



# *County of Yuba*

## Community Development & Services Agency

915 8<sup>th</sup> Street, Suite 123, Marysville, CA 95901

### Planning Department

Phone: (530) 749-5470

Web: [http:// www.co.yuba.ca.us](http://www.co.yuba.ca.us)

### DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

**MEETING DATE:** August 4, 2022

**TO:** DEVELOPMENT REVIEW COMMITTEE

**FROM:** Ciara Fisher, Planner III

**RE:** TENTATIVE PARCEL MAP TPM 2020-0008 (Johnson)

---

**REQUEST:** The applicant is requesting approval of a Tentative Parcel Map to subdivide 296 acres into four parcels for a property located at 13447 County Road 270, in the community of Oregon House (APN 044-110-071).

**RECOMMENDATION:** Staff recommends that the Development Review Committee (DRC) adopt the Mitigated Negative Declaration and Mitigation Monitoring Plan (Att 3 and 4) pursuant to California Environmental Quality Act (CEQA) Article 6 et seq. and approve Tentative Parcel Map (TPM) 2020-0008 subject to making the necessary findings and the conditions of approval contained herein (Att 2)

**BACKGROUND/DISCUSSION:** The project consists of a tentative parcel map that would create four parcels from a 296 acre property; Parcel 1 is proposed to be 70.2 acres, Parcel 2 is proposed to be 86.9 acres in size, Parcel 3 is 95.2 acres in size, and Parcel 4 is proposed to be 44.4 acres in size. The project site is located at 13447 County Road 270, approximately 0.3 miles south of Marysville Road and 0.3 miles northeast of Collins Lake, in the community of Oregon House (APN: 044-110-071). The 2030 General Plan designates the land use as Natural Resources and the zoning is "AR-20" Agricultural Residential – 20 acres minimum lot size.

There is an unpermitted single-family residence within the parcel, on the east side of County Road 270. The unpermitted residence has been conditioned by the Building Department to either be permitted or to be removed (See Att 2 COA #42). The applicant has stated the residence is uninhabitable and will be removed prior to Final Map approval. The remainder of the land is vacant and used for cattle ranching, agriculture, and recreation. Wells and septic systems would be required to be constructed on all four parcels for future water and wastewater needs.

Access to all four parcels is from the existing 60 foot wide County Road 270 off of Marysville Road and 60 foot ingress/egress easements located on both sides of the property. New access to the parcels will require an Encroachment Permit and will be conditioned to meet local road and/or driveway improvements through the Public Work's Department.

SURROUNDING USES:

	GENERAL PLAN LAND USE DESIGNATION	ZONING	EXISTING LAND USE
Subject Property	Rural Community	Agricultural Residential – 20 Acres Minimum	Natural Resources
North	Rural Community	Agricultural Residential – 10 Acres Minimum	Natural Resources
East	Rural Community & Natural Resources	Agricultural Exclusive – 40 Acres Minimum	Natural Resources
South	Rural Community	Agricultural Residential – 20 Acres Minimum & RPR	Natural Resources
West	Rural Community	Agricultural Residential – 20 Acres Minimum & RPR	Natural Resources

Surrounding properties range in size from 4 acres to 618 acres in size, with a majority of the properties being 5 acres in size. The surrounding area is primarily zoned “AR-20” and “AR-10” and built out with rural residences. The surrounding properties are shown on the General Plan Land Use Diagram as mainly having a General Plan designation of Natural Resources. Therefore, the proposed parcel sizes and future uses are consistent with the surrounding area.

GENERAL PLAN/ZONING: The project site is located in the unincorporated area of Yuba County and is designated as Natural Resources on the 2030 General Plan Land Use diagram. The Rural Community land use classification is intended to conserve and provide natural habitat, watersheds, scenic resources, cultural resources, recreational amenities, agricultural and forest resources, wetlands, woodlands, minerals, and other resources for sustainable use, enjoyment, extraction, and processing. Appropriate uses for this classification include, but are not limited to; mining; agriculture, including viticulture and other types of cultivation; forestry; natural open space and nature preserves; mitigation banks, parks and recreational uses, and other natural-resource oriented uses; public facilities and infrastructure, including levees, levee borrow areas, and related facilities; and residential uses that are secondary to the primary natural resource-oriented use. The project complies with the following General Plan Policies:

- 1. Policy CD2.1: The County will encourage infill development and redevelopment of vacant and underutilized properties within existing unincorporated communities.*

The proposed project is located on a vacant property 296 acres in size that will create parcels that exceeds the 20 acre minimum size for the zone. Therefore, the proposed project is developing an underutilized property.

- 2. Policy CD9.1: Foothill and mountain development projects shall be designed to preserve the existing rural character.*

The proposed parcels will maintain the rural nature of the site because it complies with the minimum lot size and will not disturb existing biological and cultural resources.

3. *Policy CD9.2 Rural development should be located and designed to preserve and provide buffers around native oak trees and other healthy and attractive native vegetation, cultural resources, biological features, mineral deposits, active agricultural operations, unique landforms, historic structures and landscapes, and other natural resources.*

A Mitigated Negative Declaration and a Mitigation Monitoring Plan was prepared to preserve the all potential environmental resources on the proposed parcels.

4. *Policy CD9.8 The allowable density, design, and lot configuration of rural developments will depend on soil and geological characteristics, biological resources, aesthetic resources, cultural resources, circulation, fire safety, and other factors identified throughout this General Plan.*

Soils Studies have been submitted and approved by the Environmental Health Department. Therefore, the proposed lot size and configurations are large enough to accommodate new residences created through this map application.

5. *Action NR5.3 Wetlands and Riparian Buffers: Through review of proposed private and public projects near wetlands and riparian areas, the County will require buffering to protect these important habitats. Setbacks are expected to range from 33 to 150 feet in width.*

The proposed split of this property will not interfere with the movement of any native resident or migratory fish or wildlife species, or result in impacts to established native resident or migratory wildlife corridors. The nearest modern water source is Collins Lake reservoir, which is approximately 0.25 miles south and 0.1 miles west of the study area. The reservoir is within 350–1,000 feet (ft.) of the parcel boundary depending on location within the property.

There two existing ponds on the property; one on proposed Parcel 2 and one on Parcel 4 that receive water from a seasonal drainage streams stemming off of Collins Lake. For this reason, Staff has required a Condition of Approval for any new development to maintain a 150 foot setback. This standard Action in the General Plan reduces the potential impacts for Biological and Cultural Resources that are found in wetlands and riparian areas.

As mentioned previously, the property is zoned “AR-20”. Pursuant to Chapter 11.05 of the Yuba County Development Code, the purpose of the Agricultural Residential zoning district is to allow for a 20 acre minimum district in foothill agricultural areas where smaller parcels already exist or to serve as transition between rural community boundaries and other natural resource uses. All four lots are consistent and meet the intent of the “AR-20” designation.

**ENVIRONMENTAL REVIEW:** Staff has prepared a Mitigated Negative Declaration and Mitigation Monitoring Plan (Att 3 and 4) pursuant to the California Environmental Quality Act (CEQA) Section 15070(b)(1).

During the initial study of the project, no potential impacts to the environment were identified that could not be reduced through mitigation measures to a level that is less than significant and therefore a Mitigated Negative Declaration (MND) was prepared. The MND discusses the following project impacts and their respective Mitigation Measures:

- Air Quality: FRAQMD Fugitive Dust Control Plan and Standard Construction Mitigation Measures.
- Biological Resources: Tri-Colored Blackbird and Migratory Birds.
- Cultural Resources: Inadvertent discovery of cultural remains and cultural material.
- Hazards and Hazardous Materials: Vegetation Clearance
- Hydrology and Water Quality: National Pollution Discharge Elimination (NPDES) Permit.
- Tribal Cultural Resources: Create and enforce 100-foot setbacks for all Tribal Cultural Resources (TCR) and no disturbance of any kind to the identified TCRs.

The environmental document was circulated for the required 20-day review period and comments received to date are listed in the Department and Agency Review section of this staff report.

**COMMENTS:** Planning staff has received the following comment letters (Att 5):

- County Staff – The Public Works Department, Environmental Health Department, Building Department, and Code Enforcement Department have reviewed the project and provided comments and/or conditions of approval that are incorporated into the attached Conditions of Approval.
- UAIC – The UAIC waived the field visit and requested the addition of setbacks and no disturbance of the known TCRs.
- PG&E – No comments.
- CALTRANS DOT: No Comments.

**FINDINGS:** Projects are evaluated for consistency with the County's General Plan, conformance with the County's Zoning Ordinance, and potential for impacts to the health, safety and welfare of persons who reside or work in the area surrounding the project. In the case of addressing project impacts to health, safety, and welfare, specific findings need to be met for each entitlement. Below are the findings for each project entitlement needed for project approval.

**Tentative Parcel Map:**

1. *The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan, this Code, and other applicable provisions of the County Code. A proposed subdivision shall be considered consistent with the General Plan or a specific plan only when the proposed subdivision or*

*land use is compatible with the objectives, policies, general land uses, and programs specified in such a plan;*

The project site is designated as Natural Resources on the 2030 General Plan Land Use diagram and is within the “AR-20” Zoning Designation. The proposed project is consistent with the character of the General Plan and Zoning Designation (See General Plan/Zoning Section above for consistency).

2. *The design of the subdivision shall provide, to the extent feasible, for future passive and natural heating and cooling features in accordance with Section 66473.1 of the Subdivision Map Act; and*

The orientation and size of the proposed lots will allow opportunity to align the residence to have a southern exposure and shade/prevaling breezes.

