Environmental Assessment 23-07

Initial Study and Mitigated Negative Declaration for Tentative Subdivision Map 23-02, West Railroad Village, and a Development Agreement. The proposal is to subdivide a 4.8-acre property into 21 duplex residential lots and six single-family residential lots for a total of 48 new residences.

Prepared for:

City of Yuba City
1201 Civic Center Blvd.
Yuba City, CA 95993

Prepared By:

Denis Cook
Land Use Planning Consultant

and

City of Yuba City
Development Services Department
Planning Division

January 2024

This page intentionally left blank.

Table of Contents

1. Introduction

1.1. Introduction

This Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared to identify any potential environmental impacts in the City of Yuba City, California (City) from proposed Tentative Subdivision Map (TSM) 23-02, West Railroad Village, and a Development Agreement (collectively "Project"). The subdivision proposes to subdivide a 4.8-acre property into 21 duplex lots and six single-family residential lots, for a total of 48 new residences. The site currently has an orchard on it. The property is located on the west side of Railroad Avenue approximately 200 feet south of Bogue Road and is within the Bogue-Steward Master Plan (BSMP) area. All access to the property is from Railroad Avenue. The Project proposes an internal looped street with two Railroad Avenue connections. The property is subject to the criteria of the Bogue-Stewart Master Plan (BSMP), and it has full City services available to it.

The Development Agreement will extend the life of the tentative subdivision map to 10 years, with the potential for further extensions upon agreement of both parties, in exchange for the developer paying the City a fee of $2,300 per multiple-family residence and $3,200 per single-family residence for future neighborhood park development.

The applicant also proposes several revisions to the BSMP R-2 residential development standards including small reduction in certain driveway lengths and other minor revisions. As these are very minor revisions that are permitted in the specific plan and they are not environmental issues, they are not further discussed in this document.

This subdivision and development agreement is considered a project under the California Environmental Quality Act (CEQA), as the City has discretionary authority over the Project. The Project requires discretionary review by the City of Yuba City Planning Commission and City Council due to the Development Agreement.

This IS/MND has been prepared in conformance with CEQA Guidelines Section 15070. The purpose of the IS/MND is to determine the potential significant impacts associated with the tentative subdivision map over and above the impacts determined by the BSMP EIR and provide an environmental assessment for consideration by the Planning Commission and City Council. In addition, this document is intended to provide the basis for input from public agencies, organizations, and interested members of the public.

1.2. Regulatory Information

An Initial Study (IS) is an environmental assessment document prepared by a lead agency to determine if a project may have a significant effect on the environment. In accordance with the California Code of Regulations Title 14 (Chapter 3, §15000 et seq.), commonly referred to as the CEQA Guidelines - Section 15064(a)(1) states an environmental impact report (EIR) must be prepared if there is substantial evidence in light of the whole record that the proposed project under review may have a significant effect on the environment and should be further analyzed to determine mitigation measures or project alternatives

that might avoid or reduce project impacts to less than significant. A negative declaration may be prepared instead; if the lead agency finds that there is no substantial evidence, in light of the whole record that the project may have a significant effect on the environment. A negative declaration is a written statement describing the reasons why a proposed project, not exempt from CEQA pursuant to §15300 et seq. of Article 19 of the Guidelines, would not have a significant effect on the environment and, therefore, why it would not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a negative declaration shall be prepared for a project subject to CEQA when either:

a) The IS shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or

b) The IS identified potentially significant effects, but:

    a. Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration and initial study is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur is prepared, and

    b. There is no substantial evidence, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment. If revisions are adopted by the Lead Agency into the proposed project in accordance with the CEQA Guidelines Section 15070(b), a Mitigated Negative Declaration (MND) is prepared.

As permitted by CEQA Guidelines, section 15168(c), this IS/MND relies on and tiers off of the EIR (State Clearinghouse (SCH) # 2017012009) previously prepared and certified for the Bogue-Stuart Master Plan which was adopted as a specific plan in 2019 ("BSMP EIR"). A copy of that EIR is available at the Development Services Department Office in City Hall, 1201 Civic Center Boulevard, Yuba City, and on the City's website.

In addition to the approvals and entitlements granted through the approval of the BSMP, there were also two subdivisions concurrently approved – Newkom Ranch and Kells East Subdivisions, for which the BSMP EIR was prepared at the project level. The analysis of those subdivisions is in greater detail as it relates to land use intensities and related activities. The level of detail of the analyses of all other future discretionary projects within the BSMP is not addressed in the EIR at a project level, but instead at the program level, which is less detailed. That includes this Project. As the EIR was not prepared at the project level for this subdivision, CEQA requires this environmental document. This document is intended to determine whether this subdivision may cause additional impacts not previously addressed in the BSMP EIR.

This review of the TSM 23-02 -West Railroad Village Subdivision, relies on the BSMP EIR information and assumes that all relevant mitigations provided in the BSMP EIR are carried forward and applied to this Project. The primary purpose of this document is to determine if there are any additional impacts caused by this subdivision that was not anticipated in the EIR prepared for the BSMP.

The proposed BSMP is the primary land use, policy, and regulatory document used to guide the overall development within the BSMP area. It establishes a development framework for land use, mobility, utilities and services, resource protection, and implementation to promote the systematic and orderly

development of the plan area. All development projects, including this proposed subdivision, and related activities proposed within the plan area must be consistent with the BSMP.

1.3. Document Format

This IS/MND contains four chapters, and one technical appendix. Chapter 1, Introduction, provides an overview of the proposed Project and the CEQA environmental documentation process. Chapter 2, Project Description, provides a detailed description of proposed Project objectives and components. Chapter 3, Impact Analysis, presents the CEQA checklist and environmental analysis for all impact areas, mandatory findings of significance, and feasible measures. If the proposed Project does not have the potential to significantly impact a given issue area, the relevant section provides a brief discussion of the reasons why no impacts are expected. If the proposed Project could have a potentially significant impact on a resource, the issue area discussion provides a description of potential impacts, and appropriate mitigation measures and/or permit requirements that would reduce those impacts to a less than significant level. Chapter 4, List of Preparers, provides a list of key personnel involved in the preparation of the IS/MND.

1.4. Purpose of Document

The proposed tentative subdivision map and development agreement will undergo a public review process by the Planning Commission that, if approved, could ultimately result in 48 new residences being established on the property. This public review process is needed to assure that the Project will be compatible with existing or expected neighboring uses as established by the BSMP, and that adequate public facilities are available to serve the Project.

This document has been prepared to satisfy the California Environmental Quality Act (CEQA) (Pub. Res. Code, Section 21000 et seq.) and the State CEQA Guidelines (Title 14 CCR §15000 et seq.). CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before acting on those projects.

The initial study is a public document used by the decision-making lead agency to determine whether the Project may have a significant effect on the environment. If the lead agency finds substantial evidence that any aspect of the Project, either individually or cumulatively, may have a significant effect on the environment, regardless of whether the overall effect of the Project is adverse or beneficial, the lead agency is required to use a previously prepared EIR and supplement that EIR or prepare a subsequent EIR to analyze the issues at hand. If the agency finds no substantial evidence that the Project or any of its aspects may cause a significant effect on the environment, a negative declaration shall be prepared. If in the course of the analysis, it is recognized that the Project may have a significant impact on the environment, but that with specific recommended mitigation measures incorporated into the Project, these impacts shall be reduced to less than significant, a mitigated negative declaration shall be prepared.

In reviewing all of the available information for the above referenced Project, the City of Yuba City Planning Division has analyzed the potential environmental impacts created by this Project and a mitigated negative declaration has been prepared.

1.5. Intended Uses of this Document

In accordance with CEQA, a good-faith effort has been made during preparation of this IS/MND to contact affected public agencies, organizations, and persons who may have an interest in the proposed Project.

In reviewing the Draft IS/MND, affected and interested parties should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the effects of the proposed Project would be avoided or mitigated.

The Draft IS/ND and associated appendices will be available for review on the City of Yuba City website at http://www.yubacity.net. The Draft IS/MND, BSMP EIR and associated appendixes also will be available for review during regular business hours at the City of Yuba City Development Services Department (1201 Civic Center Boulevard, Yuba City, California 95993). The 20-day review period will commence on January 4, 2024, and end on January 24, 2024, at the conclusion of the Planning Commission hearing.

Written comments on the Draft IS/MND should be sent to the following address:

City of Yuba City
Development Services Department
1201 Civic Center Boulevard
Yuba City, CA 95993
e-mail: developmentservices@yubacity.net
Phone: 530.822.4700

2. Project Description

2.1. Project Title

Tentative Subdivision Map (TSM) 23-02: West Railroad Village.

2.2. Lead Agency Name and Address

City of Yuba City
Development Services Department, Planning Division
1201 Civic Center Blvd.
Yuba City, CA 95993

2.3. Contact Person and Phone Number

Doug Libby, AICP
Deputy Director of Development Services
(530) 822-3231
developmentservices@yubacity.net

2.4. Project Location

The 4.8 acres are located on the west side of Railroad Avenue approximately 200 feet south of Bogue Road. Assessor's Parcel Number (APN) 055-240-002.

2.5. Project Applicant

Junior Thiara
P.O. Box 3546
Yuba City, CA 95992

2.6. Property Owner

Junior Thiara
P.O. Box 3546
Yuba City, CA 95992

2.7. General Plan Designation

The Project is within the Low-Medium Density Residential (MDR) land use designation, which provides for a density range of six to 14 residences per acre. The proposed Project will be approximately 10 residences per acre.

2.8 Specific Plan Designation

Low-Medium Density Residential (MDR) land use designation.

2.9 Zoning

The Project is within the Two-Family Residential Zone District combined with the Specific Plan (Bogue-Stewart Master Plan) Zone District (R-2 SP-BSMP).

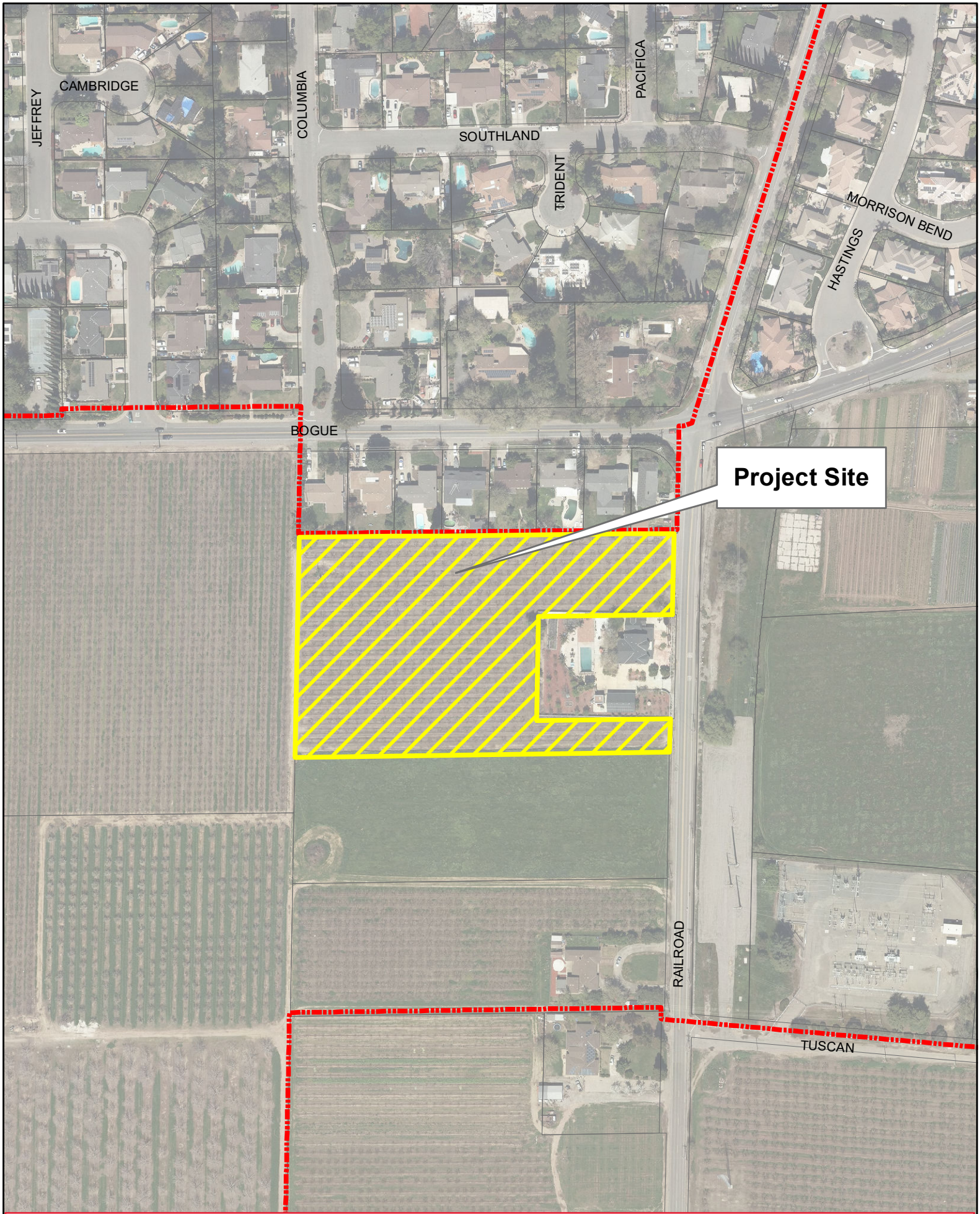


Figure 1: Location Map

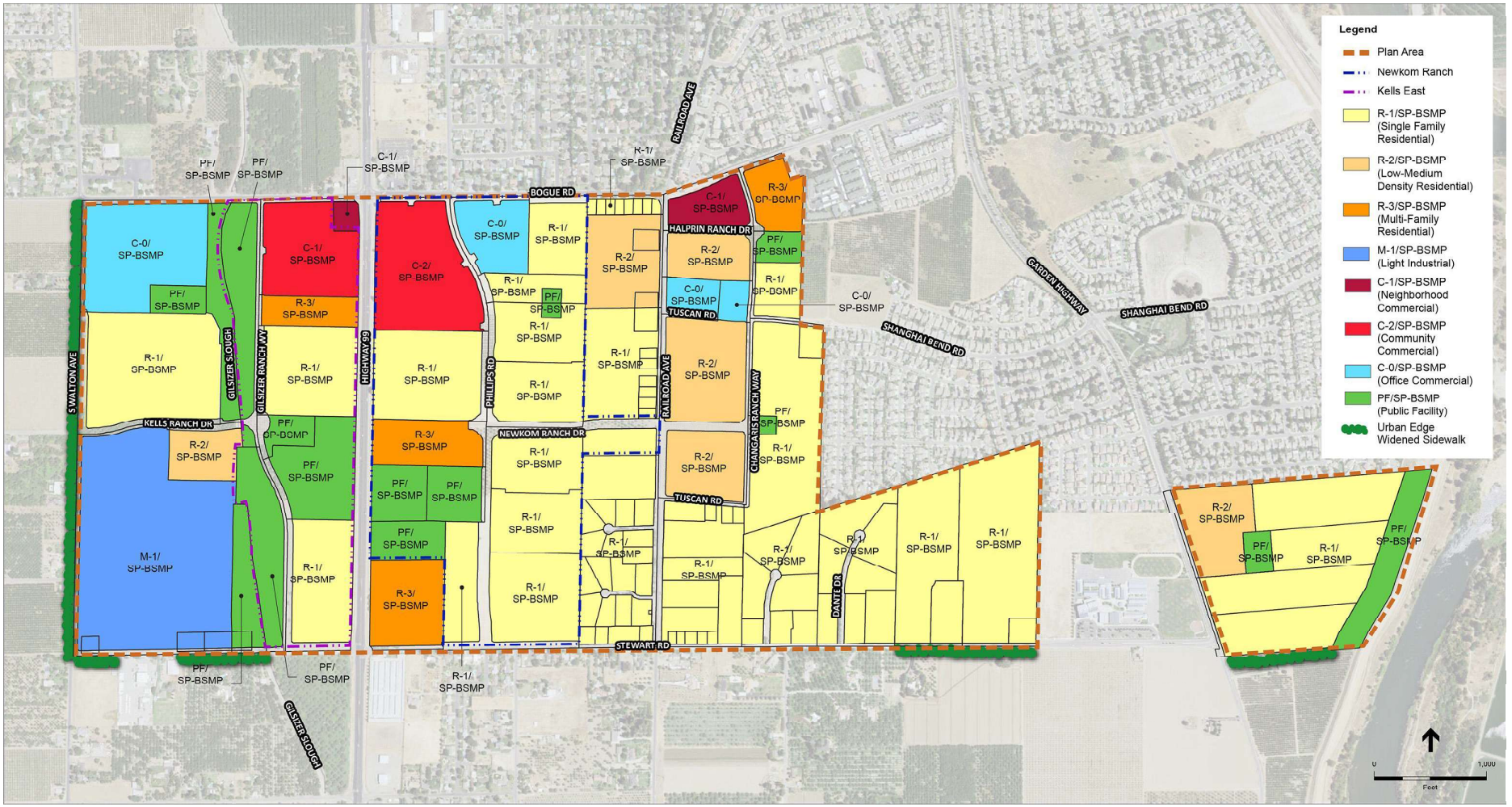
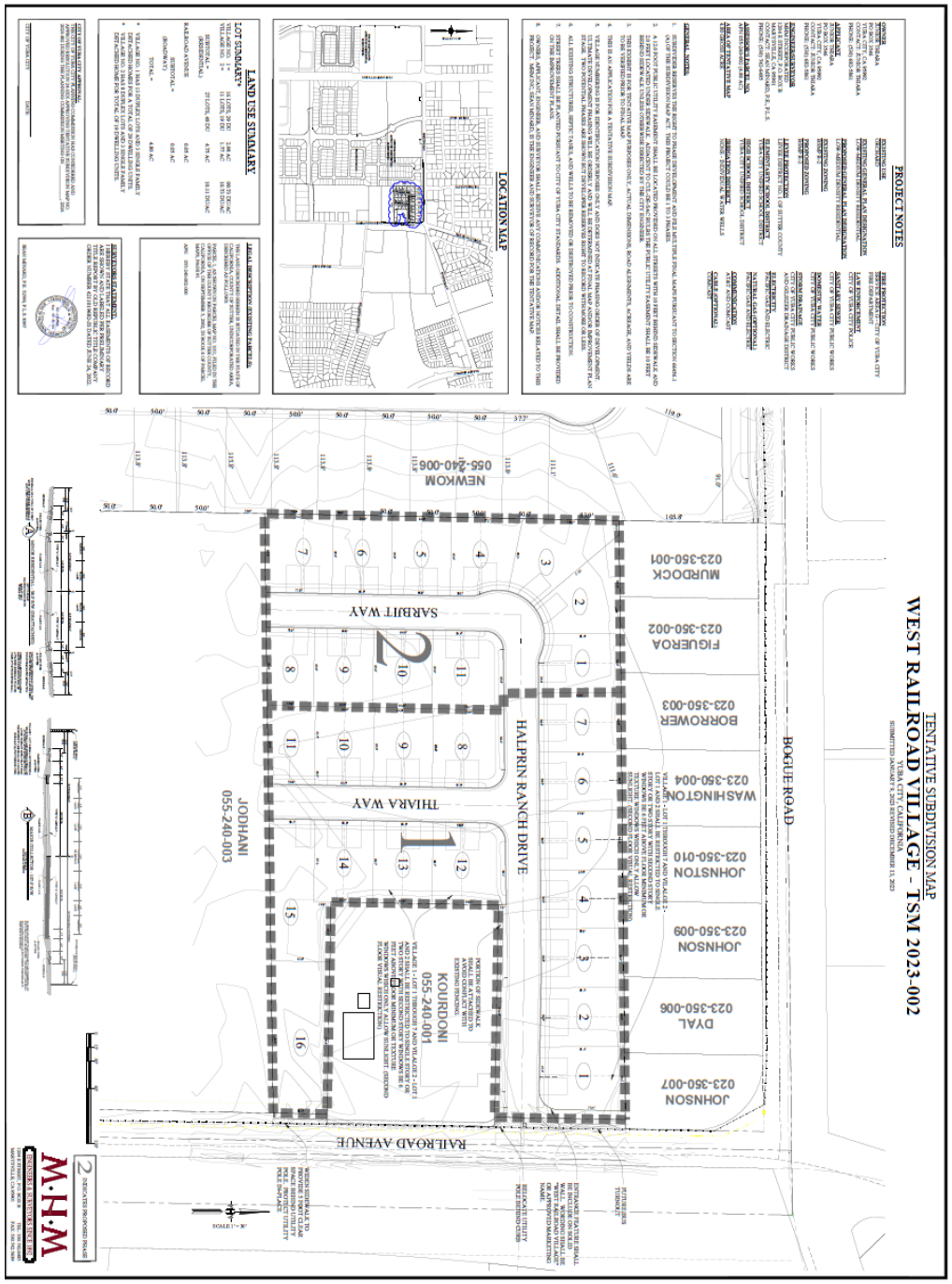


Figure 2: BSMP Zoning Map

Figure 3: Tentative Subdivision Map 23-02



Project Description

Tentative Subdivision Map (TSM) 23-02, West Railroad Village, and a Development Agreement (collectively "Project"). The subdivision proposes to subdivide a 4.8-acre property into 21 duplex residential lots and six single-family residential lots, for a total of 48 new residences. The site, which currently has an orchard on it, is located on the west side of Railroad Avenue approximately 200 feet south of Bogue Roade and is within the Bogue-Steward Master Plan (BSMP) area. All access to the property is from Railroad Avenue. The Project proposes an internal looped street with two Railroad Avenue connections. The property is subject to the criteria of the Bogue-Stewart Master Plan (BSMP), and it has full City services available to it.

The Development Agreement will extend the life of the tentative subdivision map to 10 years, with the potential for additional time extensions upon agreement of both parties, in exchange for the developer paying the City a fee of $2,300 per multiple-family residence and $3,200 per single-family residence for future neighborhood park development.

The applicant also proposes several revisions to the BSMP R-2 residential development standards including small reduction in certain driveway lengths and other minor revisions. As these are very minor revisions that are permitted in the specific plan and they are not environmental issues, they are not further discussed in this document.

2.10. Surrounding Land Uses and Setting

Setting: The 4.80-acre flat property is currently farmed as an orchard. There are no structures on the property.

Table 1: Bordering Uses	
North:	Eight single-story, single-family residences back-up to the common property line.
South:	Agricultural land.
East:	This property wraps around a ranchette sized lot with a single-family residence on it, and the subject site has access to Railroad Avenue on both sides of the ranchette lot.
West:	Agricultural land

2.11. Other Public Agencies Whose Approval May be Required

Feather River Air Quality Management District, Dust Control Plan, Indirect Source Review.
Central Valley Regional Water Quality Control Board.

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

All geographically relevant Native American tribes were originally notified as part of the BSMP process for which there is a mitigation measure applied to this proposal. They were again timely notified of this Project for which consultation was not requested.

2.13 Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this Project, as indicated by the checklist and subsequent discussion on the following pages.

	Aesthetics		Agriculture & Forestry Resources	X	Air Quality
X	Biological Resources	X	Cultural Resources		Energy
	Geology/Soils	X	Greenhouse Gas Emissions	X	Hazard & Hazardous Materials
	Hydrology/Water Quality		Land Use Planning		Mineral Resources
X	Noise		Population/Housing		Public Services
	Recreation	X	Transportation	X	Tribal Cultural Resources
X	Utilities/Service Systems		Wildfire		Mandatory Findings of Significance

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, that was not previously analyzed and identified in the BSMP EIR, 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 the 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.

Doug Libby
Signature

January 4, 2024
Date

Doug Libby, AICP, Deputy Director of Development Services
Printed Name/Position

2.14 Evaluation of Environmental Impacts:

As stated above, this Initial Study relies upon and tiers off of the BSMP EIR, as permitted by CEQA Guidelines, sections 15168(c) and 15162. Therefore, the impact determinations in this Initial Study are in light of the analysis and identification of significant impacts in the BSMP EIR. Accordingly, this Initial Study focuses on whether this project may cause significant impacts that were not identified and or adequately analyzed in the BSMP EIR.

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

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

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

"Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analysis," as described below, may be cross referenced). A Mitigated Negative Declaration also requires preparation and adoption of a Mitigation Monitoring and Reporting Program (MMRP)

Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. In this case, a brief discussion should identify the following:

Earlier Analysis Used. Identify and state where they are available for review.

Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they addressed site-specific conditions for the project.

Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts. Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

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

3. Environmental Checklist and Impact Evaluation

The following section presents the initial study checklist recommended by the California Environmental Quality Act (CEQA; Appendix G) to determine potential impacts of a project. Explanations of all answers are provided following each question, as necessary.

3.1. Aesthetics

Table 3-1: Aesthetics				
Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
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 point. If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality.			X	
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X	

3.1.1. Environmental Setting/Affected Environment

Background views are generally considered to be long-range views in excess of 3 to 5 miles from a vantage point. Background views surrounding the project site are limited due to the flat nature of the site and the surrounding urban landscape. Overall, the vast majority of Sutter County is relatively flat, with the Sutter Buttes being the exception. The Sutter Buttes, located approximately 10 miles northwest of the Project site, are visible from much of Yuba City and Sutter County. The Sutter Buttes comprise the long-range views to the northwest and are visible from the much of the City, except in areas where trees or intervening structures block views of the mountain range.

The City's General Plan, more specifically the Community Design Element "establishes policies to ensure the creation of public and private improvements that will maintain and enhance the image, livability, and aesthetics of Yuba City in the years to come."

The following principles and policies are applicable:

- Maintain the identity of Yuba City as a small-town community, commercial hub, and residential community, surrounded by agricultural land and convey, through land uses and design amenities, Yuba City's character and place in the Sacramento Valley.

- Recognizing the livability and beauty of peer communities with highly designed visual landscapes, commit to a focus on the visual landscape of Yuba City.
- Maintain, develop, and enhance connections between existing and planned neighborhoods.
- Create and build upon a structured open space and parks network, centered on two large urban parks and the Feather River Corridor.
- Strive for lush, landscaped public areas marked by extensive tree plantings.
- Design commercial and industrial centers to be visually appealing, to serve both pedestrians and automobiles, and to integrate into the adjacent urban fabric.

The Project is within the Bogue-Stewart Master Plan. Appendix A of the BSMP are the Development Standards and Guidelines. This chapter lays out the Development Standards and Guidelines to provide direction for the planning, design, and review of development within the BSMP area. The intent is to contribute towards the creation of a unified community that is characterized by high quality, diverse, attractive, and functional development.

In addition to the City's General Plan and Bogue-Stewart Master Plan, the City provides citywide Design Guidelines. As the BSMP has specific design standards for all development within its boundaries, the citywide Design Guidelines are not utilized for this Project.

3.1.2. Federal Regulatory Setting

Federal regulations relating to aesthetics include Organic Administration Act (1897), Multiple Use – Sustained Yield Act (1960), Wilderness Act (1964), Federal Lands Policy and Management Act (1976), Wild and Scenic Rivers Act. The proposed Project is not subject to these regulations since there are no federally designated lands or rivers in the vicinity.

3.1.3. State Regulatory Setting

The California State Scenic Highway Program was created by the California Legislature in 1963 to preserve and protect scenic highway corridors from change which would diminish the aesthetic value of lands adjacent to highways. The state laws governing the Scenic Highway Program are found in the Streets and Highways Code, Section 260 et seq. The State Scenic Highway System includes a list of highways that are either eligible for designation as scenic highways or have been so designated. These highways are identified in Section 263 of the Streets and Highways Code. As there are no official scenic highways in the vicinity of this proposal so it is not further analyzed in this document.

California Building Code Title 24 Outdoor Lighting Standards: The requirements vary according to which "Lighting Zone" the equipment is in. The Standards contain lighting power allowances for newly installed equipment and specific alterations that are dependent on which Lighting Zone the Project is located in. Existing outdoor lighting systems are not required to meet these lighting power allowances. However, alterations that increase the connected load, or replace more than 50 percent of the existing luminaires, for each outdoor lighting application that is regulated by the Standards, must meet the lighting power allowances for newly installed equipment.

An important part of the Standards is to base the lighting power that is allowed on how bright the surrounding conditions are. The eyes adapt to darker surrounding conditions, and less light is needed to properly see; when the surrounding conditions get brighter, more light is needed to see. The least power is allowed in Lighting Zone 1 and increasingly more power is allowed in Lighting Zones 2, 3, and 4. By

default, government designated parks, recreation areas and wildlife preserves are Lighting Zone 1; rural areas are Lighting Zone 2; and urban areas are Lighting Zone 3. Lighting Zone 4 is a special use district that may be adopted by a local government. The proposed Project is located in an urban area; thereby, it is in Lighting Zone 3.

3.1.4. Impact Assessment/Environmental Consequences:

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

There are no designated scenic areas within the vicinity, so there would not be impacts on a designated scenic area.

The EIR for the BSMP noted that the developments within the BSMP would introduce urban development to the area which would substantially alter scenic vistas. Per the BSMP EIR the impact to scenic vistas was considered significant and unavoidable. Because there are no feasible mitigation measures to reduce this impact, overriding considerations were made for the significant impacts on scenic resources.

As this Project is consistent with the land use pattern and design called for in the BSMP, this Project will not add to those impacts identified in the EIR. As such this subdivision will not create any additional significant impacts on scenic resources over what has already been identified in the BSMP EIR. Therefore, the impacts on scenic resources above what was anticipated in the BSMP EIR will be less than significant.

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

Per the BSMP EIR, new development would cause the loss of orchard land, thereby substantially changing the visual character of the area, which would result in a significant impact. Because there are no feasible mitigation measures to reduce this impact, overriding considerations were made for the significant impacts regarding the reduction in scenic values.

As this Project is consistent with the land use pattern and design called for in the BSMP, this Project will not add to those impacts identified in the BSMP EIR. As such this subdivision will not create any additional significant impacts on scenic resources over what has already been identified in the BSMP EIR. Therefore, the impacts on scenic resources above what was anticipated in the BSMP EIR will be less than significant.

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

Same as a) and b), above.

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

The area is generally dark at night with most existing sources of light from rural residential uses. Per the BSMP EIR, development within the Plan area would create new sources of light and glare from streetlights, vehicle headlights, landscape lighting and residential lighting. Because this would permanently increase

nighttime lighting, and no feasible mitigation measures are available to preserve nighttime view while still allowing for urban development, this impact would be significant and unavoidable.

As this Project is consistent with the land use pattern and design called for in the BSMP, this Project will not add to those impacts identified in the EIR. As such this subdivision will not create any additional significant impacts on scenic resources over what has already been identified in the BSMP EIR. Therefore, the impacts on scenic resources above what was anticipated in the BSMP EIR will be less than significant.

3.1.5. BSMP Mitigation Measures for Scenic Resources from the BSMP EIR

None Available.

3.2. Agricultural and Forestry Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared (1997) by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Table 3-2: Agricultural and Forestry Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forestland (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))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

3.2.1. Environmental Setting/Affected Environment

Sutter County is located within the northern portion of California's Central Valley in the area known as the Sacramento Valley. It contains some of the richest soils in the State. These soils, combined with abundant surface and subsurface water supplies and a long, warm growing season, make Sutter County's agricultural resources very productive. Sutter County is one of California's leading agricultural counties, with 83 percent of the County's total land acreage currently being used for agricultural purposes. However, while Sutter County provides rich agricultural opportunities, the subject site is within an urban area and has been designated for urban uses for many years.

