which would increase the population in the Byron area by approximately 0.5 percent.

The project would utilize Bixler Road, an existing, 18-foot-wide public road within a 60-foot right of way. The applicant has requested an exception request to Chapter 98-4.002 of the County Ordinance that would require widening Bixler Road an additional 11 feet. In comments received in January of 2021, Staff of the Public Works Department indicated that they are not averse to granting the exception as such roadway improvements are not characteristic of the area. Thus, no extension of the existing thoroughfare infrastructure is proposed now or would be required in the future due to development of the new parcels. Therefore, the project would have no potential to induce substantial population growth in the County, either directly or indirectly.

- b) **No Impact:** The proposed two-lot minor subdivision is of a vacant lot that has been previously zoned for agricultural uses. There is no need to alter, remove, or otherwise disturb any of the nearby single-family residences in order to establish the proposed development. Therefore, the proposed minor subdivision of land would not displace any person or existing housing, nor necessitate the construction of replacement housing elsewhere.

**Sources of Information**

Contra Costa County Public Works Department. “Minor Subdivision MS20-0001 Staff Report & Conditions of Approval.” 4 January 2021.

United States Census Bureau. “Byron CDP, Place in Assembly District 11, California; Geography Profile.” Accessed in 2021. <https://data.census.gov/cedsci/profile?g=1600000US0609346>

<b>Environmental Issues</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>15. PUBLIC SERVICES – <i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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:</i></b>				
a) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) **No Impact:** The proposed project for a two-lot minor subdivision has been reviewed by the East Contra Costa Fire Protection District (ECCFPD). In correspondence dated March 18, 2020, staff of the ECCFPD indicated their approval of the proposed access road for the subdivision as submitted and there was no indication that new fire protection facilities would be needed as a result of this project. The proposed project for a two-lot minor subdivision does not propose any

new construction at this time, however it is anticipated that new single-family residences could be developed on the proposed parcels at some time in the future. Thus, staff of the ECCFPD indicated that their approval of the minor subdivision does not relieve the applicant from complying with all applicable fire code requirements. The nearest fire station is East Contra Costa Fire Station 59, located on Bixler Road approximately 2.5-miles north of the project site. The anticipated response time from Station 59 to the project site would be approximately four minutes which is adequate in a rural area. Therefore, the project would have no impact on the provision of fire protection services.

- b) **No Impact:** Police protection and patrol services in the Byron area and the project vicinity are provided by the Contra Costa County Sheriff's office. The Public Facilities/Services Element of the County General Plan requires 155 square feet of station area per 1,000 population in unincorporated Contra Costa County. The proposed two-lot minor subdivision does not include any development, however it is anticipated that the proposed parcels will be developed with single-family residences. As discussed in the Population and Housing section of this study, the addition of two single-family residences would minimally increase the population and would not impact the County's ability to maintain the General Plan standard of having 155 square feet of station area and support facilities for every 1,000 members of the population. Thus, the proposed project will not result in the need for new or expanded police protection facilities or services in the County or the Byron area.
- c) **Less Than Significant Impact:** The project site is located within the jurisdiction of the Byron Union School District. To address student growth in school districts as a result of residential developments in the County, a fee as determined by school district is levied on all new dwellings. The proposed two-lot minor subdivision does not include any development, however it is anticipated that the proposed parcels will be developed with single-family residences at some time in the future. Prior to issuing building permits, the County Building Inspection Division collects the school fees on behalf of the respective school district as part of the overall building permit fees or requires a receipt showing payment of the applicable fee to the school district. Payment of the development fees pursuant to State regulations for school services would reduce impacts to neighborhood schools to less than significant levels.
- d) **Less Than Significant Impact:** The policy for Parks and Recreation in the Growth Management element of the County General Plan indicates that a standard of 3 acres of neighborhood parks per 1,000 persons should be maintained within the County. The proposed two-lot minor subdivision does not include any development, however it is anticipated that the proposed parcels will be developed with single-family residences at some time in the future. The residents of each future dwelling unit would be expected to increase the use of parks in the surrounding area. However, given the amount of available park space compared to the project's relatively small addition to the County's population, the project's impacts on parks would be less than significant. Additionally, the applicant for each future residence would be required to pay the County mandated park impact fee. Park fees are collected to fund the acquisition and development of parks in Contra Costa County to serve unincorporated County residents.
- e) **Less Than Significant Impact:** The proposed two-lot minor subdivision would not significantly affect existing public facilities as it is not expected to substantially induce population growth in the area. Accordingly, the impact of the use of the public libraries or public health facilities by residents of the two future single-family residences would be less than significant.

**Sources of Information**

East Contra Costa Fire Protection District. “Minor Subdivision Review for Access.” Agency Comment Response Letter. 18 March 2020.

Contra Costa County General Plan. “Chapter 4: Growth Management Element.” 2005-2020.  
[https://www.contracosta.ca.gov/DocumentCenter/View/30914/Ch4-Growth-Management-Element?bidId=.](https://www.contracosta.ca.gov/DocumentCenter/View/30914/Ch4-Growth-Management-Element?bidId=)

Contra Costa County. “Title 9, Division 920 – Park Dedication.” Accessed in 2021.  
[https://library.municode.com/ca/contra\\_costa\\_county/codes/ordinance\\_code?nodeId=TIT9SU\\_DIV920PADE](https://library.municode.com/ca/contra_costa_county/codes/ordinance_code?nodeId=TIT9SU_DIV920PADE)

Gilbert A. Fitch & Associates. Inc. “Vesting Tentative Map.” Received on 28 October 2020.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>16. RECREATION</b>				
a) Would the project 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUMMARY:**

- a) **Less Than Significant Impact:** Given the small scale of the project, potentially resulting in two new single-family dwellings, the project would not 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. Therefore, less than significant impacts are expected in this regard.
- b) **No Impact:** The project does not propose the construction of new recreational facilities or the expansion of existing facilities. Therefore, the project will not result in impacts from such activity.