3. *Water will be available and sufficient to serve a proposed subdivision with more than 500 dwelling units in accordance with Section 66473.7 of the Subdivision Map Act.*

The proposed development does not include more than 500 dwelling units.

Report Prepared By:

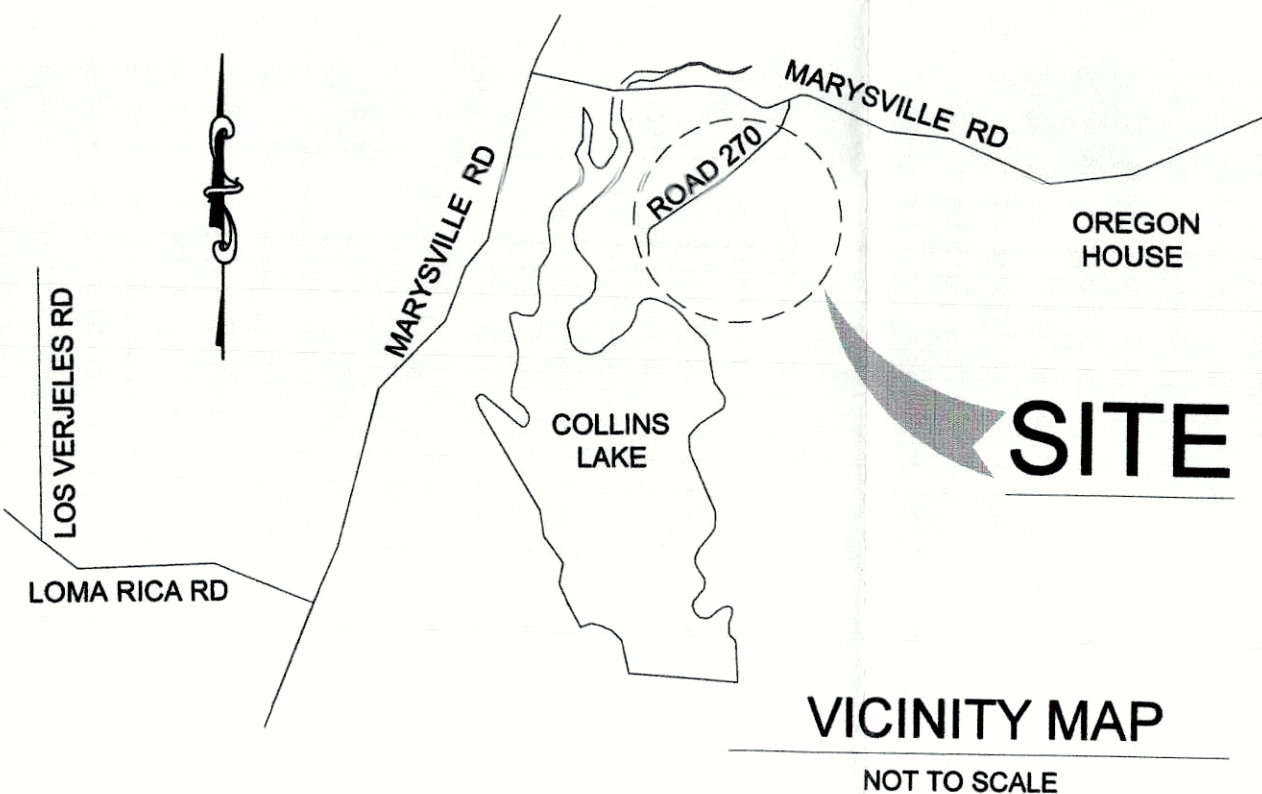
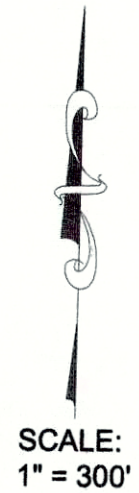
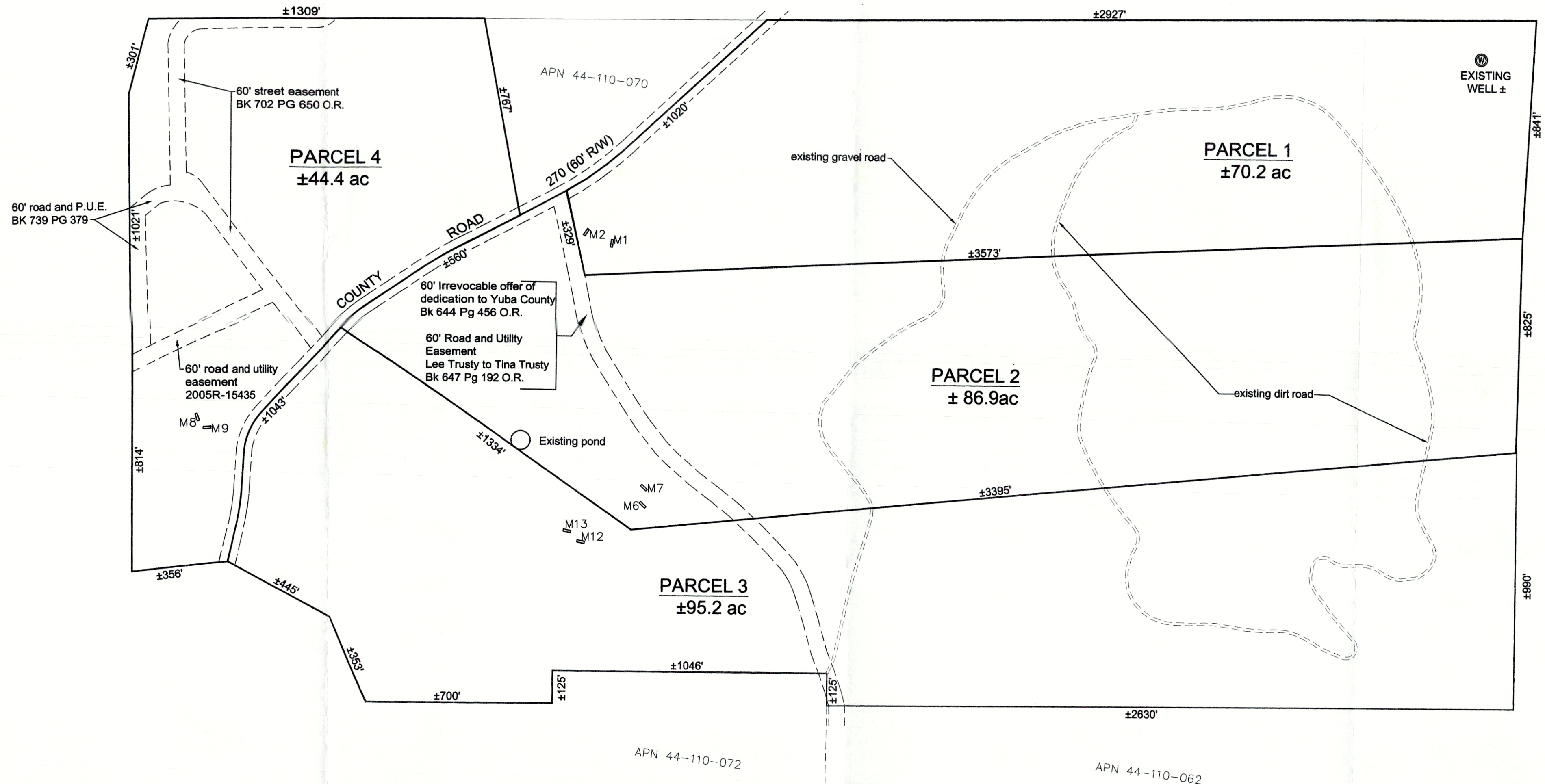


Ciara Fisher  
Planner III

ATTACHMENTS:

1. Tentative Parcel Map
2. Conditions of Approval
3. Initial Study/Mitigated Negative Declaration
4. Mitigated Monitoring Plan
5. Comment Letters





OWNER: ERIK JOHNSON  
8203 MARYSVILLE RD  
OREGON HOUSE, CA 95962  
CELL: 925-330-7192

APN: 044-110-071  
ACREAGE: 296.47 ACRES (12,914,233.2 SF)  
SITUS ADDRESS: ROAD 270, OREGON HOUSE, CA  
ZONING: A/RR; 5  
EXISTING USE: VACANT  
WATER: ONE EXISTING WELL  
SEWAGE DISPOSAL: ON-SITE SEPTIC TANKS AND LEACH AREAS  
DRAINAGE: SURFACE VIA EXISTING TOPOGRAPHY

NOTE: THIS MAP IS NOT THE RESULT OF A SURVEY. ALL DIMENSIONS ARE APPROXIMATE.

## TENTATIVE PARCEL MAP

PORTION OF THE S 1/2 OF THE S 1/2 OF SECTION 4  
AND THE N 1/2 OF THE N 1/2 OF SECTION 9  
T 17 N; R 16 E, M.D.B. & M.,  
YUBA COUNTY, STATE OF CALIFORNIA

ENGINEER: APEX CIVIL DESIGN, INC.  
Christopher L. Day, P.E.  
P.O. BOX 1074  
Oregon House, CA 95962  
530-514-0166  
cdlay@apexengineering-cal.com

DATE OF PREPARATION: 06-09-2020



**DRAFT CONDITIONS OF APPROVAL  
YUBA COUNTY DEVELOPMENT REVIEW COMMITTEE**

**Owner: Erik Johnson  
APN: 044-110-071**

**Case Number: TPM2020-0008  
DRC Hearing Date: August 4, 2022**

**ACTIONS FOR CONSIDERATION:** Staff recommends that the Development Review Committee take the following actions:

- I. After review and consideration, staff has prepared an initial study for the project and subsequent Mitigated Negative Declaration and Mitigation Monitoring Plan pursuant to California Environmental Quality Act (CEQA) Section 15070 (b)(1) (DECISION TO PREPARE A MITIGATED NEGATIVE DECLARATION).
- II. Approve Tentative Parcel Map TPM 2020-0008 subject to the conditions below, or as may be modified at the public hearing, making the findings made in the Staff Report, pursuant to County of Yuba Title XI Sections 11.40.040 and 11.57.060.