3.2.2. Federal Regulatory Setting

Farmland Protection Policy Act: The Natural Resources Conservation Service (NRCS), a federal agency within the U.S. Department of Agriculture (USDA), is the agency primarily responsible for implementation of the Farmland Protection Policy Act (FPPA). The FPPA was enacted after the 1981 Congressional report, Compact Cities: Energy-Saving Strategies for the Eighties indicated that a great deal of urban sprawl was the result of programs funded by the federal government. The purpose of the FPPA is to minimize federal programs' contribution to the conversion of farmland to non-agricultural uses by ensuring that federal programs are administered in a manner that is compatible with state, local, and private programs designed to protect farmland. Federal agencies are required to develop and review their policies and procures to implement the FPPA every two years (USDA-NRCS, 2011).

2014 Farm Bill: The Agricultural Act of 2014 (the Act), also known as the 2014 Farm Bill, was signed by President Obama on Feb. 7, 2014. The Act repeals certain programs, continues some programs with modifications, and authorizes several new programs administered by the Farm Service Agency (FSA). Most of these programs are authorized and funded through 2018.

The Farm Bill builds on historic economic gains in rural America over the past five years, while achieving meaningful reform and billions of dollars in savings for the taxpayer. It allows USDA to continue record accomplishments on behalf of the American people, while providing new opportunity and creating jobs across rural America. Additionally, it enables the USDA to further expand markets for agricultural products at home and abroad, strengthen conservation efforts, create new opportunities for local and regional food systems and grow the bio-based economy. It provides a dependable safety net for America's farmers, ranchers and growers and maintains important agricultural research, and ensure access to safe and nutritious food for all Americans.

Forestry Resources: Federal regulations regarding forestry resources are not relevant to the proposed Project because no forestry resources exist on the Project site or in the vicinity.

3.2.3. State Regulatory Setting

California Environmental Quality Act (CEQA) Definition of Agricultural Lands: Public Resources Code Section 21060.1 defines "agricultural land" for the purposes of assessing environmental impacts using the Farmland Mapping & Monitoring Program (FMMP). The FMMP was established in 1982 to assess the location, quality, and quantity of agricultural lands and the conversion of these lands. The FMMP provides analysis of agricultural land use and land use changes throughout California.

California Department of Conservation, Division of Land Resource Protection: The California Department of Conservation (DOC) applies the NRCS soil classifications to identify agricultural lands, and these agricultural designations are used in planning for the present and future of California's agricultural land

resources. Pursuant to the DOC's FMMP, these designated agricultural lands are included in the Important Farmland Maps (IFM) used in planning for the present and future of California's agricultural land resources. The FMMP was established in 1982 to assess the location, quality, and quantity of agricultural lands and the conversion of these lands. The FMMP provides analysis of agricultural land use and land use changes throughout California. The DOC has a minimum mapping unit of 10 acres, with parcels that are smaller than 10 acres being absorbed into the surrounding classifications.

The list below provides a comprehensive description of all the categories mapped by the DOC. Collectively, lands classified as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland is referred to as Farmland.

- *Prime Farmland.* Farmland that has the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
- *Farmland of Statewide Importance.* Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
- *Unique Farmland.* Farmland of lesser quality soils used for the production of the State's leading agricultural crops. This land is usually irrigated but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.
- *Farmland of Local Importance.* Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.
- *Grazing Land.* Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres.
- *Urban and Built-up Land.* Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.
- *Other Land.* Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry, or aquaculture facilities; strip mines and borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

California Land Conservation Act (Williamson Act): The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, is promulgated in California Government Code Section 51200-51297.4, and therefore is applicable only to specific land parcels within the State of California. The Williamson Act enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space uses in return for reduced property tax assessments. Private land within locally designated agricultural preserve areas is eligible for enrollment under Williamson Act contracts. However, an agricultural preserve must consist of no less

than 100 acres. In order to meet this requirement two or more parcels may be combined if they are contiguous, or if they are in common ownership.

The Williamson Act program is administered by the Department of Conservation (DOC), in conjunction with local governments, which administer the individual contract arrangements with landowners. The landowner commits the parcel to a 10-year period, or a 20-year period for property restricted by a Farmland Security Zone Contract, wherein no conversion out of agricultural use is permitted. Each year the contract automatically renews unless a notice of non-renewal or cancellation is filed. In return, the land is taxed at a rate based on the actual use of the land for agricultural purposes, as opposed to its unrestricted market value. An application for immediate cancellation can also be requested by the landowner, provided that the proposed immediate cancellation application is consistent with the cancellation criteria stated in the California Land Conservation Act and those adopted by the affected county or city. Non-renewal or immediate cancellation does not change the zoning of the property. Participation in the Williamson Act program is dependent on county adoption and implementation of the program and is voluntary for landowners.

Farmland Security Zone Act: The Farmland Security Zone Act is similar to the Williamson Act and was passed by the California State Legislature in 1999 to ensure that long-term farmland preservation is part of public policy. Farmland Security Zone Act contracts are sometimes referred to as "Super Williamson Act Contracts." Under the provisions of this act, a landowner already under a Williamson Act contract can apply for Farmland Security Zone status by entering into a contract with the county. Farmland Security Zone classification automatically renews each year for an additional 20 years. In return for a further 35% reduction in the taxable value of land and growing improvements (in addition to Williamson Act tax benefits), the owner of the property promises not to develop the property into nonagricultural uses.

Forestry Resources: State regulations regarding forestry resources are not relevant to the proposed Project because no forestry resources exist on the project site or in the vicinity.

3.2.4. Impact Assessment/Environmental Consequences:

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?

The 2018 Department of Conservation Important Farmland Map for Sutter County identifies the 4.8-acre Project site as "Unique Farmland." The proposed Project site is currently utilized as an orchard. The BSMP identifies this area for urban development – specifically for medium density residential development, as is also provided in the General Plan. The EIR for the BSMP considered the impacts on agricultural land to be significant and unavoidable but made overriding considerations for the significant impacts. As the Project proposal is consistent with the BSMP, and the BSMP EIR considered this land to be completely removed from agricultural use, this subdivision will not create any additional significant impacts over what has already been identified regarding the loss of agricultural land. Therefore, the impact on agricultural land above what was anticipated in the BSMP EIR will be less than significant.

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

The proposed Project site and surrounding area is currently zoned for urban type uses and is not under a Williamson Act contract. There will therefore be no impact related to a Williamson Act contract.

c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4256), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

The proposed Project is located in the Sacramento Valley in a relatively flat area that is being utilized for agriculture. There is no timberland located on the Project site or within the vicinity of the Project. There will be no impact on existing zoning of forestland and the proposed Project will not cause the rezoning of any forestlands.

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

There is no forested land on the Project site or within the vicinity of the Project; therefore, there will be no impact on forest land.

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

The proposed Project is currently utilized for agriculture and this Project will cause the land to be converted from agricultural use to urban use. The site is within the BSMP, designated for urban development. See Part a) above for discussion on the loss of agricultural land. There are no forestlands on the Project site or in the vicinity.

3.2.5. BSMP Mitigation Measures for Agricultural and Forestry Resources from the BSMP EIR

None Available.

3.3. Air Quality

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Table 3-3: Air Quality				
Would the project?	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?		X		
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?		X		
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?			X	

3.3.1. Environmental Setting/Affected Environment

Yuba City is located within the Sacramento Valley Air Basin (SVAB), which consists of the northern half of the Central Valley and approximates the drainage basin for the Sacramento River and its tributaries. The SVAB is bounded on the west by the Coast Range, on the north by the Cascade Range, on the east by the Sierra Nevada, and on the south by the San Joaquin Valley Air Basin. The intervening terrain is flat, and approximately 70 feet above sea level. The SVAB consists of the counties of Butte, Colusa, Glenn, Sacramento, Shasta, Sutter, Tehama, Yolo, and Yuba and portions of Placer and Solano Counties.

Hot dry summers and mild rainy winters characterize the Mediterranean climate of the Sacramento Valley. The climate of the SVAB is dominated by the strength and position of the semi-permanent high-pressure cell over the Pacific Ocean north of Hawaii. In summer, when the high-pressure cell is strongest and farthest north, temperatures are high and humidity is low, although the incursion of the sea breeze into the Central Valley helps moderate the summer heat. In winter, when the high-pressure cell is weakest and farthest south, conditions are characterized by occasional rainstorms interspersed with stagnant and sometimes foggy weather. Throughout the year, daily temperatures may range from summer highs often exceeding 100 degrees Fahrenheit and winter lows occasionally below freezing. Average annual rainfall is about 20 inches with snowfall being very rare. The prevailing winds are moderate in strength and vary from moist clean breezes from the south to dry land flows from the north.

In addition to prevailing wind patterns that control the rate of dispersion of local pollutant emissions, the region experiences two types of inversions that affect the vertical depth of the atmosphere through which pollutants can be mixed. In the warmer months in the SVAB (May through October), sinking air forms a "lid" over the region. These subsidence inversions contribute to summer photochemical smog problems by confining pollution to a shallow layer near the ground. These warmer months are characterized by stagnant morning air or light winds with the delta sea breeze arriving in the afternoon out of the southwest. Usually, the evening breeze transports the airborne pollutants to the north and out of the SVAB. During about half of the day from July to September, however, a phenomenon called the “Schultz Eddy” prevents this from occurring. Instead of allowing the prevailing wind patterns to move north carrying the pollutants out of the valley, the Schultz Eddy causes the wind pattern to circle back south. This phenomenon exacerbates the pollution levels in the area and increases the likelihood of violating federal or State standards. The Schultz Eddy normally dissipates around noon when the Delta sea breeze begins. In the second type of inversion, the mountains surrounding the SVAB create a barrier to airflow, which can trap air pollutants in the valley. The highest frequency of air stagnation occurs in the autumn and early winter when large high-pressure cells lie over the valley. The air near the ground cools by radiative processes, while the air aloft remains warm. The lack of surface wind during these periods and the reduced vertical flow caused by less surface heating reduces the influx of outside air and allows air pollutants to become concentrated in a stable volume of air. These inversions typically occur during winter nights and can cause localized air pollution "hot spots" near emission sources because of poor dispersion. The surface concentrations of pollutants are highest when these conditions are combined with smoke from agricultural burning or when temperature inversions trap cool air and pollutants near the ground. Although these subsidence and radiative inversions are present throughout much of the year, they are much less dominant during spring and fall, and the air quality during these seasons is generally good.”

Local Climate: The climate of Sutter County is subject to hot dry summers and mild rainy winters, which characterize the Mediterranean climate of the SVAB. Summer temperatures average approximately 90 degrees Fahrenheit during the day and 50 degrees Fahrenheit at night. Winter daytime temperatures average in the low 50s and nighttime temperatures are mainly in the upper 30s. During summer, prevailing

winds are from the south. This is primarily because of the north-south orientation of the valley and the location of the Carquinez Straits, a sea-level gap in the coast range that is southwest of Sutter County.

Criteria Air Pollutants: Criteria air pollutants are a group of pollutants for which federal or State regulatory agencies have adopted ambient air quality standards. Criteria air pollutants are classified in each air basin, county, or in some cases, within a specific urbanized area. The classification is determined by comparing actual monitoring data with State and federal standards. If a pollutant concentration is lower than the standard, the area is classified as "attainment" for that pollutant. If an area exceeds the standard, the area is classified as "non-attainment" for that pollutant. If there is not enough data available to determine whether the standard is exceeded in an area, the area is designated "unclassified."

Ambient Air Quality Standards: Both the federal and State government have established ambient air quality standards for outdoor concentrations of various pollutants in order to protect public health. The federal and State ambient air quality standards have been set at levels whose concentrations could be generally harmful to human health and welfare and to protect the most sensitive persons from experiencing health impacts with a margin of safety. Applicable ambient air quality standards are identified later in this section. The air pollutants for which federal and State standards have been promulgated and which are most relevant to air quality planning and regulation in the air basins include ozone, carbon monoxide, nitrogen oxides, suspended particulate matter, sulfur dioxide, and lead. In addition, toxic air contaminants are of concern in Sutter County. Each of these pollutants is briefly described below.

Ozone (O3): is a gas that is formed when reactive organic gases (ROGs) and nitrogen oxides (NOX), both byproducts of internal combustion engine exhaust and other processes undergo slow photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during the summer months when direct sunlight, light wind, and warm temperature conditions are favorable to the formation of this pollutant.

Carbon Monoxide (CO): is a colorless, odorless gas produced by the incomplete combustion of fuels. CO concentrations tend to be the highest during the winter morning, with little to no wind, when surface-based inversions trap the pollutant at ground levels. Because CO is emitted directly from internal combustion engines, unlike ozone, motor vehicles operating at slow speeds are the primary source of CO in the SVAB. The highest ambient CO concentrations are generally found near congested transportation corridors and intersections.

Nitrogen Oxides (NOX): is the generic term for a group of highly reactive gases, all of which contain nitrogen and oxygen in varying amounts. Many of the nitrogen oxides are colorless and odorless. However, one common pollutant, nitrogen dioxide (NO2) along with particles in the air can often be seen as a reddish-brown layer over many urban areas. Nitrogen oxides form when fuel is burned at high temperatures, as in a combustion process. The primary manmade sources of NOX are motor vehicles, electric utilities, and other industrial, commercial, and residential sources that burn fuels.

Nitrogen oxides can also be formed naturally.

Respirable Particulate Matter (PM10) and Fine Particulate Matter (PM2.5): consist of extremely small, suspended particles or droplets 10 microns and 2.5 microns or smaller in diameter. Some sources of suspended particulate matter, like pollen and windstorms, occur naturally. However, in populated areas, most fine suspended particulate matter is caused by road dust, diesel soot, and combustion products, abrasion of tires and brakes, and construction activities.

Sulfur Dioxide (SO2): is a colorless, extremely irritating gas or liquid. It enters the atmosphere as a pollutant mainly as a result of the burning of high sulfur-content fuel oils and coal, and from chemical processes occurring at chemical plants and refineries.

Lead: occurs in the atmosphere as particulate matter. The combustion of leaded gasoline is the primary source of airborne lead. Since the use of leaded gasoline is no longer permitted for on-road motor vehicles, lead is not a pollutant of concern in the SVAB.

Toxic Air Contaminants (TACs): are known to be highly hazardous to health, even in small quantities. TACs are airborne substances capable of causing short-term (acute) and/or long-term (chronic or carcinogenic) adverse human health effects (i.e., injury or illness). TACs can be emitted from a variety of common sources, including gasoline stations, automobiles, dry cleaners, industrial operations, and painting operations.

TAC impacts are assessed using a maximum individual cancer risk (MICR) that estimates the probability of a potential maximally exposed individual (MEI) contracting cancer as a result of sustained exposure to toxic air contaminants over a constant period of 24 hours per day for 70 years for residential receptor locations. The CARB and local air districts have determined that any stationary source posing an incremental cancer risk to the general population (above background risk levels) equal to or greater than 10 people out of 1 million to be excessive. For stationary sources, if the incremental risk of exposure to project-related TAC emissions meets or exceeds the threshold of 10 excess cancer cases per 1 million people, the CARB and local air district require the installation of best available control technology (BACT) or maximum available control technology (MACT) to reduce the risk threshold. To assess risk from ambient air concentrations, the CARB has conducted studies to determine the total cancer inhalation risk to individuals due to outdoor toxic pollutant levels. The CARB has conducted studies to determine the total cancer inhalation risk to individuals due to outdoor toxic pollutant levels. According to the map prepared by the CARB showing the estimated inhalation cancer risk for TACs in the State of California, Sutter County has an existing estimated risk that is between 50 and 500 cancer cases per 1 million people. A significant portion of Sutter County is within the 100 to 250 cancer cases per 1 million people range. There is a higher risk around Yuba City where the cancer risk is as high as 500 cases per 1 million people. There are only very small portions of the County where the cancer risk is between 50 and 100 cases. This represents the lifetime risk that between 50 and 500 people in 1 million may contract cancer from inhalation of toxic compounds at current ambient concentrations under an MEI scenario.

3.3.2. Federal Regulatory Setting

Clean Air Act: The federal Clean Air Act of 1970 (as amended in 1990) required the U.S. Environmental Protection Agency (EPA) to develop standards for pollutants considered harmful to public health or the environment. Two types of National Ambient Air Quality Standards (NAAQS) were established. Primary standards protect public health, while secondary standards protect public welfare, by including protection against decreased visibility, and damage to animals, crops, landscaping and vegetation, or buildings. NAAQS have been established for six “criteria” pollutants: carbon monoxide (CO), nitrogen dioxide (NO2), sulfur dioxide (SO2), ozone (O3), particulate matter (PM10 and PM2.5), and lead (Pb).

3.3.3. State Regulatory Setting

California Air Resources Board: The California Air Resources Board (CARB) is the state agency responsible for implementing the federal and state Clean Air Acts. CARB has established California Ambient Air Quality Standards (CAAQS), which include all criteria pollutants established by the NAAQS, but with additional

regulations for Visibility Reducing Particles, sulfates, hydrogen sulfide (H2S), and vinyl chloride. The proposed Project is located within the Sacramento Valley Air Basin, which includes Butte, Colusa, Glenn, Tehama, Shasta, Yolo, Sacramento, Yuba Sutter and portions of Placer, El Dorado and Solano counties. Air basins are classified as attainment, nonattainment, or unclassified. The FRAQMD is comprised Sutter and Yuba Counties. Attainment is achieved when monitored ambient air quality data is in compliance with the standards for a specified pollutant. Non-compliance with an established standard will result in a nonattainment designation and an unclassified designation indicates insufficient data is available to determine compliance for that pollutant.

California Clean Air Act: The CCAA requires that all air districts in the state endeavor to achieve and maintain CAAQS for Ozone, CO, SO2, and NO2 by the earliest practical date. The CCAA specifies that districts focus particular attention on reducing the emissions from transportation and area-wide emission sources, and the act provides districts with authority to regulate indirect sources. Each district plan is required to either (1) achieve a five percent annual reduction, averaged over consecutive 3-year periods, in district-wide emissions of each non-attainment pollutant or its precursors, or (2) to provide for implementation of all feasible measures to reduce emissions. Any planning effort for air quality attainment would thus need to consider both state and federal planning requirements.

CARB Portable Equipment Registration Program: This program was designed to allow owners and operators of portable engines and other common construction or farming equipment to register their equipment under a statewide program so they may operate it statewide without the need to obtain a permit from the local air district.

U.S. EPA/CARB Off-Road Mobile Sources Emission Reduction Program: The California Clean Air Act (CCAA) requires CARB to achieve a maximum degree of emissions reductions from off-road mobile sources to attain State Ambient Air Quality Standards (SAAQS); off- road mobile sources include most construction equipment. Tier 1 standards for large compression-ignition engines used in off-road mobile sources went into effect in California in 1996. These standards, along with ongoing rulemaking, address emissions of nitrogen oxides (NOX) and toxic particulate matter from diesel engines. CARB is currently developing a control measure to reduce diesel PM and NOX emissions from existing off-road diesel equipment throughout the state.

California Global Warming Solutions Act: Established in 2006, Assembly Bill 32 (AB 32) requires that California's GHG emissions be reduced to 1990 levels by the year 2020. This will be implemented through a statewide cap on GHG emissions, which will be phased in beginning in 2012. AB 32 requires CARB to develop regulations and a mandatory reporting system to monitor global warming emissions level.

3.3.4. Regional Regulatory Setting

Feather River Air Quality Management District (FRAQMD): The FRAQMD is a bi-county district formed in 1991 to administer local, state, and federal air quality management programs for Yuba and Sutter Counties within the Sacramento Valley Air Basin. The goal of the FRAQMD is to improve air quality in the region through monitoring, evaluation, education and implementing control measures to reduce emissions from stationary sources, permitting and inspection of pollution sources, enforcement of air quality regulations and by supporting and implementing measures to reduce emissions from motor vehicles.

The FRAQMD adopted its Indirect Source Review guidelines document for assessment and mitigation of air quality impacts under CEQA in 1998. The guide contains criteria and thresholds for determining whether a project may have a significant adverse impact on air quality, and methods available to mitigate impacts on air quality. FRAQMD updated its Indirect Source Review Guidelines to reflect the most recent

methods recommended to evaluate air quality impacts and mitigation measures for land use development projects in June 2010. This analysis uses guidance and thresholds of significance from the 2010 FRAQMD Indirect Source Review Guidelines to evaluate the proposed project's air quality impacts.

According to FRAQMD's 2010 Indirect Source Review Guidelines, a project would be considered to have a significant impact on air quality if it would:

- Generate daily construction or operational emissions that would exceed 25 pounds per day for reactive organic gases (ROG), 25 pounds per day for oxides of nitrogen (NOX), or 80 pounds per day for PM10; or generate annual construction or operational emissions of ROG or NOX that exceed 4.5 tons per year.

Northern Sacramento Valley Planning Area 2015 Air Quality Attainment Plan: As specified in the California Clean Air Act of 1988 (CCAA), Chapters 1568-1588, it is the responsibility of each air district in California to attain and maintain the state's ambient air quality standards. The CCAA requires that an Attainment Plan be developed by all nonattainment districts for O3, CO, SOx, and NOx that are either receptors or contributors of transported air pollutants. The purpose of the Northern Sacramento Valley Planning Area 2015 Triennial Air Quality Attainment Plan (TAQAP) is to comply with the requirements of the CCAA as implemented through the California Health and Safety Code. Districts in the NSVPA are required to update the Plan every three years. The TAQAP is formatted to reflect the 1990 baseline emissions year with a planning horizon of 2020. The Health and Safety Code, sections 40910 and 40913, require the Districts to achieve state standards by the earliest practicable date to protect the public health, particularly that of children, the elderly, and people with respiratory illness.

Health and Safety Code Section 41503(b): Requires that control measures for the same emission sources are uniform throughout the planning area to the extent that is feasible. To meet this requirement, the NSVPA has coordinated the development of an Attainment Plan and has set up a specific rule adoption protocol. The protocol was established by the Technical Advisory Committee of the Sacramento Valley Basin-wide Air Pollution Control Council and the Sacramento Valley Air Quality Engineering and Enforcement Professionals, which allow the Districts in the Basin to act and work as a united group with the CARB as well as with industry in the rule adoption process. Section 40912 of the Health and Safety Code states that each District responsible for, or affected by, air pollutant transport shall provide for attainment and maintenance of the state and federal standards in both upwind and downwind Districts. This section also states that each downwind District's Plan shall contain sufficient measures to reduce emissions originating in each District to below levels which violate state ambient air quality standards, assuming the absence of transport contribution

Construction Generated Emissions of Criteria Air Pollutants: The District recommends the following best management practices:

- Implement the Fugitive Dust Control Plan.
- Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0,
- Visible Emissions limitations (40 percent opacity or Ringelmann 2.0).
- The contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained prior to and for the duration of onsite operation.
- Limiting idling time to 5 minutes – saves fuel and reduces emissions.
- Utilize existing power sources or clean fuel generators rather than temporary power generators.

- Develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.
- 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.

3.3.5. Impact Assessment/Environmental Consequences:

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

Development of the site will include site grading and construction of 21 duplexes and six single-family residences. Per the EIR prepared for the BSMP, development of the proposed BSMP area would result in emissions of ROG, NOx and PM10 that would exceed the FRAQMD significance thresholds. Consequently, construction of any of the land uses consistent with the BSMP would result in a significant impact.

Over the long-term, the EIR states that the BSMP area would result in an increase in emissions primarily due to Project-related motor vehicle trips and on-site use of energy sources (e.g., natural gas combustion for space and water heating, landscape maintenance), and use of consumer products such as hairsprays, deodorants, cleaning products). Based on the estimates for the developed BSMP's area, criteria pollutant contribution to regional air quality would exceed the significance thresholds specified by the FRAQMD and would be significant.

Implementation of the mitigation measures that are provided below would reduce the predicted level of emissions for construction of the BSMP. Although these mitigation measures would reduce the proposed BSMP's emissions of ROG, NOx and PM10, these mitigation measures would not reduce operational emissions to below the FRAQMD's significance thresholds. Therefore, operation of the BSMP would generate emissions of ROG, NOx and PM10 that would exceed the FRAQMD significance thresholds and result in a significant and unavoidable impact for which overriding considerations were made. The proposed West Railroad Village Subdivision is consistent with the land use pattern and is within the residential density range anticipated by the BSMP. As such, the Project will not generate any significant impacts above what was anticipated by the BSMP EIR, provided the appropriate mitigations from the BSMP EIR are applied to the subdivision.

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 (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

The BSMP EIR states that the development within the BSMP would result in an increase in some of the criteria pollutants. The six criteria pollutants are ozone (O3), carbon monoxide (CO), nitrogen dioxide (NO2), sulfur dioxide (SO2), particulate matter, and lead. The incremental build-out of the proposed BSMP project, even with the implementation of various mitigation measures, would result in emissions of some criteria pollutants that would exceed the significance thresholds specified by the FRAQMD, creating significant impacts for which overriding considerations where made. The proposed West Railroad Village

Subdivision is consistent with the land use pattern and residential density anticipated by the BSMP. As such the Project is not expected to generate any significant impacts above what was anticipated by the BSMP EIR, provided the appropriate mitigations from the BSMP EIR are applied to the subdivision.

c) Expose sensitive receptors to substantial pollutant concentrations?

The FRAQMD defines sensitive receptors as: facilities that house or attract children, the elderly, and people with illnesses, or others who are especially sensitive to the effects of air pollutants. FRAQMD states that if a project is located within 1,000 feet of a sensitive receptor location, the impact of diesel particulate matter shall be evaluated. According to the FRAQMD's Indirect Source Review Guidelines, "Construction activity can result in emissions of particulate matter from the diesel exhaust (diesel PM) of construction equipment. This Project is not located within 1,000 feet of the two schools in the vicinity, Riverbend Middle School and Grace Christian Academy, so the impact on sensitive receptors will be less than significant.

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

The proposed BSMP does not permit uses in residential areas that have been identified by FRAQMD as potential sources of objectionable odors. In addition, the BSMP area is not located within one mile of any facilities or uses known to generate objectionable odors. Diesel equipment used during construction can produce odorous exhaust, but equipment use in any one area of the BSMP site would be temporary and potential odors would not affect a substantial number of people. Therefore, construction and operation of the proposed subdivision would not generate objectionable odors, resulting in impacts that are less than significant.

3.3.6. BSMP Mitigation Measures for Air Quality

The following mitigation measures are those listed in the BSMP EIR that are relative to residential development and are applied to this Project:

Mitigation Measure 3.3-1(a): Fugitive Dust Control Plan

During the construction of the BSMP, individual project applicants shall submit to FRAQMD a Fugitive Dust Control Plan with the following mitigation measures to be implemented:

a) All grading operations on a project shall be suspended when sustained winds exceed 20 miles per hour (mph) or when winds carry dust beyond the property line despite implementation of all feasible dust control measures;

b) Construction sites shall be watered as directed by the FRAQMD and as necessary to prevent fugitive dust violations;

c) An operational water truck shall be on-site at all times. Water shall be applied to control dust as needed to prevent visible emissions violations and off-site dust impacts;

d) On-site dirt piles or other stockpiled particulate matter shall be covered, wind breaks installed, and water and/or soil stabilizers employed to reduce wind-blow dust emissions. The use of

approved nontoxic soil stabilizers shall be incorporated according to manufacturers' specifications to all inactive construction areas;

e) All transfer processes involving a free fall of soil or other particulate matter shall be operated in such a manner as to minimize the free fall distance and fugitive dust emissions;

f) Approved chemical soil stabilizers shall be applied according to the manufacturers' specifications to all inactive construction areas (previously graded areas that remain inactive for 96 hours), including unpaved roads and employee/equipment parking areas;

g) To prevent track-out, wheel washers shall be installed where project vehicles and/or equipment exit onto paved streets from unpaved roads. Vehicles and/or equipment shall be washed before each trip. Alternatively, a gravel bed may be installed as appropriate at vehicle/equipment site exit points to effectively remove soil buildup on tires and tracks and prevent/diminish track-out;

h) Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom permitted) if soil material has been carried onto adjacent paved, public thoroughfares from the project site;

i) Temporary traffic control shall be provided as needed during all phases of construction to improve traffic flow, as deemed appropriate by the appropriate department of public works and/or California Department of Transportation (Caltrans), and to reduce vehicle dust emissions. An effective measure is to enforce vehicle traffic speeds at or below 15 mph;

j) Traffic speeds on all unpaved surfaces shall be reduced to 15 mph or less, and unnecessary vehicle traffic shall be reduced by restricting access. Appropriate training to truck and equipment drivers, on-site enforcement, and signage shall be provided;

k) Ground cover shall be reestablished on the construction site as soon as possible and before final occupancy through seeding and watering; and

l) Open burning shall be prohibited at the project site. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (e.g., trash, demolition debris) may be conducted at the project site. Vegetative wastes shall be chipped or delivered to waste-to-energy facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials off-site for disposal by open burning.

Mitigation Measure 3.3-1(b): Control Exhaust Emissions

Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0, Visible Emissions Limitations (40 percent opacity or Ringelmann 2.0). Operators of vehicles and equipment found to exceed opacity limits shall take action to repair the equipment within 72 hours or remove the equipment from service. Failure to comply may result in a notice of violation from FRAQMD.

Mitigation Measure 3.3-1(c): Limit Equipment Idling

Construction contracts within the BSMP shall limit idling time to 5 minutes in accordance with ARB airborne air toxic control measure 13 (CCR Chapter 10 Section 2485) unless more time is required per engine manufacturers' specifications or for safety reasons.

Mitigation Measure 3.3-1(d): Equipment Registration

Portable engines and portable engine-driven equipment units used by construction contractors within the BSMP site, with the exception of on-road and off-road motor vehicles, may require ARB Portable Equipment Registration with the state or a local district permit. The owner/operator of the equipment shall be responsible for arranging appropriate consultations with ARB or the FRAQMD to determine registration and permitting requirements before the equipment is operated at the site.

Mitigation Measure 3.3-1(e): Equipment Emissions Plan

During the construction of the BSMP, individual project applicants shall assemble a comprehensive inventory list (i.e., make, model, engine year, horsepower, emission rates) of all heavy-duty off-road (portable and mobile) equipment (50 horsepower and greater) that will be used an aggregate of 40 or more hours for a construction project. Applicants shall provide a plan for approval by FRAQMD demonstrating that the heavy-duty (equal to or greater than 50 horsepower) off-road equipment to be used for construction, including owned, leased, and subcontractor vehicles, will achieve a project-wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent ARB fleet average at the time of construction.

These equipment emission reductions can be demonstrated using the most recent version of the Construction Mitigation Calculator developed by the SMAQMD. Acceptable options for reducing emissions may include use of late-model engines, low emission diesel products, alternative fuels, engine retrofit technology (Carl Moyer Guidelines), after-treatment products, voluntary off-site mitigation projects, the provision of funds for air district off-site mitigation projects, and/or other options as they become available. In addition, implementation of these measures would also result in a 5 percent reduction in ROG emissions from heavy-duty diesel equipment. FRAQMD shall be contacted to discuss alternative measures.