**Sources of Information**

Gilbert A. Fitch & Associates. Inc. “Vesting Tentative Map.” Received on 28 October 2020.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>17. TRANSPORTATION – Would the project:</b>				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3(b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUMMARY:**

- a) **Less Than Significant Impact:** The subject property fronts on Bixler Road, a rural two-lane roadway. Access to the project site from Bixler Road would be through one private gravel road. The applicant has requested an exception from Chapter 914-2 to fully pave the private access road. In a memo dated January 4, 2021, staff of the Public Works Department indicated that they are not averse to granting such an exception although the applicant would be required to pave the first 50 feet of the private road measured from Bixler Road. In addition, Public Works indicated that granting an exception to fully paving the access road would be subject to Fire District approval. In correspondence dated March 18, 2020, staff of the ECCFPD indicated their approval of the proposed access road for the subdivision as submitted.

The applicant has also requested an exception request to Chapter 98-4.002 of the County Ordinance that would require widening Bixler Road an additional 11 feet. Staff of the Public Works Department indicated that they are not averse to granting the exception as such roadway widening improvements are not characteristic of the area. Regional access to the project site would be via the California Delta Highway or the Byron Highway, which are part of the State Route 4 system and classified as arterial routes (Figure 5-2 of the Transportation and Circulation Element of the General Plan). Thus, no extension of the existing thoroughfare infrastructure is proposed now or would be required in the future due to development of the new parcels.

Policy 4-c of the Growth Management Element of the General Plan requires a traffic impact analysis for any project that is estimated to generate 100 or more AM or PM peak-hour trips based upon the trip generation rates as presented by the Institute of Traffic Engineers (ITE). According to ITE trip generation rates (ITE code 210) for detached single-family residential development, the project would result in approximately 1.73 peak trips per day per home (0.74 daily AM trips and 0.99 daily PM trips) if a residence were to be constructed on each parcel. Since the proposed development would yield less than 100 peak-hour AM or PM trips, a project-specific traffic impact analysis is not required.

Therefore, the project would not conflict with a program, plan, ordinance, or policy addressing the circulation system and would have a less than significant impact on the circulation system in the project vicinity.

- b) **Less Than Significant Impact:** CEQA provides guidelines for analyzing transportation impacts relating to vehicle miles travelled (VMT) resulting from the project. The Governor’s Office of Planning and Research has provided the following guidance on evaluating such impacts for small projects: “Absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less than significant transportation impact.” According to ITE trip generation rates for detached single-family residential development, the project would result in approximately 9.44 total trips per day per home if a residence were to be constructed on each parcel. Since there is no reasonable expectation that a project of this scale could exceed 110 daily trips, the project is assumed to have a less than significant impact on traffic. Therefore, the project does not conflict with CEQA guidelines section 15064.3(b).
- c) **Less Than Significant Impact:** The subject property fronts Bixler Road, a public, rural two-lane roadway. Alves Lane has an existing pavement width of 18 feet within a 60-foot right-of-way. As shown on Figure 5-2 (Roadway Network Plan) of the General Plan Transportation and Circulation Element, Bixler Road is not considered to be an existing or proposed arterial, expressway, or freeway, but connects to the California Delta Highway, an existing arterial north of the project site. No substantial changes to the existing transportation system are proposed with this application. Vehicles would use new curb cuts to access the project site from a new private, gravel roadway. As required by the Department of Public Works, the applicant would submit an encroachment permit prior to construction of the proposed private roadway. Therefore, the project will have less than significant impact on the Bixler Road right-of-way and is not expected to substantially increase hazards due to geometric design features or incompatible uses.
- d) **No Impact:** The project was referred to the East Contra Costa Fire Protection District for agency comments. As part of their response dated March 18, 2020, the Fire District approved the minor subdivision review for access and did not identify any concerns with the adequacy of existing or proposed emergency vehicle access. All construction plans for future development will be subject to the applicable Fire Code that is in effect at the time when the application for a building permit is submitted. Therefore, the routine review of construction plans will ensure that the proposed project has no potential for adversely impacting existing emergency access to the subject property or other properties within the County.

### **Sources of Information**

Contra Costa County Conservation and Development Department and Public Works Department.

“Transportation Analysis Guidelines.” 23 June 2020, amended 10 May 2021.

<https://www.contracosta.ca.gov/DocumentCenter/View/70739/FINAL-CCC-Transportation-Analysis-Guidelines-v3-5-10-21?bidId=>

Contra Costa County General Plan. “Chapter 5: Transportation and Circulation Element.” 2005-2020.

<http://www.co.contra-costa.ca.us/DocumentCenter/View/30915/Ch5-Transportation-and-Circulation-Element?bidId=>.

Contra Costa County Public Works Department. “Minor Subdivision MS20-0001 Staff Report & Conditions of Approval.” 4 January 2021.

East Contra Costa Fire Protection District. “Minor Subdivision Review for Access.” Agency Comment Response Letter. 18 March 2020.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>18. TRIBAL CULTURAL RESOURCES – <i>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:</i></b>				
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

a-b) **Less Than Significant Impact:** As discussed in Section 5 (Cultural Resources), the subject property not listed on Contra Costa County’s Historic Resources Inventory, on California’s Register of Historical Resources, or on the National Register of Historic places. Nor is there any building or structure that qualifies to be listed. The project site is vacant. The proposed project was evaluated by the CHRIS, who indicated that, based on their evaluation of the environmental setting and features associated with known sites, there is a low possibility for unrecorded Native American resources in or near the proposed project site. A Notice of Opportunity to Request Consultation for Land Use Permit for the 2-lot minor subdivision was sent to the Wilton Rancheria on December 29, 2020. No requests for consultation or responses regarding tribal cultural resources have been received from California Native American tribes at the time of completion of this study. Additionally, there is no evidence in the record at the time of completion of this study that indicates the presence of human remains at the project site. Regardless, there is a possibility of cultural resources or human remains to be found within the vicinity of the project, and upon implementing mitigation measures **CUL-1** through **CUL-3**, and **GEO-4**, impacts to tribal cultural resources will be less than significant.