**GENERAL CONDITIONS:**

- 1) Unless specifically provided otherwise herein or by law, each condition of these Conditions of Approval shall be completed to the satisfaction of the County prior to filing of the Final Map.
- 2) As a condition for tentative and final map approval, Owner or an agent of Owner acceptable to County shall defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding, against the County or its agents, officers, and employees; including all costs, attorneys' fees, expenses, and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, void or annul an approval by the County, Planning Commission, Development Review Committee, or other County advisory agency, appeal board, or legislative body concerning the conditional use permit. County shall promptly notify owner of any such claim, action, or proceeding and shall cooperate fully in the defense of said claim, action, or proceeding.
- 3) This tentative parcel map may be effectuated at the end of the ten (10) appeal period which is August 15, 2022. Tentative Parcel Map TPM 2020-0008 shall be designed in substantial conformance with the approved tentative map (Attachment 1) filed with the Community Development & Services Agency and as conditioned or modified below. Minor modifications to final configuration of the Final Map may be approved by the Community Development & Services Agency Director; however, the number of parcels shall not exceed that shown on the approved tentative map
- 4) This tentative parcel map shall expire 36 months from the date of approval August 4, 2025 unless extended pursuant to Chapter 11.40.050 of the Yuba County Development Code.
- 5) Owner(s), Owner's agent(s) or Applicant shall comply with all applicable federal, state, and local laws, ordinances, and regulations, including the requirements provided by Chapter 11 of the Yuba County Development Code.

**PUBLIC WORKS DEPARTMENT:**

- 6) The Public Works Director may reasonably modify any of the Public Works conditions contained herein. The required street widths as stated herein shall take precedence over those as shown on the tentative map.

**DRAFT CONDITIONS OF APPROVAL  
YUBA COUNTY DEVELOPMENT REVIEW COMMITTEE**

**Owner: Erik Johnson**  
**APN: 044-110-071**

**Case Number: TPM2020-0008**  
**DRC Hearing Date: August 4, 2022**

- 7) Owner shall dedicate to the County of Yuba sufficient right-of-way easement to provide a 30-foot strip of land adjoining the centerline of County Road 270, classed as a rural local road, lying within the bounds of this property.
- 8) Owner shall provide and offer to dedicate to the County of Yuba a 10-foot easement for public services along the street frontages of this property measured from the County's right of way.
- 9) Driveway construction on Parcels 1-4 as shown on the Tentative Map, shall comply with the standards for a rural driveway as defined in the Yuba County Standards (Drawing No. 127 and No. 128) and Standard Specification or as modified by the Public Works Director prior to the issuance of a Certificate of Occupancy on Parcels 1-4 and as provided by Section 66411.1(b) of the Subdivision Map Act and shall also include the installation of an approved driveway encroachment under permit issued by the Department of Public Works.
- 10) All existing or proposed driveway encroachments onto County Road 270 shall conform to the current Yuba County Standards for a rural driveway (Drawing No. 127 and No. 128) under permit issued by the Department of Public Works.
- 11) All road and drainage construction required by these conditions of approval shall be inspected in compliance with Section 4 of the Yuba County Standards and approved by the Yuba County Department of Public Works. Owner's contractor shall meet on-site with the Public Works Department representative prior to the commencement of work to discuss the various aspects of the project.
- 12) Any improvement work within the County right-of-ways for roadway connections and/or road widening or other improvements shall be accomplished under an encroachment permit issued by the Public Works Department. Improvement plans and associated checking and inspection fees shall be submitted to the Public Works Department for review and approval before any construction will be permitted within the County right-of-way.
- 13) Owner, heirs or assigns of this property, or portions thereof, shall remove and/or relocate any fence(s) located within dedication(s) or offer(s) of dedication required by this division or within existing County easement(s) or right(s)-of-way which lies within or are adjoining this property. Such fence removal or relocation may be deferred until such time as the then owner is directed by the Public Works Department of Yuba County to remove or relocate the fence(s) at the owner's expense. Any new fences installed shall be constructed outside the limits of dedications or offer(s) of dedication required by this division, or existing County easements or right-of-ways.
- 14) Prior to the approval of any grading permit or improvement plans, owner must submit documentation demonstrating that all necessary permits and approvals have been obtained, which may include: a 404 permit from Army Corps of Engineers; including Section 7 consultation with the U.S. Fish and Wildlife Service, 401 certification from the Regional Water Quality Control Board, 2081/1602 permit, as necessary, from the California Department of Fish and Game, and pre-construction surveys for special status species.
- 15) Whenever construction or grading activities will disrupt an area of 1 acre or more of soil or is less than 1 acre but is associated with a larger common plan of development, the applicant is required to



**DRAFT CONDITIONS OF APPROVAL  
YUBA COUNTY DEVELOPMENT REVIEW COMMITTEE**

**Owner: Erik Johnson**  
**APN: 044-110-071**

**Case Number: TPM2020-0008**  
**DRC Hearing Date: August 4, 2022**

obtain a Yuba County grading permit issued by the Public Works Department and a National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activities, NPDES No. CAS000004, Order No. 2013-0001-DWQ. Coverage under the General Permit must be obtained prior to any construction. More information may be found at <http://www.swrcb.ca.gov/stormwtr/construction.html>. Owner must obtain an approved and signed Notice of Intent (NOI) from the Regional Water Quality Control Board (RWQCB), a Waste Discharge Identification (WDID) number and a Storm Water Pollution Prevention Plan (SWPPP), as described by either the RWQCB or the State Water Regional Control Board (SWRCB). The SWPPP shall describe and identify the use of Storm Water Best Management Practices (BMP's) and must be reviewed by the Yuba County Public Works Department prior to the Department's approval of Improvement Plans or issuance of a Grading Permit for the project. See Yuba County's Stormwater Regulations for Construction Activities Procedures for details. According to state law it is the responsibility of the property owner that the SWPPP is kept up to date to reflect changes in site conditions and is available on the project site at all times for review by local and state inspectors. Erosion and sediment control measures, non-stormwater and material management measures, and post-construction stormwater management measures for this project shall be in substantial compliance with the SWPPP.

- 16) Erosion control shall conform to section 11 of the Yuba County Improvement Standards.
- 17) Owner shall pay an in-lieu fee for parkland dedication per Yuba County Development Code §11.45.060 prior to filing the parcel map.
- 18) Owner shall be responsible for giving sixty (60) days notice to the appropriate public utilities, PG&E, AT&T, Comcast, etc., prior to any new construction or development of this project.
- 19) Owner shall provide public service easements as necessary for any existing overhead or underground utilities, sewer lines, waterlines, etc. which may provide service to any or all of the parcels being created by this parcel map. Such easements shall have a minimum width of 10 feet or larger as may be required by the service provider and shall be clearly identified by metes and bounds on the parcel map. Any relocation or rearrangement of the public service provider's facilities to accommodate this project shall be at the Owner's expense.
- 20) Owner shall be required to pay all taxes, past and current, including those amounts levied as of January 1, but not yet billed, on the property prior to filing the parcel map.
- 21) Owner shall submit a current Preliminary Title Report or Parcel Map Guarantee, in favor of Yuba County, two (2) check prints of the parcel map, calculations, supporting documentation and map checking fees to the County Surveyor, Department of Public Works for checking, approval and filing of the parcel map. An updated Parcel Map Guarantee shall be provided 1 week prior to filing the parcel map with the Yuba County Recorder.
- 22) Owner shall have the property surveyed and have corner monuments placed at all parcel corners in conformance with requirements of the County Surveyor, chapter 11.41 of the Yuba County Ordinance Code and the California Subdivision Map Act (Government Code section 66410 and following).

**DRAFT CONDITIONS OF APPROVAL  
YUBA COUNTY DEVELOPMENT REVIEW COMMITTEE**

**Owner: Erik Johnson**  
**APN: 044-110-071**

**Case Number: TPM2020-0008**  
**DRC Hearing Date: August 4, 2022**

- 23) Prior to commencing performance of any public improvement or facility to be dedicated to County, and subject to approval by the Public Works Department, Owner shall acquire and present proof of general and automobile liability and Workers Compensation and Employers Liability insurance. Such general and automobile liability insurance shall name the County and its agents as additional insured.
- 24) All easements of record that affect this property are to be shown on the parcel map.
- 25) Prior to submitting the parcel map to the Recorder's Office for filing, all outstanding County fees due to the Community Development and Services Agency departments shall be paid in full.
- 26) Owner shall submit a copy of the parcel map for review by the Planning Department for conformance with the Department's conditions of approval, mitigation measures or other requirements. Before the parcel map can be filed with the Yuba County Recorder, a statement from the Planning Director which states that the parcel map is found to be in conformity with the Department's conditions of approval, mitigation measures and requirements shall be received by the County Surveyor.
- 27) Owner shall submit a copy of the parcel map for review by the Environmental Health Department for conformance with the Department's conditions of approval and other requirements. Before the parcel map can be filed with the Yuba County Recorder, a statement from the Environmental Health Department Director which states that the parcel map has been found to be in conformity with the Environmental Health Department conditions and requirements and that it is in conformance with the requirements of Chapter 7.07 of the Yuba County Ordinance Code shall be received by the County Surveyor.
- 28) Owner shall submit a copy of the final map for review by Yuba County and the appropriate Fire Protection Authority to determine conformance with the conditions of approval, the Yuba County Fire Safe Ordinance and the Uniform Fire Code requirements. Before the final map can be filed with the Yuba County Recorder, a letter (or e-mail) from the Fire Protection Authority shall be submitted to the County Surveyor which states that the Fire Safe requirements have been met and that there are no objections to filing the final map.