Mitigation Measure 3.3-2: Implement Operational Mitigation Measures

The project applicant(s) for tentative subdivision maps and development projects proposed under the BSMP shall implement the mitigation measures, as applicable to the proposed subdivision map or development project. At the time entitlements are sought, the City will evaluate measures below, determine which measures are applicable, and include those measures as conditions of approval or some other enforceable mechanism. All feasible measures listed below shall be incorporated into subdivision maps and development projects within the BSMP.

a) Subdivision maps and development projects located in areas designated Community Commercial, Neighborhood Commercial, Office Park, and Business Park shall be developed in coordination with local transit providers to ensure proper placement and design of transit stops and accommodate public transit for both employees and patrons.

b) Subdivision maps and improvement plans shall be designed to provide convenient and safe bicycle, pedestrian, and transit access between neighborhoods and areas designated Community Commercial, Neighborhood Commercial, Office Park, and Business Park, as well as parks, trails, and other destinations.

c) Subdivision maps and development projects within Community Commercial and Neighborhood Commercial areas shall distribute proposed parking and not concentrate parking exclusively between the front building façade and the primary abutting street where feasible.

d) Cul-de-sacs are allowed only where they would not create a barrier for pedestrian and bicycle access or circulation between homes and destinations.

e) Employment generating projects that anticipate more than 50 full-time equivalent employees shall participate in the Yuba-Sutter Transportation Management Association.

f) Subdivision maps and improvement plans shall be designed to accommodate safe and frequent pedestrian crosswalks, with more frequent crossings in areas expected to have higher pedestrian traffic, such as schools, parks, trail connections, higher-density residential areas, and areas with retail, services, office uses, and other non-residential uses.

g) Subdivision maps and improvement plans shall be designed to discourage concentration of traffic at a few intersections. Multiple points of access shall be provided whenever feasible. Roads shall be arranged in an interconnected block pattern. The maximum average block length in subdivisions is 600 feet unless unusual existing physical conditions warrant an exception to this standard, but shorter block lengths should be used around areas designated Community Commercial and Neighborhood Commercial.

h) Subdivision maps and improvement plans shall be designed to connect with adjacent roadways and stubbed roads and shall provide frequent stubbed roadways in coordination with future planned development areas.

i) Subdivision maps and development projects within Community Commercial and Neighborhood Commercial areas shall be designed to minimize the amount of on-site land required to meet parking, internal circulation, and delivery/loading needs.

j) Subdivision maps and development projects within Community Commercial and Neighborhood Commercial areas shall be designed to break up any proposed surface parking with landscaping and provide pedestrian routes from parking areas to building entrances.

k) The City will reduce the amount of off-street parking required or eliminate off-street parking requirements for projects that propose housing units restricted to lower-, very low-, or extremely low-income households.

l) Residential subdivision maps shall orient the majority of buildings so that the longer axis of the building, also known as the ridge line, is oriented east-to-west, in order to maximize the potential for passive solar heating in the winter and to minimize heat gain from the afternoon summer sun.

m) Subdivision maps and development projects proposing off-street surface parking lots shall incorporate shade trees or shade structures to provide a minimum of 50 percent shading (at maturity, where trees are used).

n) Subdivision maps and development projects shall use climate-appropriate landscaping in parks and open space, landscaping within new rights of way, yards, and other appropriate spaces.

o) Provide secure, covered bicycle parking for employees of projects located in areas designated Community Commercial, Neighborhood Commercial, Office Park, and Business Park. This may consist of a separate secure, covered bicycle parking area at each employment location or larger shared bicycle parking area/s located and designed to serve multiple locations.

p) Shower and locker facilities shall be provided for employees of projects located in areas designated Community Commercial, Neighborhood Commercial, Office Park, and Business Park. This may be achieved by incorporating a shower and locker facility into the design of each proposed use, or facilities located and designed to serve multiple locations.

q) Residential development that proposes fireplaces shall use the lowest emitting commercially available fireplace.

r) Provide electric vehicle charging facilities and priority parking at non-residential uses for electric and carpool/vanpool vehicles.

3.4. Biological Resources

Table 3.4: Biological Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
c) Have a substantial adverse effect on states or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		X		
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
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?				X

3.4.1 Environmental Setting/Affected Environment

The 4.8 acres are currently planted as an orchard and is located on the fringe of the existing Yuba City urbanized area. There are single-family residences bordering the Project's north and east side.

3.4.2 Federal & State Regulatory Setting

Threatened and Endangered Species: State and federal "endangered species" legislation has provided California Department of Fish & Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Species listed as threatened or endangered under provisions of the state and federal endangered species acts, candidate species for such listing, state species of special concern, and some plants listed as endangered by the California Native Plant Society are collectively referred to as "species of special status." Permits may be required from both the CDFW and USFWS if activities

associated with a proposed project will result in the "take" of a listed species. "Take" is defined by the state of California as "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" (California Fish and Game Code, Section 86). "Take" is more broadly defined by the federal Endangered Species Act to include "harm" (16 USC, Section 1532(19), 50 CFR, Section 17.3). Furthermore, the CDFW and the USFWS are responding agencies under CEQA. Both agencies review CEQA documents in order to determine the adequacy of their treatment of endangered species issues and to make project-specific recommendations for their conservation.

Migratory Birds: State and federal laws also protect most birds. The Federal Migratory Bird Treaty Act (16U.S.C., scc. 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs.

Birds of Prey: Birds of prey are also protected in California under provisions of the California Fish and Game Code, Section 3503.5, which states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by the CDFW.

Wetlands and Other Jurisdictional Waters: Natural drainage channels and adjacent wetlands may be considered "Waters of the United States" subject to the jurisdiction of the USACE. The extent of jurisdiction has been defined in the Code of Federal Regulations but has also been subject to interpretation of the federal courts.

Waters of the U.S. generally include:

- All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters, which are subject to the ebb and flow of the tide.
- All interstate waters including interstate wetlands.
- All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which could affect interstate or foreign commerce.
- All impoundments of waters otherwise defined as waters of the United States under the definition.
- Tributaries of waters identified in the bulleted items above.

As determined by the United States Supreme Court in its 2001 Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC) decision, channels and wetlands isolated from other jurisdictional waters cannot be considered jurisdictional on the basis of their use, hypothetical or observed, by migratory birds. Similarly, in its 2006 consolidated Carabell/Rapanos decision, the U.S. Supreme Court ruled that a significant nexus between a wetland and other navigable waters must exist for the wetland itself to be considered a navigable, and therefore, jurisdictional water.

The USACE regulates the filling or grading of Waters of the U.S. under the authority of Section 404 of the Clean Water Act. The extent of jurisdiction within drainage channels is defined by "ordinary high-water marks" on opposing channel banks. All activities that involve the discharge of dredge or fill material into Waters of the U.S. are subject to the permit requirements of the USACE. Such permits are typically issued

on the condition that the applicant agrees to provide mitigation that result in no net loss of wetland functions or values. No permit can be issued until the Regional Water Quality Control Board (RWQCB) issues a Section 401 Water Quality Certification (or waiver of such certification) verifying that the proposed activity will meet state water quality standards.

CEQA Guidelines Section 15380: Although threatened and endangered species are protected by specific federal and state statutes, CEQA Guidelines section 15380(d) provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if the species can be shown to meet certain specific criteria that define "endangered" and "rare" as specified in CEQA Guidelines section 15380(b).

3.4.3 Local Regulatory Setting

The General Plan provides the following policies for the protection of biological resources within the project area:

8.4-G-1 Protect special status species, in accordance with State regulatory requirements.

8.4-G-2 Protect and enhance the natural habitat features of the Feather River and new open space corridors within and around the urban growth area.

8.4-G-3 Preserve and enhance heritage oaks in the Planning Area.

8.4-G-4 Where appropriate, incorporate natural wildlife habitat features into public landscapes, parks, and other public facilities

8.4-I-1 Require protection of sensitive habitat area and special status species in new development site designs in the following order: 1) avoidance; 2) onsite mitigation; 3) offsite mitigation. Require assessments of biological resources prior to approval of any development within 300 feet of any creeks, sensitive habitat areas, or areas of potential sensitive status species.

8.4-I-2 Require preservation of oak trees and other native trees that are of a significant size, by requiring site designs to incorporate these trees to the maximum extent feasible.

8.4-I-3 Require to the extent feasible, use of drought tolerant plants in landscaping for new development, including private and public projects.

3.4.4 Impact Assessment/Environmental Consequences:

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?

The BSMP EIR identifies several species in these categories that could potentially be located within the BSMP area. The EIR considers new development allowed by the BSMP that would substantially reduce or eliminate those species or their habitats to be potentially significant impacts. Those species are as follows:

Elderberry Beetle. Although the reconnaissance survey of the BSMP project site did not identify any elderberry shrubs, the biological survey was reconnaissance in nature and a comprehensive pedestrian or protocol-level survey was not conducted. Further, over time elderberry shrubs could grow and be present prior to the initiation of construction of an individual project developed under the proposed BSMP. Therefore, there is the potential for elderberry shrubs to occur on the Project site. Elderberry shrubs within 165 feet of the Project area could impact valley elderberry longhorn

beetle as a result of project activities. Project activities include, but are not limited to the individual Project site, staging areas, spoils sites, and construction access. This would be a significant impact.

Mitigation Measure 3.4-2 would ensure that individual projects developed pursuant to the proposed BSMP avoids or reduces the magnitude of impacts to the federally listed valley elderberry longhorn beetle by avoiding impacts to the elderberry shrubs, their host plants, by transplanting during the dormant season, or by mitigating for removal of shrubs. Therefore, this impact would be reduced to a less-than-significant level.

Migratory birds and other birds of prey. These birds are protected under the MBTA and/or Section 3503 of the California Fish and Game Code could nest on or in the vicinity of the BSMP project site. If birds nest in the construction footprint of the Project developed pursuant to the proposed BSMP (i.e., individual project site, staging areas, spoils sites, construction access, etc.) and construction were to occur during the nesting season (February 1 through August 31) direct mortality could result from removal or damage to eggs or young. Implementation of any element of the BSMP could affect migratory bird nests should they be present in the buildings and outbuildings, if proposed for demolition, in the annual grassland, if proposed for vegetation grading, or in the trees associated with the urban areas, agricultural land, and oak woodland, if proposed for removal, through direct mortality because of removal of or damage to eggs or young. This would be a significant impact.

Mitigation Measure 3.4-3 would ensure that the Project avoid or reduces the magnitude of impacts to migratory birds and birds of prey through clearing vegetation outside of the nesting season or conducting preconstruction surveys if vegetation clearing is anticipated during the nesting season, and establishing a no-work buffer if birds are observed nesting in the vicinity of the construction footprint. Therefore, this impact would be reduced to a less-than-significant level.

Bats. Bats have the potential to roost in the buildings, outbuildings, and trees within the BSMP area. Implementation of the proposed Project could result in direct mortality of roosting bats should they be present in the buildings, outbuildings, and trees proposed for removal. This is considered a significant impact.

Mitigation Measure 3.4-4 would ensure that the Project is developed pursuant to the BSMP and avoids or reduces the magnitude of impacts to special-status bats by delaying tree or building removal until the roosting bats vacate the buildings/trees. Therefore, this impact would be reduced to a less-than-significant level.

Oak trees. The EIR prepared for the BSMP identifies the loss of native oak trees as a significant impact. A review of the site provided that there are no native oaks trees on the orchard property and thus there is no impact from the loss of oak trees.

Rare plant species. Non-native annual grassland within the final phase of the BSMP provides habitat for the following species: dwarf downingia (blooms March through May) and Ferris' mile-vetch (blooms April through May). The non-native grassland and oak woodland within the final phase provide habitat for Baker's navarretia (blooms April through July) and Hartweg's golden sunburst (blooms March through April). If these species are present and are not identified and appropriately managed, grading, or other ground disturbance related to development under the proposed BSMP would result in the removal of the species. This is considered a significant impact.

Mitigation Measure 3.4-6 would ensure that the Project avoids or mitigates for impacts to special-status plants by avoiding, relocating, or mitigating for any potentially occurring special-status plants. Therefore, this impact would be reduced to a less-than-significant level.

Loss of Swainson Hawk habitat: Per the BSMP EIR the California Department of Fish and Wildlife considers 5 or more vacant acres within 10 miles of a Swainson's hawk nest active within the last five years to be significant foraging habitat for Swainson's hawk, the conversion of which to urban uses is considered a significant impact. As the Project is 4.8 acres the potential loss of habitat would be less than significant.

Cumulative loss of wildlife habitat. As development within the Central Sacramento Valley continues, habitat for plant and wildlife species native to the region will be lost through conversion to urban environment. Although more mobile species may be able to survive these changes in their environment by moving to new areas, less mobile species could become extirpated. With continued conversion of natural habitat to urban and agricultural use, the availability and accessibility of habitat would decrease. Although the majority of the existing Project site supports land that has already been converted to agricultural land, the annual grassland and oak woodland areas could potentially be used by special-status bird species, including Swainson's hawk, burrowing owl, northern harrier, song sparrow, and white-tailed kite for foraging and nesting and by special-status plants, if present within these habitat types. In addition, elderberry shrubs, which are sole hosts of elderberry longhorn beetle, could be present within and adjacent to the Project site. The project site also supports potentially jurisdictional waters of the U.S. Construction of the proposed Project could result in the loss and/or degradation of sensitive habitats including waters of the U.S. Construction of the proposed Project, in combination with other development projects in the vicinity could, therefore, contribute to the fragmentation and loss of regional biodiversity through the incremental conversion of natural habitat for special-status species to urban development, and thereby limit the availability and accessibility of remaining habitats to regional wildlife.

The loss of land supporting areas of natural habitat will overcome any one project's ability to compensate for lost habitat values. Therefore, the loss of plant and wildlife habitat and waters of the U.S. as a result of implementation of the proposed project is cumulatively considerable, resulting in a significant and unavoidable impact. Overriding considerations were made with the BSMP approval process. As this Project is consistent with the BSMP land uses, policies, and programs, the impact from the West Railroad Village Subdivision on biological resources would not create any additional significant impacts.

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

See Section a) above for impacts on specific species and habitat types

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

Regarding wetlands, a reconnaissance level survey of the BSMP area was prepared for the BSMP EIR. Aerial imagery of the areas of the BSMP not accessed during the reconnaissance survey indicate similar land cover and land uses as the portions of the plan area that were surveyed, and do not display visual indicators of potential wetlands or waterways. Per the EIR though, there remains the potential that some wetland features may exist in the areas not surveyed (includes this Project). Fill or disturbance to a potential wetland or other water of the U.S. is considered a significant impact. To reduce this potential impact to a less than significant level Mitigation Measure 3.4-1 requires that the Project achieve a no net

loss of wetlands through avoidance and/or mitigation. Therefore, this impact would be reduced to a less-than-significant level.

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

The proposed Project would not disturb any waterways, as the nearest waterway is the Feather River, being approximately one mile to the east. As stated in the BSMP EIR, Project implementation would not interfere substantially with the movement of any native resident or migratory wildlife species because the BSMP area does not contain any wildlife movement corridors. Per the BSMP EIR the BSMP area also does not contain any known wildlife nurseries, such as deer fawning sites.

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

No trees or other known biological resources that would be protected by local policies or ordinances that are not already discussed above are within the BSMP area, including this Project site. Therefore, there would be no significant impacts due to conflicts with local policies or ordinances.

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?

There are no adopted habitat conservation plans, natural community conservation plans, or any other approved local, regional, or state habitat conservation plans in the vicinity of this Project.

3.4.1. BSMP Mitigation Measures for Biological Resources from the BSMP EIR

Mitigation Measure 3.4-1: Protection of Jurisdictional Waters and Wetlands

a) Prior to grading activities, the City shall require the project applicant [for an individual project pursuant to the BSMP] to prepare a formal aquatic resources delineation in accordance with the USACE Minimum Standards for Acceptance of Aquatic Resources Delineation Report for all areas of the individual development project site to determine if any wetlands or other waters of the U.S. potentially subject to Sections 401 and 404 of the CWA exist on that site. If no potential wetlands or other waters of the U.S. are identified, a report shall be submitted to the City for its records and no additional measures are required. If the formal aquatic resources delineation identifies potentially jurisdictional features on an individual project site, then measure 3.4-1(b) shall be implemented (below). If potential canals, streams, or lakes are identified that may be impacted by project activities, mitigation 3.4-1(c) shall also be implemented.

b) If the formal aquatic resources delineation identifies potentially jurisdictional features on an individual development project site, then the report shall be submitted to the USACE for verification and issuance of a jurisdictional determination. If any wetlands or waters are determined to be under the jurisdiction of the USACE or the RWQCB and may be impacted by project development, then the individual project applicant shall obtain Section 404/401 permits based on the jurisdictional determination with the appropriate regulatory agency for the potentially impacted features. During the permitting process, mitigation measures shall be

developed as necessary to reduce impacts on wetlands through avoidance, minimization and/or compensatory mitigation. Permanent losses to potentially jurisdictional wetlands and other waters of the U.S. shall be compensated at a minimum 1:1 ratio (or otherwise agreed upon ratio with the USACE and RWQCB) to achieve a no net loss of wetlands.

c) If the individual development project would result in impacts to the bed and banks of Gilsizer Slough, or other jurisdictional water courses with a defined bed and bank as identified in an aquatic resources delineation or jurisdictional determination, the City shall notify, or require the project applicant to notify, the CDFW. The CDFW will determine whether a Section 1600 Lake and Streambed Alteration Agreement (LSAA) is required. If required, the individual project applicant shall apply for and adhere to the conditions of the LSAA. This action shall be completed prior to issuance of a grading permit or initiation of other project activities that may impact the canal or other jurisdictional water courses.

Mitigation Measure 3.4-2: Protection of Valley Elderberry Longhorn Beetle

a) The individual project applicant shall engage a qualified biologist to conduct a survey of the construction footprint and 165-foot buffer around the proposed construction footprint to determine whether any elderberry shrubs with stems at least one-inch dgl are present. If no such elderberry shrubs are present within 165 feet of construction activities, a report shall be submitted to the City for its records and no additional measures are required.

b) If elderberry shrubs with stems at least one-inch dgl are present within 165 feet of construction activities, the following avoidance measures shall be implemented, at minimum, in accordance with the VELB Impact Assessment.

    1. Fencing shall be installed as close to the construction limits as feasible for shrubs occurring within 165 feet.

    2. In areas where work would occur within near proximity to elderberry shrub, exclusion fencing shall be established a minimum of a 20-foot radius around the shrubs.

    3. An individual project applicant shall engage a qualified biologist to provide worker awareness training for all contractors, work crews, and any onsite personnel, on the status of the VELB, its host plant and habitat, the need to avoid damaging the shrubs, and the possible penalties for non-compliance.

    4. Mechanical weed removal within the drip-line of the shrub shall be limited to the season when adults are not active (August - February) and shall avoid damaging the elderberry.

c) If elderberry shrubs cannot be avoided or if indirect effects will result in the death of stems or entire shrubs, the elderberry shrubs with stems greater than one-inch dgl shall be transplanted.

    1. The individual project applicant shall engage a qualified biologist to monitor the transplanting activities.

    2. Elderberry shrubs shall be transplanted when the shrubs are dormant (November through February 14) and after they have lost their leaves.

d) For shrubs that cannot be avoided, the individual project applicant shall purchase compensatory mitigation for impacts to elderberry shrubs. The appropriate type and amount of compensatory mitigation shall be determined through coordination with the USFWS. Appropriate compensatory

mitigation may include purchasing credits at a USFWS-approved conservation bank at a minimum 1:1 ratio, providing onsite mitigation, and/or establishing and/or protecting habitat for the valley elderberry longhorn beetle.

Mitigation Measure 3.4-3: Protection of Migratory Birds and Raptors

a) Building demolition and vegetation clearing operations, including initial grading and tree removal, shall occur outside of the nesting season (September 1 through January 31) to the extent feasible. If vegetation removal or building demolition begins during the nesting season (February 1 to August 31), the individual project applicant shall engage a qualified biologist to conduct a pre-construction survey for active nests within a 500-foot buffer around the individual project footprint. The pre-construction survey shall be conducted within 14 days prior to commencement of ground disturbing activities. If the pre-construction survey shows that there is no evidence of active nests, then a report shall be submitted to the City for its records and no additional measures are required. If construction does not commence within 14 days of a pre-construction survey, or halts for more than 14 days, an additional pre-construction survey is required for each period of delay.

b) If any active nests are located within the construction footprint – including, but not limited to individual project site, staging areas, spoils sites, construction access – an appropriate buffer zone shall be established around the nests, as determined by the qualified biologist based on applicable regulatory requirements in force at the time of construction activity. The biologist shall mark the buffer zone with construction tape or pin flags and maintain the buffer zone until the end of breeding season or until the young have successfully fledged or the nest is determined too no longer be active. Buffer zones are typically 50-100 feet for migratory bird nests and 250-500 feet for raptor nests (excluding Swainson's hawk). If active nests are found within the vicinity of the construction areas, the qualified biologist shall monitor nests weekly during construction to evaluate potential nesting disturbance by construction activities. If establishing the typical buffer zone is impractical, the qualified biologist shall adjust the buffer depending on the species and daily monitoring would be required to ensure that the nest is not disturbed, and no forced fledging occurs. This daily monitoring shall occur until the qualified biologist determines that the nest is no longer occupied.

Additional Measures for Burrowing Owl

c) Prior to any individual project construction, the project applicant shall engage a qualified biologist to conduct a habitat assessment to determine if potential nesting habitat is present with an individual project area. If potential nesting habitat is present, nesting and wintering season surveys for burrowing owl shall be conducted to determine if potential habitat within 500 feet of ground disturbance is used by this species. As described in Table 3.4-2, suitable burrowing owl habitat includes the annual grassland and agricultural land. The timing and methodology for the surveys shall be conducted in accordance with the current CDFW Staff Report on Burrowing Owl Mitigation (Appendix D-3).1 A minimum of three survey visits should be conducted at least three weeks apart during the peak breeding season between April 15 and July 15. One of these surveys could be conducted at the same time as the nesting bird survey (Mitigation Measure 3.4-3a) should work be anticipated to commence within 14 days and between April 15 and July 15. A

.

winter survey shall be conducted between December 1 and January 31, during the period when wintering owls are most likely to be present.

d) If an active burrowing owl nest site/active burrow is discovered in the vicinity of an individual project construction footprint – including, but not limited to individual project site, staging areas, spoils sites, construction access – the project applicant shall notify the City and CDFW. A qualified biologist shall monitor the owls and establish a fenced exclusion zone around each occupied burrow. No construction activities shall be allowed within the exclusion buffer zone until such time that the burrows are determined by a qualified biologist to be unoccupied. The buffer zones shall be a minimum of 150 feet from an occupied burrow during the non-breeding season (September 1 through January 31) and a minimum of 250 feet from an occupied burrow during the breeding season (February 1 through August 31).

e) If avoidance is not feasible, the CDFW shall be consulted to develop and the implement avoidance or passive relocation methods. All activities that will result in a disturbance to burrows shall be approved by the CDFW prior to implementation.

Additional Measures for Swainson's Hawk

f) If construction activities are anticipated to commence during the Swainson's hawk nesting season (March 1 to September 15), the individual project applicant shall engage a qualified biologist to conduct a minimum of two pre-construction surveys during the recommended survey periods in accordance with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Appendix D-4).2 All potential nest trees within 0.25 mile of the proposed project footprint shall be visually examined for potential Swainson's hawk nests, as accessible. If no active Swainson's hawk nests are identified on or within 0.25 mile of the proposed project, a report documenting the survey methodology and findings should be submitted to the City for its files and no additional mitigation measures are required.

g) If active Swainson's hawk nests are found within 0.25 mile of construction activities, a survey report shall be submitted to the CDFW and the CNDDB, and an avoidance and minimization plan shall be provided to and approved by the CDFW prior to the start of construction of the given development proposal. The avoidance plan shall identify measures to avoid or minimize impacts to the active Swainson's hawk nest. These measures may include, but are not limited to:

1. Conducting a Worker Awareness Training Program prior to the start of construction;
2. Establishing a buffer zone and work schedule to avoid impacting the nest during critical periods. If practicably feasible, no work will occur within 200 yards of the nest while it is in active use. If work will occur within 200 yards of the nest, then construction shall be monitored by a qualified biologist to ensure that no work occurs within 50 yards of the nest during incubation or within ten days after hatching;
3. Having a qualified biological monitor conduct regular monitoring of the nest during construction activities; and
4. Allowing the qualified biologist to halt construction activities until CDFW determines that the construction activities are disturbing the nest.

Mitigation Measure 3.4-4: Protection of Bat Species

a) The individual project applicant shall engage a qualified biologist to conduct a pre-construction survey for special-status bat species within 14 days prior to the start of tree or building removal within the BSMP project site. If no special-status bats are observed roosting, a report shall be submitted to the City for its records and no additional measures are required. If construction does not commence or if any trees or buildings anticipated for removal are not removed within 14 days of the pre-construction survey or halts for more than 14 days, a new survey and reporting shall be conducted.

b) If bats including pallid bats are found, the qualified biologist shall consult with the CDFW to determine and implement avoidance measures. Avoidance measures may include, but are not limited to, establishing a buffer around the roost tree, or building until it is no longer occupied or installing exclusion material around the tree/opening of the building after dusk, once the qualified biologist has determined that the bat has left the roost to forage. The tree or building shall not be removed until a biologist has determined that the tree or building is no longer occupied by the bats.

Mitigation Measure 3.4-6: Rare Plant Protection

a) The individual project applicant shall retain a qualified biologist to conduct focused botanical protocol-level surveys in the nonnative annual grassland for dwarf downingia (blooms March through May) and Ferris' mile-vetch (blooms April through May) and in the non-native grassland and oak woodland for Baker's navarretia (blooms April through July) and Hartweg's golden sunburst (blooms March through April). Surveys shall be conducted during blooming periods for all special-status species. (It is noted that the blooming periods for these plant species overlap in the month of April.) If no special-status plants are observed within the survey area, then a report shall be submitted to the City and no additional mitigation is required so long as construction commences within two years of the survey.

b) If Baker's navarretia, dwarf downingia, or Ferris' milk-vetch are observed within the project site, the plants should be avoided with a minimum 10-foot avoidance buffer with exclusion fencing, to the extent feasible. If these special-status plants cannot be avoided, a mitigation plan shall be prepared by a qualified botanist. At minimum, the mitigation plan shall include locations where the plants will be transplanted, success criteria, and monitoring activities for the transplanted populations. The mitigation plan shall be finalized prior to transplantation and commencement of construction activities.

c) If the federal and state endangered Hartweg's golden sunburst is observed, the plants shall be avoided to the extent feasible.

    1. If the plants cannot be avoided, the individual project applicant shall obtain a CESA Section 2081(b) Incidental Take Permit. Measures to minimize the take and to mitigate the impacts caused by the take shall be set forth in one or more conditions of the permit. Potential conservation measures include, but are not limited to, purchasing credits from a mitigation bank, establishing a preserve, and/or preparing a mitigation plan.

2. If the plants cannot be avoided and if the project requires USFWS Section 7 consultation (i.e., would impact a jurisdictional wetland or water of the U.S. requiring a Section 404 CWA permit), consultation with the USFWS through the Section 7 process shall occur to determine any additional avoidance, conservation, and mitigation measures that may be needed for the species, if any. The individual project applicant is not required to consult for impacts to federally listed plants without a federal nexus.

3.5 Cultural Resources

Table 3.5: Cultural Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.			X	
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5.		X		
c) Disturb any human remains, including those interred outside of formal cemeteries?		X		

3.5.1 Federal Regulatory Setting

National Historic Preservation Act of 1966 (as amended), Section 106: The significance of cultural resources is evaluated under the criteria for inclusion in the National Register of Historic Places (NRHP), authorized under the National Historic Preservation Act of 1966, as amended. The criteria defined in 36 CFR 60.4 are as follows:

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- That are associated with events that have made a significant contribution to the broad patterns of our history; or
- That are associated with the lives of persons significant in our past; or
- That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- That have yielded, or may be likely to yield, information important to prehistory or history.

Sites listed or eligible for listing on the NRHP are considered to be historic properties. Sites younger than 50 years, unless of exceptional importance, are not eligible for listing in the NRHP.

3.5.2 State Regulatory Setting

CEQA requires consideration of project impacts on archaeological or historical sites deemed to be "historical resources." Under CEQA, a substantial adverse change in the significant qualities of a historical resource is considered a significant effect on the environment. For the purposes of CEQA, a "historical resource" is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources (Title 14 CCR §15064.5[a][1]-[3]). Historical resources may include, but are not limited to, "any object, building, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California" (PRC §5020.1[j]).

The eligibility criteria for the California Register are the definitive criteria for assessing the significance of historical resources for the purposes of CEQA (Office of Historic Preservation). Generally, a resource is considered "historically significant" if it meets one or more of the following criteria for listing on the California Register:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- Is associated with the lives of persons important in our past.
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- Has yielded, or may be likely to yield, information important in prehistory or history. (PRC §5024.1[c])

In addition, the resource must retain integrity. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association (CCR Title 14, § 4852(c)).

Historical resources may include, but are not limited to, "any object, building, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California" (PRC §5020.1[j]).

California Health and Safety Code Section 7050.5: Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

3.5.3 Native American Consultation

In September of 2014, the California Legislature passed Assembly Bill (AB) 52, which added provisions to the PRC regarding the evaluation of impacts on tribal cultural resources under CEQA, and consultation requirements with California Native American tribes. In particular, AB 52 now requires lead agencies to analyze project impacts on "tribal cultural resources" separately from archaeological resources (PRC §

21074; 21083.09). AB 52 also requires lead agencies to engage in additional consultation procedures with respect to California Native American tribes (PRC § 21080.3.1, 21080.3.2, 21082.3).

In response to AB 52, the City supplied the following Native American tribes with a Project description and map of the proposed Project area and a request for comments:

- United Auburn Indian Community of the Auburn Rancheria
- Yocha Dehe Wintun Nation
- Estom Yomeka Maidu Tribe of the Enterprise Rancheria
- Mechoopda Indian Tribe
- Pakan'yani Maidu of Strawberry Valley
- Mooretown Rancheria of Maidu Indians
- Ione Band of Miwok Indians

No tribal comments were received in response to inquiry for this Project. The mitigation measure that follows is based on responses received for the BSMP EIR.

3.5.4 Impact Assessment/Environmental Consequences:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.

The BSMP EIR addressed the potential for significant impacts on historical resources with the development of the area and provides mitigations to reduce potential significant impacts. However, there are no structures on the Project site. Therefore, the potential impacts on any historical resources are less than significant.

b) Cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5.

Because ground-disturbing activities, including depth of disturbance have not yet been determined for the future phases of development within the BSMP area, it was premature to conduct detailed cultural resources surveys as part of the BSMP process. However, because the BSMP EIR determined that the BSMP area has a high sensitivity for buried archaeological resources, individual projects pursuant to the proposed BSMP could adversely impact undiscovered archaeological resources and/or human remains, which would result in a significant impact. Implementation of Mitigation Measure 3.5-2(b) below would ensure that cultural resources analysis is conducted.

With implementation of these mitigation measures it is ensured that analysis and mitigation of impacts is conducted for future phases of development within the BSMP. Implementation of Mitigation Measure 3.5-2(a) and Mitigation Measure 3.5-2(b) would ensure that impacts to prehistoric archaeological resources, tribal cultural resources, and human remains would be less than significant.

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

See Part b) above.