**Sources of Information**

California Historical Resources Information System (CHRIS). “MS20-0001 / APN 002-020-010 on Bixler Rd.” Agency Comment Response Letter. 15 September 2021.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>19. UTILITIES AND SERVICE SYSTEMS – Would the project:</b>				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider, which 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) **Less Than Significant Impact:** The subject property is located outside of any water district or sanitary service district. The project does not propose any new development; however, the vesting tentative map identifies the location of a domestic water well and water storage tanks, and a septic and leach field, on each of the proposed new parcels. The potential future development of a septic and leach field on each parcel would require the review and approval of the Contra Costa Environmental Health Division. Therefore, if and when future development is to occur on the proposed parcels, the project is unlikely to result in new or expanded public water or wastewater services.

As discussed in the Hydrology and Water Quality section above, the applicant has submitted a preliminary Stormwater Control Plan (SWCP) and requested an exception to the collect and convey requirements of the County Ordinance Code due to the large size of the proposed parcels. According to the submitted preliminary SWCP, an existing drainage ditch along the westerly property line is too high in elevation to receive drainage from the project, the site will be self-treating, and no bio-retention basins will be utilized. Based on comments received from staff of the County Public Works Department (January 4, 2021), Public Works supports the granting of an exception to collect and convey requirements provided that there are no existing drainage problems in the area, and no concentrated runoff is being directed to adjacent parcels, and the existing drainage pattern is maintained. If approved, the project is likely to result in the eventual

construction of new single-family residences and accessory structures on each lot. No final SWCP is required for this project until an application for building permits is submitted, per the January 2021 memo from the Department of Public Works.

The project is within the service territory of PG&E for electric and natural gas service. It is anticipated that the project will connect to existing electric and/or natural gas connections. There is no indication that the construction of new or expanded electric or natural gas services is required for the ongoing operation of the project. Temporary power for construction activities would also be provided by PG&E. The applicant will be required to apply for temporary power and follow the permitting process for connecting to the electrical grid.

Telecommunications services, including telephone, cellular, internet, and cable television are available within the project site's vicinity. The project site would connect to existing services provided by several different providers, and there is no indication that two new single-family residences would result in the need for expanded services such as new or larger wireless facilities.

By following the processes required for utilizing on-site domestic water wells and septic systems, and to connect to existing storm water drainage, electric power, natural gas, or telecommunications facilities, the impacts of the project concerning these utilities and services would be less than significant.

- b) **Less Than Significant Impact:** The proposed two-lot minor subdivision of land does not require any additional water supplies as no construction is proposed, however, if the minor two-lot minor subdivision is approved, single-family residential development is expected in the future along with any associated agricultural uses. Section 8-v of the Conservation Element of the General Plan regarding subdivision of lands designated for agricultural uses requires each parcel to have an "on-site" producing water well or to install a "test well" having a minimum of three gallons per minute (GPM) flow rate. As discussed in the Hydrology and Water Quality section above, the applicant obtained permits in June of 2019 from the Contra County Environmental Health Division (CCEHD) and installed two water well sites (#1 and #2) on the subject property. Based on comments received from the CCEHD prior to preparation of this initial study, the wells are adequate for subdivision or residential use. In addition, according to the CCEHD, the wells are not located in an area of the County that is known to be water short, thus, the applicant was not required to conduct flow tests through the CCEHD. Nonetheless, the applicant submitted flow test statements prepared by Drill Tech with this minor subdivision application indicating that each well site produced over 50 GMP over a four-hour testing period. In addition to the existing domestic water well sites, the applicant proposes three, 3,000-gallon water storage tanks on each proposed parcel. Thus, the project is expected to have a less than significant impact on the existing demand for water resources during dry, or multiple dry years.
- c) **No Impact:** The project site is not served by a wastewater system or wastewater treatment provider. All wastewater originating from the project will be treated onsite in a private septic system. Thus, there is no potential for the subdivision to be affected by capacity, or lack thereof, at any public wastewater treatment provider.
- d) **Less Than Significant Impact:** There is no proposed development included with the proposed minor subdivision, however, if approved, the resultant parcels could be developed with single-family residences that would generate construction solid waste and post-construction residential solid waste. Construction on the project site would be subject to the CalGreen Construction and

Demolition Debris Recovery Program administered by the Department of Conservation and Development at the time of application for a building permit. The Debris Recovery Program requires that at least 65% of construction job site debris (by weight) for all new residential buildings requiring permits that would otherwise be sent to landfills be recycled, reused, or otherwise diverted to appropriate recycling facilities. Thus, although future construction of the apartment buildings would incrementally add to the construction waste, the impact of the project-related increase would be considered to be less than significant.

With regard to residential solid waste, the project would generate the type of solid waste similar to that of other households in the vicinity. Household waste is ultimately destined for the Keller Canyon Landfill, which has enough approximate capacity to continue accepting waste for the next 50 years. Waste from potential future single-family residences would incrementally increase waste headed to the landfill. However, the potential for the proposed project to exceed the capacity of the currently utilized landfill is minimal. Therefore, the impact of the project-related waste would be considered less than significant.

- e) **Less Than Significant Impact:** Any future construction on the project site would be subject to the CalGreen Construction and Demolition Debris Recovery Program administered by the Department of Conservation and Development. The Debris Recovery Program requires that at least 65% of construction job site debris (by weight) for most construction types, that would otherwise be sent to landfills, be recycled, reused, or otherwise diverted to appropriate recycling facilities. The project is not expected to produce significant amounts of waste that would present a greater conflict with laws and regulations regarding solid waste than similar single-family residences in the vicinity. Furthermore, the owner, construction contractor, and future residents would be subject to applicable federal, state, and local laws related to solid waste. Therefore, the potential for conflict with Federal, State, and local management and reduction statutes and regulations related to solid waste is less than significant.

