

**CATEGORICAL EXEMPTION
AND
SUPPLEMENTAL CEQA ANALYSIS**

FOR THE

**OLIVEHURST COMMUNITY PARK
SPLASH PAD PROJECT**

OLIVEHURST PUBLIC UTILITY DISTRICT

1970 9th Avenue
Olivehurst, CA 95961

Prepared with the Technical Assistance of:



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CATEGORICAL EXEMPTION AND SUPPLEMENTAL CEQA ANALYSIS

1. INTRODUCTION

The Olivehurst Public Utility District (OPUD or District), as Lead Agency under the California Environmental Quality Act (CEQA), proposes to construct and operate a new water feature (splash pad) in Olivehurst Community Park within the unincorporated community of Olivehurst in Yuba County. This report serves as the technical documentation of environmental analyses performed by Environmental Planning Partners, Inc. for the splash pad project. The intent of the following analyses is to determine whether the project is required to comply with CEQA requirements to prepare environmental documents or whether it is exempt from these duties.

Section 15300 of the State CEQA Guidelines states that:

Section 21084 of the Public Resources Code requires these Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA.

In response to that mandate, the Secretary for Resources has found that the following classes of projects listed in this article do not have a significant effect on the environment, and they are declared to be categorically exempt from the requirement for the preparation of environmental documents.

The exempted projects set forth in the CEQA Guidelines are described as being “Categorically Exempt.” The following class of projects identified in Section 15300 et seq. of the State CEQA Guidelines may be applicable to the proposed OPUD project:

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Compliant types of projects under Class 1 include existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services.

The Guidelines also list a series of exceptions that govern whether a Categorical Exemption is appropriate under different circumstances. As set forth in Section 15300.2, exceptions that could prevent the use of a Categorical Exemption include: the location of the project; whether there are cumulative effects to which the project contributes; whether there are any significant environmental effects caused by implementation of the project; whether the project is near a scenic highway and could cause adverse visual effects; whether the project is located on a hazardous waste site; or whether there are historical resources that could be adversely affected by project implementation.

The intent of the following analysis is to determine whether the project qualifies for the identified exemption category described above, and whether any of the exceptions listed in the guidelines exist for the project. This report provides an introduction, project description, and an evaluation of the project’s consistency with CEQA requirements for Class 1 exemptions. The analysis concludes that the project is eligible for a Class 1 Categorical Exemption. A Notice of Exemption for the project has been approved by the OPUD.

2. PROJECT DESCRIPTION

Project Title:	Olivehurst Community Park Splash Pad Project
Project Location:	Olivehurst Community Park 1970 9 th Avenue Olivehurst, CA 95961
Assessor's Parcel Number:	012-240-010
Lead Agency Name and Address:	Olivehurst Public Utility District 1970 9 th Avenue Olivehurst, CA 95961
Contact Person / Phone Number:	John Tillotson Phone: (530) 743-4657
General Plan Designation:	Valley Neighborhood (<i>Yuba County General Plan</i>)
Zoning Category:	PF - Public Facilities District

PROJECT LOCATION

Olivehurst Community Park

The splash pad project site is situated within OPUD's Olivehurst Community Park. The site is located in Section 5, Township 14 North, Range 4 East Mount Diablo Base and Meridian, at approximately 39°05' 25.46"N, 121°32' 38.43"W. See Figure 1.

The park is situated in an area of low-density single-family residential housing and mobile home parks. Highway 70 lies to the east, the Olivehurst Fire Department is adjacent to the OPUD offices to the west, and a PG&E utility yard is located across 9th Avenue to the north.

Splash Pad

The proposed splash pad project would be constructed within the park, to the south of the existing playground structure (see Figure 2). Water features would be installed within an approximately 960 square foot area, surrounded by a 5-foot over-spray zone. A proposed sidewalk would connect the splash pad area to the nearby walkway that traverses the park from north to south.