3.5.5 BSMP Mitigation Measures for Cultural Resources from the BSMP EIR

Mitigation Measure 3.5-2(a): Protection of Archaeological Resources (Only if the results of implementation of Mitigation 3.5-2(b) necessitates its use)**.**

Archaeological Monitoring Plan. Prior to issuance of grading permits or ground-disturbing construction activity in the Newkom Ranch and Kells East Ranch properties, the project applicant shall prepare and submit an Archaeological Monitoring Plan to the City of Yuba City for review and approval. Monitoring shall be required for all surface alteration and subsurface excavation work, including trenching, boring, grading, use of staging areas and access roads, and driving vehicles and equipment. A Secretary of the Interior-qualified professional archaeologist (project archaeologist) shall prepare the plan. The plan shall address (but not be limited to) the following issues:

- Training program for all construction and field workers involved in site disturbance;
- Person(s) responsible for conducting monitoring activities, including both archaeological and Native American monitors;
- How the monitoring shall be conducted and the required format and content of monitoring reports, including the need to conduct trenching, shovel-test units, or auger samples to identify archaeological deposits in advance of construction, assessment, designation, and mapping of the sensitive cultural resource areas on final project maps, assessment, and survey of any previously un-surveyed areas;
- Person(s) responsible for overseeing and directing the monitors;
- Schedule for submittal of monitoring reports and person(s) responsible for review and approval of monitoring reports;
- Procedures and construction methods to avoid sensitive cultural resource areas (i.e., planning construction to avoid the resource, incorporating the resource within open space, capping, and covering the resource, or deeding the site into a permanent conservation easement);
- Clear delineation and fencing of sensitive cultural resource areas;
- Physical monitoring boundaries;
- Protocol for notifications in case of encountering of cultural resources, as well as methods of dealing with the encountered resources (e.g., collection, identification, curation);
- Methods to ensure security of cultural resources;
- Protocol for notifying local authorities (i.e. Sheriff, Police) should site looting and other illegal activities occur during construction.

Archaeological and Native American Monitoring. If an intact archaeological resource is encountered, all soil disturbing activities in the vicinity of the resource shall cease until it is evaluated. The project archaeologist shall immediately notify the City of Yuba City of an encountered archaeological resource. The project archaeologist and Native American monitor shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological resource, present the findings of this assessment to the City.

During the course of the monitoring, the project archaeologist and Native American monitor may adjust the frequency—from continuous to intermittent—of the monitoring based on the conditions and professional judgment regarding the potential to impact resources.

If the City, in consultation with the project archaeologist and Native American monitor, determines that a significant archaeological resource is present and that the resource could be adversely impacted by the project, the City shall:

- Determine whether preservation in place is feasible. Consistent with CEQA Section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement.
- If avoidance is not feasible, prepare and implement a detailed Archaeological Research Design and Treatment Plan. Treatment of archaeological resources will follow the applicable requirements of Public Resources Code Section 21083.2. Treatment for most resources would consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the project. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals.
- If potential human remains are encountered, all work will halt in the vicinity of the find and the City will contact the county coroner in accordance with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. If the coroner determines the remains are Native American, the coroner shall contact the Native American Heritage Commission. As provided in Public Resources Code Section 5097.98, the Commission will identify the person or persons believed to be most likely descended from the deceased Native American. The most likely descendent makes recommendations for means of treating, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resources Code Section 5097.98.

Mitigation Measure 3.5-2(b): Protection of Historic Archaeological Resources

When BSMP-level development plans outside the Newkom Ranch and Kells East Ranch properties are submitted to the City of Yuba City for approval, the project applicant shall be required to complete a cultural resources investigation for review and approval by the City that includes, at a minimum:

- An updated records search at the Northeast Information Center;
- Updated Native American consultation in coordination with the Native American Heritage Commission
- An intensive archaeological survey of the development area;
- A geoarchaeological assessment for the potential for buried archaeological resources;
- A report that documents the results of the investigation; and
- Recommendations for mitigation to resolve adverse impacts to significant archaeological resources or human remains. The survey shall be carried out by a qualified archaeologist meeting the Secretary of the Interior's Standards for Archaeology and can be documented in the same document as required in Mitigation Measure 3.5-1(a).

3.6 Energy

Table 3-6: Energy				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

3.6.1 State Regulatory Setting

California has implemented numerous energy efficiency and conservation programs that have resulted in substantial energy savings. The State has adopted comprehensive energy efficiency standards as part of its Building Standards Code, California Codes of Regulations, Title 24. In 2009, the California Building Standards Commission adopted a voluntary Green Building Standards Code, also known as CALGreen, which became mandatory in 2011. Both Title 24 and CALGreen are implemented by the City of Yuba City in conjunction with its processing of building permits.

CALGreen sets forth mandatory measures, applicable to new residential and nonresidential structures as well as additions and alterations, on water efficiency and conservation, building material conservation, interior environmental quality, and energy efficiency. California has adopted a Renewables Portfolio Standard, which requires electricity retailers in the state to generate 33% of electricity they sell from renewable energy sources (i.e., solar, wind, geothermal, hydroelectric from small generators, etc.) by the end of 2020. In 2018, SB 100 was signed into law, which increases the electricity generation requirement from renewable sources to 60% by 2030 and requires all the state's electricity to come from carbon-free resources by 2045.

3.6.2. Impact Assessment/Environmental Consequences

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

Site preparation, grading and construction would involve fuel consumption and use of other non-renewable resources. Construction equipment used for such improvements typically runs on diesel fuel or gasoline. The same fuels typically are used for vehicles that transport equipment and workers to and from a construction site. However, construction-related fuel consumption would be finite, short-term, and consistent with construction activities of a similar character. This energy use would not be considered wasteful, inefficient, or unnecessary.

Electricity may be used for equipment operation during construction activities. It is expected that more electrical construction equipment would be used in the future, as it would generate fewer air pollutant and GHG emissions. This electrical consumption would be consistent with construction activities of a similar character; therefore, the use of electricity in construction activities would not be considered wasteful, inefficient, or unnecessary, especially since fossil fuel consumption would be reduced. Moreover, under California's Renewables Portfolio Standard, a greater share of electricity would be provided from renewable energy sources over time, so less fossil fuel consumption to generate electricity would occur.

The Project would be required to comply with CALGreen and with the building energy efficiency standards of California Code of Regulations Title 24, Part 6 in effect at the time of Project approval. Compliance with these standards would reduce energy consumption associated with Project operations, although reductions from compliance cannot be readily quantified. Overall, Project construction would typically not consume energy resources in a manner considered wasteful, inefficient, or unnecessary.

Project impacts related to energy consumption are considered less than significant.

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

Development that could result from this Project would be required to be consistent with applicable state and local plans for increased energy efficiency. Thus, the Project's impacts due to conflicts with state or local renewable energy policies would be less than significant.

3.7 Geology and Soils

Table 3.7: Geology and Soils				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly create potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geological 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?			X	
d) Be located on expansive soil, as defined in the California Building Code creating substantial direct or indirect risks to life or property?				X
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?				X
f) Directly or indirectly destroy a unique paleontological resources or site or unique geologic feature?			X	

3.7.1 Environmental Setting/Affected Environment

Topography and Geology: According to the Sutter County General Plan, Sutter County is located in the flat surface of the Great Valley geomorphic province of California. The Great Valley is an alluvial plain approximately 50 miles wide and 400 miles long in the central portion of California. The Great Valley's northern portion is the Sacramento Valley, drained by the Sacramento River, and its southern portion is the San Joaquin Valley, drained by the San Joaquin River. The geology of the Great Valley is typified by thick sequences of alluvial sediments derived primarily from erosion of the mountains of the Sierra Nevada to the east, and to a lesser extent, erosion of the Klamath Mountains and Cascade Range to the

north. These sediments were transported downstream and subsequently laid down as a river channel, floodplain deposits, and alluvial fans.

Seismic Hazards: Earthquakes are due to a sudden slip of plates along a fault. Seismic shaking is typically the greatest cause of losses to structures during earthquakes. Earthquakes can cause structural damage, injury, and loss of life, as well as damage to infrastructure networks such as water, power, gas, communication, and transportation lines. Other damage-causing effects of earthquakes include surface rupture, fissuring, settlement, and permanent horizontal and vertical shifting of the ground. Secondary impacts can include landslides, seiches, liquefaction, and dam failure.

Seismicity: Although all of California is typically regarded as seismically active, the Central Valley region does not commonly experience strong ground shaking resulting from earthquakes along known and previously unknown active faults. Though no active earthquake faults are known to exist in Yuba City, active faults in the region could generate ground motion felt within the County. Numerous earthquakes of magnitude 5.0 or greater on the Richter scale have occurred on regional faults, primarily those within the San Andreas Fault System in the region. There are several potentially active faults underlying the Sutter Buttes, which are associated with deep-seated volcanism.

The faults identified in Sutter County include the Quaternary Faults, located in the northern section of the County within the Sutter Buttes, and the Pre-Quaternary Fault, located in the southeast of the City, just east of where Highway 70 enters into the County. Both Faults are listed as non-active faults but have the potential for seismic activity.

Ground Shaking: As stated in the Sutter County Multi-Hazard Mitigation Plan, although the County has felt ground shaking from earthquakes with epicenters located elsewhere, no major earthquakes or earthquake related damage has been recorded within the County. Based on historic data and known active or potentially active faults in the region, parts of Sutter County have the potential to experience low to moderate ground shaking. The intensity of ground shaking at any specific site depends on the characteristics of the earthquake, the distance from the earthquake fault, and on the local geologic and soils conditions. Fault zone maps are used to identify where such hazards are more likely to occur based on analyses of faults, soils, topography, groundwater, and the potential for earthquake shaking sufficiently strong to trigger landslide and liquefaction.

Liquefaction: Liquefaction, which can occur in earthquakes with strong ground shaking, is mostly found in areas with sandy soil or fill and a high-water table located 50 feet or less below the ground surface. Liquefaction can cause damage to property with the ground below structures liquefying making the structure unstable causing sinking or other major structural damage. Evidence of liquefaction may be observed in "sand boils," which are expulsions of sand and water from below the surface due to increased pressure below the surface.

Liquefaction during an earthquake requires strong shaking and is not likely to occur in the city due to the relatively low occurrence of seismic activity in the area; however, the clean sandy layers paralleling the Sacramento River, Feather River, and Bear River have lower soil densities and high overall water table are potentially a higher risk area if major seismic activity were to occur. Areas of bedrock, including the Sutter Buttes have high density compacted soils and contain no liquefaction potential, although localized areas of valley fill alluvium can have moderate to high liquefaction potential.

Landslides: Landslides are downward and outward movements of slope forming materials which may be rock, soil, artificial fill, or combinations of such materials. The size of landslides varies from those containing less than a cubic yard of material to massive ones containing millions of cubic yards. Large landslides may move down slope for hundreds of yards or even several miles. A landslide may move rapidly or so slow that a change of position can be noted only over a period of weeks or years. A similar,

but much slower movement is called creep. The susceptibility of a given area to landslides depends on a great many variables. With the exception of the Sutter Buttes, Yuba City is located in a landslide-free zone due to the flat topography. The Sutter Buttes are considered to be in a low landslide hazard zone as shown in Bulletin 198 by the California Division of Mines and Geology.

Soil Erosion: Erosion is a two-step process by which soils and rocks are broken down or fragmented and then transported. The breakdown processes include mechanical abrasion, dissolution, and weathering. Erosion occurs naturally in most systems but is often accelerated by human activities that disturb soil and vegetation. The rate at which erosion occurs is largely a function of climate, soil cover, slope conditions, and inherent soil properties such as texture and structure. Water is the dominant agent of erosion and is responsible for most of the breakdown processes as well as most of the transport processes that result in erosion. Wind may also be an important erosion agent. The rate of erosion depends on many variables including the soil or rock texture and composition, soil permeability, slope, extent of vegetative cover, and precipitation amounts and patterns. Erosion increases with increasing slope, increasing precipitation, and decreasing vegetative cover. Erosion can be extremely high in areas where vegetation has been removed by fire, construction, or cultivation. High rates of erosion may have several negative impacts including degradation and loss of agricultural land, degradation of streams and other water habitats, and rapid silting of reservoirs.

Subsidence: Subsidence is the sinking of a large area of ground surface in which the material is displaced vertically downward, with little or no horizontal movement. Subsidence is usually a direct result of groundwater, oil, or gas withdrawal. These activities are common in several areas of California, including parts of the Sacramento Valley and in large areas of the San Joaquin Valley. Subsidence is a greater hazard in areas where subsurface geology includes compressible layers of silt and clay. Subsidence due to groundwater withdrawal generally affects larger areas and presents a more serious hazard than does subsidence due to oil and gas withdrawal. In portions of the San Joaquin Valley, subsidence has exceeded 20 feet over the past 50 years. In the Sacramento Valley, preliminary studies suggest that much smaller levels of subsidence, up to two feet may have occurred. In most of the valley, elevation data are inadequate to determine positively if subsidence has occurred. However, groundwater withdrawal in the Sacramento Valley has been increasing and groundwater levels have declined in some areas. The amount of subsidence caused by groundwater withdrawal depends on several factors, including: (1) the extent of water level decline, (2) the thickness and depth of the water bearing strata tapped, (3) the thickness and compressibility of silt-clay layers within the vertical sections where groundwater withdrawal is occurring, (4) the duration of maintained groundwater level decline, (5) the number and magnitude of water withdrawals in a given area, and (6) the general geology and geologic structure of the groundwater basin. The damaging effects of subsidence include gradient changes in roads, streams, canals, drains, sewers, and dikes. Many such systems are constructed with slight gradients and may be significantly damaged by even small elevation changes. Other effects include damage to water wells resulting from sediment compaction and increased likelihood of flooding of low-lying areas.

Expansive Soils: Expansive soils are prone to change in volume due to the presence of moisture. Soft clay soils have the tendency to increase in volume when moisture is present and shrink when it is dry (shrink/swell). Swelling soils contain high percentages of certain kinds of clay particles that are capable of absorbing large quantities of water, expanding up to 10 percent or more as the clay becomes wet. The force of expansion is capable of exerting pressure on foundations, slabs, and other confining structures.

Soils: The Natural Resources Conservation Service (NRCS, formerly the Soil Conservation Service) has mapped over 40 individual soil units in the county. The predominant soil series in the county are the Capay, Clear Lake, Conejo, Oswald, and Olashes soils, which account for over 60 percent of the total land area. The remaining soil units each account for smaller percentages the total land area. The Capay and

Clear Lake soils are generally present in the western and southern parts of the county. The Conejo soils occur in the eastern part closer to the incorporated areas of the county. Oswald and Olashes soils are located in the central portion of the county extending north to south, with scattered areas along the southeastern edge of the county. Soil descriptions for the principal soil units in the county are provided below. These descriptions, which were developed by the NRCS, are for native, undisturbed soils and are primarily associated with agricultural suitability. Soil characteristics may vary considerably from the mapped locations and descriptions due to development and other uses. Geotechnical studies are required to identify actual engineering properties of soils at specific locations to determine whether there are specific soil characteristics that could affect foundations, drainage, infrastructure, or other structural features.

3.7.2 Federal Regulatory Setting

Historic Sites Act of 1935: This Act became law on August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467) and has been amended eight times. This Act establishes as a national policy to preserve for public use historic sites, buildings, and objects, including geologic formations.

National Earthquake Hazards Reduction Program: The National Earthquake Hazards Reduction Program (NEHRP), which was first authorized by Congress in 1977, coordinates the earthquake-related activities of the Federal Government. The goal of NEHRP is to mitigate earthquake losses in the United States through basic and directed research and implementation activities in the fields of earthquake science and engineering. Under NEHRP, FEMA is responsible for developing effective earthquake risk reduction tools and promoting their implementation, as well as supporting the development of disaster-resistant building codes and standards. FEMA's NEHRP activities are led by the FEMA Headquarters (HQ), Federal Insurance and Mitigation Administration, Risk Reduction Division, Building Science Branch, in strong partnership with other FEMA HQ Directorates, and in coordination with the FEMA Regions, the States, the earthquake consortia, and other public and private partners.

3.7.3 State Regulatory Setting

California Alquist-Priolo Earthquake Fault Zoning Act: The Alquist-Priolo Earthquake Fault Zoning Act (originally enacted in 1972 and renamed in 1994) is intended to reduce the risk to life and property from surface fault rupture during earthquakes. The statute prohibits the location of mot types of structures intended for human occupancy across the traces of active faults and regulates construction in the corridors along active faults.

California Seismic Hazards Mapping Act: The Seismic Hazards Mapping Act is intended to reduce damage resulting from earthquakes. While the Alquist-Priolo Earthquake Fault Zoning Act addresses surface fault rupture, the Seismic Hazards Mapping Act addresses other earthquake-related hazards, including ground shaking, liquefaction, and seismically induced landslides. The state is charged with identifying and mapping areas at risk of strong ground shaking, liquefaction, landslides, and other hazards, and cities and counties are required to regulate development within mapped Seismic Hazard Zones.

Uniform Building Code: The California Code of Regulations (CCR) Title 24 is assigned to the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. The California Building Code incorporates by reference the Uniform Building Code with necessary California amendments. The Uniform Building Code is a widely adopted model building code in the United States published by the International Conference of Building Officials. About one-third of the text within the California Building Code has been tailored for California earthquake conditions.

Paleontological Resources: Paleontological resources are the fossilized remains of plants and animals and associated deposits. The Society of Vertebrate Paleontology has identified vertebrate fossils, their taphonomic and associated environmental indicators, and fossiliferous deposits as significant nonrenewable paleontological resources. Botanical and invertebrate fossils and assemblages may also be considered significant resources. CEQA requires that a determination be made as to whether a project would directly or indirectly destroy a unique paleontological resource or site or unique geological feature (CEQA Appendix G(v)(c)). If an impact is significant, CEQA requires feasible measures to minimize the impact (CCR Title 14(3) Section 15126.4 (a)(1)). California Public Resources Code Section 5097.5 (see above) also applies to paleontological resources.

3.7.4 Impact Assessment/Environmental Consequences:

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

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

According to the Yuba City General Plan, no active earthquake faults are known to exist in Sutter County, although active faults in the region could produce ground motion in Yuba City (Dyett & Bhatia, 2004). The closest known fault zone is the Bear Mountain Fault Zone, located approximately 20 miles northeast of Yuba City (California Geological Survey [CGS], 2015). Potentially active faults do exist in the Sutter Buttes, but those faults are considered small and have not exhibited activity in recent history. Because the distance from the City to the closest known active fault zone is large, the potential for exposure of people or structures to substantial adverse effects from fault rupture is low. Considering that the Building Code incorporates construction standards for minimizing earthquake damage to buildings, and the low potential for a significant earthquake activity in the vicinity, the potential for adverse impacts from an earthquake is less than significant.

ii. Strong seismic ground shaking?

In the event of a major regional earthquake, fault rupture or seismic ground shaking could potentially injure people and cause collapse or structural damage to existing and proposed structures. Ground shaking could potentially expose people and property to seismic-related hazards, including localized liquefaction and ground failure. However, all new structures are required to adhere to current California Building Code standards. These standards require adequate design, construction, and maintenance of structures to prevent exposure of people and structures to major geologic hazards. General Plan Implementing Policies 9.2-I-1 through 9.2-I-8 and the building codes reduce the potential impacts to less than significant.

iii. Seismic-related ground failure, including liquefaction?

The proposed Project is not located within a liquefaction zone according to the California Department of Conservation's California Geologic Survey regulatory maps. Regardless, all new structures are required to adhere to current California Building Code standards. These standards require adequate design, construction, and maintenance of structures to prevent exposure of people and structures to major

geologic hazards. Therefore, the potential impact from ground failure is less than significant. Also, see Part c) below.

iv. Landslides?

According to the Environmental Impact Report prepared for the General Plan, due to the flat topography, erosion, landslides, and mudflows are not considered to be a significant risk in the City limits or within the City's Sphere of Influence.

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

Development of the site that could result from this subdivision would result in all of the site being disturbed during site grading. Even though the area is relatively flat, during site grading a large storm could result in the loss of topsoil into the City/Sutter County drainage system. However, as part of the grading and construction, the applicant will be required to follow Best Management Practices (BMP's) and provide erosion control measures to minimize soil runoff during the construction process. Therefore, impacts from soil erosion will be less than significant.

c) Be located on a geological 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?

Per the BSMP EIR, while the BSMP area has a low to moderate potential for ground shaking, it does have a moderate to high potential to experience liquefaction if a large earthquake were to occur. Compliance with regulatory standards described above would reduce potential impacts related to strong seismic shaking and liquefaction to less-than-significant level, and no mitigation measures are required. As the area is essentially flat, there is not a potential for landslides.

d) Be located on expansive soil, as defined in the California Building Code creating substantial direct or indirect risks to life or property?

The extreme southwest corner of the Yuba City Sphere of Influence is the only known area with expansive soils. According to the BSMP EIR the entire BSMP area is identified as having low and moderate ratings for linear extensibility. But the implementation of standard geotechnical engineering practices and adherence to building code requirements would reduce potential impacts from expansive soils to less than significant.

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

The 48 new residences that will result from this subdivision will be connected to the City's wastewater collection and treatment system. No new septic systems will be utilized. As such, there will be no new significant impacts caused by new septic systems.

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

Per the EIR prepared for the BSMP, the Project site is underlain by Quaternary alluvium and is considered to have low potential for exposure of paleontological resources or the presence of unique geologic features. Because the BSMP area was identified as having a low probability of discovery of paleontological resources or unique geologic features and is underlain by a soil type which is generally considered to have a low potential for significant paleontological resources, the impact on paleontological resources would be less than significant.

3.8 Greenhouse Gas Emissions

Table 3.8: Greenhouse Gas Emissions				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?		X		
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?		X		

3.8.1 Federal Regulatory Setting

The United States Environmental Protection Agency (USEPA) Mandatory Reporting Rule (40 CFR Part 98), which became effective December 29, 2009, requires that all facilities that emit more than 25,000 metric tons CO2-equivalent per year beginning in 2010, report their emissions on an annual basis. On May 13, 2010, the USEPA issued a final rule that established an approach to addressing GHG emissions from stationary sources under the Clean Air Act (CAA) permitting programs. The final rule set thresholds for GHG emissions that define when permits under the New Source Review Prevention of Significant Deterioration and title V Operating Permit programs are required for new and existing industrial facilities.

In addition, the Supreme Court decision in Massachusetts v. EPA (Supreme Court Case 05-1120) found that the USEPA has the authority to list GHGs as pollutants and to regulate emissions of greenhouse gases (GHG) under the CAA. On April 17, 2009, the USEPA found that CO2, CH4, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride may contribute to air pollution and may endanger public health and welfare. This finding may result in the USEPA regulating GHG emissions; however, to date the USEPA has not propose regulations based on this finding.

3.8.2 State & Local Regulatory Setting

The City's Resource Efficiency Plan as designed under the premise that the City, and the community it represents, is uniquely capable of addressing emissions associated with sources under the City's jurisdiction and that the City's emission reduction efforts should coordinate with the state strategies of reducing emissions in order to accomplish these reductions in an efficient and cost-effective manner. The City developed this document with the following purposes in mind:

- Local Control: The Yuba City Efficiency Plan allows the City to identify strategies to reduce resource consumption, costs, and GHG emissions in all economic sectors in a way that maintains local control over the issues and fits the character of the community. It also may position the City for funding to implement programs tied to climate goals.
- Energy and Resource Efficiency: The Efficiency Plan identifies opportunities for the City to increase energy efficiency and lower GHG emissions in a manner that is most feasible within the community. Reducing energy consumption through increasing the efficiency of energy technologies, reducing energy use, and using renewable sources of energy are effective ways to reduce GHG emissions. Energy efficiency also provides opportunities for cost-savings.
- Improved Public Health: Many of the GHG reduction strategies identified in the Efficiency Plan also have local public health benefits. Benefits include local air quality improvements; creating a more active community through implementing resource-efficient living practices; and reducing health risks, such as heat stroke, that would be otherwise elevated by climate change impacts such as increased extreme heat days.

Demonstrating Consistency with State GHG Reduction Goals—A GHG reduction plan may be used as GHG mitigation in a General Plan to demonstrate that the City is aligned with State goals for reducing GHG emissions to a level considered less than cumulatively considerable.

3.8.3 Impact Assessment/Environmental Consequences:

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

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

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, similar to a greenhouse. The accumulation of GHGs has been implicated as a driving force for Global Climate Change. Definitions of climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the climate caused by natural fluctuations and the impact of human activities that alter the composition of the global atmosphere. Both natural processes and human activities emit GHGs. Global Climate Change is a change in the average weather on earth that can be measured by wind patterns, storms, precipitation, and temperature. Although there is disagreement as to the speed of global warming and the extent of the impacts attributable to human activities, the vast majority of the scientific community now agrees that there is a direct link between increased emission of GHGs and long-term global temperature. Potential global warming impacts in California may include, but are not limited to, loss in snowpack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity. GHG impacts are considered to be exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective (CAPCOA).

The site preparation, grading, and construction of the duplexes and single-family residences will generate GHG emissions due to the use of motorized construction equipment. The emissions will be from construction equipment during the construction of the subdivision. Once completed, vehicle traffic generated by auto use from the new residences will contribute GHG gases. On a cumulative scale, possible

reasonable reductions could be applied to the Project in order to further minimize those impacts. Specifically addressing this proposal, the City's Resource Efficiency Plan (REP) addresses greenhouse gas concerns and provides a description of greenhouse gas reduction measures.

Since the final layout and building design of the residential development proposed under the BSMP have not yet been finalized, it is not yet possible to demonstrate that the proposed BSMP as a whole would achieve the required points in the Consistency Screening Table to demonstrate consistency with the City's REP. Therefore, the buildout of the proposed Project could potentially conflict with the adopted REP and result in a potentially significant impact.

A mitigation measure is included that requires the Project to incorporate the relevant greenhouse gas reduction measures. With this mitigation the impacts from greenhouse gases will be less than significant.

3.8.4 Greenhouse Mitigation Measure from the BSMP EIR

Mitigation Measure 3.7-1(a): Residential Building Insulation

Prior to building construction, individual project applicants shall submit to the City building plans demonstrating how all proposed residential buildings include greatly enhanced building insulation materials such as spray foam wall insulated walls R-15 or greater, roof/attic R-38 or higher. The individual project applicants shall also demonstrate how all proposed residential buildings include modestly enhanced window insulation such as 0.4 U-Factor or 0.32 SHGC.

3.9 Hazards and Hazardous Materials

Table 3.9: Hazards and Hazardous Materials				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
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?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
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?		X		
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 for people residing or working in the project area?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.				X

3.9.1 Federal Regulatory Setting

U.S. Environmental Protection Agency (USEPA): The USEPA was established in 1970 to consolidate in one agency a variety of federal research, monitoring, standard setting, and enforcement activities to ensure environmental protection. USEPA's mission is to protect human health and to safeguard the natural environment — air, water, and land — upon which life depends. USEPA works to develop and enforce regulations that implement environmental laws enacted by Congress, is responsible for researching and setting national standards for a variety of environmental programs, and delegates to states and tribes the responsibility for issuing permits and for monitoring and enforcing compliance. Where national standards are not met, USEPA can issue sanctions and take other steps to assist the states and tribes in reaching the desired levels of environmental quality.

Federal Toxic Substances Control Act/Resource Conservation and Recovery Act/Hazardous and Solid Waste Act: The Federal Toxic Substances Control Act (1976) and the Resource Conservation and Recovery

Act of 1976 (RCRA) established a program administered by the USEPA for the regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA was amended in 1984 by the Hazardous and Solid Waste Act (HSWA), which affirmed and extended the "cradle to grave" system of regulating hazardous wastes.

Comprehensive Environmental Response, Compensation, and Liability Act/Superfund Amendments and Reauthorization Act: The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law (U.S. Code Title 42, Chapter 103) provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites; provides for liability of persons responsible for releases of hazardous waste at these sites; and establishes a trust fund to provide for cleanup when no responsible party can be identified. CERCLA also enables the revision of the National Contingency Plan (NCP). The NCP (Title 40, Code of Federal Regulation [CFR], Part 300) provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, and/or contaminants. The NCP also established the National Priorities List (NPL). CERCLA was amended by the Superfund Amendments and Reauthorization Act (SARA) on October 17, 1986.

Clean Water Act/SPCC Rule: The Clean Water Act (CWA) (33 U.S.C. Section 1251 et seq., formerly the Federal Water Pollution Control Act of 1972), was enacted with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States. As part of the Clean Water Act, the U.S. EPA oversees and enforces the Oil Pollution Prevention regulation contained in Title 40 of the CFR, Part 112 (Title 40 CFR, Part 112) which is often referred to as the "SPCC rule" because the regulations describe the requirements for facilities to prepare, amend and implement Spill Prevention, Control, and

Countermeasure (SPCC) Plans: A facility is subject to SPCC regulations if a single oil storage tank has a capacity greater than 660 gallons, or the total above ground oil storage capacity exceeds 1,320 gallons, or the underground oil storage capacity exceeds 42,000 gallons, and if, due to its location, the facility could reasonably be expected to discharge oil into or upon the "Navigable Waters" of the United States. Other federal regulations overseen by the U.S. EPA relevant to hazardous materials and environmental contamination include Title 40, CFR, Chapter 1, Subchapter D – Water Programs and Subchapter I – Solid

Wastes. Title 40, CFR, Chapter 1, Subchapter D, Parts 116 and 117 designate hazardous substances under the Federal Water Pollution Control Act: Title 40, CFR, Part 116 sets forth a determination of the reportable quantity for each substance that is designated as hazardous. Title 40, CFR, Part 117 applies to quantities of designated substances equal to or greater than the reportable quantities that may be discharged into waters of the United States.

The NFPA 70®: National Electrical Code® is adopted in all 50 states. Any electrical work associated with the Proposed Project is required to comply with the standards set forth in this code. Several federal regulations govern hazards as they are related to transportation issues. They include:

Title 49, CFR, Sections 171-177 (49 CFR 171-177), governs the transportation of hazardous materials, the types of materials defined as hazardous, and the marking of the transportation vehicles.

49 CFR 350-399, and Appendices A-G, Federal Motor Carrier Safety Regulations, address safety considerations for the transport of goods, materials, and substances over public highways.

49 CFR 397.9, the Hazardous Materials Transportation Act of 1974, directs the U.S. Department of Transportation to establish criteria and regulations for the safe transportation of hazardous materials.

3.9.2 State Regulatory Setting

California Environmental Protection Agency (CalEPA): The California Environmental Protection Agency (CalEPA) was created in 1991 by Governor's Executive Order. The six boards, departments, and office were placed under the CalEPA umbrella to create a cabinet-level voice for the protection of human health and the environment and to assure the coordinated deployment of State resources. The mission of CalEPA is to restore, protect, and enhance the environment to ensure public health, environmental quality, and economic vitality under Title 22 of the California Code of Regulations (CCR).

Department of Toxic Substances Control (DTSC): DTSC is a department of Cal/EPA and is the primary agency in California that regulates hazardous waste, cleans-up existing contamination, and looks for ways to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of RCRA and the California Health and Safety Code. Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. Government Code Section 65962.5 (commonly referred to as the Cortese List) includes DTSC listed hazardous waste facilities and sites, DHS lists of contaminated drinking water wells, sites listed by the SWRCB as having UST leaks and which have had a discharge of hazardous wastes or materials into the water or groundwater and lists from local regulatory agencies of sites that have had a known migration of hazardous waste/material.

Unified Program: The Unified Program (codified CCR Title 27, Division 1, Subdivision 4, Chapter 1, Sections 15100- 15620) consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of the following six environmental and emergency response programs:

- Hazardous Waste Generator (HWG) program and Hazardous Waste On-site Treatment activities;
- Aboveground Storage Tank (AST) program Spill Prevention Control and Countermeasure Plan requirements;
- Underground Storage Tank (UST) program;
- Hazardous Materials Release Response Plans and Inventory (HMRRP) program;
- California Accidental Release Prevention (CalARP) program;
- Hazardous Materials Management Plans and Hazardous Materials Inventory Statement (HMMP/HMIS) requirements.

The Secretary of CalEPA is directly responsible for coordinating the administration of the Unified Program. The Unified Program requires all counties to apply to the CalEPA Secretary for the certification of a local unified program agency. Qualified cities are also permitted to apply for certification. The local Certified Unified Program Agency (CUPA) is required to consolidate, coordinate, and make consistent the administrative requirements, permits, fee structures, and inspection and enforcement activities for these six program elements in the county. Most CUPAs have been established as a function of a local environmental health or fire department.