**ENVIRONMENTAL HEALTH DEPARTMENT:**

- 29) Owner shall submit a file map to Environmental Health showing that parcel(s) 1-4, contains the minimum useable sewage disposal area as established by the Yuba County Sewage Disposal Ordinance, 7.07, and the precise location of all existing sewage disposal systems, and shall clearly identify the location of all soil mantles and percolation tests. This file map shall also show contour, slope, all bodies of water (seasonal and year-round), water wells, and all existing structures. Furthermore, a 100' septic exclusion area (as measured from the seasonal high water line) shall be delineated around all rivers, streams, and ponds.
- 30) Owner shall submit for Environmental Health review and approval the results of soils studies for parcel(s) 1-4, conducted in accordance with the Yuba County Sewage Disposal Ordinance, Chapter 7.07.
- 31) All soil profiles must be witnessed by Environmental Health Department staff. Schedule soil profile appointments with Environmental Health Department staff in advance of the testing.



**DRAFT CONDITIONS OF APPROVAL  
YUBA COUNTY DEVELOPMENT REVIEW COMMITTEE**

**Owner: Erik Johnson**  
**APN: 044-110-071**

**Case Number: TPM2020-0008**  
**DRC Hearing Date: August 4, 2022**

- 32) The total minimum useable sewage disposal area shall be delineated for parcel(s) 1-4, on a separate document (Yuba County Health Certificate), recorded and cross referenced to the recorded final map.
- 33) The design and location of wells and sewage disposal systems shall be in conformance with standards established by Yuba County Environmental Health. Each lot must be self-reliant for domestic water and sewage disposal unless public utilities are available.
- 34) Septic systems crossing ditches, drainages, or creeks will need to meet all Environmental Health or other agency (i.e. DFG, Army Core, etc.) requirements prior to approval.
- 35) All abandoned, wrecked, dismantled, or inoperative vehicles, machines, and equipment shall be removed by Owner from the subject site.
- 36) All existing trash and debris shall be removed from the subject site.
- 37) All abandoned or inactive wells on the subject site shall be destroyed or maintained in accordance with the "Water Well Standards: State of California, Bulletin 74-81".
- 38) All abandoned septic tanks on the subject site shall be destroyed in accordance with the requirements of Yuba County Environmental Health Department.
- 39) The following shall apply to all land divisions where domestic water is to be supplied by individual wells:

Prior to final map wells will be required on 10% of the parcels to be developed that meet or exceed the requirements for creation of new parcels as outlined in Ordinance 1400, as it amends chapter 7.03 of Title VII of the Yuba County Ordinance Code regarding water wells.

All wells drilled to meet this requirement shall have a minimum yield of 2 gallons per minute if tested with the airlift method and 3 gallons per minute if a production test is run. If a well is drilled that does not meet these standards it can be destroyed or placed inactive until used and a replacement well drilled. Before approval of test wells, a well log, a drillers report on production and lab tests must be submitted for each test well.

**The following statement shall also apply to this division:**

"There is no assurance that underground water sources exist within the limits of the hereon shown parcel(s) which will be adequate in sufficient quantity or quality to meet future needs. Developer(s) of the parcel(s) herein created will be responsible for demonstrating that adequate on-site water is available for the proposed use of the parcel(s).

**Surface water (i.e. Springs, Creeks, Irrigation ditch's, etc.) is not an approved domestic potable water source."**

**DRAFT CONDITIONS OF APPROVAL  
YUBA COUNTY DEVELOPMENT REVIEW COMMITTEE**

**Owner: Erik Johnson  
APN: 044-110-071**

**Case Number: TPM2020-0008  
DRC Hearing Date: August 4, 2022**

**BUILDING DEPARTMENT:**

- 40) All development on this site must meet the most current edition of the California Fire Code requirements including accessibility and must meet any and all fire code as well as local fire authority requirements.
- 41) If any structures are to be built in the future, all building will require permits and shall follow all current building code in effect at the time of permit submittal.
- 42) Prior to Final Map approval, all structures currently on the property shall be removed or permitted. If permitted, plans will be required and the structures shall receive county inspections and final approval before the building department will approve. If removed, a field inspection to verify removal will be required before the building department will approve.

**PLANNING DEPARTMENT:**

- 43) Minor modifications to the final site configuration may be approved by the Community Development & Services Agency Director.
- 44) All Mitigation Measures are considered project conditions of approval and will be required to be satisfied as described in the Mitigation Monitoring Plan in accordance with the California Environmental Quality Act.
- 45) Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developers/applicants expense. There shall be no building of structures allowed under or over any PG&E facilities or inside any PG&E easements that exist within the subject area. Any road encroachments within the PG&E easements shall be subject to review and approval of PG&E.
- 46) Owner shall meet all requirements of the Feather River Air Quality Management District during any project related construction.
- 47) Should any prehistoric or historic artifacts, including human remains be exposed during construction and excavation operations, work shall cease and the Community Development & Services Agency shall be immediately notified and will ensure adherence to CEQA Guideline Section 15064.5(e). If apparent human remains are exposed, the County Coroner shall be consulted to determine whether any such materials require special treatment prior to resuming construction.
- 48) All structures shall maintain a 150' setback distance from the edge of all seasonal and year-around creeks, rivers, ponds, and riparian areas pursuant to Yuba County 2030 General Plan Action NR5.3.
- 49) Prior to issuance of a Building Permit on all four parcels, the proposed structures shall demonstrate compliance with Fire Safety Regulations and local regulations for defensible space, ignition-resistant construction materials, property maintenance to reduce fuels, natural hazards disclosure requirements, emergency access and multiple access points, availability of water for fire suppression, and other relevant building and development standards.



**DRAFT CONDITIONS OF APPROVAL  
YUBA COUNTY DEVELOPMENT REVIEW COMMITTEE**

**Owner: Erik Johnson  
APN: 044-110-071**


**Case Number: TPM2020-0008  
DRC Hearing Date: August 4, 2022**

- 50) New development shall pay on a fair-share basis for fire stations, equipment, and other fire suppression improvements necessary to provide adequate fire protection services.
- 51) Road and building construction on slopes of more than 10 percent are strongly discouraged and will only be approved if consistent with County standards and the Yuba County Community Wildfire Protection Plan.



Ciara Fisher  
Planner III

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

	<b>INITIAL STUDY/MITIGATED NEGATIVE DECLARATION TPM 2020-0008 (Johnson)</b>
---	---

<b>Project Title:</b>	Tentative Parcel Map TPM 2020-0008 (Johnson)	
<b>Lead Agency Name and Address:</b>	County of Yuba Planning Department 915 8 <sup>th</sup> Street, Suite 123 Marysville, CA 95901	
<b>Project Location:</b>	Assessor's Parcel Number: 044-110-071	
<b>Applicant/Owner</b>	Applicant/Owner: Erik Johnson 8123 Marysville Road Oregon House, CA 95962	Engineer: Apex Civil Design; Chris Day 13197 Beacon Lane Oregon House, CA 95982
<b>General Plan Designation(s):</b>	Natural Resources	
<b>Zoning:</b>	"AR-20" Agricultural Residential (20 acres minimum)	
<b>Contact Person:</b>	Ciara Fisher, Planner III	
<b>Phone Number:</b>	(530) 749-5470	
<b>Date Prepared</b>	July 2022	