### **Sources of Information**

Contra Costa County. "CalGreen / Construction & Demolition (C&D) Debris Recovery Program." Accessed in 2020. <https://www.contracosta.ca.gov/4746/CalGreen-Construction-Demolition-Debris->

Contra Costa County Environmental Health Division. "MS20-0001 Bixler Road – Water Wells." Email. Received on 21 October 2021.

Contra Costa County Environmental Health Division. "Well Permits (Well #1 and Well #2)." Issued 24 June 2019, Final Approval 4 December 2019.

Drill Tech, Drilling & Shoring, Inc. "Well Test #1 and Well Test #2." 5 September 2019.

Gilbert A. Fitch & Associates. Inc. "Vesting Tentative Map." Received on 28 October 2020.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>20. WILDFIRE</b> – <i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i>				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUMMARY:**

a-d) **No Impact:** The project site is located in an area classified as a “Non-Wildland, Non-Urban” on the California Department of Forestry and Fire Protection’s for local responsibility areas and thus would not be considered to have a high hazard risk due to wildfires. Nor is the project site located near any state responsibility lands classified as a *Very High Fire Hazard Severity Zone*. The project site is in the East Contra Costa Fire Protection District (ECCFPD) service area. Projects with the potential for development are generally referred to the Fire District for review and comment to ensure that the proposal does not conflict with applicable fire codes. There was no indication from the ECCFPD review of the project that the proposed minor subdivision poses a significant fire risk or fire access risk or would require the installation or maintenance of infrastructure (such as roads). The project does not include any development; however, any future proposed development will be required to comply with ECCFPD requirements and with current building codes, including those requiring the installation of automatic fire sprinklers in new single-family residences. Therefore, it would have no impact on emergency response or evacuation plans or project occupants due to wildfire. Likewise, the project would not result in exacerbated wildfire risks or expose occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Additionally, the subject property and surrounding area is relatively flat topographically, therefore, there will be no impact to project occupants or other people due to downstream flooding, or landslides due to post-fire downslope instability, runoff, or drainage changes.

**Sources of Information**

California State Geoportal. “California Fire Hazard Severity Zone Viewer.” Accessed in 2020. <https://gis.data.ca.gov/datasets/789d5286736248f69c4515c04f58f414>.

East Contra Costa Fire Protection District. “Minor Subdivision Review for Access.” Agency Comment Response Letter. 18 March 2020.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>21. MANDATORY FINDINGS OF SIGNIFICANCE</b>				
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 a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUMMARY:**

- a) **Less Than Significant With Mitigation Incorporated:** Although the proposed project is to subdivide a 15.54-acre parcel and does not include any construction, due to the undeveloped nature of the project site, it has the potential for significant impacts in relation to undiscovered biological or cultural/tribal resources. However, the project would not substantially degrade the quality of the natural environment because the potentially significant impacts regarding aesthetics, biological resources, cultural/tribal resources, and geology/soils as identified throughout this study can be mitigated to less than significant levels. Where mitigation measures are enforced as proposed in this Initial Study, the measures will be conditions of approval of the proposed project and the applicant will be responsible for implementation of the measures. Therefore, the potential for substantial impacts to biological, historical, cultural or other resources as a result of the proposed project is reduced to a less than significant level.
- b) **Less Than Significant With Mitigation Incorporated:** The project site is located in a rural area that is outside of the Urban Limit Line in an area that has been designated primarily for agricultural uses with the capacity for single-family residential development. If approved, the two-lot minor subdivision may result in the development of a new single-family residence on each new parcel. Thus, the number of housing units in the Byron area would increase by two units with the proposed project, which, based on data from the U.S. Census Bureau, would be approximately 0.44 percent of the estimated 445 housing units in Byron as of 2019.

The project site is one of the few in the immediate vicinity of Byron that is vacant. Any potential impacts related to the probable development of the proposed parcels would be related to single-family residential construction and temporary. No long-term adverse impacts are anticipated to occur, and as such, the incremental effects of the project would not be considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects. The County is not currently processing any discretionary applications for non-residential development for properties that are contiguous to the project site. In addition, there are no other applications for the subdivision of parcels currently being processed within the immediate vicinity of the subject property. With the implementation of the mitigations described in the sections above, the proposed project would not result in cumulatively considerable impacts on the environment.

- c) **Less Than Significant With Mitigation Incorporated:** This Initial Study has disclosed potential impacts on human beings that would be less than significant with the implementation of mitigation measures. All identified mitigation measures will be included as conditions of approval for the proposed project, and the applicant will be responsible for implementation of the measures. As a result, there would not be any environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