Hazardous Waste Management Program: The Hazardous Waste Management Program (HWMP) regulates hazardous waste through its permitting, enforcement, and Unified Program activities in accordance with California Health and Safety Code Section 25135 et seq. The main focus of HWMP is to ensure the safe storage, treatment, transportation, and disposal of hazardous wastes.

State Water Resources Control Board (SWRCB): The State Water Resources Control Board (SWRCB) was created by the California legislature in 1967. The mission of SWRCB is to ensure the highest reasonable

quality for waters of the State, while allocating those waters to achieve the optimum balance of beneficial uses. The joint authority of water allocation and water quality protection enables SWRCB to provide comprehensive protection for California's waters.

California Department of Industrial Relations – Division of Occupational Safety and Health (Cal OSHA): In California, every employer has a legal obligation to provide and maintain a safe and healthful workplace for employees, according to the California Occupational Safety and Health Act of 1973 (per Title 8 of the CCR). The Division of Occupational Safety and Health (Cal/OSHA) program is responsible for enforcing California laws and regulations pertaining to workplace safety and health and for providing assistance to employers and workers about workplace safety and health issues. Cal/OSHA regulations are administered through Title 8 of the CCR. The regulations require all manufacturers or importers to assess the hazards of substances that they produce or import and all employers to provide information to their employees about the hazardous substances to which they may be exposed.

California Fire Code: The California Fire Code is Part 9 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. The California Fire Code incorporates the Uniform Fire Code with necessary California amendments. This Code prescribes regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire explosion, and dangerous conditions arising from the storage, handling and use of hazardous materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises and provisions to assist emergency response personnel.

3.9.3 Local Regulatory Setting

Sutter County Airport Comprehensive Land Use Plan: The SCACLUP was adopted in April 1994 by the Sacramento Area Council of Governments (SACOG). SACOG is the designated Airport Land Use Commission (ALUC) for Sacramento, Sutter, Yolo, and Yuba Counties under the provisions of the California Public Utilities Code, Chapter 4, Article 3.5, Section 21670.1 Airport Land Use Commission Law. The purpose of the ALUC law is to (1) protect public health, safety, and welfare through the adoption of land use standards that minimize the public's exposure to safety hazards and excessive levels of noise, and (2) Prevent the encroachment of incompatible land uses around public-use airports, thereby preserving the utilities of these airports into the future.

3.9.4 Impact Assessment/Environmental Consequences:

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

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

The primary hazardous materials associated with the proposed subdivision will be those materials associated with grading and construction equipment, which typically includes solvents, oil, and fuel. Provided that these materials are legally and properly used and stored, the proposed Project will not create a significant hazard to the public or the environment. On an ongoing basis the only anticipated hazardous waste would be household hazardous waste. Assuming proper and legal disposal of those wastes there should not be a significant impact from hazardous materials.

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

The two closest schools, Riverbend Middle School and Grace Christian Academy, are not within one-quarter mile of the proposed subdivision. Therefore, there is not a potential for any impacts on a school from hazardous materials.

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

Per the BSMP EIR implementation of the proposed BSMP would involve the construction of residential, commercial, office and office park, and public facilities, along with utilities as well as road, pedestrian, and bicycle infrastructure, on a currently largely agricultural and undeveloped area to the south of Yuba City that may contain unknown contaminated soil and/or groundwater as a result of previous land uses. During construction, there is the potential to encounter previously unknown contaminated soil, and, if dewatering is needed, groundwater. Construction workers, the public, and the environment could be exposed to hazardous materials and the impact could be potentially significant. This impact would be reduced to less than significant with the implementation of Mitigation Measure 3.8-2, described below.

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 for people residing or working in the project area?

The Project is not located within the Sutter County Airport Comprehensive Land Use Plan, nor is it within two miles of a public use airport.

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

The Yuba City Fire Department and Police Department serve this area. Neither agency has expressed concern over impacts the Project may have on any emergency response plans. Accordingly, the impacts on emergency response or emergency evacuations plans will be less than significant.

g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

The 4.8 acres is currently planted as an orchard and is located on the fringe of the existing Yuba City urbanized area. The site is within the BSMP, which is designed to be part of the urban area. The urban area is surrounded by irrigated agricultural land. The property's non-urban sides consist of irrigated agricultural land which typically is not subject to wildland fires. There are no wildlands on the site or in the immediate vicinity. Accordingly, impacts from exposure to potential wildland fires will be less than significant.

3.9.5 Hazards and hazardous Materials Mitigation Measure from the BSMP EIR

Mitigation Measure 3.8-2: Conduct Phase I Environmental Site Assessment

a) Prior to final project design of any individual project pursuant to the BSMP that includes any earth-disturbing activities, the applicant shall submit to the City a Phase I Environmental Site Assessment (Phase I ESA). The Phase I ESA shall be prepared in general accordance with ASTM Standard E1527-13, Standard Practice for Environmental Site Assessment: Phase I Environmental Site Assessment Process (or most current edition that is in force at the time of final project design), which is the current industry standard. The Phase I ESA shall include a records review of appropriate federal, State, and local databases within ASTM-listed search distances regarding hazardous materials use, storage, or disposal at the given site, a review of historical topographic maps and aerial photographs, a site reconnaissance, interviews with persons knowledgeable about the sites historical uses, and review of other relevant existing information that could identify the potential existence of Recognized Environmental Conditions,3 including hazardous materials, or contaminated soil or groundwater. If no Recognized Environmental Conditions are identified, then no further action would be required.

b) If Recognized Environmental Conditions are identified and the Phase I ESA recommends further action, the applicant shall conduct the appropriate follow-up actions, which may include further records review, sampling of potentially hazardous materials, and possibly site cleanup. In the event that site cleanup is required, the project shall not proceed until the site has been cleaned up to the satisfaction of the appropriate regulatory agency (e.g., DTSC, RWQCB, or SC EHD) such that the regulatory agency issues a No Further Action letter or equivalent.

3.10 Hydrology and Water Quality

Table 3.10: Hydrology and Water Quality				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impeded sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in substantial erosion or siltation on- or off-site?			X	
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?			X	
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X	
iv)impede or redirect flood flows?				X
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

3.10.1 Federal Regulatory Setting

Clean Water Act: The Clean Water Act (CWA) is intended to restore and maintain the chemical, physical, and biological integrity of the nation's waters (33 CFR 1251). The regulations implementing the CWA protect waters of the U.S. including streams and wetlands (33 CFR 328.3). The CWA requires states to set standards to protect, maintain, and restore water quality by regulating point source and some non-point source discharges. Under Section 402 of the CWA, the National Pollutant Discharge Elimination System (NPDES) permit process was established to regulate these discharges.

Federal Emergency Management Agency (FEMA) Flood Zones: The National Flood Insurance Act (1968) makes available federally subsidized flood insurance to owners of flood-prone properties. To facilitate identifying areas with flood potential, Federal Emergency Management Agency (FEMA) has developed

Flood Insurance Rate Maps (FIRM) that can be used for planning purposes. Flood hazard areas identified on the Flood.

Insurance Rate Map are identified as a Special Flood Hazard Area (SFHA). SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. Moderate flood hazard areas, labeled Zone B or Zone X (shaded) are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X (unshaded).

3.10.2 State Regulatory Setting

State Water Resources Control Board: The State Water Resources Control Board (SWRCB) is the agency with jurisdiction over water quality issues in the State of California. The WRCB is governed by the Porter-Cologne Water Quality Act (Division 7 of the California Water Code), which establishes the legal framework for water quality control activities by the SWRCB. The intent of the Porter- Cologne Act is to regulate factors which may affect the quality of waters of the State to attain the highest quality which is reasonable, considering a full range of demands and values. Much of the implementation of the SWRCB's responsibilities is delegated to its nine Regional Boards. The Project site is located within the Central Valley Regional Water Quality Control board.

Central Valley Regional Water Quality Control Board (CVRWQCB): administers the NPDES storm water-permitting program in the Central Valley region. Construction activities on one acre or more are subject to the permitting requirements of the NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Construction Permit). Additionally, CVRWQCB is responsible for issuing Waste Discharge Requirements Orders under California Water Code Section 13260, Article 4, Waste Discharge Requirements.

State Department of Water Resources: California Water Code (Sections 10004 et seq.) requires that the State Department of Water Resources update the State Water Plan every five years. The 2013 update is the most current review and included (but is not limited to) the following conclusions:

- The total number of wells completed in California between 1977 and 2010 is approximately 432,469 and ranges from a high of 108,346 wells for the Sacramento River Hydrologic Region to a low of 4,069 wells for the North Lahontan Hydrologic Region.
- Based on the June 2014 California Statewide Groundwater Elevation Monitoring (CASGEM) basin prioritization for California's 515 groundwater basins, 43 basins are identified as high priority, 84 basins as medium priority, 27 basins as low priority, and the remaining 361 basins as very low priority.
- The 127 basins designated as high or medium priority account for 96 percent of the average annual statewide groundwater use and 88 percent of the 2010 population overlying the groundwater basin area.
- Depth-to-groundwater contours were developed for the unconfined aquifer system in the Central Valley. In the Sacramento Valley, the spring 2010 groundwater depths range from less than 10 feet below ground surface (bgs) to approximately 50 feet bgs, with local areas showing maximum depths of as much as 160 feet bgs.

- The most prevalent groundwater contaminants affecting California's community drinking water wells are arsenic, nitrate, gross alpha activity, and perchlorate.

California Government Code 65302 (d): The General Plan must contain a Conservation Element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, river and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. That portion of the conservation element including waters shall be developed in coordination with any County-wide water agency and with all district and city agencies which have developed, served, controlled, or conserved water for any purpose for the County or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information described in Section 65352.5 if that information has been submitted by the water agency to the city or County. The conservation element may also cover:

- The reclamation of land and waters.
- Prevention and control of the pollution of streams and other waters.
- Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.
- Prevention, control, and correction of the erosion of soils, beaches, and shores.
- Protection of watersheds.
- The location, quantity, and quality of the rock, sand, and gravel resources.
- Flood control.

Sustainable Groundwater Management Act: On September 16, 2014, Governor Edmund G. Brown Jr. signed historic legislation to strengthen local management and monitoring of groundwater basins most critical to the state's water needs. The three bills, SB 1168 (Pavley) SB 1319 (Pavley) and AB 1739 (Dickinson) together makeup the Sustainable Groundwater Management Act. The Sustainable Groundwater Management Act comprehensively reforms groundwater management in California. The intent of the Act is to place management at the local level, although the state may intervene to manage basins when local agencies fail to take appropriate responsibility. The Act provides authority for local agency management of groundwater and requires creation of groundwater sustainability agencies and implementation of plans to achieve groundwater sustainability within basins of high and medium priority.

3.10.3 Impact Assessment/Environmental Consequences:

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

BSMP EIR summarizes that adherence to BMPs as a condition of the NPDES permit would substantially reduce or prevent waterborne pollutants from entering receiving waters per CVRWQCB standards during construction. Compliance with City of Yuba City Stormwater Management and Discharge Control Ordinance and the SWMP requirements would protect water quality during project operation and would substantially reduce or prevent waterborne pollutants from entering receiving waters per CVRWQCB standards. Therefore, impacts related to violation of water quality standards or waste discharge requirements or otherwise substantially degrading water quality as a result of construction or operation of elements of the BSMP are considered less than significant.

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

BSMP EIR summarizes that: proposed construction activities would not include site dewatering or other forms of groundwater extraction. Soil compaction and placement of equipment and construction materials on the site during construction may temporarily interfere with groundwater recharge. Temporary soil compaction and placement of construction materials on the site would not be of a sufficient scale to result in a net deficit in aquifer volume or lowering of the local groundwater table. Despite substantial increases in impervious surfaces as a result of development pursuant to the proposed BSMP, groundwater recharge within and along Gilsizer Slough and the Feather River would not be impeded during project operation. Therefore, impacts on groundwater recharge during construction and operation of development under the proposed BSMP would be less than significant.

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

i) result in substantial erosion or siltation on- or off-site?

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

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

BSMP EIR summarizes that construction of projects within the BSMP would employ a site-specific storm water plan for erosion and sediment control to prevent flooding on- or off-site during construction activities in compliance with the NPDES Construction General Permit and Yuba City ordinances. The proposed BSMP would include construction of a stormwater drainage system designed to maintain stormwater flows below current levels during all storms and would not exacerbate on- or off-site drainage or flooding problems. Design of the system would be required to meet all City stormwater and flood prevention ordinances prior to approval of the Project and building permits. Therefore, impacts as a result of altering the existing drainage pattern of the site or area or a substantial increase in the rate or amount of surface runoff in a manner which could result in flooding on- or off-site are considered less than significant.

Iv) impede or redirect flood flows?

According to the Federal Emergency Management Agency this portion of the City is outside of the 100-year flood plain. This is due to the existing levee system that contains seasonally high-water flows from the nearby Feather River from flooding areas outside of the levee system. Additional construction within the City that is outside of the levee system does not impact the levee system and therefore does not increase, impede, or otherwise have any effect on the highwater flows within the levee system. Therefore, the Project's impacts on high-water flows within the Feather River levee system will be less than significant.

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

According to the Federal Emergency Management Agency, this portion of the City is outside of the 100-year flood plain. The City is not close to the ocean or any big lakes so a seiche is unlikely to happen in or near the City. The City is located inland from the Pacific Ocean, so people or structures in the City would not be exposed to inundation by tsunami. Mudflows and landslides are unlikely to happen due to the relatively flat topography within the project area. Thus, it is unlikely that the Project site would be subject to inundation by a seiche, tsunami, or mudflow or landslide. Therefore, there is no potential for significant impacts from any of these types of events.

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

Regarding impacts on a groundwater management plan, the City primarily utilizes surface water from the Feather River for its water supply, so any impact on groundwater would be less than significant. Regarding water quality, as noted in Part a) above, all new construction is required to utilize of Best Management Practices. Assuming all required standards are met the impacts to stormwater runoff water from this subdivision will be less than significant. The City primarily utilizes surface water for its water source so the impacts on groundwater quality and sustainable management would be less than significant.

3.11 Land Use and Planning

Table 3:11: Land Use and Planning					
Would the project:		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Physically divide an established community?			X	
b)	Cause a significant environmental impact due to a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				X

3.11.1 Environmental Setting/Affected Environment

The property is utilized as an orchard and there are no permanent buildings on it. The site abuts several single-family residential uses along its north and east sides, with orchards on the west and south sides. The BSMP designates this property for medium density residential development with an allowed density range of 6-14 residences per acre, which is consistent with consistent with duplexes and smaller lot single-family residential development. This proposal will be approximately 10 residences per acre.

3.11.2 Federal Regulatory Setting

There are no federal or state regulations pertaining to land use and planning relevant to the proposed Project.

3.11.3 Local Regulatory Setting

Yuba City General Plan, Land Use Element: The Land Use Element of the General Plan establishes guidance for the ultimate pattern of growth in the City's Sphere of Influence. It provides direction regarding how lands are to be used, where growth will occur, the density/intensity and physical form of that growth, and key design considerations.

3.11.4 Impact Assessment/Environmental Consequences:

a) Physically divide an established community?

The development of this property would be an extension south of the urban area. As the site lies between the urban area and rural residential area, it will not divide either.

The adoption of the BSMP and the annexation into Yuba City recognized that this area would convert from an unincorporated rural residential/agricultural area to a suburban community. During this transition existing residences will see change to the area. However, the BSMP contains policies to make minimize the impacts to the neighbors. This subdivision is consistent with the General Plan, all of the policies and programs contained in the BSMP, and the use fits the zoning applied to the property. Therefore the impacts of this proposal on dividing the community will be less than significant.

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

As established in the BSMP EIR, the Project is consistent with the General Plan, and the Project will be required to meet all BSMP use standards, policies, and guidelines, including the design guidelines. As such there are no conflicts with policies or programs that would cause any environmental impacts. Adherence to existing Yuba City General Plan policies and BSMP Development Standards and Guidelines designed to minimize or eliminate land use conflicts so that proposed development within the BSMP area would be compatible with other adjacent BSMP land uses. As such the impacts from conflicts with any land use plan, policy or regulation would be less than significant.

3.12 Mineral Resources

Table 3-12: Mineral Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?				X
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?				X

3.12.1 Federal Regulatory Setting

There are no federal regulations pertaining to mineral resources relevant to the proposed Project.

3.12.2 State Regulatory Setting

California Surface Mining and Reclamation Act of 1975: Enacted by the State Legislature in 1975, the Surface Mining and Reclamation Act (SMARA), Public Resources Code Section 2710 et seq., insures a continuing supply of mineral resources for the State. The act also creates surface mining and reclamation policy to assure that:

- Production and conservation of minerals is encouraged;
- Environmental effects are prevented or minimized;
- Consideration is given to recreational activities, watersheds, wildlife, range and forage, and aesthetic enjoyment;
- Mined lands are reclaimed to a useable condition once mining is completed; and
- Hazards to public safety both now and in the future are eliminated.

Areas in the State (city or county) that do not have their own regulations for mining and reclamation activities rely on the Department of Conservation, Division of Mines and Geology, Office of Mine Reclamation to enforce this law. SMARA contains provisions for the inventory of mineral lands in the State of California.

The State Geologist, in accordance with the State Board's Guidelines for Classification and Designation of Mineral Lands, must classify Mineral Resource Zones (MRZ) as designated below:

- MRZ-1. Areas where available geologic information indicates that there is minimal likelihood of significant resources.
- MRZ-2. Areas underlain by mineral deposits where geologic data indicate that significant mineral deposits are located or likely to be located.
- MRZ-3. Areas where mineral deposits are found but the significance of the deposits cannot be evaluated without further exploration.

- MRZ-4. Areas where there is not enough information to assess the zone. These are areas that have unknown mineral resource significance.

SMARA only covers mining activities that impact or disturb the surface of the land. Deep mining (tunnel) or petroleum and gas production is not covered by SMARA.

3.12.3 Impact Assessment/Environmental Consequences:

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

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

The property contains no known mineral resources and there is little opportunity for mineral resource extraction. The Yuba City General Plan does not recognize any mineral resource zone within the City limits, and no mineral extraction facilities currently exist within the City. Additionally, the site has nearby residential uses, which generally is considered incompatible with mineral extraction facilities. As such the Project will not have an impact on mineral resources.

3.13 Noise

Table 3.13: Noise				
Would the project result in:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?			X	
b) Generation of excessive ground borne vibration or ground borne noise levels?			X	
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?				X

3.13.1 Environmental Setting/Affected Environment for Noise

Noise can be generally defined as unwanted sound. Sound, traveling in the form of waves from a source, exerts a sound pressure level (referred to as sound level) which is measured in decibels (dB), with 0 dB corresponding roughly to the threshold of human hearing and 120 to 140 dB corresponding to the threshold of pain.

Sound pressure fluctuations can be measured in units of hertz (Hz), which correspond to the frequency of a particular sound. Typically, sound does not consist of a single frequency, but rather a broad band of frequencies varying in levels of magnitude (sound power). The sound pressure level, therefore, constitutes the additive force exerted by a sound corresponding to the frequency/sound power level spectrum.

The typical human ear is not equally sensitive to all frequencies of the audible sound spectrum. As a consequence, when assessing potential noise impacts, sound is measured using an electronic filter that de-emphasizes the frequencies below 1,000 Hz and above 5,000 Hz in a manner corresponding to the human ear's decreased sensitivity to low and extremely high frequencies instead of the frequency mid-range. This method of frequency weighting is referred to as A-weighting and is expressed in units of A-weighted decibels (dBA). Frequency A-weighting follows an international standard methodology of frequency de-emphasis and is typically applied to community noise measurements.

Noise exposure is a measure of noise over a period of time. Noise level is a measure of noise at a given instant in time. Community noise varies continuously over a period of time with respect to the contributing sound sources of the community noise environment. Community noise is primarily the product of many distant noise sources, which constitute a relatively stable background noise exposure, with the individual contributors unidentifiable. The background noise level changes throughout a typical day, but does so gradually, corresponding with the addition and subtraction of distant noise sources such as traffic and atmospheric conditions. What makes community noise constantly variable throughout a day, besides the slowly changing background noise, is the addition of short duration single event noise sources (e.g., aircraft flyovers, motor vehicles, sirens), which are readily identifiable to the individual receptor. These successive additions of sound to the community noise environment vary the community noise level from instant to instant, requiring the measurement of noise exposure over a period of time to legitimately characterize a community noise environment and evaluate cumulative noise impacts.

3.13.2 Environmental Setting/Affected Environment for Groundbourne Vibration

Vibration is the periodic oscillation of a medium or object. Vibration sources may be continuous, such as factory machinery, or transient, such as explosions. As is the case with airborne sound, ground borne vibrations may be described by amplitude and frequency. Vibration amplitudes are usually expressed in peak particle velocity (PPV), or root mean squared (RMS), as in RMS vibration velocity. The PPV and RMS (VbA) vibration velocity are normally described in inches per second (in/sec). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal and is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings.

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. As it takes some time for the human body to respond to vibration signals, it is more prudent to use vibration velocity when measuring human response. The typical background vibration velocity level in residential areas is approximately 50 VdB. Groundborne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels.

Typical outdoor sources of perceptible ground borne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. Construction vibrations can be transient, random, or continuous. The approximate threshold of vibration perception is 65 VdB, while 85 VdB is the vibration acceptable only if there are an infrequent number of events per day.

3.13.3 Federal Regulatory Setting

Federal Vibration Policies: The Federal Railway Administration (FRA) and the Federal Transit Administration (FTA) have published guidance relative to vibration impacts. According to the FRA, fragile buildings can be exposed to ground-borne vibration levels of 90 VdB without experiencing structural damage. The FTA has identified the human annoyance response to vibration levels as 75 VdB.

3.13.4 State Regulatory Setting

California Noise Control Act: The California Noise Control Act was enacted in 1973 (Health and Safety Code §46010 et seq.), and states that the Office of Noise Control (ONC) should provide assistance to local communities in developing local noise control programs. It also indicates that ONC staff would work with the Department of Resources Office of Planning and Research (OPR) to provide guidance for the preparation of the required noise elements in city and county General Plans, pursuant to Government Code § 65302(f). California Government Code § 65302(f) requires city and county general plans to include a noise element. The purpose of a noise element is to guide future development to enhance future land use compatibility.

Title 24 – Sound Transmission Control: Title 24 of the California Code of Regulations (CCR) codifies Sound Transmission Control requirements, which establishes uniform minimum noise insulation performance standards for new hotels, motels, dormitories, apartment houses, and dwellings other than detached single-family dwellings. Specifically, Title 24 states that interior noise levels attributable to exterior sources shall not exceed 45 dBA CNEL in any habitable room of new dwellings Title 24, Part 2 requires an acoustical report that demonstrates the achievements of the required 45 dBA CNEL. Dwellings are designed so that interior noise levels will meet this standard for at least ten years from the time of building permit application.

3.13.5 Local Regulatory Setting

The **City of Yuba City General Plan** presents the vision for the future of Yuba City and outlines several guiding policies and policies relevant to noise.

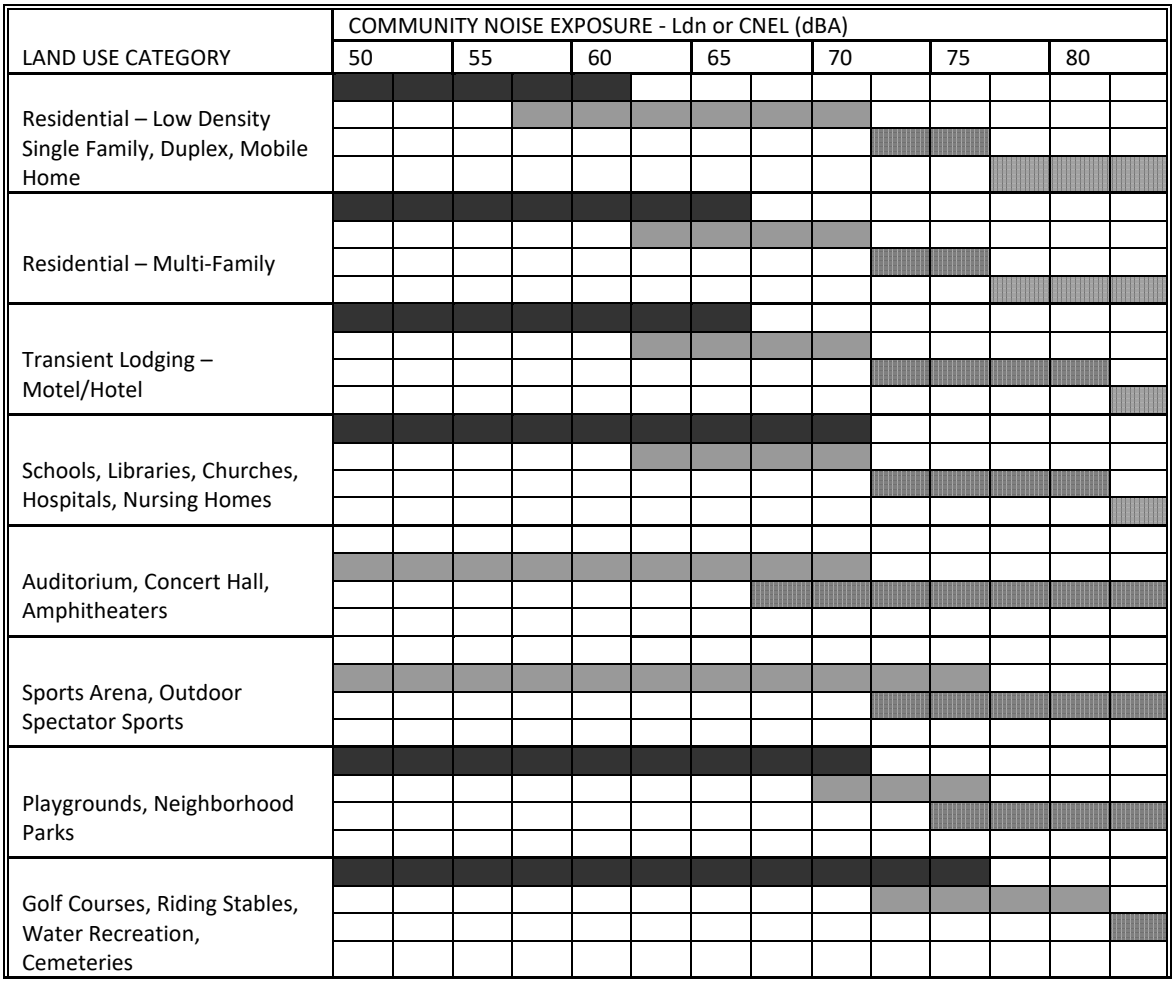
The following goals and policies from the City of Yuba City General Plan are relevant to noise.

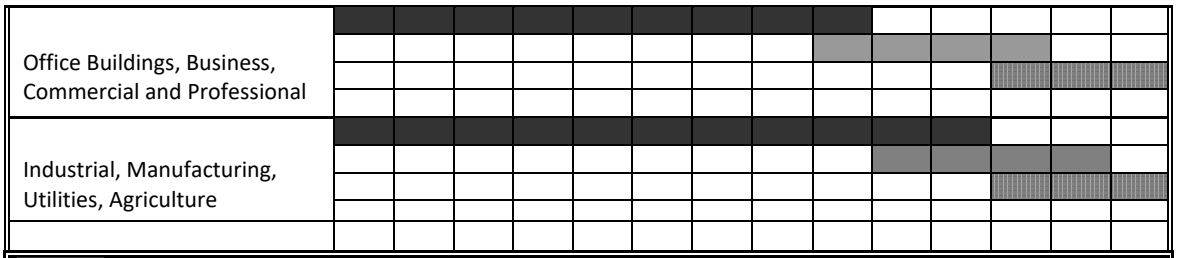
Guiding Policies

- 9.1-G-1 Strive to achieve an acceptable noise environment for the present and future residences of Yuba City.
- 9.1-G-2 Incorporate noise considerations into land use planning decisions and guide the location and design of transportation facilities to minimize the effects of noise on adjacent land uses.
- Implementing Policies
- 9.1-I-1 Require a noise study and mitigation for all projects that have noise exposure greater than “normally acceptable” levels. Noise mitigation measures include, but are not limited to, the following actions:
- Screen and control noise sources, such as parking and loading facilities, outdoor activities, and mechanical equipment,
- Increase setbacks for noise sources from adjacent dwellings,

- Retain fences, walls, and landscaping that serve as noise buffers,
- Use soundproofing materials and double-glazed windows, and
- Control hours of operation, including deliveries and trash pickup, to minimize noise impacts.
- 9.1-I-3 In making a determination of impact under the California Environmental Quality Act (CEQA), consider an increase of four or more dBA to be "significant" if the resulting noise level would exceed that described as normally acceptable for the affected land use in Figure 5.
- 9.1-I-4 Protect especially sensitive uses, including schools, hospitals, and senior care facilities, from excessive noise, by enforcing “normally acceptable” noise level standards for these uses.
- 9.1-I-5 Discourage the use of sound walls. As a last resort, construct sound walls along highways and arterials when compatible with aesthetic concerns and neighborhood character. This would be a developer responsibility.
- 9.1-I-6 Require new noise sources to use best available control technology (BACT) to minimize noise from all sources.
- 9.1-I-7 Minimize vehicular and stationary noise sources and noise emanating from temporary activities, such as construction.
-

Figure 1: Noise Exposure





	Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
	Conditionally Acceptable: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features are included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.
	Normally Unacceptable: New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirement must be made and needed noise insulation features included in the design.
	Clearly Unacceptable: New construction or development generally should not be undertaken.
Source: State of California, Governor's Office of Planning and Research, 2003. General Plan Guidelines.	

City of Yuba City Municipal Code: Title 4, Chapter 17, Section 4-17.10(e) of the Yuba City Municipal Code prohibits the operation of noise-generating construction equipment before 6:00 a.m. or after 9:00 p.m. daily, except Sunday and State or federal holidays when the prohibited time is before 8:00 a.m. and after 9:00 p.m.

3.13.6 Impact Assessment/Environmental Consequences:

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 established in the local general plan or noise ordinance, or applicable standards of other agencies?

There are existing neighboring residences to this Project site. Per the BSMP EIR the construction activities associated with the proposed BSMP would consist of site grading, excavation for infrastructure and building foundations, building construction, and paving and landscaping installation. Since construction activities within the BSMP would occur within the City of Yuba City's allowed construction hours, construction noise as proposed under the proposed BSMP would not conflict with the City's noise standards. However, construction within the proposed BSMP could expose nearby sensitive land uses to noise levels that would be considered a substantial temporary noise increase over the existing ambient levels. Therefore, as stated in the BSMP EIR noise generated during the construction of the proposed BSMP could result in a potentially significant impact.

Implementation of Mitigation Measure 3.11-1 would reduce construction noise to the extent feasible. Restricting heavy-duty equipment operations in close proximity to buildings, the use of temporary barriers and hydraulic or electric powered impact tools would substantially reduce noise levels at adjacent sensitive receptors. These measures would minimize interior noise and associated sleep disturbance at nearby receptors during excavation, and construction. Therefore, after mitigation, this impact would be considered less than significant during the short-term duration of Project-specific construction activities.

b) Generation of excessive ground borne vibration or ground borne noise levels?