**Project Description**

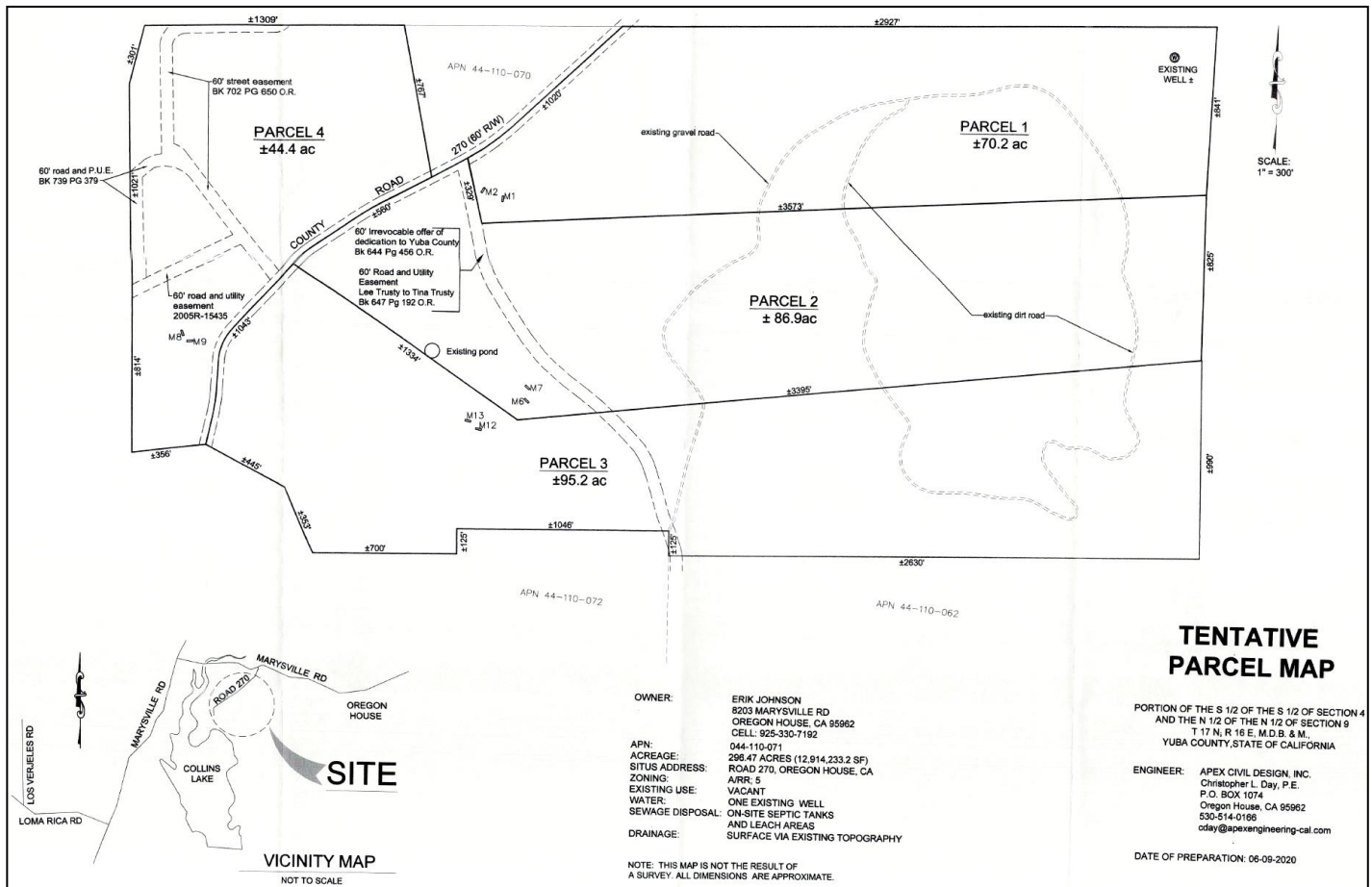
The project consists of a tentative parcel map that would create four parcels from a 296 acre property; Parcel 1 is proposed to be 70.2 acres, Parcel 2 is proposed to be 86.9 acres in size, Parcel 3 is 95.2 acres in size, and Parcel 4 is proposed to be 44.4 acres in size. The project site is located at 13447 County Road 270, approximately 0.3 miles south of Marysville Road and 0.3 miles northeast of Collins Lake, in the community of Oregon House (APN: 044-110-071). The 2030 General Plan designates the land use as Natural Resources and the zoning is "AR-20" Agricultural Residential – 20 acres minimum lot size.

There is an unpermitted single-family home within the parcel, on the east side of CR 270. The remainder of the land is vacant and used for cattle ranching, agriculture, and recreation. Wells and septic systems would be required to be constructed on all four parcels for future water and wastewater needs. Access to all four parcels is from the existing 60 foot wide County Road 270 off of Marysville Road and 60 foot ingress/egress easements located on both sides of the property. New access to the parcels will require an Encroachment Permit and will be conditioned to meet local road and/or driveway improvements through the Public Work's Department.



## INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Figure 1. Tentative Parcel Map



## Environmental Setting

The study area is on the western foot slopes of the Sierra Nevada Mountains and approximately 13 miles east of California's central valley, adjacent to Oregon House, California, and with elevations around 1,300 ft. asl. The nearest modern water source is Collins Lake reservoir, which is approximately 0.25 mi. south and 0.1 mi. west of the study area. The reservoir is within 350–1,000 feet (ft.) of the parcel boundary depending on location within the property.

The western portion of the parcel is approximately 73.6 acres of relatively flat to gently sloping land. Approximately 25 percent of the land is open fields, and the remainder is covered with canopied oaks with dense poison oak underbrush. One single family home, with associated agricultural beds, gardens, and livestock as well as a water retention pond, is also within this portion. Elevation averages around 1,318 ft. above sea level. The eastern approximate 222.4 acres is split between gently sloping canopied oak lowlands with open range land to steeply sloped densely forested hillsides associated with Flanly Peak. Elevations in the lowlands average approximately 1,300 ft. above sea level (asl), while the highest point on the property is a false summit 1,500 ft. northwest of Flanly Peak at 2,000 ft. asl. This area is dominated by 30 to 50 percent slopes which are densely covered with manzanita, oak forest, and poison oak underbrush.

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

---

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

- Regional Water Quality Control Board (for grading over 1 acre in size)
- Yuba County Building Department (building, electrical and plumbing permits)
- Yuba County Public Works Department (roadways and other public improvements)
- Yuba County Environmental Health Department (well and septic improvements)
- Feather River Air Quality Management District (fugitive dust control plan)

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION****Environmental Factors Potentially Affected:**

The environmental factors checked below would be potentially affected by this project, as indicated by the checklist and corresponding discussion on the following pages:

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

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Planner's Signature  
Ciara Fisher, Planner III

7/15/2022

Date

Applicant's Signature  
Erik Johnson

Date

---

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

---

**PURPOSE OF THIS INITIAL STUDY**

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the Tentative Parcel Map TPM 2020-0008 (Johnson), as proposed, may have a significant effect upon the environment. Based upon the findings contained within this report, the Initial Study will be used in support of the preparation of a Mitigated Negative Declaration.

**EVALUATION OF ENVIRONMENTAL IMPACTS**

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced.
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c) (3) (D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.



**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

---

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, development code). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

---

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**


---

<b>I. AESTHETICS</b>					
<b>Would the project:</b>		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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

a), b), and c) The western portion of the property is relatively flat to gently sloping land with open fields and the remainder is covered with canopied oaks with dense poison oak underbrush. There is one single family home, with associated agricultural beds, gardens, and livestock as well as a water retention pond. Given the large parcel sizes being proposed, scenic vistas and view sheds will not be degraded through the development of the remaining parcel. Additionally, there are no listed scenic highways, historic buildings, or vistas in the area. Therefore, there would be a ***less than significant impact*** on scenic vistas.

d) The future development has the potential to add new sources of light and glare into the area if outdoor lighting is proposed in conjunction with a residential use. Since the project is proposing to create four large parcels, the added light associated with future rural residential use would not create an adverse effect to either day or nighttime views in the area. The impact will result in a ***less than significant impact***.

## II. AGRICULTURE 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 (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion/Conclusion/Mitigation:

a) The Yuba County Important Farmland Map from 2016, prepared by the Department of Conservation's Farmland Mapping and Monitoring Program, classifies the project site as "Grazing Land" which is defined as is land on which the existing vegetation is suited to the grazing of livestock. There will be no conversion of any protected agricultural lands such as Prime Farmland or Statewide Importance. Therefore, ***no impact*** to agricultural lands is anticipated.

b) The property is zoned Agricultural Residential, which allows for both residential and agricultural uses. In addition, there is no Williamson Act contract for the subject property. The project would result in ***no impact*** to Williamson Act contracts or existing agricultural uses.

c) and d) The property is not zoned for or used as forestry land. The project would result in ***no impact***.

e) The project will not involve any changes to the existing environment which could result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use as the property is not zoned for agricultural or forest land. The project would result in ***no impact***.



**III. 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.

<b>Would the project:</b>		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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e)	Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

a) In 2018, an update to the 2010 Air Quality Attainment Plan was prepared for the Northern Sacramento Valley Air Basin (NSVAB), which includes Yuba County. The plan proposes rules and regulations that would limit the amount of ozone emissions, in accordance with the 1994 State Implementation Plan (SIP) for ozone. The 2018 update summarizes the feasible control measure adoption status of each air district in the NSVAB, including the Feather River Air Quality Management District (FRAQMD). The 2018 update was adopted by the FRAQMD, and development proposed by the project would be required to comply with its provisions. The 2018 Plan is available here: <https://www.fraqmd.org/california-air-quality-plans>.

The Air Quality Attainment Plan also deals with emissions from mobile sources, primarily motor vehicles with internal combustion engines. Data in the Plan, which was incorporated in the SIP, are based on the most currently available growth and control data. The project would be consistent with this data. As is stated in the guidelines of FRAQMD, projects are considered to have a significant impact on air quality if they reach emission levels of at least 25 pounds per day of reactive organic gases (ROG), 25 pounds per day of nitrogen oxides (NOx), and/or 80 pounds per day for PM10. FRAQMD has established a significance threshold of 130 single-family homes, which is the number estimated to generate emissions of 25 pounds per day of ROG and 25 pounds per day of NOx. It is expected that motor vehicle traffic, the main source of ozone precursor emissions, generated by this limited addition of residential development would not

substantially add to the ozone levels to the extent that attainment of the objectives of the Air Quality Attainment Plan would not be achieved. Therefore, impacts to air quality plans would be *less than significant*.

b) The California Air Resources Board provides information on the attainment status of counties regarding ambient air quality standards for certain pollutants, as established by the federal and/or state government. As of 2019, Yuba County is in non-attainment-transitional status for state and national (one and eight hour) air quality standards for ozone, and state standards for particulate matter less than 10 microns in diameter (PM10). The County is in attainment or unclassified status for all other pollutants for which standards have been established. Yuba County was re-designated as Nonattainment for the CAAQS for ozone in 2019.