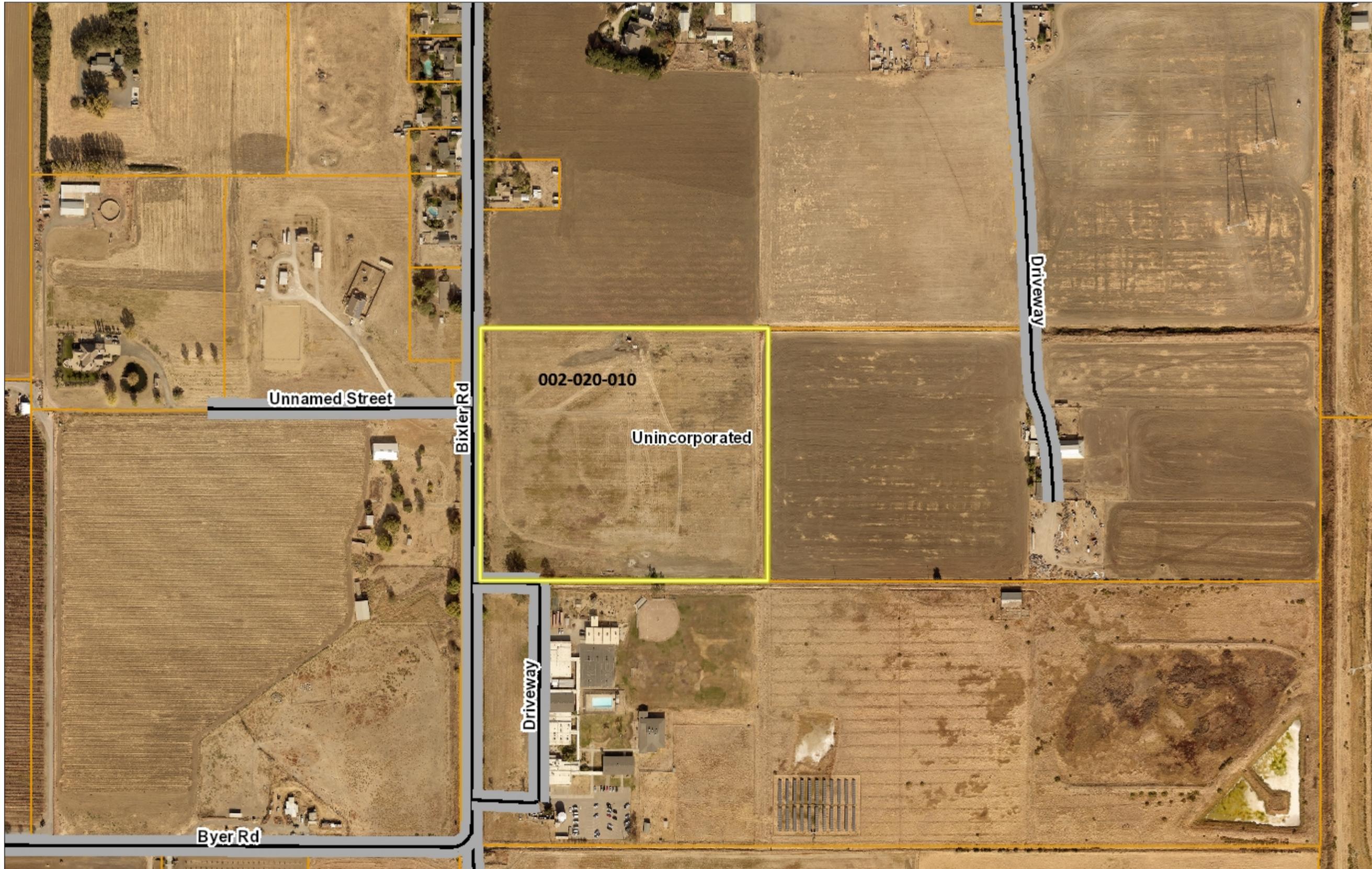
## **REFERENCES**

In the process of preparing the Initial Study Checklist and conduction of the evaluation, the above cited references were consulted. Reference materials are available for review by contacting the project planner, Syd Sotoodeh, Contra Costa County Department of Conservation and Development, by email at [syd.sotoodeh@dcd.cccounty.us](mailto:syd.sotoodeh@dcd.cccounty.us) or by phone at (925) 655-2877.

## **ATTACHMENTS**

- 1) Vicinity Map/Aerial View
- 2) Project Plans
- 3) Mitigation Monitoring and Reporting Program

Project Vicinity Map



Legend

-  City Limits
-  Unincorporated
-  Highways
-  Highways Bay Area
-  Streets
-  County Boundary
-  Bay Area Counties
-  Assessor Parcels
- Aerials 2019
  -  Red: Band\_1
  -  Green: Band\_2
  -  Blue: Band\_3
- World Imagery
  - Low Resolution 15m Imagery
  - High Resolution 60cm Imagery
  - High Resolution 30cm Imagery
  - Citations

1:4,514



0.1 0 0.07 0.1 Miles

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

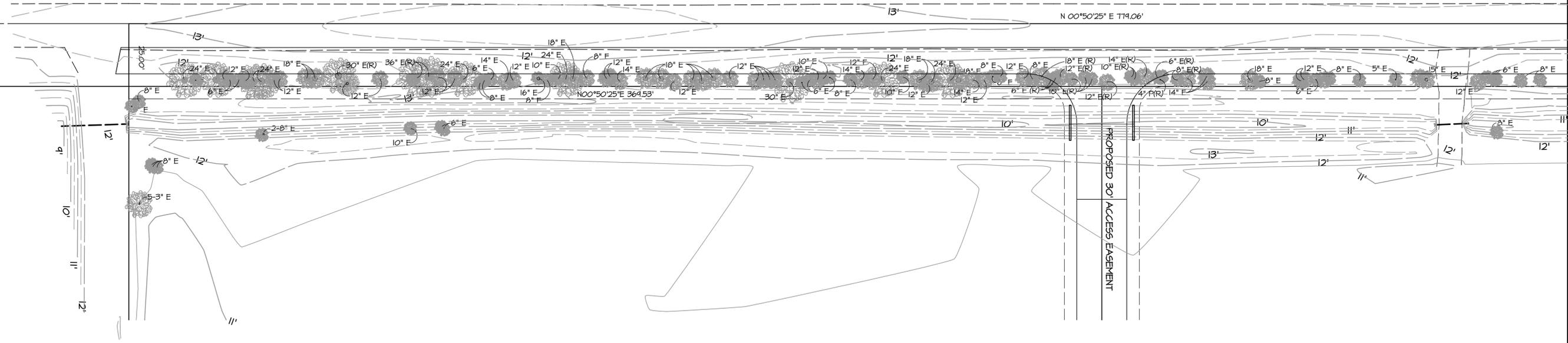
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Contra Costa County -DOIT GIS