Per the BSMP EIR, the construction activities that would be associated with the proposed BSMP would not include construction activities known to generate high vibration levels, such as impact pile driving or blasting. Onsite grading and building construction activities would be the highest sources of construction vibration, but since there would be no existing or future sensitive receptors or structures located in close proximity to future construction sites, buildings and residents would not be exposed to vibration levels that could result in either building damage or human annoyance. Therefore, construction vibration is considered to be a less than significant impact.

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?

The sensitive land uses proposed within BSMP would be located approximately 1.3 miles outside of the Sutter County Airport's 65 dBA CNEL noise contour and 1.4 miles outside of the Yuba County Airport's 55 dBA CNEL noise contour at the closest point. Sensitive receptors proposed within the BSMP would not be exposed to aircraft noise that would exceed the normally compatible noise thresholds established in the Sutter County Airport CLUP and Yuba County Airport CLUP. Therefore, the new residents would not be expose to aircraft noise, resulting in a less than significant impact.

3.13.6 Noise Mitigation Measure from the BSMP EIR

Mitigation Measure 3.11-1: Construction Noise Measures

Individual project applicants of new development (excluding renovation of existing buildings) shall require construction contractors to implement the following measures during all phases of project construction:

a) Whenever stationary noise sources – such as generators and compressors – are used within light of sight to occupied residences (on or offsite), temporary barriers shall be constructed around the source to shield the ground floor of the noise-sensitive uses. These barriers shall be of ¾-inch Medium Density Overlay (MDO) plywood sheeting, or other material of equivalent utility and appearance to achieve a Sound Transmission Class of STC-30, or greater, based on certified sound transmission loss data taken according to ASTM Test Method E90 or as approved by the City of Yuba City Building Official.

b) Construction equipment staging areas shall be located as far as feasible from residential areas while still serving the needs of construction contractors.

c) Equipment and trucks used for construction will use the industry standard noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating a shields or shrouds, wherever feasible).

d) Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically- or electrically-powered where feasible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dB. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of 5 dB. Quieter procedures, such as use of drills rather than impact tools, shall be used whenever feasible.

3.14 Population and Housing

Table 4-14: Population and Housing				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

3.14.1 Environmental Setting/Affected Environment

The property is utilized as an orchard and there are no permanent buildings on it. The site abuts several single-family residential uses along its north and east sides, with orchards on the west and south sides. The BSMP designates this property for medium density residential development with an allowed density range of six to 14 residences per acre, which is consistent with consistent with duplexes and smaller lot single-family residential development. This proposal will be approximately 10 residences per acre.

3.14.2 Federal Regulatory Setting

There are no federal regulations, plans, programs, or guidelines associated with population or housing that are applicable to the proposed Project.

3.14.3 State Regulatory Setting

California law (Government Code Section 65580, et seq.) requires cities and counties to include a housing element as a part of their general plan to address housing conditions and needs in the community. Housing elements are prepared approximately every five years (eight following implementations of Senate Bill [SB] 375), following timetables set forth in the law. The housing element must identify and analyze existing and projected housing needs and "make adequate provision for the existing and projected needs of all economic segments of the community," among other requirements. The City adopted its current Housing Element in 2013.

3.14.4 Regional Regulatory Setting

State law mandates that all cities and counties offer a portion of housing to accommodate the increasing needs of regional population growth. The statewide housing demand is determined by the California Department of Housing and Community Development (HCD), while local governments and councils of governments decide and manage their specific regional and jurisdictional housing needs and develop a regional housing needs assessment (RHNA).

In the greater Sacramento region, which includes the City of Yuba City, SACOG has the responsibility of developing and approving an RHNA and a Regional Housing Needs Plan (RHNP) every eight years (Government Code, Section 65580 et seq.). This document has a central role of distributing the allocation of housing for every county and city in the SACOG region. Housing needs are assessed for very low income, low income, moderate income, and above moderate households

As described above, SACOG is the association of local governments that includes Yuba City, along with other jurisdictions comprising the six counties in the greater Sacramento region. In addition to preparing the Metropolitan Transportation Plan and Sustainable Communities Strategy for the region, SACOG approves the distribution of affordable housing in the region through its RHNP. SACOG also assists in planning for transit, bicycle networks, clean air and serves as the Airport Land Use Commission for the region.

3.14.5 Impact Assessment/Environmental Consequences:

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

As discussed in the BSMP EIR, population increases and decreases are not, in and of themselves, considered physical environmental effects. Physical environmental effects that would be a result of population growth within the BSMP area are examined in the appropriate environmental resource sections in the BSMP EIR.

Specifically to this Project, the proposal is for 21 new duplexes and six new single-family residences. The General Plan designates this property for medium density residential development, as is proposed. The General Plan Housing Element, which is the primary City document that provides housing policy, favors more residential development, especially at the higher density that is proposed as this tends to provide more affordable housing. The BSMP, which provides very detailed land use planning for this area, designates this property for this type of residential use and density. The EIR prepared for the BSMP provides a detailed analysis of the potential environmental impacts that my result from the development of the BSMP. Review of the proposal indicates that all of the BSMP polices, programs and standards will be met. As such, the area has been planned in detail, and this Project is consistent with the BSMP. The impacts from unplanned growth will be less than significant.

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

There will be no residences removed as part of this Project. Therefore, there will be no impact.

3.15 Public Services

Table 3.15: Public Services				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government 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) Fire protection?			X	
ii) Police protection?			X	
iii) Schools?			X	
iv) Parks?			X	
v) Other public facilities?			X	

3.15.1 Environmental Setting/Affected Environment

Law enforcement for the proposed new development will be provided by the Yuba City Police Department. Fire protection is provided by the Yuba City Fire Department. Nearby parks and other urban services that may be utilized by new residents, including streets, water, sewer stormwater drainage will also be provided by Yuba City. The nearby schools are part of the Yuba City Unified School District. as well as a private school.

3.15.2 Federal Regulatory Setting

National Fire Protection Association: The National Fire Protection Association (NFPA) is an international nonprofit organization that provides consensus codes and standards, research, training, and education on fire prevention and public safety. The NFPA develops, publishes, and disseminates more than 300 such codes and standards intended to minimize the possibility and effects of fire and other risks. The NFPA publishes the NFPA 1, Uniform Fire Code, which provides requirements to establish a reasonable level of fire safety and property protection in new and existing buildings.

3.15.3 State Regulatory Setting

California Fire Code and Building Code: The 2013 California Fire Code (Title 24, Part 9 of the California Code of Regulations) establishes regulations to safeguard against hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The Fire Code also establishes requirements intended to provide safety and assistance to fire fighters and emergency responders during emergency operations. The provision of the Fire Code includes regulations regarding fire-resistance rated construction, fire protection systems such as alarm and sprinkler systems, fire service features such as fire

apparatus access roads, fire safety during construction and demolition, and wildland urban interface areas.

California Health and Safety Code (HSC): State fire regulations are set forth in Sections 13000 et seq. of the California HSC, which includes regulations for building standards (as set forth in the CBC), fire protection and notification systems, fire protection devices such as extinguishers, smoke alarms, childcare facility standards, and fire suppression training.

California Master Mutual Aid Agreement: The California Master Mutual Aid Agreement is a framework agreement between the State of California and local governments for aid and assistance by the interchange of services, facilities, and equipment, including but not limited to fire, police, medical and health, communication, and transportation services and facilities to cope with the problems of emergency rescue, relief, evacuation, rehabilitation, and reconstruction.

3.15.4 Impact Assessment/Environmental Consequences:

a) 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 government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire Protection: As discussed in the BSMP EIR, the proposed BSMP has been designed to allow for residential and non-residential growth that would be consistent with the growth anticipated in the Yuba City General Plan. This growth would not exceed the demand of the fire stations already anticipated within the 2035 General Plan.

All new development within the BSMP site would be required to pay the appropriate taxes and fees to finance the City's General Fund. In addition, the City would require establishment of a CFD for BSMP development to provide the funding necessary to provide for the additional staff and equipment. Together, these funds would provide the necessary funding for the fire protection staffing increases that will be needed. As a result of the programs discussed above, the BSMP EIR concludes that YCFD would be able to maintain a 6-minute response time with implementation of the BSMP and would not result in the construction of new or expanded facilities related to the provision of fire protection. This impact would be less than significant.

In regard to this Project specifically, the Fire Department reviewed the proposal and did not express safety concerns.

Police Protection: The EIR for the BSMP anticipated that the development of the specific plan area would necessitate the need for approximately eight new officers, three new vehicles, and one new dispatcher and Community Services Officer (CSO), along with the supporting vehicle and equipment. It is not known whether this would cause the need for new facilities or, if so, where those facilities would be located. To the extent that the facilities would be constructed within the BSMP site, the environmental resource sections in the BSMP EIR disclosed the environmental impacts of all development that could occur pursuant to the proposed BSMP. In the event that such facilities were constructed elsewhere in Yuba City, the new or expanded police facilities would require environmental review prior to development. Any potential impacts would be disclosed and mitigated, if feasible, through this process. The identification of any specific impacts that could remain significant and unavoidable would be speculative at this time.

Therefore, the increase in demand for additional police protection facilities would result in a less-than-significant impact.

The Police Department reviewed this proposal and did not express concerns. Since all new housing will pay impact fees that intended to offset the cost of additional police facilities and equipment resulting from this growth, the impacts on police services will be less than significant.

Schools: The BSMP EIR indicated that build-out of the BSMP area would generate approximately 1306 new students to the Yuba City Unified School District. The staff indicated that existing school facilities within the district were adequate to serve the new student needs of the initial developments. Once the initial development is completed a new school site would likely be needed. The BSMP identified a potential site within the BSMP area and the EIR analyzed the impacts that would result from that site.

The developers of BSMP have come to an agreement with YCUSD that the plan area will annex into YCUSD Community Facilities District (CFD) No. 1, which funds school improvements. The YCUSD CFD No. 1 rate structure includes a component that replaces school fees, so properties will be subject to the CFD but will not be required to pay school impact fees.

While environmental impacts related to the development of a school are evaluated in this EIR, the school would be subject to additional CEQA review when a more definitive school site development proposal is prepared. As a result, the proposed BSMP would not result in a contribution to the need for school facilities or to the impacts of constructing these facilities. Therefore, the cumulative impact of providing adequate school facilities would be less than significant.

Parks: The BSMP EIR states that the BSMP is consistent with the goals and policies presented in the Yuba City General Plan for parkland as the BSMP develops on an incremental basis over time in response to market demand, parkland availability and park development caused by the approximately 6,719 new residents. These parks and trails would be designed to meet City standards and would encourage a wide variety of recreational activities, including walking, bicycling, and other forms of sports and exercise. The BSMP also contributes adequate funding by paying development fees and contributing to a CFD. In addition, the continued development of the Feather River Parkway would provide additional active parklands near the BSMP site that serve to benefit the wider region. For these reasons, the impacts on parkland would be less than significant.

Other Public Facilities: The Project will be connected to City water and wastewater systems. Each new residential connection to those systems must pay connection fees that are utilized for expansion of the respective treatment plants. The City also collects impact fees for County services that are provided to the new residences, such as the library system and justice system.

Accordingly, the Project will have a less than significant impact with regard to the provision of public services.

3.16 Recreation

Table 3-16: Recreation				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
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?				X

3.16.1 Environmental Setting/Affected Environment

Yuba City has 22 City-owned parks and recreational areas, managed by the City's Parks and Recreation Department. This consists of four community parks, 15 neighborhood parks, and three passive or mini parks.

3.16.2 Federal Regulatory Setting

There are no federal regulations regarding parks and open space that are applicable to the proposed Project.

3.16.3 State Regulatory Setting

State Public Park Preservation Act: The primary instrument for protecting and preserving parkland is the Public Park Preservation Act of 1971. Under the PRC section 5400-5409, cities and counties may not acquire any real property that is in use as a public park for any non-park use unless compensation or land, or both, are provided to replace the parkland acquired. This provides no net loss of parkland and facilities.

Quimby Act: California Government Code Section 66477, referred to as the Quimby Act, permits local jurisdictions to require the dedication of land and/or the payment of in-lieu fees solely for park and recreation purposes. The required dedication and/or fee are based upon the residential density and housing type, land cost, and other factors. Land dedicated and fees collected pursuant to the Quimby Act may be used for developing new or rehabilitating existing park or recreational facilities.

3.16.4 Local Regulatory Setting

The Yuba City General Plan and the City's Parks Master Plan provide a goal of providing 5 acres of public parkland per 1,000 residents, while it also requires 1 acre of Neighborhood Park for every 1,000 residents. The City's development impact fee program collects fees for new development which is allocated for the acquisition and development of open space in the City.

3.16.5 Impact Assessment/Environmental Consequences:

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?

The BSMP EIR provides that the proposed BSMP would facilitate up to 2,517 new housing units and yield 6,828 new residents in the BSMP area. Using the parkland demand standard of 5 acres of parkland (plus 1 acre of on-site neighborhood park) per 1,000 residents, the proposed BSMP would generate a demand for almost 41 acres of parklands.

While the need for almost 41 acres of parkland will be generated by development of the BSMP area, the BSMP identifies approximately 84 acres of eligible parks and open space, of which the City has given credit for 21 acres of on-site parkland, and the remaining is open space, including passive recreation areas along Gilsizer Slough. A total of 65.39 acres of park credit was granted. The proposed BSMP would also contribute to a new CFD established for the BSMP. In addition, the continued development of the Feather River Parkway would provide additional active parklands near the BSMP site that serves to benefit the wider region. For these reasons, the impact on recreational facilities would be less than significant.

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?

The Project does not propose to provide any recreational facilities, thus there will be no impact.

3.17 Transportation/Traffic

Table 4-17: Transportation Recreation				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?			X	
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d) Result in inadequate emergency access?			X	

3.17.1 Federal Regulatory Setting

Federal Highway Administration: FHWA is the agency of the U.S. Department of Transportation (DOT) responsible for the Federally funded roadway system, including the interstate highway network and portions of the primary State highway network. FHWA funding is provided through the Safe, Accountable,

Flexible, Efficiency Transportation Equity Act: A Legacy for Users (SAFETEA-LU). SAFETEA- LU can be used to fund local transportation improvement projects, such as projects to improve the efficiency of existing roadways, traffic signal coordination, bikeways, and transit system upgrades.

Several federal regulations govern transportation issues. They include:

- Title 49, CFR, Sections 171-177 (49 CFR 171-177), governs the transportation of hazardous materials, the types of materials defined as hazardous, and the marking of the transportation vehicles.
- Title 49 CFR 350-399, and Appendices A-G, Federal Motor Carrier Safety Regulations, address safety considerations for the transport of goods, materials, and substances over public highways.

3.17.2. State Regulatory Setting

The measurement of the impacts of a project's traffic is set by the CEQA Guidelines. Section 15064.3 of the Guidelines states that vehicle miles traveled (VMT) is the most appropriate measure of transportation impacts. VMT is a metric which refers to the amount of distance of automobile traffic that is generated by a project. Per the Guidelines "Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact." "Projects that decrease vehicle miles traveled compared to existing conditions should be presumed to have a less than significant environmental impact."

The CEQA Guidelines also states that the lead agency (Yuba City) may "choose the most appropriate methodology to evaluate a project's vehicle miles traveled …". As this is a new form of calculating significant traffic events, the City has not yet determined its own methodology to calculate levels of significance for VMT. Until that methodology is determined, for purposes of this initial study the information provided by the Sacramento Council of Governments (SACOG) and the CA Office of Planning and Research is utilized. A review of these studies indicates several factors that may be utilized for determining levels of significance. One is that if the project will generate less than 110 vehicle trips per day, it is assumed that with the small size of the project, the impact is less than significant. A second criteria is that for a project, on a per capita or per employee basis, the VMT will be at least 15 percent below that of existing development is a reasonable threshold for determining significance.

As this is a new methodology, future projects may utilize different criterion as they become available.

3.17.3. Impact Assessment/Environmental Consequences:

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

The BSMP EIR divided this question into several specific traffic concerns that are summarized below with the appropriate mitigation measure and level of significance after mitigation. Traffic issues considered less than significant in the EIR are not further addressed here as it was determined that this subdivision, is consistent with the BSMP land uses and development densities, transportation and traffic policies and programs, so no increases in those impacts were found. Therefore, this subdivision does not increase the level of impact over what was anticipated by the BSMP EIR. As this subdivision is only responsible for its fair share of the impact the mitigations called for, this section requires the applicant to pay only its fair share of the street improvements. The impacts and mitigations for which the West Railroad Village subdivision must pay a fair share for the roadway improvements are:

Impact 3.14-1: Implementation of the proposed BSMP would cause significant impacts at intersections in the City of Yuba City.

The proposed BSMP would cause significant impacts at the following intersections in the City of Yuba City:

- South Walton Avenue/Bogue Road (LOS B to E during the PM peak hour)
- Railroad Avenue/Lincoln Road (LOS C to E during the PM peak hour)
- Phillips Road/Bogue Road (LOS B to F during the AM and PM peak hours)
- Railroad Avenue/Bogue Road (LOS C to F during the AM and PM peak hours)
- Gilsizer Ranch Way/Bogue Road (LOS E or F during the AM and PM peak hours)

Each of these intersections would consist of stop control under existing plus BSMP conditions. In addition to operating at an unacceptable LOS E or F, each intersection would satisfy the peak hour warrant for consideration of a traffic signal. Therefore, this impact is considered significant.

Mitigation Measure 3.14-1(a): Yuba City Intersections: The Project applicant(s) shall construct the following improvements. The timing of the need for these improvements will depend on the amount of development on the west versus east side of SR 99, mix of land uses, and level of background traffic growth. The applicant shall coordinate with City staff regarding construction of these improvements as individual projects within the BSMP are proposed. The financial responsibility for each project applicant shall be determined by the City and shall be included in each applicant's project approval documentation.

i. Install a traffic signal and widen the eastbound and southbound approaches to provide dedicated left-turn pockets at the Bogue Road/South Walton Avenue intersection (in conjunction with lane configurations planned under existing plus BSMP conditions).

ii. Install a traffic signal at the Railroad Avenue/Lincoln Road intersection (in conjunction with existing lane configurations).

iii. Install a traffic signal at the Bogue Road/Phillips Road intersection (in conjunction with lane configurations planned under existing plus BSMP conditions).

iv. Install a traffic signal at the Bogue Road/Railroad Avenue intersection and widen/restripe the northbound and southbound approaches to provide dedicated left-turn pockets (in conjunction with lane configurations planned under existing plus BSMP conditions).

v. Install a traffic signal at the Gilsizer Ranch Way/Bogue Road intersection (in conjunction with lane configurations planned under existing plus BSMP conditions).

Significance After Mitigation: According to the BSMP EIR Mitigation Measure 3.14-1(a) would restore operations at each intersection to an acceptable LOS D or better. The Bogue Road/Phillips Road intersection is recommended to operate with split-phasing on the northbound and southbound approaches and protected left-turn phasing on the eastbound and westbound approaches. The Bogue Road/South Walton Avenue and Bogue Road/Railroad Avenue intersections are recommended to operate with protected left-turn phasing on all approaches. With the implementation of Mitigation Measure 3.14-1(a) listed above, this impact would be reduced to a less-than-significant level for the BSMP.

Impact 3.14-3: Implementation of the proposed BSMP would cause significant LOS-related impacts at intersections maintained by Caltrans:

The BSMP would cause significant impacts at the following intersections maintained by Caltrans:

- SR 99/Bogue Road (LOS C to E during the PM peak hour)
- SR 99/Stewart Road (LOS F during the AM and PM peak hours and peak hour signal warrant met)

Development within the BSMP would worsen delays at other intersections (besides the two listed above) along SR 99. However, impacts would be less than significant at those locations because either the resulting LOS remain acceptable, operations would be unacceptable, but the peak hour signal warrant would not be met, or the increase the delay would be less than five seconds (for already unacceptable operations). Impacts of the proposed BSMP at these two intersections is considered significant.

Mitigation Measure 3.14-3: Caltrans Intersections LOS: The Project applicant(s) shall construct the improvements described below. The timing of the need for these improvements will depend on the amount of development on the west versus east side of SR 99, mix of land uses, and level of background traffic growth. The applicant shall coordinate with City staff and Caltrans regarding construction of these improvements as individual projects within the BSMP are proposed. The financial responsibility for each project applicant shall be determined by the City and shall be included in each applicant's project approval documentation.

i. Widen the SR 99/Bogue Road intersection to provide a second southbound left-turn lane that provides 500 feet of storage in each lane. Widen Bogue Road to construct a second eastbound and westbound left-turn lane. Restripe westbound Bogue Road approaching SR 99 to consist of two left-turn lanes, one through lane, and one right-turn lane (with the right-turn consisting of an overlap arrow); and

ii. Install a traffic signal at the SR 99/Stewart Road intersection.

Significance After Mitigation: Operations would be restored to LOS D at the SR 99/Bogue Road intersection, and LOS C at the SR 99/Stewart Road intersection during each peak hour. Since the BSMP applicant controls properties on both sides of SR 99 south of Bogue Road, widening of Bogue Road to accommodate the additional lanes is considered feasible. Additionally, the State Route 99 Transportation Corridor Concept Report (Caltrans, 2010) indicates that this segment of SR 99 is planned to ultimately be a six-lane expressway, which implies (and also based on review of aerial imagery) that right-of-way is available to widen SR 99 to accommodate a second southbound left-turn lane. With the implementation of Mitigation Measure 3.14-3i and ii listed above, this impact would be reduced to a less-than-significant level for the proposed BSMP.

Impact 3.14-4: Implementation of the proposed BSMP would cause significant queuing-related impacts at intersections maintained by Caltrans.

The proposed BSMP would cause significant queuing-related impacts at the SR 99/Bogue Road intersection maintained by Caltrans. The southbound left-turn lane would have a maximum vehicle queue of 1,250 feet during the PM peak hour, which would exceed the 450 feet of available storage. This would cause traffic to queue into the adjacent through lane. The impact of the proposed BSMP at this intersection is considered significant.

Mitigation Measure 3.14-4(a): Caltrans Intersections Queuing: Implement Mitigation Measure 3.14-3(i), which consists of adding a second southbound left-turn lane at the SR 99/Bogue Road intersection and providing 500 feet of storage in each turn lane. To address queuing impacts in the southbound left-turn lane prior to the overall intersection LOS reaching an unacceptable level, the second left-turn lane is necessary. The timing of the need for these improvements will depend on the amount of development on the west versus east side of SR 99, mix of land uses, and level of background traffic growth. The applicant shall coordinate with City staff and Caltrans regarding construction of these improvements as individual projects within the BSMP are proposed. The financial responsibility for each project applicant shall be determined by the City and shall be included in each applicant's project approval documentation.

Significance After Mitigation: Per the BSMP EIR the maximum queue in the southbound left-turn lane would be 300 feet, which is less than the 500 feet per lane that would be provided with this mitigation. The vehicular queuing at the SR 99/Stewart Road intersection would also be acceptable with installation of a traffic signal (i.e., implementation of Mitigation Measure 3.14-3(ii)). With the implementation of Mitigation Measure 3.14-3(i), this impact would be reduced to a less-than-significant level.

Impact 3.14-7: Implementation of the proposed BSMP, in combination with other cumulative development, would cause cumulatively considerable significant impacts at intersections in the City of Yuba City.

The proposed BSMP would contribute to cumulatively considerable significant impacts at the following intersections in the City of Yuba City:

- South Walton Avenue/Bogue Road (LOS F operations exacerbated during the AM and PM peak hours);
- Phillips Road/Bogue Road (LOS C to F during the AM peak hour and LOS B to F during the PM peak hour);
- Railroad Avenue/Bogue Road (LOS E to F during the AM peak hour and LOS D to F during the PM peak hour);
- Garden Highway/Bogue Road (LOS C to E during the AM and PM peak hours); and
- Gilsizer Ranch Way/Bogue Road (LOS F during the AM and PM peak hours).

Four of the five intersections would consist of stop control under cumulative Plus BSMP conditions. In addition to operating at an unacceptable LOS F, each unsignalized intersection would satisfy the peak hour warrant for consideration of a traffic signal. Therefore, this impact is considered cumulatively significant.

Mitigation Measure 3.14-7(a): Cumulative Yuba City Intersections:

i. Implement Mitigation Measure 3.14-1(a)(i): Install traffic signal and add turn lanes at the Bogue Road/South Walton Avenue intersection.

ii. Implement Mitigation Measure 3.14-1(a)(iii): Install traffic signal at the Bogue Road/Phillips Road intersection.

iii. Implement Mitigation Measure 3.14-1(a)(iv): Install a traffic signal and add turn lanes at the Bogue Road/Railroad Avenue intersection.

iv. Implement Mitigation Measure 3.14-1(a)(v): Install traffic signal at the Gilsizer Ranch Way/Bogue Road intersection.

v. Contribute fair share cost for restriping the eastbound approach at the Garden Highway/Bogue Road intersection from a through lane to a shared through/right lane and modifying the signal phasing to east-west split-phase.

Significance After Mitigation: These mitigation measures would restore operations at each intersection to an acceptable LOS D or better. The Bogue Road/Phillips Road intersection is recommended to operate with split-phasing on the northbound and southbound approaches and protected left-turn phasing on the eastbound and westbound approaches. The Bogue Road/Railroad Avenue intersection is recommended to operate with protected left-turn phasing on all approaches. With the implementation of the above mitigation measures, this impact would be reduced to a less-than-significant level with the proposed BSMP.

Impact 3.14-9: Implementation of the proposed BSMP, in combination with other cumulative development, would cause cumulatively significant LOS-related impacts at intersections maintained by Caltrans.

The proposed BSMP would cause cumulatively significant impacts at the following intersections maintained by Caltrans:

- SR 99/Hunn Road (LOS F operations exacerbated during the AM peak hour and peak hour signal warrant met);
- SR 99/Smith Road (LOS F operations exacerbated during the AM peak hour and peak hour signal warrant met);
- SR 99/Bogue Road (LOS D to E during the AM peak hour and LOS D to F during the PM peak hour); and
- SR 99/Stewart Road (LOS F operations exacerbated during the AM and PM peak hours and peak hour signal warrant met).

The Project would worsen delays at other intersections (besides those listed above) along SR 99. However, impacts are less than significant at those locations because either the resulting LOS remained acceptable, operations were unacceptable, but the peak hour signal warrant was not met, or the increase in delay was less than five seconds (for already unacceptable operations). The impacts of the proposed BSMP at these intersections are considered cumulatively significant.

Mitigation Measure 3.14-9(a): Cumulative Caltrans Intersections LOS

i. Implement Mitigation Measure 3.14-3(a)(i): Add turn lanes at the SR 99/Bogue Road intersection.

ii. Implement Mitigation Measure 3.14-3(a)(ii): Install traffic signal at the SR 99/Stewart Road intersection.

iii. Contribute fair share cost for adding a second northbound left-turn lane and adding dedicated eastbound and westbound right-turn lanes at the SR 99/Bogue Road intersection.

iv. Contribute fair share cost for installing a traffic signal at the SR 99/Hunn Road intersection.

v. Contribute fair share cost for installing a traffic signal at the SR 99/Smith Road intersection.

Significance After Mitigation: with this mitigation measure each intersection would operate at LOS D or better with recommended mitigation measures in place (and assuming the remaining fair share funding is identified). Since the Newkom Ranch and Kells East Ranch applicants control properties on both sides of SR 99 south of Bogue Road, widening of Bogue Road to accommodate the additional lanes is considered feasible.

Impact 3.14-10: Implementation of the proposed BSMP, in combination with other cumulative development, would cause significant queuing-related impacts at intersections maintained by Caltrans.

The proposed BSMP would cause significant queuing-related impacts at the following intersection maintained by Caltrans:

- SR 99/Bogue Road – The northbound and southbound left and right-turn movements would each have maximum vehicle queues that exceed the available storage during the AM or PM peak hours.

The impact of the proposed BSMP at this intersection is considered significant.

Mitigation Measure 3.14-10(a): Cumulative Caltrans Intersections Queuing

i. Implement Mitigation Measure 3.14-3(a)(i), which consists of adding a second southbound left-turn lane at the SR 99/Bogue Road intersection and providing 500 feet of storage in each turn lane.

ii. Implement Mitigation Measure 3.14-9(a)(iii), which consists of paying fair share cost of adding a second northbound left-turn lane and dedicated eastbound and westbound right-turn lanes at the SR 99/Bogue Road intersection.

Significance After Mitigation: The northbound left-turn lane at the SR 99/Bogue Road intersection would have a maximum queue of 475 feet. However, this value does not represent a line of vehicles that spills out of the turn pocket, but rather the result of northbound through traffic queuing that causes left-turning traffic to not be able to access the turn pocket. A similar situation occurs in the northbound right-turn lane. The queuing in the southbound left- and right-turn lanes represent vehicular queues that would spill out of the turn pocket and into adjacent through lanes. The mitigation measures would result in reductions in vehicular queues in the southbound left- and right-turn lanes that no longer exceed their available vehicular storage. Northbound left- and right-turn movements would continue to occasionally be blocked by through traffic.

Since the identified mitigation measures for queuing impacts to SR 99 intersections require fair share funding, those impacts are considered cumulatively significant and unavoidable because there are no known fee programs in place to collect the remaining funds to ensure the identified improvement is made. Caltrans does have processes in place whereby they may accept direct payments from applicants as fair share mitigation for impacts to the state highway system. However, negotiations between the applicant, City, and Caltrans regarding such a payment have not been initiated at this time. Therefore, cumulative impacts related to queuing at the SR 99/Bogue Road intersection are considered significant and unavoidable.

This Project is consistent with the land use pattern policies, and design called for in the BSMP, this subdivision will not add to those impacts identified in the EIR. This subdivision will not create any additional significant impacts on transportation and traffic over what has already been identified in the

BSMP EIR. Therefore, with the implementation of the mitigation measures that are carried forward from the EIR to this document the impacts on transportation and traffic above what was anticipated in the BSMP EIR will be less than significant.

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

This CEQA section describes specific considerations for evaluating a project's transportation impacts in terms of Vehicle Miles Traveled (VMT). SACOG, in "Technical Advisory: On Evaluating Transportation Impacts in CEQA" provides two criteria for which if the project meets either of them, the traffic impacts are considered less than significant. One criterion is that the project generates less than 110 vehicle trips per day is considered to be less than a significant impact. The Project will exceed this criterion, so it is not considered any further in this review. The second criterion is that if a project, on a per capita or per employee basis, the VMT will be at least 15 percent below that of existing development is a reasonable threshold for determining significance. SACOG also has released a draft document (SB 743 regional screening maps) that provides mapping data indicating the average miles traveled for different areas within and around Yuba City. The range of the categories are:

Less than 50% of regional average.
50-85% of regional average.
85-100% of the regional average.
115-150% of the regional average.
More than 150% of the regional average.

Per the SACOG maps for the Project area, the estimated average vehicle distance traveled per residence is in the 50-85% range of the norm. In other words, per the SACOG regional screening maps this subdivision is located in an area that meets the 15 percent vehicle trip reduction criteria. Thus, the transportation impacts from this subdivision are consistent with CEQA Guidelines Section 15063.4(b) and it follows that the traffic impacts generated by this Project regarding vehicle miles traveled are considered to be less than significant.

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

Beyond the issues raised in the BSMP EIR, and review by the Public Works Department of the Project, there was no evidence to indicate that there are any street design issues on nearby streets. Therefore, any increase in street hazards generated by this Project is less than significant.

d) Result in inadequate emergency access?

The Fire and Police Departments have reviewed the Project plans and did not express concerns about emergency access to the property. Therefore, the impacts on emergency services will be less than significant.

3.18 Tribal Cultural Resources

Table 3-18: Tribal Cultural Resources				
	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project cause of substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X	
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X		

3.18.1 Environmental Setting/Affected Environment

This section describes the affected environment and regulatory setting for Tribal Cultural Resources (TCRs).