EXISTING SITE CONDITIONS

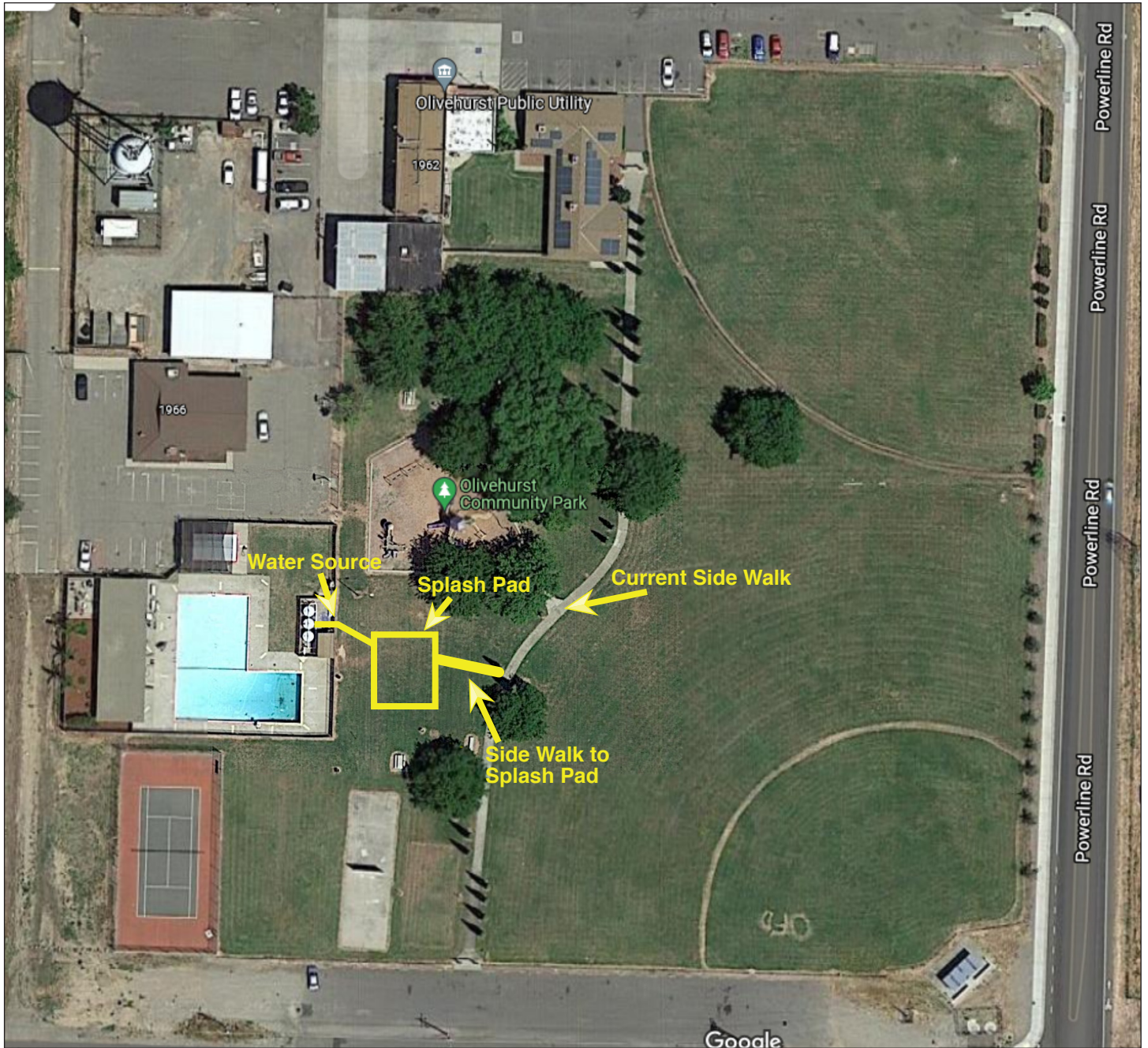
Olivehurst Community Park

The Olivehurst Community Park is located on 9th Avenue; the Olivehurst Public Utility District Offices are located in the northwest corner of the parcel. Facilities at the park include two baseball fields, play structures, a swimming pool, a tennis court and backboard, and picnic tables and benches.



SOURCE: Google Earth 2022; Planning Partners 2022

OPUD Splash Pad Project
Figure 1
 Regional Location



SOURCE: OPUD 2022; Planning Partners 2022

OPUD Splash Pad Project

Figure 2
Site Plan

OBJECTIVES

OPUD's goal is to promote a safe and fun recreation opportunity to users of the District's park.

PROJECT CHARACTERISTICS

OPUD proposes to construct a water play feature adjacent to an existing community swimming pool within Olivehurst Community Park. The water play feature, known as a splash pad, would be similar to an existing facility operated by OPUD within the Lindhurst Memorial Park in Olivehurst.