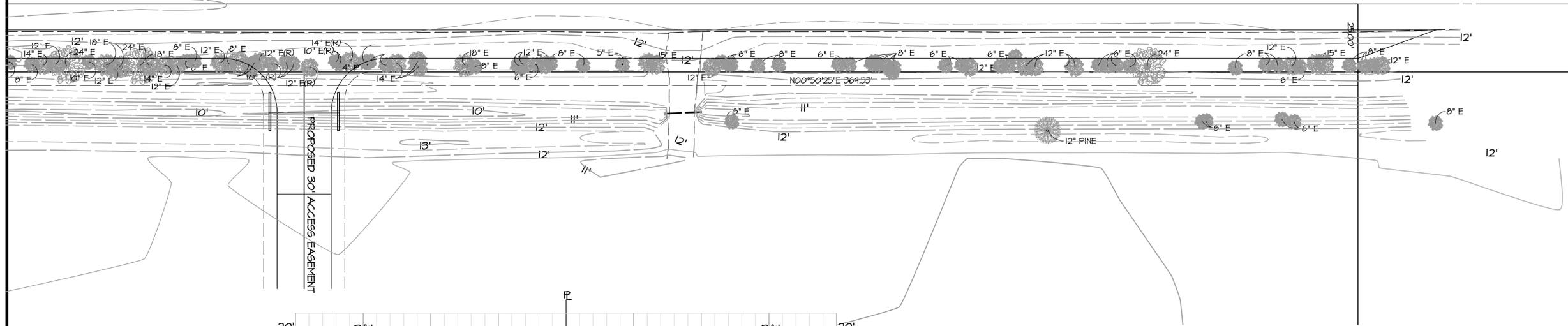
# BIXLER ROAD

N 00°50'25" E 719.06'



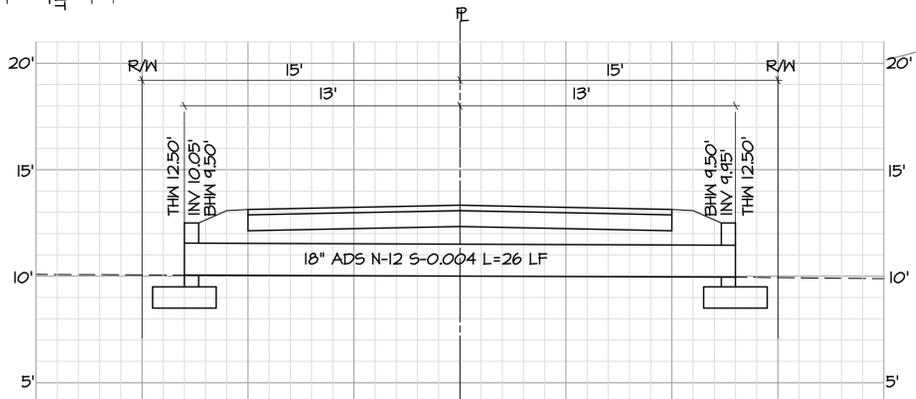
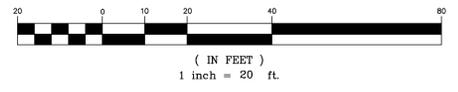
# BIXLER ROAD

N 00°50'25" E 719.06'



- LEGEND**
- RCP REINFORCED CONCRETE PIPE
  - CMP CORRUGATED METAL PIPE
  - CL CENTER LINE
  - GR GROUND
  - EP EDGE OF PAVEMENT
  - PP POWER POLE
  - E EUCALYPTUS TREE
  - P PINE TREE
  - (R) REMOVE
  - - - EXISTING 1' CONTOUR
  - - - EXISTING 0.5' CONTOUR

GRAPHIC SCALE



SECTION A-A  
NO SCALE  
SEE SHEET 1 OF 2

CITY APPROVAL		REVISIONS
BY	DATE	

**GAF** GILBERT A. FITCH & ASSOCIATES, INC.  
 CONSULTING ENGINEERS  
 PO BOX 21542  
 CONCORD, CA 94521  
 PHONE (925) 643-5122  
 SCALE 1"=20'  
 DATE 10/28/2020  
 REG. CIVIL ENGINEER NO. 48427  
 DRAWN BY DJF  
 CHECKED BY  
 APPROVED BY

**VESTING TENTATIVE MAP**  
 PARCEL C (43 LSM 7)  
 BIXLER ROAD  
 BYRON, CALIFORNIA  
 SHEET 2 OF 2  
 SHEET NO. JOB NO. 13093

**Mitigation Monitoring and Reporting Program**

**County File #CDMS20-00001**

**Two-lot minor subdivision of vacant 15.54-acre parcel**

**Bixler Road between Byer Road and Kellogg Creek Road**

**Byron, CA 94565**

**March 7, 2022**

## SECTION 1: AESTHETICS

**Potentially Significant Impacts:** *Although the project does not propose any development at this time, the removal of trees from the windrow and future development on the subject property could potentially alter the existing visual character of the area and impact public views of the site.*

### Mitigation Measures(s):

**AES-1:** All project development is limited to the building pad area for all proposed parcels identified on the tentative parcel map and prepared by Gilbert A. Fitch & Associates and received on October 28, 2020.

**AES-2:** To the extent possible, replacement trees planted as restitution for the code-protected trees removed from the existing windrow shall be planted within or adjacent to the windrow.

Implementing Action:	COA
Timing of Verification:	Prior to CDD approval of construction documents
Party Responsible for Verification:	Project proponent and CDD staff.
Compliance Verification:	Review of Construction Drawings.