3.18.2 State Regulatory Setting

Assembly Bill 52: Effective July 1, 2015, Assembly Bill 52 (AB 52) amended CEQA to require that: 1) a lead agency provide notice to any California Native American tribes that have requested notice of projects proposed by the lead agency; and 2) for any tribe that responded to the notice within 30 days of receipt with a request for consultation, the lead agency must consult with the tribe. Topics that may be addressed during consultation include TCRs, the potential significance of project impacts, type of environmental document that should be prepared, and possible mitigation measures and project alternatives.

Pursuant to AB 52, Section 21073 of the Public Resources Code defines California Native American tribes as "a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of the Statutes of 2004." This includes both federally and non-federally recognized tribes.

Section 21074(a) of the Public Resource Code defines TCRs for the purpose of CEQA as:

1) Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

a. included or determined to be eligible for inclusion in the California Register of Historical Resources; and/or

b. included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and/or

c. 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Because criteria a and b also meet the definition of a Historical Resource under CEQA, a TCR may also require additional consideration as a Historical Resource. TCRs may or may not exhibit archaeological, cultural, or physical indicators.

Recognizing that California tribes are experts in their TCRs and heritage, AB 52 requires that CEQA lead agencies initiate consultation with tribes at the commencement of the CEQA process to identify TCRs. Furthermore, because a significant effect on a TCR is considered a significant impact on the environment under CEQA, consultation is required to develop appropriate avoidance, impact minimization, and mitigation measures.

3.18.3 Cultural Setting

The Nisenan (also referred to as Southern Maidu) inhabited the General Plan area prior to large-scale European and Euroamerican settlement of the surrounding area. Nisenan territory comprised the drainages of the Yuba, Bear, and American Rivers, and the lower drainages of the Feather River. The Nisenan, together with the Maidu and Konkow, their northern neighbors, form the Maiduan language family of the Penutian linguistic stock (Shipley 1978:89). Kroeber (1976:392) noted three dialects: Northern Hill Nisenan, Southern Hill Nisenan, and Valley Nisenan. Although cultural descriptions of this group in the English language are known from as early as 1849, most of our current cultural knowledge comes from various anthropologists in the early part of the 20th century (Levy 1978:413; Wilson and Towne 1978:397).

The basic subsistence strategy of the Nisenan was seasonally mobile hunting and gathering. Acorns, the primary staple of the Nisenan diet, were gathered in the valley along with seeds, buckeye, salmon, insects, and a wide variety of other plants and animals. During the warmer months, people moved to mountainous areas to hunt and collect food resources, such as pine nuts. Bedrock and portable mortars and pestles were used to process acorns. Nisenan settlement patterns were oriented to major river drainages and tributaries. In the foothills and lower Sierra Nevada, Nisenan located their villages in large flats or ridges near major streams. These villages tended to be smaller than the villages in the valley (Wilson and Towne 1978:389–390).

Trade provided other valuable resources that were not normally available in the Nisenan environment. The Valley Nisenan received black acorns, pine nuts, manzanita berries, skins, bows, and bow wood from the Hill Nisenan to their east, in exchange for fish, roots, grasses, shells, beads, salt, and feathers (Wilson and Towne 1978). To obtain, process, and utilize these material resources, the Nisenan had an array of tools to assist them. Wooden digging sticks, poles for shaking acorns loose, and baskets of primarily willow and redbud were used to gather vegetal resources. Stone mortars and pestles were used to process many of the vegetal foods; baskets, heated stones, and wooden stirring sticks were used for cooking. Basalt and obsidian were primary stone materials used for making knives, arrow and spear points, clubs, arrow straighteners, and scrapers. (Wilson and Towne 1978.)

Nisenan settlement locations depended primarily on elevation, exposure, and proximity to water and other resources. Permanent villages were usually located on low rises along major watercourses. Village size ranged from three houses to 40 or 50 houses. Larger villages often had semi-subterranean dance houses that were covered in earth and tule or brush and had a central smoke hole at the top and an entrance that faced east (Wilson and Towne 1978:388). Early Nisenan contact with Europeans appears to have been limited to the southern reaches of their territory. Spanish expeditions intruded into Nisenan territory in the early 1800s. In the two or three years following the gold discovery, Nisenan territory was overrun by immigrants from all over the world. Gold seekers and the settlements that sprang up to support them were nearly fatal to the native inhabitants. Survivors worked as wage laborers and domestic help and lived on the edges of foothill towns. Despite severe depredations, descendants of the Nisenan still live in their original land area and maintain and pass on their cultural identity.

3.18.4 Summary of Native American Consultation

AB 52 now requires lead agencies to analyze project impacts on "tribal cultural resources" separately from archaeological resources (PRC § 21074; 21083.09). AB 52 also requires lead agencies to engage in additional consultation procedures with respect to California Native American tribes (PRC § 21080.3.1, 21080.3.2, 21082.3). In response to AB 52, the City supplied the following Native American tribes with a Project description and map of the proposed Project area and a request for comments:

- United Auburn Indian Community of the Auburn Rancheria
- Yocha Dehe Wintun Nation
- Estom Yomeka Maidu Tribe of the Enterprise Rancheria
- Mechoopda Indian Tribe
- Pakan'yani Maidu of Strawberry Valley
- Mooretown Rancheria of Maidu Indians
- Ione Band of Miwok Indians

3.18.6 Thresholds of Significance

AB 52 established that a substantial adverse change to a TCR has a significant effect on the environment. The thresholds of significance for impacts to TCRs are as follows:

Would the Project cause a substantial adverse change to a TCR, defined in Section 21074 as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a Native American tribe that are:

- Included or determined to be eligible for inclusion in the California Register of Historical Resources;
- Included in a local register of historical resources as defined in subdivision k of Section 5010.1; and/or
- Determined by the City to be significant, as supported by substantial evidence, including:
    - A cultural landscape with a geographically defined boundary;
    - A historical resource as described in Section 21084.1 (either eligible for or listed on the California Register of Historical Resources or listed on a local registry);
    - A unique archaeological resource as defined in Section 21083.2; and/or

- A non-unique archaeological resource as defined in Section 21083.2.

In assessing substantial adverse change, the City must determine whether or not the Project will adversely affect the qualities of the resource that convey its significance. The qualities are expressed through integrity. Integrity of a resource is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association [CCR Title 14, Section 4852(c)]. Impacts are significant if the resource is demolished or destroyed or if the characteristics that made the resource eligible are materially impaired [CCR Title 14, Section 15064.5(a)]. Accordingly, impacts to a TCR would likely be significant if the Project negatively affects the qualities of integrity that made it significant in the first place. In making this determination, the City need only address the aspects of integrity that are important to the TCR's significance.

3.18.7 Impact Assessment/Environmental Consequences:

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).

There are no structures on the property, as it is solely used as an orchard. Further, the site has been tilled for many years due to its agricultural use. Even though the presence of any historical resources is unlikely, to assure that no historical resources are present Mitigation Measure 3.5-2(b), required in Section b) below, shall be applied as it requires a site survey for archaeological resources anyway.

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

As provided in the BSMP EIR, because the BSMP area has been used primarily for agriculture and low-density residential occupation, the potential for buried historic archaeological deposits in the BSMP project site is relatively low, due to associated ground disturbance.

As part of the BSMP EIR process a cultural resource investigation was conducted for the proposed BSMP area, which included background research and a records search of the NEIC, both of which address the entire BSMP area and Native American consultation. The investigation also included a site-specific built-environment resource survey of the nearby Newkom Ranch and Kells East Ranch properties, but not the West Railroad Village site or other properties within the BSMP area. That records search identified two previously recorded cultural resources within a 0.25-mile search area: a prehistoric site and the Feather River levee. Neither resource is located within the BSMP area

As stated in the BSMP EIR, given the Late Holocene age of the BSMP area underlying geologic formation, ESA archaeologists (preparers of the BSMP EIR) determined that the BSMP area has a high sensitivity for buried prehistoric archaeological deposits. During the prehistoric period, the BSMP area would have been an amenable setting for procurement of the abundant flora and fauna found in the area's marshes, river channels, and adjacent forests and grasslands. The BSMP area may also have been an ideal setting for prehistoric habitation, probably temporary or seasonal due to flood risks from the adjacent Feather River and Gilsizer Slough. This is corroborated by the dense number of ethnographic village sites on the west side of the Feather River at the confluence of the Yuba River.

Historic-period agricultural activities have disturbed virtually the entire BSMP area. Historic development and associated use may have resulted in the creation of buried historic archaeological deposits associated with agricultural residences and use. Because the Project site has been used primarily for agriculture and low-density residential occupation, the potential for buried historic-period archaeological deposits is relatively low.

In the event that currently unknown unique significant archaeological resources of either the prehistoric or historic periods are disturbed by BSMP-related earth-moving activities, the disturbance of significant archaeological resources would be a potentially significant impact.

Also, as part of the BSMP review process, tribal consultation pursuant to PRC section 21080.3.1, was initiated by Yuba City staff in coordination with the NAHC and tribal contacts provided by the NAHC, identified no known traditional lands or cultural places within or near the BSMP area. No tribes that were notified requested formal consultation, but there was response via email to Yuba City staff that the tribe retains the right to be involved should any discoveries be made.

Based on the discussion above, implementation of Mitigation Measure 3.5-2(b) below would ensure that archaeological resources or human remains are appropriately evaluated and treated if discovered during construction of the proposed BSMP.

Significance After Mitigation: Mitigation Measure 3.5-2(b) would ensure that analysis and mitigation of impacts is conducted for future phases of development of the proposed BSMP. Implementation of Mitigation Measure 3.5-2(b) would ensure that impacts to prehistoric archaeological resources, tribal cultural resources, and human remains would be less than significant.

3.18.8 BSMP Mitigation Measures for Tribal Cultural Resources from the BSMP EIR

Mitigation Measure 3.5-2(b): Protection of Historic Archaeological Resources:

When BSMP-level development plans outside the Newkom Ranch and Kells East Ranch properties are submitted to the City of Yuba City for approval, the project applicant shall be required to complete a cultural resources investigation for review and approval by the City that includes, at a minimum:

- An updated records search at the Northeast Information Center;
- Updated Native American consultation in coordination with the Native American Heritage Commission.
- An intensive archaeological survey of the development area;
- A geoarchaeological assessment for the potential for buried archaeological resources;
- A report that documents the results of the investigation; and
- Recommendations for mitigation to resolve adverse impacts to significant archaeological resources or human remains.

The survey shall be carried out by a qualified archaeologist meeting the Secretary of the Interior's Standards for Archaeology and can be documented in the same document as required in Mitigation Measure 3.5-1(a).

3.19 Utilities and Service Systems

Table 3-19: Utilities and Service Systems				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water or wastewater treatment or storm drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?		X		
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 projected demand in addition to the existing commitments?			X	
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?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

3.19.1 Environmental Setting/Affected Environment

Water:

The water supply source for the City is surface water from the Feather River with use of a backup groundwater well. The City of Yuba City is a public water agency with approximately 18,045 connections. City policy only allows areas within the City limits to be served by the surface water system.

Wastewater:

Yuba City owns, operates, and maintains the wastewater collection, treatment, and disposal system that provides sewer service to approximately 60,000 residents and numerous businesses. The remainder of the residents and businesses in the Yuba City Sphere of Influence (SOI) are currently serviced by private septic systems. In the early 1970s, the City's original sewage treatment plant was abandoned, and the current Wastewater Treatment Facility (WWTF) was constructed. Reuse and Recycling:

Solid waste generated in Yuba City is collected by Recology Yuba-Sutter. Recology offers residential, commercial, industrial, electronic, and hazardous waste collection, processing, recycling, and disposal, as well as construction and demolition waste processing, diversion, and transfer to a disposal facility. The City's municipal solid waste is delivered to the Ostrom Road Landfill; a State-permitted solid waste facility that provides a full range of transfer and diversion services. As of June 2021, the Recology Ostrom Road

Landfill Remaining Site Net Airspace is 33,764,000 cy; and has a remaining capacity of 21,297,000 tons; and remaining landfill service life is 53 years.

3.19.2 Federal Regulatory Setting

National Pollutant Discharge Elimination System: Discharge of treated wastewater to surface water(s) of the U.S., including wetlands, requires an NPDES permit. In California, the RWQCB administers the issuance of these federal permits. Obtaining a NPDES permit requires preparation of detailed information, including characterization of wastewater sources, treatment processes, and effluent quality. Any future development that exceeds one acre in size would be required to comply with NPDES criteria, including preparation of a Stormwater Pollution Prevention Plan (SWPPP) and the inclusion of BMPs to control erosion and offsite transport of soils.

3.19.3 State Regulatory Setting

State Water Resources Control Board (SWRCB): Waste Discharge Requirements Program. State regulations pertaining to the treatment, storage, processing, or disposal of solid waste are found in Title 27, CCR, Section 20005 et seq. (hereafter Title 27). In general, the Waste Discharge Requirements (WDRs) Program (sometimes also referred to as the "Non-Chapter 15 (Non 15) Program") regulates point discharges that are exempt pursuant to Subsection 20090 of Title 27 and not subject to the Federal Water Pollution Control Act. Exemptions from Title 27 may be granted for nine categories of discharges (e.g., sewage, wastewater, etc.) that meet, and continue to meet, the preconditions listed for each specific exemption. The scope of the WDRs Program also includes the discharge of wastes classified as inert, pursuant to Section 20230 of Title 27. Several programs are administered under the WDR Program, including the Sanitary Sewer Order and recycled water programs.

Department of Resources Recycling and Recovery (CalRecycle): The Department of Resources Recycling and Recovery (CalRecycle) is the State agency designated to oversee, manage, and track the 76 million tons of waste generated each year in California. CalRecycle develops laws and regulations to control and manage waste, for which enforcement authority is typically delegated to the local government. The board works jointly with local government to implement regulations and fund programs.

The Integrated Waste Management Act of 1989 (PRC 40050 et seq. or Assembly Bill (AB) 939, codified in PRC 40000), administered by CalRecycle, requires all local and county governments to adopt a Source Reduction and Recycling Element to identify means of reducing the amount of solid waste sent to landfills. This law set reduction targets at 25 percent by the year 1995 and 50 percent by the year 2000. To assist local jurisdictions in achieving these targets, the California Solid Waste Reuse and Recycling Access Act of 1991 requires all new developments to include adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials.

Regional Water Quality Control Boards: The primary responsibility for the protection of water quality in California rests with the State Water Resources Control Board (State Board) and nine Regional Water Quality Control Boards. The State Board sets statewide policy for the implementation of state and federal laws and regulations. The Regional Boards adopt and implement Water Quality Control Plans (Basin Plans), which recognize regional differences in natural water quality, actual and potential beneficial uses, and water quality problems associated with human activities.

National Pollutant Discharge Elimination System (NPDES) Permit: As authorized by the Clean Water Act (CWA), the National Pollutant Discharge Elimination System (NPDES) Permit Program controls water pollution by regulating point sources that discharge pollutants into water of the United States. In

California, it is the responsibility of Regional Water Quality Control Boards (RWQCB) to preserve and enhance the quality of the state's waters through the development of water quality control plans and the issuance of waste discharge requirements (WDRs). WDRs for discharges to surface waters also serve as NPDES permits.

California Department of Water Resources: The California Department of Water Resources (DWR) is a department within the California Resources Agency. The DWR is responsible for the State of California's management and regulation of water usage.

3.19.4 Impact Assessment/Environmental Consequences:

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

The Project will connect to both the City's water and wastewater treatment systems. For both facilities there are City adopted master plans to expand those plants to the extent that they will accommodate the overall growth of the City. A summary of the BSMP EIR on the City's water and wastewater systems is as follows:

Potential on-site and off-site environmental impacts that could result from construction of the proposed wastewater conveyance system, including impacts related to ground-disturbing construction activities, are addressed in the applicable technical sections of the BSMP EIR. The analysis provided in the EIR is that sufficient available treatment capacity at the City's existing WWTF to accommodate the full development of the BSMP, including Newkom Ranch and Kells East Ranch. Therefore, the proposed BSMP would not result the construction of new wastewater treatment facilities or the expansion of existing facilities. Therefore, this impact would be less than significant.

Implementation of the proposed BSMP, in combination with buildout of the Yuba City General Plan, would increase the demand for water treatment at the City's WTP that would exceed the current capacity of the WTP. The proposed BSMP would result in a total maximum daily demand increase for treated water of 3 mgd or one-third of the remaining capacity at the WTP. However, the *Yuba City Update to Water Demand and Infrastructure System Evaluation* provides a plan for phased expansion of the water WTP to meet the future demands of buildout within the City's SOI. Financing for the expansion of the WTP and all other water conveyance facilities would be through development fees and local taxes or bond funding. Therefore, the impacts are considered less than significant.

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

The BSMP EIR concludes that Implementation of the proposed BSMP along with buildout of the Yuba City General Plan would result in a shortfall of water during a single-dry year and the first year of a multi-dry year starting in 2030 and increasing out to 2040. This is considered a significant cumulative impact. The proposed BSMP would have a considerable contribution to this significant cumulative impact because it would result in an increase in demand on the limited water supply sources of the City of up to 1,574 acre-feet/year.

Significance after mitigation: Mitigation Measure 3.15-1 would reduce water supply impacts of the proposed BSMP to less than considerable levels resulting in a less-than-significant impact.

The extension of electric power facilities, natural gas facilities and telecommunication facilities are provided by private companies, none of which have voiced concerns over the extensions of their services to this Project site. With these considerations the impact on these facilities are expected to be less than significant.

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 projected demand in addition to the existing commitments?

As summarized in the BSMP EIR the proposed BSMP would result in the discharge of approximately 2.3 mgd peak wet weather flow (PWWF). The WWTF has maximum capacity peak-hour flow of 19 mgd, with an excess capacity to serve the BSMP PWWF of approximately 10 mgd. Therefore, there would be adequate capacity to serve plan's wastewater demands in addition to existing flow to the WWTF. Therefore, the capacity of the WWTF would be sufficient to serve the wastewater flows from the proposed BSMP. This impact would be less than significant.

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

As summarized in the BSMP EIR, solid waste generated from developed uses under the proposed BSMP would be removed from the site by the City and/or private haulers, and either recycled in accordance with City programs and requirements or landfilled at the Ostrom Road Landfill. These facilities together currently have approximately 39 million cubic yards of available capacity. Solid waste from the proposed BSMP would represent approximately 0.03 percent of total annual solid waste served at the Ostrom Road Landfill. Sufficient landfill capacity would be available to serve the proposed BSMP and would not require new or expanded solid waste management or disposal facilities. Additionally, implementation of typical recycling rates and City recycling requirements would result a portion of the total waste stream being diverted to recycling. Therefore, the impact on solid waste facilities would be less than significant.

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

Recology Yuba-Sutter is authorized by both Sutter County and Yuba County to provide solid waste disposal for the area as well as for all of Sutter and Yuba Counties. As discussed above, there is adequate collection and landfill capacity to accommodate the proposed development.

3.19.5 Utility and Service Systems Mitigation Measure from the BSMP EIR

Mitigation Measure 3.15-1: Water Supply Capacity

a) Individual project applicants shall pay the fair share of costs for each development's proportion of the water supply deficits estimated through 2040. The payments shall be directed to a City fund for the construction and operation of new groundwater well(s) as determined by the City. The City shall reflect the requirement for the fair share payment for each development in any future development agreement in the BSMP site, and payment shall be made to the City prior to final tentative map approval and building permit.

b) The City shall construct new groundwater well(s) to be operable and sufficient to serve the water supply demands of each development approved prior to year 2030. The groundwater well(s) shall be constructed to produce sufficient water to make up the shortfalls in any given single-dry year or the first year of a multi-dry year scenario as determined by the City.

c) The City shall not approve a final tentative map or building permit for any development pursuant to the proposed BSMP or City beyond the supplies available from 2030 through 2040 without a reliable source of water supply to meet the shortfalls in the single-dry year or the first year of a multi-dry year scenario, as detailed above.

Significance after Mitigation: Implementation of Mitigation Measures 3.15-1 would reduce impacts related to shortfalls of water supply to less-than-significant levels through the construction of groundwater well(s). Impacts of constructing groundwater well(s) would be limited to light construction work for drilling and installing the well(s), well pad(s), and pumping equipment. Operation of the well(s) and pump(s) would be limited to times when shortfalls are expected, and, therefore, are not expected to impact the underlying aquifers. The City would be required to prepare the appropriate CEQA documentation prior to approval of constructing groundwater well(s).

3.20 Wildfire

Table 3-20: Wildfire				
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
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?			X	
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?			X	
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?			X	

3.20.1 Environmental Setting/Affected Environment

Wildland fires are an annual hazard in Sutter County, particularly in the vicinity of the Sutter Buttes, and, to a lesser degree due to urbanized development, Yuba City. Wildland fires burn natural vegetation on undeveloped lands and include rangeland, brush, and grass fires. Long, hot, and dry summers with temperatures often exceeding 100°F add to the County's fire hazard. Human activities are the major causes of wildland fires, while lightning causes the remaining wildland fires. Irrigated agricultural areas, which tend to surround Yuba City, are considered a low hazard for wildland fires.

The California Department of Forestry and Fire Protection's Fire and Resource Assessment Program identifies fire threat based on a combination of two factors: 1) fire frequency, or the likelihood of a given area burning, and 2) potential fire behavior (hazard). These two factors are combined in determining the following Fire Hazard Severity Zones: Moderate, High, Very High, Extreme. These zones apply to areas designated as State Responsibility Areas – areas in which the State has primary firefighting responsibility. The project site is not within a State Responsibility Area and therefore has not been placed in a Fire Hazard Severity Zone.

3.20.2 Impact Assessment/ Environmental Consequences

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

As discussed in Section 3.17 of this Initial Study, this Project is not expected to substantially obstruct emergency vehicles or any evacuations that may occur in the area. Therefore, the impacts of the Project related to emergency response or evacuations would be less than significant.

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?

The Project site is in a level irrigated agricultural area that is transitioning to urban use. There is little, if any, native vegetation remaining. This type of environment is generally not subject to wildfires near the urban area. In light of this, the exposure of new residents to wildfire is less than significant.

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?

As discussed above, the Project site is not near any wildland areas and the Project itself will not create any improvements that potentially could generate wildfire conditions. As such the Project will not be constructing or maintaining wildfire related infrastructure such as fire breaks, emergency water sources, etc. Thus, the Project will not create any potential significant impacts that could result from these types of improvements.

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?

The Project site is in a topographically flat area. There are no streams or other channels that cross the site. As such, it is not expected that people or structures would be exposed to significant risks from changes resulting from fires in steeper areas, including downslope or downstream ***flooding or landslides. Impacts*** of the project related to these issues would be less than significant.

3.21 Mandatory Findings of Significance

Table 3.21: Mandatory Findings of Significance				
Would the Project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to 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 example of the major periods of California history or prehistory?			X	
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)			X	
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

3.21.1 Impact Assessment/Environmental Consequences:

a) Does the project have the potential to 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 example of the major periods of California history or prehistory?

The land was stripped many years ago of native vegetation for agricultural purposes. The property is currently vacant of buildings and there are no waterways or nearby riparian areas. Mitigation measures that are included will reduce the impact on other identified species to a less than significant level. Therefore, this Project, subject to its conditions and mitigation measures, will not significantly degrade the quality of the natural 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, reduce the number or restrict the range of a rare or endangered plant or animal. But there will be an unmitigable cumulative impact on overall natural habitat loss for which overriding considerations were made with the adoption of the BSMP.

Due to the proposed mitigation measures the Project will not eliminate an important example of the major periods of California history or prehistory beyond what was anticipated in the BSMP EIR.

The analysis conducted in this Initial Study/Mitigated Negative Declaration results in a determination that the proposed Project, with its mitigation measures, will not create any significant impacts on any of the identified species that was not considered in the BSMP, nor will there be any additional cumulative impacts not previously considered.

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)

CEQA Guidelines Section 15064(i) states that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects.

As this property is located within a specific plan area, cumulative conditions were considered in the BSMP EIR. The traffic generated by the development is within what was anticipated in the Bogue-Stewart Master Plan, which considered future growth of the area and for which mitigation measures are provided that reduce the traffic impacts to a less than significant level on a project level and on a cumulative basis. With the application of the recommended conditions of approval and mitigation measures, the City will have adequate water and wastewater capacity, as the development fees that are generated will provide for ongoing plant expansions. Stormwater drainage will also meet all City standards. The BSMP provides for a new school site and a fee system to pay the fair-share of costs towards a new school to accommodate the new students generated by development of the BSMP area. With the implementation of the recommended mitigation measures for the Project as well as their continued implementation for future BSMP projects, the development of the BSMP area will still generate several significant impacts that cannot be mitigated below a level of significance. This includes the loss of agricultural land, air quality impacts, and loss of wildlife habitat that will generate cumulative significant impacts, but overriding considerations on these matters were made by the City Council. There would not be any significant cumulative impacts beyond what was considered by the BSMP EIR.

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

The proposed Project in and of itself will not create a significant hazard to the public or the environment. Construction-related air quality, noise, and hazardous materials exposure impacts would occur for a very short period but with implementation of the recommended mitigation measures will be less than significant impacts during that time period. Therefore, the proposed Project with its mitigation measures will not have any direct or indirect significant adverse impacts on humans beyond what was anticipated in the BSMP EIR.

4 Section References and/or Incorporated by Reference

According to Section 15150 of the CEQA Guidelines, an ND may incorporate by reference all or portions of another document that is a matter of public record. The incorporated language will be considered to be set forth in full as part of the text of the ND. All documents incorporated by reference are available for review at, or can be obtained through, the City of Yuba City Development Services Department located at the address provided above. The following documents are incorporated by reference:

ESA. Bogue-Stewart Master Plan Environmental Impact Report, November 2018.

Fehr & Peers, Inc. September 2020. SB 743 Implementation Guidelines for City of Yuba City.

Governor's Office of Planning and Research, November 2017. Technical Advisory on Evaluating Transportation Impacts in CEQA.

Sacramento Area Council of Governments. Hex Maps. Work VMT-2020 MTP/SCS (Adopted).

California Department of Conservation, Division of Land Resource Protection (CDC DLRP). 2014. Farmland Mapping and Monitoring Program – Sutter County Important Farmland 2012. August 2014.

California Department of Conservation, Division of Land Resource Protection (CDC DLRP). 2013. Sutter County Williamson Act FY 2013/2014.

Carollo. 2011. City of Yuba City 2010 Urban Water Management Plan. June 2011.

Yuba City, City of. 2016. City of Yuba City Municipal Code.
https://www.municode.com/library/ca/yuba_city/codes/code_of_ordinances

Dyett & Bhatia. 2004. City of Yuba City General Plan. Adopted April 8, 2004.

Yuba City General Plan, 2004 Environmental Impact Report. (SCH #2001072105).

Fehr & Peers Associates, Inc. 1995. Yuba-Sutter Bikeway Master Plan. December 1995.

"Determination of 1-in-200 Year Floodplain for Yuba City Urban Level of Flood Protection Determination," prepared for Yuba City by MBK Engineers, November 2015.

Sutter County General Plan.

Feather River Air Quality Management District (FRAQMD) CEQA Significance Thresholds.

Yuba Sutter Transit Route Map.

California Department of Conservation, California Geological Survey. "Fault Zone Activity Map." Alquist-Priolo Earthquake Fault Zones.

California Department of Toxic Substances Control (DTSC). 2016. EnviroStor. Available at http://www.envirostor.dtsc.ca.gov/public/
California Department of Conservation, Division of Land Resource Protection Farmland Mapping and Monitoring Program – Sutter County Important Farmland Map.

Federal Emergency Management Agency (FEMA), Flood Insurance Rate Maps.

Carollo. 2011. City of Yuba City 2010 Urban Water Management Plan. June 2011.

City of Yuba City Wastewater Master Plan.

Sutter County Airport Comprehensive Land Use Plan, April 1994.

Yuba County Airport Land Use Compatibility Plan, Sept. 2010.

California Department of Transportation (Caltrans). 2011. California Scenic Highway Mapping System website. Updated September 7, 2011. Available at http://dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm

City of Yuba City

MITIGATION MEASURE AND REPORTING PLAN

For West Railroad Village Subdivision

Initial Study and Mitigated Negative Declaration EA 23-07
For Tentative Subdivision Map 23-02

Note: the majority of the mitigations that follow are those mitigations from the Bogue-Stewart Master Plan EIR that were determined to be relevant to this subdivision. For reference purposes their original numbering was carried forward to the Initial Study and this MMRP.