Under the guidelines of FRAQMD, projects are considered to have a significant impact on air quality if they reach emission levels of at least 25 pounds per day of reactive organic gases (ROG), 25 pounds per day of nitrogen oxides (NOx), and/or 80 pounds per day for PM10. ROG and NOx are ingredients for ozone. Also, FRAQMD has established a significance threshold of 130 single-family homes, which is the number estimated to generate emissions of 25 pounds per day of ROG and 25 pounds per day of NOx. For PM10, it is estimated by FRAQMD that 4,000 homes must be built in order to reach the 80 pounds per day threshold. The proposed parcel map is well below the FRAQMD thresholds. However, FRAQMD does recommend the following standard construction phase Standard Mitigation Measures for projects that do not exceed district operational standards:

### **Mitigation Measure 3.1      FRAQMD**

- Implement FRAQMD Fugitive Dust Plan
- Implement FRAQMD standard construction phase mitigation measures.  
(<https://www.fraqmd.org/ceqa-planning>)

These mitigation measures are to be incorporated as part of the project to reduce dust emissions associated with construction of the project and implementation of these mitigation measures would reduce project impacts on air quality standards would be *less than significant with mitigation*.

c) As previously noted, the project consists of a tentative parcel map that would allow the creation of four rural residential properties. Therefore, the project would not exceed the thresholds for ROG and NOx, which have been equated with the construction of 130 single-family homes. The project also would not exceed the 80 pounds per day threshold for PM10, as that would require approximately 4,000 homes. The project is not expected to generate a significant quantity of air pollutant emissions. Therefore, impacts on emissions would be *less than significant*.

d) Construction associated with future development is expected to generate a limited amount of PM10, mainly dust and possible burning of vegetation. Rule 3.16 of FRAQMD Regulations requires a person to take “every reasonable precaution” not to allow the emissions of dust from construction activities from being airborne beyond the property line. Reasonable precautions

may include the use of water or chemicals for dust control, the application of specific materials on surfaces that can give rise to airborne dust (e.g., dirt roads, material stockpiles), or other means approved by FRAQMD. FRAQMD Regulations Rule 2.0 regulates the burning of vegetation associated with land clearing for development of single-family residences. Enforcement of these rules would reduce the amount of PM10 that would be generated by residential development on the project site. Additionally with mitigation measure, **MM3.1**, prior to the issuance of any grading, improvement plan, or building permit a Fugitive Dust Permit will be required to be obtained from FRAQMD. Therefore, construction related impacts to the air would be *less than significant with mitigation*.

e) The proposed subdivision is located in an area of agricultural and rural residential development with an allowable density of one dwelling unit per parcel. The possible addition of four single family residences is not expected to generate pollutant concentrations at a sufficient level to be noticed by any nearby rural residence nor affect any nearby schools. It is probable that any pollutants generated as a result of proposed future development would dissipate before it reached any sensitive receptors. Therefore, impacts to sensitive receptors would be *less than significant*.

f) Development proposed by the project is not expected to create objectionable odors. The project does not propose activities that generate odors, such as an industrial plant or an agricultural operation. Therefore, there would be *no impact* related to odors.

IV. BIOLOGICAL RESOURCES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c)	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion/Conclusion/Mitigation:

a) and b) The Project is located in the state of California, Yuba County, in Dobbins, a rural community just outside Marysville. The project address is along County Road 270, just off of Marysville Road. The following describes the biological and physical conditions within the Project Area and within the surrounding area.

### Project Area and Surrounding Area

The Project is located in the foothills of the Sierra Nevada. The surrounding area consists primarily of rural residential housing, mixed oak woodlands, open fields, and annual grasslands. Approximately 25 percent of the land is open fields, and the remainder is covered with canopied



oaks with dense poison oak underbrush. One unpermitted single family home, with associated agricultural beds, gardens, and livestock as well as a water retention pond, is also within this portion. The Project Area is surrounded on all sides by rural residential properties with the entire area being within the Yuba River Floodway. Habitat types inside the Project Area consists primarily of annual non-native grassland used for grazing cattle.

## **Biological Conditions**

The Project Area supports non-native annual grasslands and oak woodlands. Potential vegetation communities and Waters/Other Waters of the U.S within the Project Area are described below.

### Non-native Annual Grasslands

Non-native annual grasslands characterize the majority of the Project Area not dominated by oak woodlands. Non-native annual grassland habitats and species composition depend largely on annual precipitation, fire regimes, irrigation, and grazing practices (Mayer and Laudenslayer 1998). Common botanical species found in the non-native annual grasslands in the Project Area include wild oat (*Avena sp.*), soft chess (*Bromus hordeaceus*), red brome (*Bromus madritensis ssp. rubens*), and Italian rye (*Lolium multiflorum*). Invasive species such as yellow star thistle (*Centaurea solstitialis*), medusahead grass (*Taeniatherum caput-medusae*), and Italian thistle (*Carduus pycnocephalus*) were also observed within the annual grasslands within the Project Area. Wildlife species use grassland habitat for foraging but require some other habitat characteristic such as rocky out crops, cliffs, caves or ponds in order to find shelter and cover for escapement. Biological species observed within the Project Area non-native annual grasslands included California ground squirrel, gold finch (*Spinus tristis*), lesser gold finch (*Carduelis psaltria*), California quail (*Callipepla californica*), and killdeer (*Charadrius vociferus*).

### Non-wetland Other Waters of the United States

Non-wetland, Other Waters of the U.S (OWUS) within the Project Area consist of a retention pond that is connected to Dry Creek at the northern parcel boundary of proposed Parcel 4 and a seasonal creek that connects to an existing pond that runs from proposed Parcel 3 to the southern parcel boundary line of proposed Parcel 2. The seasonal ponds do not support a prevalence of hydrophytic vegetation or well developed hydric soils.

### Relative Permanent Waters

Relative permanent waters within or near the Project Area consist of the Yuba River, which is located approximately 0.10 miles west of the Parcel's boundaries.

### Tri-colored Blackbird

Tri-colored blackbirds (*Agelaius tricolor*) are a species of special concern in the state of California. They range from southern Oregon through the Central Valley, and coastal regions of California into the northern part of Mexico. Tri-colored blackbirds are medium size birds with

black plumage and distinctive red marginal coverts, bordered by whitish feathers. Suitable habitat includes open grasslands, agricultural fields, blackberry brambles and marshes. Tri-colored blackbirds nest in large colonies within agricultural fields, marshes with thick herbaceous vegetation or in clusters of large blackberry bushes. Current threats facing tri-colored blackbirds include loss of habitat due to land conversion, increased predation through human disturbances, and fluctuating water regimes (Churchwell et al. 2005).

#### **Mitigation Measure 4.1      Tri-colored Blackbird**

1. The most vulnerable life history stage of the tri-colored blackbird is during the nesting season when this species gathers in large colonies to breed. Prior to impacts, additional surveys are recommended. If observations of tri-colored blackbirds are made during subsequent surveys, avoidance and minimization measures are recommended.
2. Any construction activities should begin outside of the avian breeding season (September 1 – February 28) so as to avoid potential impacts to nesting tri-colored blackbirds or deter tri-colored blackbirds from potentially nesting within or near Prairie Creek. If construction activities cannot commence prior to the avian breeding season (March 1 – August 31) then a pre-construction survey for tri-colored blackbird nesting colonies shall be conducted no later than fifteen (15) days prior to the start of construction activities by an approved biologist in areas of the Project Area where suitable tri-colored nesting habitat occurs. If a tri-colored blackbird nesting colony is observed within 250 feet of the Project Area then Yuba County will be notified and additional avoidance and minimization measures will be implemented. If a tri-colored blackbird nesting colony is observed within the Project Area then Yuba County will be notified which will consult with CDFW for further guidance. If for any reason construction stops for a period of 10 days or longer within the avian breeding season, an additional tri-colored blackbird nesting colony survey shall be conducted fifteen (15) days prior to the continuation of construction activities.

#### **Migratory Birds**

Nesting birds are protected under the MBTA (16 USC 703) and the CFWC (3503). The MBTA (16 USC §703) prohibits the killing of migratory birds or the destruction of their occupied nests and eggs except in accordance with regulations prescribed by the USFWS. The bird species covered by the MBTA includes nearly all of those that breed in North America, excluding introduced (i.e. exotic) species (50 Code of Federal Regulations §10.13). Activities that involve the removal of vegetation including trees, shrubs, grasses, and forbs or ground disturbance has the potential to affect bird species protected by the MBTA. The CFWC (§3503.5) states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes (hawks, eagles, and falcons) or Strigiformes (all owls except barn owls) 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”. Take includes the disturbance of an active nest resulting in the abandonment or loss of young. The CFWC (§3503) also states that “it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto”.

**Mitigation Measure 4.2 Migratory Birds**

The following are avoidance and minimization measures for California avian species of special concern and species protected under the MBTA and the CFWC. Any vegetation removal and/or ground disturbance activities should begin during the avian non-breeding (September 1 – February 28) season so as to avoid and minimize impacts to avian species. If construction is to begin within the avian breeding season (March 1 – August 31) then a migratory bird and raptor survey shall be conducted within the Project Area by a qualified biologist. A qualified biologist shall: Conduct a survey for all birds protected by the MBTA and CFWC no later than fifteen (15) days prior to construction activities; map all nests located within 250 feet of construction areas; develop buffer zones around active nests as recommended by a qualified biologist. Construction activity shall be prohibited within the buffer zones until the young have fledged or the nest fails. Nests shall be monitored at least twice (2) per week and a report submitted to the Yuba County monthly. If construction activities stop for more than ten (10) days then another migratory bird and raptor survey shall be conducted no later than fifteen (15) days prior to the continuation of construction activities.

**c) Wetlands and Others Water Coordination Summary**

There are several wetland and riparian habitats within and near Collins Lake. With the river less than a mile away from the property, there is little chance of environmental impact that would affect its wetland or riparian habitats.