## SECTION 3: BIOLOGICAL RESOURCES

**Potentially Significant Impacts:** *There is no construction proposed with the project, however, if approved, it is reasonable to anticipate at a future time that the two-lot minor subdivision could result in the removal of trees from the Eucalyptus windrow along the western property frontage, grading and construction of a new private road, and construction of a single-family residence and accessory structures on each resultant lot. Future construction on the project site has the potential to impact special status wildlife, specifically nesting or foraging birds, within the project site and adjacent areas. If grading or construction would occur during the nesting season, nesting or foraging birds could be disturbed. Bargas did not report any observations of Swainson's hawk or white-tailed kite on any site survey. However, there is a CNDDDB record of Swainson's hawk approximately 1/2-mile to the northwest of the project site and the subject property contains suitable nesting habitat for Swainson's hawk and suitable foraging habit for both Swainson's hawk and white-tailed kite. Thus, the removal of trees from the windrow and development of the project could have a potentially significant adverse environmental impact on nesting Swainson's hawk and white-tailed kite, as well as other birds protected by the Migratory Bird Treaty Act (MBTA). Consistent with the "ranchette policy" as outlined in the Agricultural Resources section of the County General Plan Conservation Element, approximately 25% of the subject property would be developed resulting in a loss of a maximum of four acres of potential Swainson's hawk foraging habitat.*

### Abbreviations:

Condition of Approval (COA)  
Community Development Division (CDD)  
Building Inspection Division (BID)

Mitigation Monitoring Program  
CDMS20-00001  
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## Mitigation Measure(s):

**BIO-1: Preconstruction Avian Surveys – Swainson’s hawk: Prior to the commencement of any tree removal, site grading, or construction activities, whichever occurs first,** Swainson’s hawk surveys shall be conducted by a qualified biologist in accordance with the CDFW’s guidelines for conducting nesting surveys for Swainson’s hawk entitled: Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley (CDFW 2000<sup>1</sup>). To meet the CDFW’s recommendations for mitigation and protection of Swainson’s hawks, surveys shall be conducted for a 1/2-mile radius around all project activities and shall be completed for at least two survey periods immediately prior to a project’s initiation. The guidelines provide specific recommendations regarding the number of surveys based on when the project is scheduled to begin and the time of year the surveys are conducted. For example, if a project is scheduled to begin before June 20, surveys should be completed in Period II (March 20 to April 5) and in Period III (April 5 to April 20). Surveys should not be conducted in Period IV (April 21 to June 10, active nesting season). If the project is scheduled to commence later in the summer, surveys should be completed in Period III (April 5 to April 20) and in Period V (June 10 to July 30, post-fledging).

However, due to the relatively small disturbance area, if construction timing does not allow for the full series of Swainson’s hawk surveys to be conducted, then during the Swainson’s hawk nesting season (March 15 – September 15) and **no more than five (5) days prior to tree removal, site grading, or construction activities,** a preconstruction survey shall be conducted by a qualified biologist to establish whether Swainson’s hawk nests within 1/2-mile of the project site are occupied. If potentially occupied nests are found within 1/2-mile of the project site, then their occupancy will be determined by either observation from public roads or by observations of Swainson’s hawk activity (e.g., foraging) near the project site.

If no active Swainson’s hawk nests are identified during these surveys, no further consideration for Swainson’s hawk is warranted, provided construction commences within 14 days of the final survey. If construction is postponed for more than 14 days, it will be necessary to conduct a follow up nesting survey to ensure that no new nesting has commenced in the project vicinity. No further surveys will be required after project initiation.

If Swainson’s hawks are found to be nesting within 1,000 feet of the project site, the following minimization measures and construction monitoring are required:

- Nest protection buffers shall be established that are a minimum of 300 feet around the nest site, or as established by the qualified biologist in consultation with CDFW,

<sup>1</sup> Swainson’s Hawk Technical Advisory Committee. “Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley.” 31 May 2000 <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990>

### Abbreviations:

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Mitigation Monitoring Program  
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or as required in any Fish and Game Section 2081 management authorization issued to the project by CDFW.

- If an active Swainson’s hawk nest is located in a tree or shrub designated for removal, the removal shall be deferred until young are no longer dependent on the nest site, as determined by a qualified biologist.
- The qualified biologist shall prepare a memorandum that identifies the outcome of the occupied nests and the recommended timing for removal of the buffers or the commencement of tree removal. This memorandum shall be submitted to the CDD **prior to the time that the buffers are removed, or the commencement of tree removal.**

**BIO-2: Prior to issuance of grading or building permits or the removal of trees, whichever occurs first,** the applicant shall submit proof that any permits required by the CDFW for the incidental take of Swainson’s hawk foraging habitat have been applied for or obtained; or show verification that no permits are required.

**BIO-3: Preconstruction Avian Survey – White-tailed Kite and Other Raptors/Migratory Birds:** A preconstruction nesting bird survey should be conducted by a qualified biologist **no more than five (5) days prior to the commencement of tree removal, site grading, or construction activities** during the nesting season (February 1 through August 31). The biologist shall survey all areas within 250 feet of the impact area for raptor and other migratory bird nests. If the survey does not identify any nests, no further mitigation would be recommended. If any bird listed under the Migratory Bird Treaty Act is found to be nesting within the project site or within the area of influence, an adequate protective buffer zone shall be established by a qualified biologist to protect the nesting site. This buffer shall be a minimum of 75 feet from the project activities for passerine/songbirds and a minimum of 200 feet for raptors. The distance shall be determined by the biologist based on the site conditions (topography, if the nest is in a line of sight of the construction, and the sensitivity of the birds nesting). The nest site(s) shall be monitored by a qualified biologist during construction initiation, and at least once weekly thereafter, to see if the birds are stressed by the construction activities and if the protective buffer needs to be increased. If an active nest is located in a tree or shrub designated for removal, the removal shall be deferred until young are no longer dependent on the nest site, as determined by a qualified biologist.

Implementing Action:	COA
Timing of Verification:	Prior to CDD approval of construction documents, earthmoving, construction activities, or tree removal, whichever occurs first;
Party Responsible for Verification:	Project proponent, CDD staff, Consulting Biologist

Abbreviations:

Condition of Approval (COA)  
 Community Development Division (CDD)  
 Building Inspection Division (BID)

Compliance Verification:	Review of Biologist's surveys (if necessary); copies of other agency permits (if any); or other verification provided to CDD staff
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**SECTION 4: CULTURAL RESOURCES**

**Potentially Significant Impacts:** *Construction activities requiring excavation or earth movement could uncover previously unrecorded significant cultural resources and/or human remains.*

**Mitigation Measure(s):**

**CUL 1:** If deposits of prehistoric or historical archaeological materials are encountered during ground disturbance activities, all work within 50 feet of the discovery shall be redirected. A qualified archaeologist certified by the Society for California Archaeology (SCA) and/or the Society of Professional Archaeology (SOPA), and the Native American Tribe that has requested consultation and/or demonstrated interest in the project shall be contacted to evaluate the significance of the finds and suggest appropriate mitigation(s) if deemed necessary.