A splash pad is a recreation area for water play that has little or no standing water. Typically, there are ground nozzles that spray water upwards out of the splash pad's raindeck. There may also be other water features such as a rainbow, or mushroom- or tree-shaped showers. Some splash pads feature movable nozzles similar to those found on fire trucks to allow users to spray others. The splash pad is surrounded by an 5 foot wide over-spray zone that provides a dry walking area at the perimeter of the splash pad.

As proposed by OPUD, the splash pad, including an overspray zone, would be constructed within a 36 foot by 36 foot paved area (1,296 square feet) of Olivehurst Community Park. Within this larger area, the active splash pad would encompass 960 square feet. The splash pad would be a concrete pad, surfaced in a textured "cool deck" coating. Benches may be installed within the overspray zone. See Figure 3.

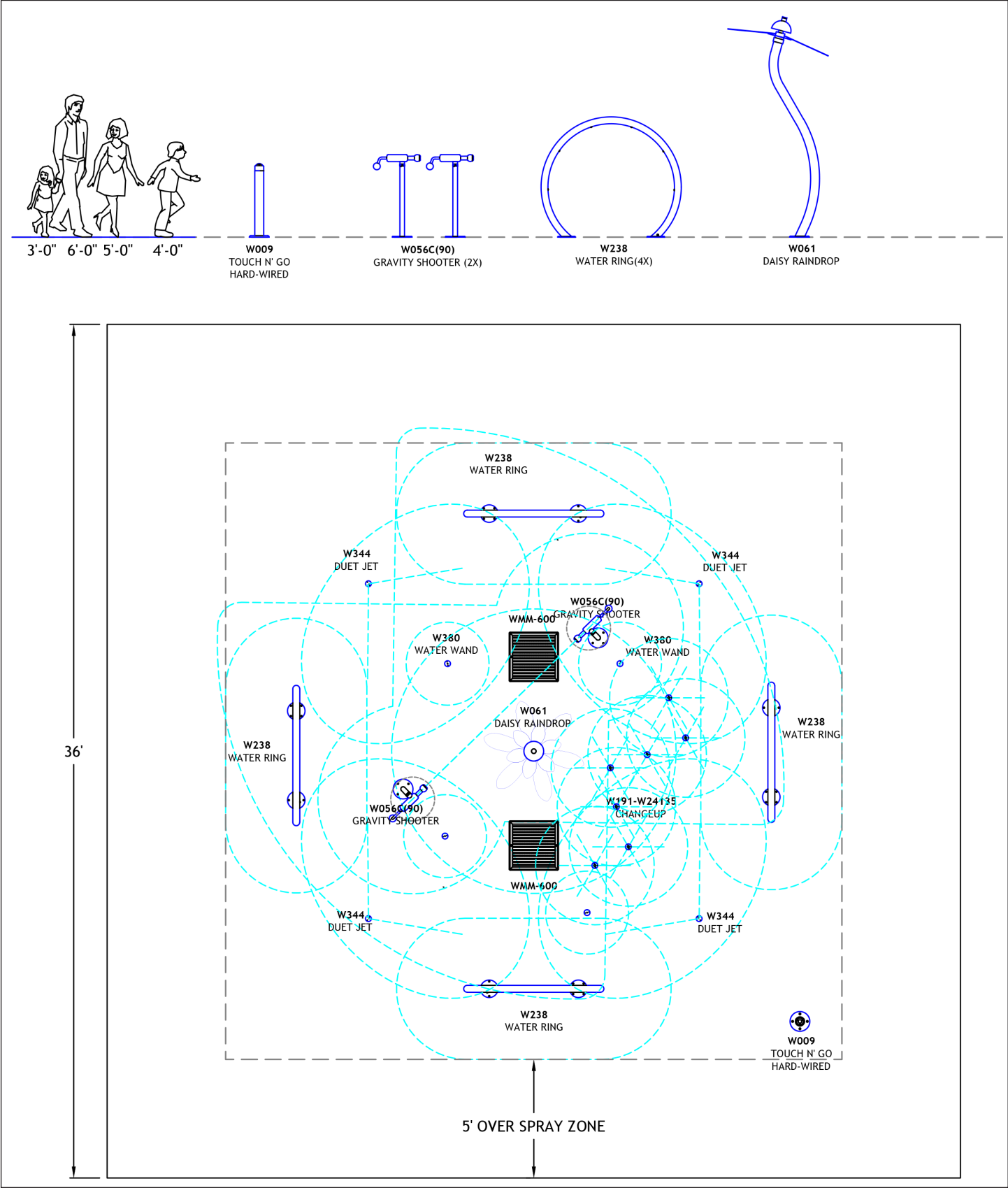
Outside the larger area, OPUD would construct a 4 foot by 47 foot walkway to connect the splash pad to the existing walkway system within the park. Implementation of the project would also result in the installation of two 25± foot long pipelines connecting the splash pad to existing water and wastewater facilities serving the community swimming pool. The existing water facilities would provide potable water to the splash pad; water drained from the pad after use would flow to OPUD's existing wastewater collection system.