Project implementation will not result in alterations (removal) of natural plant or wildlife communities. The proposed split of this property will not interfere with the movement of any native resident or migratory fish or wildlife species, or result in impacts to established native resident or migratory wildlife corridors. The project will not affect the use of native wildlife nursery sites due to General Plan Action NR5.3, Wetlands and Riparian Buffers. Action NR5.3 states that any development shall maintain a setback of 150 feet from any open water courses. This standard Action in the General Plan reduces the potential impacts for Biological Resources that are found in wetlands and riparian areas. For this reason, a *less than significant impact* is anticipated.

d) Essential fish habitat (EFH) means those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity (Magnuson-Stevens Fishery Conservation and Management Act (MSA) §3). Collins Lake could provide "waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity," or special-status fish species managed under a fishery council (i.e chinook and coho). With the implementation of Action NR5.3, no EFH or the need for federal fisheries consultation. *No impacts* are anticipated.

e) There would be no conflicts with General Plan policies regarding Mitigation of biological resources. Action NR5.3 protects potential biological resources in the project area. *No impacts* are anticipated

f) No habitat conservation plans or similar plans currently apply to the project site. Both Yuba and Sutter Counties recently ended participation in a joint Yuba-Sutter Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP). The project site was not located within the proposed boundaries of the former plan and no conservation strategies have been proposed to date which would be in conflict with the project. *No impacts* are anticipated



V. CULTURAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion/Conclusion/Mitigation:

a) – d) The site is identified in the 2030 General Plan as an area of high concern for cultural or historical significance. A Cultural Resource Study which included a pedestrian field survey was conducted for the project by Theodore Bibby, Ph. D., and Montana Long, M.A., RPA, with ASM Affiliates. Here is a summary of the study and proposed mitigation measures:

### Introduction

ASM Affiliates, Inc. (ASM) was retained by property owner Erik Johnson to complete a Phase I archaeological resource survey and subsequent report for a 296-acre parcel in Oregon House, Yuba County, California. The study area is approximately 0.3 miles (mi.) north of Collins Lake Reservoir, and approximately 26 mi. northeast of Yuba City, California, within the Oregon House USGS 7.5-minute Quadrangle. The study area is bisected north/south by County Road 270 (CR 270) and is in Township 17N, Range 06E, South ¼ of section 04 and North ¼ of section 09 of the Public Land Survey System. There is a single-family home within the parcel, on the east side of CR 270. The remainder of the land is vacant and used for cattle ranching, agriculture, and recreation.

This study was conducted by ASM Affiliates Inc. of Sacramento, California, with background documentary research and an on-foot, intensive survey completed in February 2022. Ted Bibby, PhD, served as the principal investigator and completed the pedestrian survey. Dr. Bibby has over 11 years' professional experience and meets the Secretary of the Interiors (SOI) Professional Qualification Standards (PQS) for archaeology. ASM Archaeologist Montana Long M.S., RPA, assisted with the pedestrian survey and completed sections of this report. Mr. Long has over 15 years of professional experience and meets the SOI PQS for archaeology. Resumes for key personnel are provided in Appendix D.

The document constitutes a report on the survey of the project site. Subsequent sections provide background to the investigation, the findings of the archival records search, a summary of the

field methods, and results of the inventory. We conclude with management recommendations, including a recommended determination of effect, for the study area.

### **Study Area description and Area of Potential Effects**

According to Section 106, 36 CFR 800.16(d) of the National Historic Preservation Act, the area of potential effects (APE) is defined as:

... the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

The APE as defined for this report includes all areas of the study area. The project study area totals 296 acres and includes the entirety of the current parcel boundary for APN # 044-110-071-000. The study area consists of a single parcel that is bisected by CR 270. The parcel is surrounded to the west and south by Collins Lake reservoir. The reservoir is within 350–1,000 feet (ft.) of the parcel boundary depending on location within the property. The western portion of the parcel is approximately 73.6 acres of relatively flat to gently sloping land. Approximately 25 percent of the land is open fields, and the remainder is covered with canopied oaks with dense poison oak underbrush. One single family home, with associated agricultural beds, gardens, and livestock as well as a water retention pond, is also within this portion. Elevation averages around 1,318 ft. above sea level. The eastern approximate 222.4 acres is split between gently sloping canopied oak lowlands with open range land to steeply sloped densely forested hillsides associated with Flanly Peak. Elevations in the lowlands average approximately 1,300 ft. above sea level (asl), while the highest point on the property is a false summit 1,500 ft. northwest of Flanly Peak at 2,000 ft. asl. This area is dominated by 30 to 50 percent slopes which are densely covered with manzanita, oak forest, and poison oak underbrush.

## **BACKGROUND CONTEXT**

### **ENVIRONMENTAL BACKGROUND**

The study area is on the western foot slopes of the Sierra Nevada Mountains and approximately 13 miles east of California's central valley, adjacent to Oregon House, California, and with elevations around 1,300 ft. asl. The nearest modern water source is Collins Lake reservoir, which is approximately 0.25 mi. south and 0.1 mi. west of the study area.

The geologic outcrops in the vicinity of the project study area consist of Smartville complex late Triassic/early Jurassic, gabbros, diabase, and diorites (Saucedo and Wagner, 1992), which constitute the composition of the boulders and outcrops within the study area. Soils throughout the study area are dominated by the Sobrante-Timbuctoo complex, with 30 to 50 percent slopes that cover the eastern highlands and Sobrante gravelly loam, with 3 to 15 percent slopes that cover the western lowlands (USDA, web soil survey 2021).

## BACKGROUND RESEARCH

### CHRIS Records Search

A CHRIS background records search was requested from the NCIC for the project study area and a 0.5-mi. radius. The NCIC provided records search results on January 28, 2022 (File No. YUB-22-2. CHRIS records search requests and results are provided in Confidential Appendix B and summarized below. ASM conducted additional archival research including the review of historic maps, photographs, land records, and the NRHP.

A search of the Bureau of Land Management General Land Office records shows that land patents for Joseph Flaney and Frank Ball were issued in 1862 for T17N, R06E, Section 4. Additionally, an 1879 map of Foster Bar T shows a 240-acre homestead for J. H. Klenzendorf (sp.?) within the NW ¼ of Section 9. These are some of the earliest recorded historic-era settlers within the study area. Historic aerial images from the USGS Earth Explorer 1969, 1973, and 1897 show a relatively stable land use of forest and some rangeland within and adjacent to the study area as well as the presence of early roads, most notably Old Marysville Highway (adjacent and in alignment with present-day CR 270). There are no historic properties listed in the NRHP or the California Office of Historic Preservation (OHP) that are within the project study area.

### Previous Cultural Resource Studies

Results provided by the NCIC note a total of four previous projects that have been completed within the 0.5-mi. records search radius. Of these projects, one was completed within the project study area (Table 1).

**Table 1. Previous Cultural Resource Inventory Projects Conducted within 0.5 Mi. of the Study Area**

Study No.	Title	Author (Date)	Within Study area?
008373	Dry Creek Emergency Fire Harvest THP and CDF project Review Report for Archaeological and Historical Resources	Wayne Helm, L.K. Napton, and E. A. Greathouse (1997)	no
008375	Archaeological Reconnaissance of the Proposed Collins Lake Basin Proposed Subdivision	Peter Jensen (1980)	yes
008503	Frenchtown THP	Wayne Helm (1998)	no
011013	Cultural Resources Constraints Study for Replacement of the Colgate-Palermo Wood Pole Replacement Project, Butte and Yuba Counties, California PG&E No.: 30833573	Cindy Arrington (2012)	no

## Previously Recorded Cultural Resources

The NCIC records search identified 16 previously recorded cultural resources within a 0.5-mi. radius of the study area. Three of those resources were reported within the study area, of which two are prehistoric and one is historic (Table 2).

**Table 2. Previously Recorded Cultural Resources within the Study Area as Reported by the NCIC**

Primary (P-)	Trinomial (CA-)	Age	Description	Recorder(s)
58-001117	CA-YUB-001099	P	Bedrock mortars	Jensen (1980)
58-001118	CA-YUB-001100	P	Bedrock mortars	Jensen (1980)
58-001124	CA-YUB-001106H	H	Rockwall	Jensen (1980)

*Age: P-Prehistoric, H- Historic, U- Unknown*

## Native American Outreach

A Sacred Lands File request was submitted to the Native American Heritage Commission (NAHC) on January 26, 2022, for resource information and/or Native American tribes with information on cultural resources within the study area. A follow-up request was sent March 3, 2022. As of this report, ASM has not received a response from the NAHC.

## FIELDWORK METHODS AND RESULTS

### Field Methods

An intensive pedestrian survey of the study area was completed on February 10 – 11th, 2022, by Dr. Ted Bibby and Montana Long. Field methods were designed to meet all professional requirements, including the Secretary of the Interior's Standards and Guidelines. ASM completed an intensive, on-foot examination of the ground surface by walking parallel 25-m transects, looking for evidence of archaeological sites in the form of artifacts, surface features (such as house pits), and archaeological indicators (e.g., anthropogenic soils or burnt animal bone). A good faith effort was made by ASM to survey the entire 296 acre parcel. Approximately 85 acres of the eastern portion of the study area had poor ground visibility or was impassable due to steep slopes and/or extremely dense poison oak and manzanita brush. Potential for finding archaeological sites in this area is unlikely, due to the steep slopes, dense underbrush and lack of archaeological features associated with site potential such as rock outcrops, open areas, and slopes under 30 degrees. The identification and location of any new or previously discovered sites; tabulation and recording of surface diagnostic artifacts; site photography and sketch mapping; preliminary evaluation of site integrity; and site recording or, in the case of previously recorded sites, site record updating, followed the California OHP Instructions for

Recording Historic Resources and Department of Parks and Recreation (DPR) 523 forms for site recording. GPS data was collected with an Apple iPad mini using the ArcGIS Field Maps app paired with a Trimble R1 unit capable of sub-meter accuracy.