**CUL 2:** If the deposits are not eligible, avoidance is not necessary. If the deposits are eligible, they will need to be avoided by impacts or such impacts must be mitigated. Upon completion of the archaeological assessment, a report should be prepared documenting the methods, results, and recommendations. The report should be submitted to the Northwest Information Center and appropriate Contra Costa County agencies.

Prehistoric materials can include flake-stone tools (e.g., projectile points, knives, choppers) or obsidian, chert, or quartzite tool-making debris; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, and cultural materials); and stone milling equipment (e.g., mortars, pestles, handstones). Historical materials can include wood, stone, concrete, or adobe footings, walls and other structural remains; debris-filled wells or privies; and deposits of wood, glass ceramics, and other refuse.

**CUL-3:** Should human remains be uncovered during grading, trenching, or other on-site excavation(s), earthwork within 30 yards of these materials shall be stopped until the County coroner has had an opportunity to evaluate the significance of the human remains and determine the proper treatment and disposition of the remains. Pursuant to California Health and Safety Code Section 7050.5, if the coroner determines the remains may those of a Native American, the coroner is responsible for contacting the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, the NAHC will then determine a Most Likely Descendant (MLD) tribe and contact them. The MLD tribe has 48 hours from the time they are given access to the site to make recommendations to the land owner for treatment and disposition of the

Abbreviations:

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<p>ancestor's remains. The land owner shall follow the requirements of Public Resources Code Section 5097.98 for the remains.</p>	
Implementing Action:	COA
Timing of Verification:	Upon discovery of archaeological materials or human remains
Party Responsible for Verification:	Project proponent, CDD staff, consulting Archaeologist
Compliance Verification:	Review of archaeologist's report

**SECTION 5: GEOLOGY AND SOILS**

**Potentially Significant Impacts:** *Although the subject property is not located within a designated EFZ and is in an area of the County that is relatively flat and thus landslides are unlikely, there is a potential for direct or indirect risks of loss, injury or death involving secondary seismic hazards such as ground shaking, ground failure, and liquefaction. Furthermore, the project is located within a liquefaction seismic hazard zone and is subject to the provisions of the Seismic Hazard Mapping Act. Thus, There are potentially significant geologic/geotechnical impacts, but mitigation measures are available that would ensure the impacts are less than significant. Additionally, although there are no known paleontological resources located on the subject property, ground disturbance during the project's construction phase has the potential for disturbing previously unknown unique paleontological resources.*

**Mitigation Measure(s):**

**GEO-1: At least 45 days prior to filing of the Final Map,** the project proponent shall submit an updated geotechnical report for review by the Community Development Division (CDD) and the County Peer Review Geologist which provides an updated estimate of differential settlement, that clarifies that the estimate is for a reinforced earth pad for dwellings, and that specifies over what distance the settlement will occur. In addition, the project structural engineer shall provide assessment of the performance of proposed mat foundations based upon the updated estimate of differential settlement and indicating if the mat foundation will withstand the settlement or require leveling in the aftermath of an earthquake that generates the anticipated differential settlement.

**GEO-2: At least 45 days prior to filing of the Final Map,** the project proponent shall submit to the CDD for review and approval, a deed disclosure informing future owners of both Parcel A and Parcel B that: (i) the soils on the site are expansive, (ii) the sands in the subsurface have been determined to be subject to liquefaction, (iii) the water table is extremely shallow, and (iv) portions of the property have been confirmed to be a subject to inundation of the 500-year flood. The deed disclosure shall also provide a bibliographic

citation to the geotechnical report of Peters & Ross (7/18/2019), indicate where a copy of the report can be obtained, and key geotechnical recommendations shall be summarized.

**GEO-3:** Geotechnical observation and testing shall be administered during construction activities. The monitoring shall commence during clearing, and extend through grading, placement of fill and aggregate base, installation of drainage facilities, and foundation related work. These observations will allow the project geotechnical engineer to compare actual exposed conditions with anticipated conditions, and to verify that the contractor's work conforms with the geotechnical aspects of the plans and specifications. **Prior to requesting a final grading inspection**, the project proponent shall submit a report from the project geotechnical engineer that documents their observation and testing services to that stage of construction, including monitoring, and testing of backfill required for utility and drainage facilities.

Similarly, **prior to requesting a final building inspection** for all buildings for human occupancy in the project as defined by the building code (2,000 person hrs./year), the project proponent shall submit a letter or report from the geotechnical engineer documenting the monitoring services associated with implementation of final grading, drainage, paving and foundation-related work. If the final inspection of all buildings is to be performed at one time, the geotechnical engineer's final report may address the entire project; if final inspections are to be staged over a period of time, there shall be geotechnical letters for each building/grouping of buildings at the time that the final building inspection is requested.

**GEO-4:** Should unique paleontological materials be uncovered during grading, trenching, or other on-site excavation(s), all earthwork within 30 yards of the materials shall be stopped until the CDD has been notified, and a qualified paleontologist contacted and retained to evaluate the significance of the find, and, if deemed necessary, suggest appropriate mitigation(s).

Implementing Action:	COA
Timing of Verification:	Prior to filing the final map; CDD approval of construction documents; throughout construction-related activity, and prior to final inspections
Party Responsible for Verification:	Project proponent, CDD staff, Consulting Geotechnical Engineer, County Geologist
Compliance Verification:	Review of Geotechnical Engineer's report; review of Construction Drawings; or other verification provided to CDD staff

Abbreviations:

Condition of Approval (COA)  
 Community Development Division (CDD)  
 Building Inspection Division (BID)