The following splash pad components would be installed:

- Ground features to spray water upwards from the splash pad's deck. The amount of water sprayed from these facilities would range from 3 to 6 gallons per minute (gpm)
- Above ground features include those that create screens of water, those that release water from above, and movable nozzles emitting a soft stream of water that may be aimed. The amount of water sprayed from these facilities would range from 12 to 40 gpm.
- Activation controls to set the various water features in motion. Once activated by a user, the emitters would run for a limited time, with typically three to four minutes between splashes. The number of activations per hour would also be limited.

The splash pad would be operational from 11:00 a.m. to dusk during the summer months. Parking for users of the splash pad would be provided by existing parking available within the park.

The splash pad project would be constructed in a single phase over a period of 90 days beginning in Spring 2022. The marshaling yard for equipment and materials storage would be established within a previously disturbed or paved area of the park.



SOURCE: Fountain People, Inc. 2022; OPUD 2022

OPUD Splash Pad Project

Figure 3
 Splash Pad Layout

ENVIRONMENTAL COMMITMENTS

Based on the OPUD's experience with similar projects and regulatory requirements, the District has included the following environmental commitments on the project plans and all construction documents. These commitments will be implemented in the design, construction, and operation of the proposed splash pad project.

Air Quality

Construction of the project will be subject to Feather River Air Quality Management District (FRAQMD) rules in effect at the time of construction. OPUD will implement, or require its contractors to implement, all of the following construction phase Standard Mitigation Measures required by FRAQMD:

1. Implement the Fugitive Dust Control Plan.
2. Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0, Visible Emissions limitations (40 percent opacity or Ringelmann 2.0).
3. The contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained prior to and for the duration of on-site operation.
4. Limiting idling time to 5 minutes – saves fuel and reduces emissions.
5. Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators.
6. Develop a traffic plan to minimize traffic flow interference from construction activities, if necessary.
7. Portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, may require California Air Resources Board (ARB) Portable Equipment Registration with the State or a local district permit. The owner/operator shall be responsible for arranging appropriate consultations with the ARB or the District to determine registration and permitting requirements prior to equipment operation at the site.

Cultural Resources

Prior to initiation of construction on the project site, OPUD will require that any construction or improvement plans contain a notation requiring that if any archaeological, cultural, historical resources, artifacts or other features are discovered during the course of construction anywhere on the project site, work shall be suspended in that location until a qualified professional archaeologist assesses the significance of the discovery and provides consultation with OPUD staff. Appropriate mitigation for curation or protection of the resources, as recommended by the archaeologist, will be implemented upon approval by OPUD. Further site work within the area of discovery will not be allowed until the preceding steps have been taken.

In addition, pursuant to §5097.98 of the California Public Resources Code, and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of any human remains, all work will stop and the County Coroner will be notified immediately. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission will be adhered to in the treatment and disposition of the remains.

Geology/Soils & Hydrology and Water Quality

Construction Water Quality

Yuba County's Phase II MS4 NPDES General Permit issued by the State Water Board requires the County to develop and maintain a program to assure that sediment and other pollutants from construction activities do not flow into the County's storm water drainage system and, subsequently, impact local receiving waters. The County's Permit requires that the owner of any construction project having soil disturbance to submit an Erosion and Sediment Control Plan (ESCP) to the County. The ESCP must both identify potential sources of erosion and sedimentation associated with the project and identify the control measures (best management practices or BMP) used to prevent erosion and control sedimentation within the project.

All construction projects that have soil disturbance and pass through plan check or the County's permitting process must develop an ESCP. Projects having less than 1 acre of soil disturbance must submit an ESCP using a worksheet provided by the County. The worksheet requires basic project and contact information, as well as basic site information including location, status, approximate start and end dates, and the area of soil disturbance. The BMPs that will be used during construction are also required to be identified. A basic site map showing the project boundaries, adjacent streets, storm drain inlets, placement of BMPs, and where construction work will be occurring is required to be included.