Impact	Mitigation Measure	Responsible Party	Monitoring Party	Timing
3.3 Air Quality	**Mitigation Measure 3.3-1(a): Fugitive Dust Control Plan** During the construction of the BSMP, individual project applicants shall submit to FRAQMD a Fugitive Dust Control Plan with the following mitigation measures to be implemented: a) All grading operations on a project shall be suspended when sustained winds exceed 20 miles per hour (mph) or when winds carry dust beyond the property line despite implementation of all feasible dust control measures; b) Construction sites shall be watered as directed by the FRAQMD and as necessary to prevent fugitive dust violations; c) An operational water truck shall be on-site at all times. Water shall be applied to control dust as needed to prevent visible emissions violations and off-site dust impacts; d) On-site dirt piles or other stockpiled particulate matter shall be covered, wind breaks installed, and water and/or soil stabilizers employed to reduce wind-blow dust emissions.	Developer	FRAQMD	Prior to issuance of grading permit

	The use of approved nontoxic soil stabilizers shall be incorporated according to manufacturers' specifications to all inactive construction areas; e) All transfer processes involving a free fall of soil or other particulate matter shall be operated in such a manner as to minimize the free fall distance and fugitive dust emissions; f) Approved chemical soil stabilizers shall be applied according to the manufacturers' specifications to all inactive construction areas (previously graded areas that remain inactive for 96 hours), including unpaved roads and employee/equipment parking areas; g) To prevent track-out, wheel washers shall be installed where project vehicles and/or equipment exit onto paved streets from unpaved roads. Vehicles and/or equipment shall be washed before each trip. Alternatively, a gravel bed may be installed as appropriate at vehicle/equipment site exit points to effectively remove soil buildup on tires and tracks and prevent/diminish track-out; h) Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom permitted) if soil material has been carried onto adjacent paved, public thoroughfares from the project site; i) Temporary traffic control shall be provided as needed during all phases of construction to improve traffic flow, as deemed appropriate			

	by the appropriate department of public works and/or California Department of Transportation (Caltrans), and to reduce vehicle dust emissions. An effective measure is to enforce vehicle traffic speeds at or below 15 mph; j) Traffic speeds on all unpaved surfaces shall be reduced to 15 mph or less, and unnecessary vehicle traffic shall be reduced by restricting access. Appropriate training to truck and equipment drivers, on-site enforcement, and signage shall be provided; k) Ground cover shall be reestablished on the construction site as soon as possible and before final occupancy through seeding and watering; and l) Open burning shall be prohibited at the project site. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (e.g., trash, demolition debris) may be conducted at the project site. Vegetative wastes shall be chipped or delivered to waste-to-energy facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials off-site for disposal by open burning. **Mitigation Measure 3.3-1(b): Control Exhaust Emissions** Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0, Visible Emissions Limitations (40 percent opacity or Ringelmann 2.0). Operators of vehicles and equipment found to exceed opacity limits shall take action to repair the equipment within 72 hours or remove			

	the equipment from service. Failure to comply may result in a notice of violation from FRAQMD. **Mitigation Measure 3.3-1(c): Limit Equipment Idling** Construction contracts within the BSMP shall limit idling time to 5 minutes in accordance with ARB airborne air toxic control measure 13 (CCR Chapter 10 Section 2485) unless more time is required per engine manufacturers' specifications or for safety reason. **Mitigation Measure 3.3-1(d): Equipment Registration** Portable engines and portable engine-driven equipment units used by construction contractors within the BSMP site, with the exception of on-road and off-road motor vehicles, may require ARB Portable Equipment Registration with the state or a local district permit. The owner/operator of the equipment shall be responsible for arranging appropriate consultations with ARB or the FRAQMD to determine registration and permitting requirements before the equipment is operated at the site. **Mitigation Measure 3.3-1(e): Equipment Emissions Plan** During the construction of the BSMP, individual project applicants shall assemble a comprehensive inventory list (i.e., make, model, engine year, horsepower, emission rates) of all heavy-duty off-road (portable and mobile) equipment (50 horsepower and greater) that will be used an aggregate of 40 or more hours for a construction project. Applicants shall provide a plan for approval by FRAQMD demonstrating that the heavy-duty (equal to or greater			

	than 50 horsepower) off-road equipment to be used for construction, including owned, leased, and subcontractor vehicles, will achieve a project-wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent ARB fleet average at the time of construction. These equipment emission reductions can be demonstrated using the most recent version of the Construction Mitigation Calculator developed by the SMAQMD. Acceptable options for reducing emissions may include use of late-model engines, low emission diesel products, alternative fuels, engine retrofit technology (Carl Moyer Guidelines), after-treatment products, voluntary off-site mitigation projects, the provision of funds for air district off-site mitigation projects, and/or other options as they become available. In addition, implementation of these measures would also result in a 5 percent reduction in ROG emissions from heavy-duty diesel equipment. FRAQMD shall be contacted to discuss alternative measures. **Mitigation Measure 3.3-2: Implement Operational Mitigation Measures** The project applicant(s) for tentative subdivision maps and development projects proposed under the BSMP shall implement the mitigation measures, as applicable to the proposed subdivision map or development project. At the time entitlements are sought, the City will evaluate measures below, determine which measures are applicable, and include those measures as conditions of approval or some other enforceable mechanism. All feasible measures listed below shall be			

	incorporated into subdivision maps and development projects within the BSMP. a) Subdivision maps and development projects located in areas designated Community Commercial, Neighborhood Commercial, Office Park, and Business Park shall be developed in coordination with local transit providers to ensure proper placement and design of transit stops and accommodate public transit for both employees and patrons. b) Subdivision maps and improvement plans shall be designed to provide convenient and safe bicycle, pedestrian, and transit access between neighborhoods and areas designated Community Commercial, Neighborhood Commercial, Office Park, and Business Park, as well as parks, trails, and other destinations. c) Subdivision maps and development projects within Community Commercial and Neighborhood Commercial areas shall distribute proposed parking and not concentrate parking exclusively between the front building façade and the primary abutting street where feasible. d) Cul-de-sacs are allowed only where they would not create a barrier for pedestrian and bicycle access or circulation between homes and destinations. e) Employment generating projects that anticipate more than 50 full-time equivalent employees shall participate in the Yuba-Sutter			

	Transportation Management Association. f) Subdivision maps and improvement plans shall be designed to accommodate safe and frequent pedestrian crosswalks, with more frequent crossings in areas expected to have higher pedestrian traffic, such as schools, parks, trail connections, higher-density residential areas, and areas with retail, services, office uses, and other non-residential uses. g) Subdivision maps and improvement plans shall be designed to discourage concentration of traffic at a few intersections. Multiple points of access shall be provided whenever feasible. Roads shall be arranged in an interconnected block pattern. The maximum average block length in subdivisions is 600 feet unless unusual existing physical conditions warrant an exception to this standard, but shorter block lengths should be used around areas designated Community Commercial and Neighborhood Commercial. h) Subdivision maps and improvement plans shall be designed to connect with adjacent roadways and stubbed roads and shall provide frequent stubbed roadways in coordination with future planned development areas. i) Subdivision maps and development projects within Community Commercial and Neighborhood Commercial areas shall be designed to minimize the amount of on-site land required to meet parking,			

	internal circulation, and delivery/loading needs. j) Subdivision maps and development projects within Community Commercial and Neighborhood Commercial areas shall be designed to break up any proposed surface parking with landscaping and provide pedestrian routes from parking areas to building entrances. k) The City will reduce the amount of off-street parking required or eliminate off-street parking requirements for projects that propose housing units restricted to lower-, very low-, or extremely low-income households. l) Residential subdivision maps shall orient the majority of buildings so that the longer axis of the building, also known as the ridge line, is oriented east-to-west, in order to maximize the potential for passive solar heating in the winter and to minimize heat gain from the afternoon summer sun. m) Subdivision maps and development projects proposing off-street surface parking lots shall incorporate shade trees or shade structures to provide a minimum of 50 percent shading (at maturity, where trees are used). n) Subdivision maps and development projects shall use climate-appropriate landscaping in parks and open space, landscaping within new rights of way, yards, and other appropriate spaces. o) Provide secure, covered bicycle parking for employees of projects located in areas designated			

	Community Commercial, Neighborhood Commercial, Office Park, and Business Park. This may consist of a separate secure, covered bicycle parking area at each employment location or larger shared bicycle parking area/s located and designed to serve multiple locations. p) Shower and locker facilities shall be provided for employees of projects located in areas designated Community Commercial, Neighborhood Commercial, Office Park, and Business Park. This may be achieved by incorporating a shower and locker facility into the design of each proposed use, or facilities located and designed to serve multiple locations. q) Residential development that proposes fireplaces shall use the lowest emitting commercially available fireplace. r) Provide electric vehicle charging facilities and priority parking at non-residential uses for electric and carpool/vanpool vehicles.			
3.4 Biological Resources	**Mitigation Measure 3.4-1: Protection of Jurisdictional Waters and Wetlands** d) Prior to grading activities, the City shall require the project applicant [for an individual project pursuant to the BSMP] to prepare a formal aquatic resources delineation in accordance with the USACE Minimum Standards for Acceptance of Aquatic Resources Delineation Reports[4] for all areas of the individual development project site to determine if any wetlands or	Developer	Development Services Department	Prior to issuance of grading permit

.

	other waters of the U.S. potentially subject to Sections 401 and 404 of the CWA exist on that site. If no potential wetlands or other waters of the U.S. are identified, a report shall be submitted to the City for its records and no additional measures are required. If the formal aquatic resources delineation identifies potentially jurisdictional features on an individual project site, then measure 3.4-1(b) shall be implemented (below). If potential canals, streams, or lakes are identified that may be impacted by project activities, mitigation 3.4-1(c) shall also be implemented. e) If the formal aquatic resources delineation identifies potentially jurisdictional features on an individual development project site, then the report shall be submitted to the USACE for verification and issuance of a jurisdictional determination. If any wetlands or waters are determined to be under the jurisdiction of the USACE or the RWQCB and may be impacted by project development, then the individual project applicant shall obtain Section 404/401 permits based on the jurisdictional determination with the appropriate regulatory agency for the potentially impacted features. During the permitting process, mitigation measures shall be developed as necessary to reduce impacts on wetlands through avoidance, minimization and/or compensatory mitigation. Permanent losses to potentially jurisdictional wetlands and other waters of the U.S. shall be compensated at a minimum 1:1 ratio (or otherwise agreed upon			

	ratio with the USACE and RWQCB) to achieve a no net loss of wetlands. f) If the individual development project would result in impacts to the bed and banks of Gilsizer Slough, or other jurisdictional water courses with a defined bed and bank as identified in an aquatic resources delineation or jurisdictional determination, the City shall notify, or require the project applicant to notify, the CDFW. The CDFW will determine whether a Section 1600 Lake and Streambed Alteration Agreement (LSAA) is required. If required, the individual project applicant shall apply for and adhere to the conditions of the LSAA. This action shall be completed prior to issuance of a grading permit or initiation of other project activities that may impact the canal or other jurisdictional water courses. **Mitigation Measure 3.4-2: Protection of Valley Elderberry Longhorn Beetle** e) The individual project applicant shall engage a qualified biologist to conduct a survey of the construction footprint and 165-foot buffer around the proposed construction footprint to determine whether any elderberry shrubs with stems at least one-inch dgl are present. If no such elderberry shrubs are present within 165 feet of construction activities, a report shall be submitted to the City for its records and no additional measures are required. f) If elderberry shrubs with stems at least one-inch dgl are present within 165 feet of construction activities, the following avoidance measures shall be implemented, at minimum, in accordance with the VELB Impact Assessment.			

	1. Fencing shall be installed as close to the construction limits as feasible for shrubs occurring within 165 feet. 2. In areas where work would occur within near proximity to elderberry shrub, exclusion fencing shall be established a minimum of a 20-foot radius around the shrubs. 3. An individual project applicant shall engage a qualified biologist to provide worker awareness training for all contractors, work crews, and any onsite personnel, on the status of the VELB, its host plant and habitat, the need to avoid damaging the shrubs, and the possible penalties for non-compliance. 4. Mechanical weed removal within the drip-line of the shrub shall be limited to the season when adults are not active (August - February) and shall avoid damaging the elderberry. g) If elderberry shrubs cannot be avoided or if indirect effects will result in the death of stems or entire shrubs, the elderberry shrubs with stems greater than one-inch dgl shall be transplanted. 1. The individual project applicant shall engage a qualified biologist to monitor the transplanting activities. 2. Elderberry shrubs shall be transplanted when the shrubs are dormant (November through February 14) and after they have lost their leaves. h) For shrubs that cannot be avoided, the individual project applicant shall purchase compensatory mitigation for impacts to elderberry shrubs.			

	The appropriate type and amount of compensatory mitigation shall be determined through coordination with the USFWS. Appropriate compensatory mitigation may include purchasing credits at a USFWS-approved conservation bank at a minimum 1:1 ratio, providing onsite mitigation, and/or establishing and/or protecting habitat for the valley elderberry longhorn beetle. **Mitigation Measure 3.4-3: Protection of Migratory Birds and Raptors** h) Building demolition and vegetation clearing operations, including initial grading and tree removal, shall occur outside of the nesting season (September 1 through January 31) to the extent feasible. If vegetation removal or building demolition begins during the nesting season (February 1 to August 31), the individual project applicant shall engage a qualified biologist to conduct a pre-construction survey for active nests within a 500-foot buffer around the individual project footprint. The pre-construction survey shall be conducted within 14 days prior to commencement of ground disturbing activities. If the pre-construction survey shows that there is no evidence of active nests, then a report shall be submitted to the City for its records and no additional measures are required. If construction does not commence within 14 days of a pre-construction survey, or halts for more than 14 days, an additional pre-construction survey is required for each period of delay. i) If any active nests are located within the construction footprint – including, but not limited to			

	individual project site, staging areas, spoils sites, construction access – an appropriate buffer zone shall be established around the nests, as determined by the qualified biologist based on applicable regulatory requirements in force at the time of construction activity. The biologist shall mark the buffer zone with construction tape or pin flags and maintain the buffer zone until the end of breeding season or until the young have successfully fledged or the nest is determined too no longer be active. Buffer zones are typically 50-100 feet for migratory bird nests and 250-500 feet for raptor nests (excluding Swainson's hawk). If active nests are found within the vicinity of the construction areas, the qualified biologist shall monitor nests weekly during construction to evaluate potential nesting disturbance by construction activities. If establishing the typical buffer zone is impractical, the qualified biologist shall adjust the buffer depending on the species and daily monitoring would be required to ensure that the nest is not disturbed, and no forced fledging occurs. This daily monitoring shall occur until the qualified biologist determines that the nest is no longer occupied. **Additional Measures for Burrowing Owl** j) Prior to any individual project construction, the project applicant shall engage a qualified biologist to conduct a habitat assessment to determine if potential nesting habitat is present with an individual project area. If potential nesting habitat is present, nesting and wintering season surveys for burrowing owl shall be conducted to			

	determine if potential habitat within 500 feet of ground disturbance is used by this species. As described in Table 3.4-2, suitable burrowing owl habitat includes the annual grassland and agricultural land. The timing and methodology for the surveys shall be conducted in accordance with the current CDFW Staff Report on Burrowing Owl Mitigation (Appendix D-3).5 A minimum of three survey visits should be conducted at least three weeks apart during the peak breeding season between April 15 and July 15. One of these surveys could be conducted at the same time as the nesting bird survey (Mitigation Measure 3.4-3a) should work be anticipated to commence within 14 days and between April 15 and July 15. A winter survey shall be conducted between December 1 and January 31, during the period when wintering owls are most likely to be present. k) If an active burrowing owl nest site/active burrow is discovered in the vicinity of an individual project construction footprint – including, but not limited to individual project site, staging areas, spoils sites, construction access – the project applicant shall notify the City and CDFW. A qualified biologist shall monitor the owls and establish a fenced exclusion zone around each occupied burrow. No construction activities shall be allowed within the exclusion buffer zone until such time that the burrows are determined by a qualified biologist to be unoccupied. The buffer zones shall be a minimum of 150 feet from an occupied burrow during the non-			

.

	breeding season (September 1 through January 31) and a minimum of 250 feet from an occupied burrow during the breeding season (February 1 through August 31). l) If avoidance is not feasible, the CDFW shall be consulted to develop and the implement avoidance or passive relocation methods. All activities that will result in a disturbance to burrows shall be approved by the CDFW prior to implementation. **Additional Measures for Swainson's Hawk** m) If construction activities are anticipated to commence during the Swainson's hawk nesting season (March 1 to September 15), the individual project applicant shall engage a qualified biologist to conduct a minimum of two pre-construction surveys during the recommended survey periods in accordance with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Appendix D-4).6 All potential nest trees within 0.25 mile of the proposed project footprint shall be visually examined for potential Swainson's hawk nests, as accessible. If no active Swainson's hawk nests are identified on or within 0.25 mile of the proposed project, a report documenting the survey methodology and findings should be submitted to the City for its files and no additional mitigation measures are required. n) If active Swainson's hawk nests are found within 0.25 mile of construction activities, a survey report shall be submitted to the			

	CDFW and the CNDDB, and an avoidance and minimization plan shall be provided to and approved by the CDFW prior to the start of construction of the given development proposal. The avoidance plan shall identify measures to avoid or minimize impacts to the active Swainson's hawk nest. These measures may include, but are not limited to: 1. Conducting a Worker Awareness Training Program prior to the start of construction; 2. Establishing a buffer zone and work schedule to avoid impacting the nest during critical periods. If practicably feasible, no work will occur within 200 yards of the nest while it is in active use. If work will occur within 200 yards of the nest, then construction shall be monitored by a qualified biologist to ensure that no work occurs within 50 yards of the nest during incubation or within ten days after hatching; 3. Having a qualified biological monitor conduct regular monitoring of the nest during construction activities; and 4. Allowing the qualified biologist to halt construction activities until CDFW determines that the construction activities are disturbing the nest. **Mitigation Measure 3.4-4: Protection of Bat Species** c) The individual project applicant shall engage a qualified biologist to conduct a pre-construction survey for special-status bat species within 14 days prior to the start of tree or			

	building removal within the BSMP project site. If no special-status bats are observed roosting, a report shall be submitted to the City for its records and no additional measures are required. If construction does not commence or if any trees or buildings anticipated for removal are not removed within 14 days of the pre-construction survey or halts for more than 14 days, a new survey and reporting shall be conducted. d) If bats including pallid bats are found, the qualified biologist shall consult with the CDFW to determine and implement avoidance measures. Avoidance measures may include, but are not limited to, establishing a buffer around the roost tree, or building until it is no longer occupied or installing exclusion material around the tree/opening of the building after dusk, once the qualified biologist has determined that the bat has left the roost to forage. The tree or building shall not be removed until a biologist has determined that the tree or building is no longer occupied by the bats. **Mitigation Measure 3.4-6: Rare Plant Protection** d) The individual project applicant shall retain a qualified biologist to conduct focused botanical protocol-level surveys in the nonnative annual grassland for dwarf downingia (blooms March through May) and Ferris' mile-vetch (blooms April through May) and in the non-native grassland and oak woodland for Baker's navarretia (blooms April through July) and Hartweg's golden sunburst (blooms March through April). Surveys shall be conducted during blooming periods for all			

	special-status species. (It is noted that the blooming periods for these plant species overlap in the month of April.) If no special-status plants are observed within the survey area, then a report shall be submitted to the City and no additional mitigation is required so long as construction commences within two years of the survey. e) If Baker's navarretia, dwarf downingia, or Ferris' milk-vetch are observed within the project site, the plants should be avoided with a minimum 10-foot avoidance buffer with exclusion fencing, to the extent feasible. If these special-status plants cannot be avoided, a mitigation plan shall be prepared by a qualified botanist. At minimum, the mitigation plan shall include locations where the plants will be transplanted, success criteria, and monitoring activities for the transplanted populations. The mitigation plan shall be finalized prior to transplantation and commencement of construction activities. f) If the federal and state endangered Hartweg's golden sunburst is observed, the plants shall be avoided to the extent feasible. 1. If the plants cannot be avoided, the individual project applicant shall obtain a CESA Section 2081(b) Incidental Take Permit. Measures to minimize the take and to mitigate the impacts caused by the take shall be set forth in one or more conditions of the permit. Potential conservation measures include, but are not limited to, purchasing credits from a mitigation bank, establishing a			

	preserve, and/or preparing a mitigation plan. 2. If the plants cannot be avoided and if the project requires USFWS Section 7 consultation (i.e., would impact a jurisdictional wetland or water of the U.S. requiring a Section 404 CWA permit), consultation with the USFWS through the Section 7 process shall occur to determine any additional avoidance, conservation, and mitigation measures that may be needed for the species, if any. The individual project applicant is not required to consult for impacts to federally listed plants without a federal nexus.			
3.5 Cultural Resources	Mitigation Measure 3.5-2(a): Protection of Archaeological Resources (Only if the results of implementation of Mitigation 3.5-2(b) necessitates its use). Archaeological Monitoring Plan. Prior to issuance of grading permits or ground-disturbing construction activity in the Newkom Ranch and Kells East Ranch properties, the project applicant shall prepare and submit an Archaeological Monitoring Plan to the City of Yuba City for review and approval. Monitoring shall be required for all surface alteration and subsurface excavation work, including trenching, boring, grading, use of staging areas and access roads, and driving vehicles and equipment. A Secretary of the Interior-qualified professional archaeologist (project archaeologist) shall prepare the plan. The plan shall address (but not be limited to) the following issues: • Training program for all construction and field workers involved in site disturbance;	Developer	Development Services Department	Prior to issuance of grading permit

	• Person(s) responsible for conducting monitoring activities, including both archaeological and Native American monitors; • How the monitoring shall be conducted and the required format and content of monitoring reports, including the need to conduct trenching, shovel-test units, or auger samples to identify archaeological deposits in advance of construction, assessment, designation, and mapping of the sensitive cultural resource areas on final project maps, assessment, and survey of any previously un-surveyed areas; • Person(s) responsible for overseeing and directing the monitors; • Schedule for submittal of monitoring reports and person(s) responsible for review and approval of monitoring reports; • Procedures and construction methods to avoid sensitive cultural resource areas (i.e., planning construction to avoid the resource, incorporating the resource within open space, capping, and covering the resource, or deeding the site into a permanent conservation easement); • Clear delineation and fencing of sensitive cultural resource areas; • Physical monitoring boundaries; • Protocol for notifications in case of encountering of cultural resources, as well as methods of dealing with the encountered resources (e.g., collection, identification, curation); • Methods to ensure security of cultural resources;			

	• Protocol for notifying local authorities (i.e. Sheriff, Police) should site looting and other illegal activities occur during construction. Archaeological and Native American Monitoring. If an intact archaeological resource is encountered, all soil disturbing activities in the vicinity of the resource shall cease until it is evaluated. The project archaeologist shall immediately notify the City of Yuba City of an encountered archaeological resource. The project archaeologist and Native American monitor shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological resource, present the findings of this assessment to the City. During the course of the monitoring, the project archaeologist and Native American monitor may adjust the frequency—from continuous to intermittent—of the monitoring based on the conditions and professional judgment regarding the potential to impact resources. If the City, in consultation with the project archaeologist and Native American monitor, determines that a significant archaeological resource is present and that the resource could be adversely impacted by the project, the City shall: • Determine whether preservation in place is feasible. Consistent with CEQA Section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement.			

	• If avoidance is not feasible, prepare and implement a detailed Archaeological Research Design and Treatment Plan. Treatment of archaeological resources will follow the applicable requirements of Public Resources Code Section 21083.2. Treatment for most resources would consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the project. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals. • If potential human remains are encountered, all work will halt in the vicinity of the find and the City will contact the county coroner in accordance with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. If the coroner determines the remains are Native American, the coroner shall contact the Native American Heritage Commission. As provided in Public Resources Code Section 5097.98, the Commission will identify the person or persons believed to be most likely descended from the deceased Native American. The most likely descendent makes recommendations for means of treating, with appropriate dignity, the human remains, and any associated grave goods as provided			

	in Public Resources Code Section 5097.98. Mitigation Measure 3.5-2(b): Protection of Historic Archaeological Resources 3.4.2. When BSMP-level development plans outside the Newkom Ranch and Kells East Ranch properties are submitted to the City of Yuba City for approval, the project applicant shall be required to complete a cultural resources investigation for review and approval by the City that includes, at a minimum: • An updated records search at the Northeast Information Center; • Updated Native American consultation in coordination with the Native American Heritage Commission • An intensive archaeological survey of the development area; • A geoarchaeological assessment for the potential for buried archaeological resources; • A report that documents the results of the investigation; and • Recommendations for mitigation to resolve adverse impacts to significant archaeological resources or human remains. The survey shall be carried out by a qualified archaeologist meeting the Secretary of the Interior's Standards for Archaeology and can be documented in the same document			

	as required in Mitigation Measure 3.5-2(a).			
3.8 Greenhouse Gases	**Mitigation Measure 3.7-1(a): Residential Building Insulation** Prior to building construction, individual project applicants shall submit to the City building plans demonstrating how all proposed residential buildings include greatly enhanced building insulation materials such as spray foam wall insulated walls R-15 or greater, roof/attic R-38 or higher. The individual project applicants shall also demonstrate how all proposed residential buildings include modestly enhanced window insulation such as 0.4 U-Factor or 0.32 SHGC.	Developer	Development Services Department	Prior to issuance of building permit
3.9 Hazards and Hazardous Materials	**Mitigation Measure 3.8-2: Conduct Phase I Environmental Site Assessment** b) Prior to final project design of any individual project pursuant to the BSMP that includes any earth-disturbing activities, the applicant shall submit to the City a Phase I Environmental Site Assessment (Phase I ESA). The Phase I ESA shall be prepared in general accordance with ASTM Standard E1527-13, Standard Practice for Environmental Site Assessment: Phase I Environmental Site Assessment Process (or most current edition that is in force at the time of final project design), which is the current industry standard. The Phase I ESA shall include a records review of appropriate federal, State, and local databases within ASTM-listed search distances regarding hazardous materials use, storage, or disposal at the given site, a review of historical topographic maps and aerial photographs, a site reconnaissance, interviews with	Developer	Public Works Department	Prior to issuance of grading permit

	persons knowledgeable about the sites historical uses, and review of other relevant existing information that could identify the potential existence of Recognized Environmental Conditions, including hazardous materials, or contaminated soil or groundwater. If no Recognized Environmental Conditions are identified, then no further action would be required. b) If Recognized Environmental Conditions are identified and the Phase I ESA recommends further action, the applicant shall conduct the appropriate follow-up actions, which may include further records review, sampling of potentially hazardous materials, and possibly site cleanup. In the event that site cleanup is required, the project shall not proceed until the site has been cleaned up to the satisfaction of the appropriate regulatory agency (e.g., DTSC, RWQCB, or SC EHD) such that the regulatory agency issues a No Further Action letter or equivalent.			
3.13 Noise	**Mitigation Measure 3.11-1: Construction Noise Measures** Individual project applicants of new development (excluding renovation of existing buildings) shall require construction contractors to implement the following measures during all phases of project construction: a) Whenever stationary noise sources – such as generators and compressors – are used within line of sight to occupied residences (on- or off-site), temporary barriers shall be constructed around the source to shield the ground floor of the noise-sensitive uses. These barriers shall be of ¾-inch Medium Density Overlay (MDO) plywood sheeting, or other material of equivalent utility	Developer	Development Services Department	Prior to issuance of grading permit

	and appearance to achieve a Sound Transmission Class of STC-30, or greater, based on certified sound transmission loss data taken according to ASTM Test Method E90 or as approved by the City of Yuba City Building Official. b) Construction equipment staging areas shall be located as far as feasible from residential areas while still serving the needs of construction contractors. c) Equipment and trucks used for construction will use the industry standard noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating a shields or shrouds, wherever feasible). d) Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically- or electrically powered where feasible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dB. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of 5 dB. Quieter procedures, such as use of drills rather than impact tools, shall be used whenever feasible.			
3.17 Transportation/ Traffic	**Mitigation Measure 3.14-1(a): Yuba City Intersections:** The project applicant(s) shall construct the following improvements. The timing of the need for these improvements will depend on	Developer	Public Works Department	Prior to recording final map

	the amount of development on the west versus east side of SR 99, mix of land uses, and level of background traffic growth. The applicant shall coordinate with City staff regarding construction of these improvements as individual projects within the BSMP are proposed. The financial responsibility for each project applicant shall be determined by the City and shall be included in each applicant's project approval documentation. i. Install a traffic signal and widen the eastbound and southbound approaches to provide dedicated left-turn pockets at the Bogue Road/South Walton Avenue intersection (in conjunction with lane configurations planned under existing plus BSMP conditions). ii. Install a traffic signal at the Railroad Avenue/Lincoln Road intersection (in conjunction with existing lane configurations). iii. Install a traffic signal at the Bogue Road/Phillips Road intersection (in conjunction with lane configurations planned under existing plus BSMP conditions). iv. Install a traffic signal at the Bogue Road/Railroad Avenue intersection and widen/restripe the northbound and southbound approaches to provide dedicated left-turn pockets (in conjunction with lane configurations planned under existing plus BSMP conditions). v. Install a traffic signal at the Gilsizer Ranch Way/Bogue Road intersection (in conjunction with lane configurations planned under existing plus BSMP conditions). **Mitigation Measure 3.14-3: Caltrans Intersections LOS:** The project applicant(s) shall construct the			

	improvements described below. The timing of the need for these improvements will depend on the amount of development on the west versus east side of SR 99, mix of land uses, and level of background traffic growth. The applicant shall coordinate with City staff and Caltrans regarding construction of these improvements as individual projects within the BSMP are proposed. The financial responsibility for each project applicant shall be determined by the City and shall be included in each applicant's project approval documentation. i. Widen the SR 99/Bogue Road intersection to provide a second southbound left-turn lane that provides 500 feet of storage in each lane. Widen Bogue Road to construct a second eastbound and westbound left-turn lane. Restripe westbound Bogue Road approaching SR 99 to consist of two left-turn lanes, one through lane, and one right-turn lane (with the right-turn consisting of an overlap arrow); and ii. Install a traffic signal at the SR 99/Stewart Road intersection. **Mitigation Measure 3.14-4(a):** Caltrans Intersections Queuing: Implement Mitigation Measure 3.14-3(i), which consists of adding a second southbound left-turn lane at the SR 99/Bogue Road intersection and providing 500 feet of storage in each turn lane. To address queuing impacts in the southbound left-turn lane prior to the overall intersection LOS reaching an unacceptable level, the second left-turn lane is necessary. The timing of the need for these improvements will depend on the amount of development on the west versus east side of SR 99, mix of land uses, and level of background traffic			

	growth. The applicant shall coordinate with City staff and Caltrans regarding construction of these improvements as individual projects within the BSMP are proposed. The financial responsibility for each project applicant shall be determined by the City and shall be included in each applicant's project approval documentation. **Mitigation Measure 3.14-7(a): Cumulative Yuba City Intersections** i. Implement Mitigation Measure 3.14-1(a)(i): Install traffic signal and add turn lanes at the Bogue Road/South Walton Avenue intersection. ii. Implement Mitigation Measure 3.14-1(a)(iii): Install traffic signal at the Bogue Road/Phillips Road intersection. iii. Implement Mitigation Measure 3.14-1(a)(iv): Install a traffic signal and add turn lanes at the Bogue Road/Railroad Avenue intersection. iv. Implement Mitigation Measure 3.14-1(a)(v): Install traffic signal at the Gilsizer Ranch Way/Bogue Road intersection. v. Contribute fair share cost for restriping the eastbound approach at the Garden Highway/Bogue Road intersection from a through lane to a shared through/right lane and modifying the signal phasing to east-west split-phase. **Mitigation Measure 3.14-9(a): Cumulative Caltrans Intersections LOS** i. Implement Mitigation Measure 3.14-3(a)(i): Add turn lanes at the SR 99/Bogue Road intersection. ii. Implement Mitigation Measure 3.14-3(a)(ii): Install traffic signal at			

	the SR 99/Stewart Road intersection. iii. Contribute fair share cost for adding a second northbound left-turn lane and adding dedicated eastbound and westbound right-turn lanes at the SR 99/Bogue Road intersection. iv. Contribute fair share cost for installing a traffic signal at the SR 99/Hunn Road intersection. v. Contribute fair share cost for installing a traffic signal at the SR 99/Smith Road intersection. **Mitigation Measure 3.14-10(a): Cumulative Caltrans Intersections Queuing (BSMP)** i. Implement Mitigation Measure 3.14-3(a)(i), which consists of adding a second southbound left-turn lane at the SR 99/Bogue Road intersection and providing 500 feet of storage in each turn lane. ii. Implement Mitigation Measure 3.14-9(a)(iii), which consists of paying fair share cost of adding a second northbound left-turn lane and dedicated eastbound and westbound right-turn lanes at the SR 99/Bogue Road intersection.			
3.18 Tribal Cultural Resources	**Mitigation Measure 3.5-2(b): Protection of Historic Archaeological Resources:** When BSMP-level development plans outside the Newkom Ranch and Kells East Ranch properties are submitted to the City of Yuba City for approval, the project applicant shall be required to complete a cultural resources investigation for review and approval by the City that includes, at a minimum:	Developer	Development Services Dept.	Prior to issuance of grading permit

	• An updated records search at the Northeast Information Center; • Updated Native American consultation in coordination with the Native American Heritage Commission. • An intensive archaeological survey of the development area; • A geoarchaeological assessment for the potential for buried archaeological resources; • A report that documents the results of the investigation; and • Recommendations for mitigation to resolve adverse impacts to significant archaeological resources or human remains.			
3.19 Utilities and Service Systems	**Mitigation Measure 3.15-1: Water Supply Capacity** Individual project applicants shall pay the fair share of costs for each development's proportion of the water supply deficits estimated through 2040. The payments shall be directed to a City fund for the construction and operation of new groundwater well(s) as determined by the City. The City shall reflect the requirement for the fair share payment for each development in any future development agreement in the BSMP site, and payment shall be made to the City prior to final tentative map approval and building permit. b) The City shall construct new groundwater well(s) to be operable and sufficient to serve the water supply demands of each development approved prior to year 2030. The groundwater well(s) shall be constructed to produce sufficient water to make up the shortfalls in any given single-dry year or the first	Developer	Public Works Department	Prior to recording final subdivision map

	year of a multi-dry year scenario as determined by the City. c) The City shall not approve a final tentative map or building permit for any development pursuant to the proposed BSMP or City beyond the supplies available from 2030 through 2040 without a reliable source of water supply to meet the shortfalls in the single-dry year or the first year of a multi-dry year scenario, as detailed above.			