Noise

To reduce the effects of construction noise on affected residents, the OPUD or its contractor will implement the following measures for the proposed project:

1. All work necessary to implement the project will be performed between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday.

3. ENVIRONMENTAL TOPICAL ANALYSES

Aesthetics

The project site is located in an urban area zoned for residential uses. No scenic highways are designated in the project vicinity (Caltrans 2021). All work would take place on the District's park parcel. There would be no change in visual resources upon completion of the project, and there would be no new sources of light or glare. There is no potential for impact with respect to these environmental resources.

Agricultural and Forestry Resources

As previously noted, the project site is located in an urban area zoned for residential uses. According to the California Department of Conservation, the area affected by the project is designated as Urban and Built-Up Land (DOC 2022). No important farmlands, agricultural activities, designated forest lands, or commercial forest activities exist in the project area. There is no potential for impact with respect to these environmental resources.

Air Quality

The project site is located in Yuba County, within the Sacramento Valley Air Basin (SVAB). Air quality within Yuba County is regulated under both federal and state Clean Air Acts by the Feather River Air Quality Management District (which includes Yuba and Sutter counties).

The proposed project includes construction of a water play feature within a 1,296 square-foot paved area. The individual components of construction emissions include employee trips, exhaust emissions from construction equipment, and fugitive dust emissions. Operation activities resulting in air emissions include vehicular trips generated by the water play feature and energy use.

To streamline the process of assessing significance of criteria pollutant emissions from commonly encountered projects, the FRAQMD has developed screening criteria by calculating the size of various land use projects that are estimated to exceed the thresholds of significance for criteria pollutants (see Table 5-1 of FRAQMD CEQA guidance¹). According to the screening criteria, no quantification of criteria pollutant emissions is needed for projects less than or equal to the size thresholds, by project size. The screening criteria land uses include a City Park with an 800-acre project size threshold; the proposed splash pad project size of approximately 0.03 acres would not exceed the threshold for this project type. Based on the project size, project specific construction and operation emissions of criteria pollutants are not expected to exceed FRAQMD significance thresholds of 25 pounds per day of NO_x or ROG, and 80 pounds per day of PM₁₀.

Based on review of the proposed project, environmental commitments related to air quality will appear on the project construction plans for the purpose of minimizing potential effects. With implementation of FRAQMD construction phase Standard Mitigation Measures as set forth as environmental commitments above, the project would be considered to have a less-than-significant impact on air quality.

Biological Resources

The project site is located in an urban area zoned for residential uses. All proposed work would take place within the District's park parcel. The California Department of Fish and Wildlife's California Natural Diversity Database was queried to determine the likelihood of occurrence for special-status species or sensitive and regulated habitats on the project site (CDFW 2021). Results showed the potential for presence of five species: a bird, the white tailed kite (*Elanus leucurus*); two species of vernal pool invertebrates, the vernal pool tadpole shrimp (*Lepidurus packardii*), and the vernal pool fairy shrimp (*Branchinecta lynchi*); and two plants associated with vernal pools, the veiny monardella (*Monardella venosa*) and Hartweg's golden sunburst (*Pseudobahia bahiifolia*). Hartweg's golden sunburst is considered to be endangered under both the federal and State Endangered Species Acts (ESA); the vernal pool tadpole shrimp is designated as endangered under the federal ESA; and the vernal pool fairy shrimp is identified as threatened. While not formally listed by either of the ESAs, the veiny monardella is listed by the California Native Plant Society. The white tailed kite has no formal listing.

¹ Indirect Source Review Guidelines: A Technical Guide to Assess the Air Quality Impact of Land Use Projects Under the California Environmental Quality Act. June 7, 2010. Feather River Air Quality Management District.

The two invertebrate and two plant species are associated with vernal pool habitats; however, because all construction activities would occur within a developed park, no vernal pools would be present on the project site. Thus, no habitat for these species is located within the area to be affected by the project.

A query of the United States Fish and Wildlife's (USFWS) Information for Planning and Consultation database resulted in the identification of 1 bird, 1 reptile, 1 amphibian, 1 fish, 1 insect, 3 crustaceans, and one plant identified as threatened or endangered (USFWS 2021). Except for one, all species identified are associated with water bodies (stream, lake, marshes) or vernal pools. No aquatic habitat or vernal pools occur in the project site or in areas that would be affected by project construction activities. The remaining species, the Valley Elderberry Longhorn Beetle, is associated with blue elderberry shrubs (*Sambucus nigra* ssp. *caerulea*). No elderberry shrubs are present on the project site. No critical habitats were identified by the USFWS in the project vicinity, and the National Wetland Inventory indicated that there are no known wetlands on the project site.

Because no sensitive biological resources exist in the project areas, there is no potential for impacts during project construction.

Cultural and Tribal Resources

Information regarding known cultural and historic resources within the project area was obtained from the California Historical Resources Information System, North Central Information Center (NCIC) in November 2021. According to information provided by the NCIC, no known cultural resources have been identified within the project area; one historic resource, the Olivehurst Water Tower located at 1492 9th Avenue, was identified (NCIC 2021). (For a depiction of the project area, see Figure 1.) No project activity would occur in the vicinity of the water tower, and it would be unaffected by the proposed project components.

Although there are no known cultural or tribal cultural resources within the project area with the exception of the water tower, and the splash pad would be installed within a previously disturbed area, the overall project area has been determined by the NCIC as having a high potential for location historic-period cultural resources. To avoid potential impacts to unknown cultural and historic resources, OPUD has developed the environmental commitment set forth above that will be included on the project's construction plans. Implementation of the measure will protect unknown cultural and tribal cultural resources through the implementation of appropriate protocols in the event of any inadvertent discovery during construction.

With implementation of the cited commitments, there would be no potential for impacts to unknown cultural and historic resources during construction related to the splash pad project.

Energy

Development of the proposed project would entail energy consumption that includes both direct and indirect expenditures of energy commonly associated with construction activities. Energy use from operations would increase with operation of the splash pad features. While implementation of the project would represent an increase in energy use during construction and operation, over the life of the project, energy would not be consumed in a wasteful or inefficient manner. There would be no potential for adverse impacts to energy use related to the splash pad project.

Geology and Soils

No geologic hazards that would be exacerbated by the proposed splash pad project are present in the project area (Yuba County 2011a). Construction and operation of the proposed project would not result in increased hazards. Temporary increases in the erosion of exposed soils during construction and installation of project components could result in minor on- or off-site water quality impacts, particularly if rainfall events occur during an active construction phase. However, OPUD has identified a number of requirements and stormwater management practices that would be instituted during the construction of the project. The OPUD would implement the construction environmental commitments set forth above. With implementation of the cited actions, there would be no potential for impacts during construction related to the splash pad project.

Greenhouse Gas Emissions

The FRAQMD, the local agency in charge of regulating air pollutant emissions in Yuba County, has not established specific thresholds applicable to GHG emissions or guidance for the evaluation of GHG emissions (FRAQMD 2010).

Greenhouse gas emissions would be generated from the proposed project during construction and operation. Temporary GHG emissions would occur during construction activities, predominantly from heavy-duty construction equipment exhaust and worker commute trips. Operational GHG emissions would result from energy use associated with operation of the splash pad; and from mobile sources associated with future visitor and employee vehicle trips.

According to the FRAQMD, the project size (0.03 acres) is substantially below the FRAQMD's screening level (800 acres of City Park) for projects expected to emit a substantial amount of criteria pollutants. Based on these numbers, and the fact that there would be minimal increase in operational air emissions with implementation of the proposed splash pad, the project is thereby excluded from the need to complete a quantitative air quality analysis (FRAQMD 2010). Similarly, the proposed project would make a relatively small contribution to GHG emissions. Therefore, GHG emissions were not quantified.

Considering the low level of GHG emissions from the proposed project, the GHG emissions associated with the proposed project construction would make a minor contribution to climate change. GHG emissions would not be expected to be significant, and the project would not be expected to make a substantial contribution to the cumulatively significant impact of global climate change.

Hazards and Hazardous Materials

The project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code (DTSC 2022). The nearest identified site to the proposed project site is the Yuba Gardens Intermediate School clean-up site, located approximately one quarter-mile to the south. Clean-up of the site was completed successfully and certified on July 23, 2010. According to the California Department of Toxic Substances Control, no further action was required.

Hazardous materials would be used during construction of the proposed project. Chemicals used in construction (fuels, lubricants, joint compounds) could be released to the environment if spilled. However, OPUD has identified a number of requirements and stormwater management practices that would be instituted during the construction. OPUD would implement the construction

environmental commitments set forth above. With implementation of the cited actions, there would be no potential for impacts during construction related to the splash pad project.

Hydrology and Water Quality

Implementation of the project would result in the installation of two 25± foot long pipelines connecting the splash pad to existing water and wastewater facilities that serve the community swimming pool. The existing water facilities would provide potable water to the splash pad; water drained from the pad after use would flow to OPUD's existing wastewater collection system.

Because all construction would occur within the District's developed park parcel, there would be no potential for project construction to adversely affect existing drainage patterns or facilities. No additional stormwater would be generated by the construction of the facilities.

Temporary increases in the erosion of exposed soils during construction of the splash pad could result in minor on-site water quality impacts, particularly if rainfall events occur during an active construction phase. However, the OPUD has identified a number of requirements and stormwater management practices that would be instituted during construction. The OPUD would implement the construction environmental commitments set forth above. With implementation of the cited actions, there would be no potential for impacts during construction related to the splash pad project.

Land Use and Planning

Because all proposed construction would take place within the District's park parcel, it would not divide the established community of Olivehurst. The proposed splash pad would be a recreational use consistent with the Yuba County zoning designation of "Public Facility," and the site's existing use as a public park. There would be no potential for impacts to land uses and planning policies with implementation of the project.

Mineral Resources

No mineral resources are located within the project areas (Yuba County 2011b). Thus, there would be no adverse effects to these resources.

Noise

There would be no noise or vibration effects generated by the operations of the proposed project.

Construction would temporarily increase noise levels in the vicinity of construction activities intermittently over the construction period. Construction activities would be considered an intermittent noise impact throughout the construction of the project, and would vary in their effects on nearby residents depending on the presence of intervening barriers or other insulating materials. All work would be performed between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday. No weekend or holiday work is planned.

Based on General Plan policies and other considerations, Yuba County has established Noise Ordinance standards for noise levels from activities, including construction (Yuba County 2021). Maximum noise levels during project construction may be higher than Chapter 8.20.140 of the Yuba County Code would normally allow (60 dB - 7:00 pm to 10:00 pm.; 65 dB - 7:00 am to 7:00 pm). However, as set forth in the Yuba County Code:

8.20.310 Construction of Buildings and Projects

It shall be unlawful for any person within a residential zone, or within a radius of 500 feet therefrom, to operate equipment or perform any outside construction or repair work on buildings, structures, or projects or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or any other construction type device between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance unless a permit has been duly obtained beforehand from the Director of the Planning and Building Services Department as set forth in Section 8.20.710 of this chapter. ...

To avoid potential adverse effects due to noise, environmental commitments as set forth above require OPUD to limit construction hours on a daily and weekly basis. This environmental commitment is the responsibility of the contractor; the requirement will appear on the project construction plans and be implemented during the construction period. Based on the foregoing, there would be no adverse effects to the noise environment.

Population and Housing

Activities related to construction of the splash pad may temporarily affect access to residences and other uses during the construction period. However, the period of impaired access would likely be limited to one day. No residences would be directly affected or removed by the construction project. Similarly, implementation of the project would not result in any increased capacity of the water system, nor would it remove any existing impediment to growth within the project area. Thus, construction and operation of the proposed project would not induce unplanned growth or divide an existing community. Based on the foregoing, there would be no adverse effects to the population or housing.

Public Services/Recreation/Utilities

The proposed splash pad project would not result in increased capacity for any public services or utilities, nor would it act to increase the demand of any services or utilities. Operation of the proposed project components would not result in any adverse effects to existing service levels or the need to provide additional public services or utilities. The proposed splash pad would be a recreational use consistent with the site's existing use as a public park

The existing water facilities at the Olivehurst Community Park would provide potable water to the splash pad; water drained from the pad after use would flow to OPUD's existing wastewater collection system. Prior to the beginning of construction, OPUD or its contractor will identify any existing utilities and their location in the proposed work area, and will locate new facilities where they will not interfere with existing facilities.

No new or physically altered governmental facilities or utilities would be necessary. During construction, care would be taken to avoid damaging existing utilities. Based on the foregoing, there would be no adverse effects to public services or utilities that would require new or expanded facilities. There would be no potential for impact.

Transportation

Construction and installation of the splash pad would occur within the District's park parcel.

During construction of the splash pad project there potentially could be temporary lane closures (though unlikely) that could cause delays and queuing of vehicle traffic, and thereby interfere with emergency access. If necessary, OPUD will implement the environmental commitment shown above that calls for a Traffic Control Plan to be prepared to minimize traffic flow interference from construction activities. Implementation of this environmental commitment would avoid adverse circulation effects, and there would be no potential for other circulation effects.

Wildfire

The city of Olivehurst is not located within a State Responsibility Area; rather, the community is located within a Local Responsibility Area (CALFIRE 2021). The Olivehurst Fire Department provides fire protection services to the project area. In the Olivehurst area, State Routes 65 and 70 have been identified as primary emergency evacuation routes (Yuba County 2011). No aspect of the proposed project would affect or interfere with these two routes. Because the proposed project is not located within a State Responsibility Area or an area of heightened wildfire risk, and emergency access would be maintained during the construction period, there would be no potential for environmental effects with respect to wildland fire hazards for the proposed project.

OTHER PUBLIC AGENCIES WHOSE REVIEW/APPROVAL IS REQUIRED

Review and/or approvals from the following additional agencies would be required:

- OPUD is requesting project funding from the California State Department of Parks and Recreation.
- Yuba County's Phase II MS4 NPDES General Permit will require OPUD to submit an Erosion and Sediment Control Plan to the County that identifies potential sources of erosion and sedimentation associated with the proposed project, and identifies the control measures used to prevent erosion and control sedimentation within the project.

4. CONSISTENCY ANALYSIS

APPLICABILITY OF THE CATEGORICAL EXEMPTION

Approval of the OPUD splash pad project would construct a water play feature within Olivehurst Community Park. Implementation of the splash pad project represents a minor alteration of an existing public facility. Facilities at the park include two baseball fields, play structures, swimming pool, tennis court and backboard, and picnic tables and benches. The construction of the splash pad would lead to a negligible increase in park capacity for recreational use. Further, as discussed below, none of the Categorical Exemption exceptions apply. Therefore, the proposed splash pad project meets the applicability requirements for a Class 1 Categorical Exemption pursuant to Sections 15300 and 15301 of the State CEQA Guidelines.

EXCEPTIONS TO APPLICABILITY OF THE CATEGORICAL EXEMPTION

The State CEQA Guidelines Section 15300.2(a) through (f) list exceptions to the applicability of the Categorical Exemption. The discussion below explains why each exception is inapplicable to the proposed project.

15300.2(a): Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

OPUD does not propose to adopt a Class 3, 4, 5, 6, or 11 Categorical Exemptions, and these classes of Exemptions are not applicable to the proposed project. Further, as set forth in the discussion below, there are no environmental resources of hazardous or critical concern in the project areas or on the project site that are designated or mapped, such as critical habitat for listed threatened or endangered species. The project site is located within a developed public park within a developed urban area, and there are no critical environmental resources, such as wetlands or wildlife, that would be affected by either the project.

Therefore, since there are no critical environmental resources on or near the project site, and no contamination has been recorded on the project site, this exception to a Categorical Exemption does not apply to the splash pad project.

15300.2(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

Cumulative impacts are defined in the State CEQA Guidelines Section 15300.2(b) as “successive projects of the same type in the same place, over time.” In the case of the splash pad project, there is no existing splash pad in the project area. The addition of the splash pad to existing park facilities would not create a successive project of the same type in the same place. Therefore, there would be no impact of successive projects of the same type in the same place, over time. This exception would not apply to the proposed project.

15300.2(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The proposed project involves the construction and operation of a water play feature; this action would not have a significant, adverse effect on the environment due to unusual circumstances. The circumstances of the proposed project are not considered unusual because the project site is the location of an existing community park, the splash pad will be located within an existing disturbed area. Therefore, there would be no significant impacts to natural resources or habitats, cultural resources, air resources, water quality, or noise with implementation of either project. The proposed project would not have a significant effect on the environment due to unusual circumstances. This exception would not apply to the proposed project.

15300.2(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

There are no state or locally designated scenic highways in the vicinity of the proposed project. (Caltrans 2011). Therefore, this exception would not apply to the proposed project.

15300.2(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code (DTSC 2022). Therefore, this exception would not apply to the proposed project.

15300.2(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The project site was the subject of a Cultural Resources investigation, and no known historically or culturally significant structures or resources have been identified within the area that would be affected by the project. Further, the proposed project would be constructed within a previously disturbed, developed area. Finally, while the area that would be affected by the project is in an area of potential unknown historical resources, OPUD has identified environmental commitments on project construction plans to protect such resources. Therefore, the proposed project would not cause a substantial adverse change in the significance of a historical resource. This exception would not apply to the proposed project.

5. LITERATURE CITED

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