### Archaeological Survey Results

During the pedestrian survey, ASM relocated four previously recorded cultural resources and identified one new historic resource. ASM determined that four of the resources are within the study area (see Table 3). Within the study area, one site is prehistoric (CA-YUB-001100/P-58-001118), and three sites are historic (CA-YUB-001106H/P-58-1124, Old Marysville Road/P-58-002637, and OH-01). One of the previously recorded prehistoric resources (CA-YUB-001099/P-58-001117) was relocated and determined to be outside the project study area. ASM updated/completed site records for a total of five resources. Where appropriate, preliminary NRHP and CRHR recommendations for each site are provided below (Table 3).

**Table 3. Preliminary NRHP Recommendation of Identified Cultural Resources**

Primary #/ Field ID	Trinomial (CA-)	Age	Site Type	Preliminary NRHP	Within study area?
P-58-001117	CA-YUB-001099	P	Bedrock Milling Feature	n/a	no
P-58-001118	CA-YUB-001100	P	Bedrock Milling Feature	UN	yes
P-58-001124	CA-YUB-001106H	H	Rock Walls/Fences	NE	yes
P-58-002637	Old Marysville Road	H	Walls/Fences; Roads/Trails/Railroad Grades	NE	yes
OH-01	-	H	Walls/Fences; Foundations/structure pads; Privies/Dumps/Trash Scatters	NE	yes

Age: P – prehistoric; H – historic; U – unknown age

NRHP: UN – unevaluated; NE – Not eligible

#### **P-58-001118/CA-YUB-001100**

Site P-58-001118/CA-YUB-001100 consists of a single bedrock milling feature with nine individual cup features. The feature is a rounded diorite outcrop measuring 4.8 m x 2.9 m among a cluster of exposed bedrock boulders on a west-sloping hillside with a stand of oak and manzanita. All nine cups from the original recording (Jensen 1980) were re-identified and recorded. Mortar holes were covered in moss or filled with soil and leaves.

Site P-58-001118/CA-YUB-001100 remains unevaluated for recommendation to the NRHP and CRHR, though it is assumed eligible and is recommend to be preserved in place. The bedrock mortar feature is not associated with events that made a significant contribution to local or regional history (Criterion A), is not associated with the lives of persons important to local, California, or national history (Criterion B), does not embody the distinctive characteristics of a type, period, or method of construction (Criterion C), but may have important information for understanding the prehistory of the region (Criterion D).

While the site remains unevaluated and is assumed potentially eligible for the NRHP and CRHR, project implementation, specifically lot line adjustment and subdivision of the parcel, will not have an impact to the resource. ASM recommends that any new parcel subdivision and lot line adjustment buffer the resource a minimum of 20 m. In summary, ASM finds no impact of project implementation to the resource.

#### **P-58-001124/CA-YUB-001106H**

Site P-58-001124/CA-YUB-001106H is a historic-era dry stacked rock wall alignment. It was first recorded by Jensen (1980) as an L-shaped resource that extends across CR 270 and then runs north/south within the study area. The wall is dilapidated and barely visible, mainly as a line of single-height boulders. The rocks are weathered semi-angular granite cobbles and boulders 1-2 ft. across on average. Visibility of the wall diminishes throughout its length. The 330-ft. rock wall alignment recorded per this update is the only remaining segment of the resource east of CR 270 that was originally recorded by Jensen (1980). The segment of the previously recorded rock wall west of CR 270 is on private property and was not visible from the road; thus, its status remains unknown.

The dry stack rock wall is recommended not eligible for listing on the NRHR or CRHR. It is not associated with events that made a significant contribution to local or regional history (Criterion A), is not associated with the lives of persons important to local, California, or national history (Criterion B), does not embody the distinctive characteristics of a type, period, or method of construction (Criterion C), and does not have important information for understanding the prehistory of the region (Criterion D). In summary, ASM finds no impact of project implementation to the resource.

#### **P-58-002637/Old Marysville Road**

Site P-58-002637/Old Marysville Road is a segment of historic Marysville road and a historic rock wall that parallels the road grade. A portion of the resource outside the study area was originally recorded by Arrington (2012). The segment within the study area is approximately 0.3 mi. long (northeast to southwest). It begins at a barbed wire fence line and gate near a single family residence. It parallels the east side of CR 270 and terminates at the intersection of CR 270 and a gated gravel driveway. Portions of the original asphalt are visible but otherwise, the resource is covered with dirt and short grass. There is grading and raised armoring of the northern sidewall of the roadbed in some sections with 1-2-ft. diameter boulders. A small, stacked rock wall



(Feature 1) is made of 1-3-ft. granite boulders and lies approximately 15 ft. east of the road bed on the opposite side of a ditch.

The road first appears on the Original Survey, Yuba County plat map from 1867. It is shown to run roughly southwest to northeast from "Abbott's Vineyard" on "Foster's Bar Road" to the town of Oregon House where the road is named French Corral Road. Historic aerials from 1969 show two parallel alignments of Old Marysville Road at this location. This recorded segment (per this record) represents the eastern alignment which appears to be the older of the two alignments. The 1969 image shows a cleared road corridor that is slightly jointed and angular in path, which when originally constructed, likely followed natural terrain and topography. This segment is paralleled to the west by a road alignment that is very straight and twice the width in the present-day location of CR 270.

This segment of Old Marysville Road is recommended not eligible for listing on the NRHR or CRHR. Though it may be associated with events that made a significant contribution to local or regional history (Criterion A), it is not associated with the lives of persons important to local, California, or national history (Criterion B), does not embody the distinctive characteristics of a type, period, or method of construction (Criterion C), and does not have important information for understanding the prehistory of the region (Criterion D). The road lacks the components of integrity that would make it eligible under Criterion A due to its state of disrepair. In summary, ASM finds no impact of project implementation to the resource.

## **OH-01**

Site OH-01 is a newly recorded historic-era site likely associated with ranching and early homesteading. It is composed of two dry stacked rock wall alignments (Features 1, 2) that parallel each other. Feature 1 is an approximately 2,100-ft.-long rock wall with a 275-ft. gap where the wall crosses CR 270. Feature 1 is roughly in alignment with a stand of trees that borders an open field. Feature 2 is a 350-ft.-long rock wall, south of Feature 1, and parallels a stand of trees along an open field. Feature 3 is a square leveled soil area armored with rocks on three sides that is likely associated with a house pad or barn, and Feature 4 is a crushed can scatter. An 1867 surveyor map of Yuba County shows a barn in the approximately same position as Feature 3 with the name "Martin's h" written adjacent. This map also depicts a field in the same area. An 1879 map of Foster's Bar TP in Yuba County shows a homestead plot by J. H. Klenzendorf in this area as well (Figure 11). No age diagnostic information was available from the can scatter.

Site OH-01 is recommended not eligible for listing on the NRHR or CRHR. It is not associated with events that made a significant contribution to local or regional history (Criterion A), it is not associated with the lives of persons important to local, California, or national history (Criterion B), does not embody the distinctive characteristics of a type, period, or method of construction (Criterion C), and does not

have important information for understanding the prehistory of the region (Criterion D). In summary, ASM finds no impact of project implementation to the resource.

## CONCLUSIONS AND RECOMMENDATIONS

An archaeological resources survey was conducted of approximately 296 acres located in Oregon House, Yuba County, California. The property owner, Erik Johnson, intends to subdivide the parcel, which initiated the Yuba County Planning department to request an archaeological survey and report of the property.

ASM Affiliates, Inc. (ASM) conducted a background records search from the CHRIS, a Sacred Lands File Search from the Native American Heritage Commission, and a reconnaissance-level 25-m- spaced pedestrian survey of the 296-acre parcel. Fieldwork was completed on February 11, 2022. The study was undertaken to assist with compliance with the CEQA.

The pedestrian survey concluded that four archaeological resources are within the study area. Of these four resources, one is newly identified (OH-01), and three were updated. Three of the resources are historic era and related to early transportation and ranching of the area. One resource is prehistoric (CA-YUB-001100/P-55-001118). No new prehistoric resources were identified during the pedestrian survey.

Prehistoric site CA-YUB-001100/P-55-001118 is a bedrock outcrop containing nine bedrock mortar cups. This site is assumed eligible but remains unevaluated for recommendation into the National Register of Historic Places and the California Register for Historic Resources. The resource is recommended to be preserved in place by avoidance following a 20-m buffer from proposed lot line adjustments.

In summary, ASM anticipates a *Finding of No Historic Properties Affected* for resources within the study area and does not anticipate the project would result in any adverse change in the significance of a historical or unique archaeological resource, as defined by CEQA. A determination of no significant impacts for cultural resources is therefore recommended if a buffer is provided to CA-YUB-001100/P-55-001118. It is further recommended that, in the unlikely event that cultural resources are encountered during any construction or use of the study area, an archaeologist be contacted to assess the discovery. For this reason, the following general provisions are considered appropriate:

### **Mitigation Measure 5.1 Inadvertent Discovery Of Human Remains**

Consultation in the event of inadvertent discovery of human remains: In the event that human remains are inadvertently encountered during trenching or other ground- disturbing activity or at any time subsequently, State law shall be followed, which includes but is not limited to immediately contacting the County Coroner's office upon any discovery of human remains.

**Mitigation Measure 5.2      Inadvertent Discovery Of Cultural Material**

Consultation in the event of inadvertent discovery of cultural material: The present evaluation and recommendations are based on the findings of an inventory- level surface survey only. There is always the possibility that important unidentified cultural materials could be encountered on or below the surface during the course of future development activities. This possibility is particularly relevant considering the constraints generally to archaeological field survey, and particularly where past ground disturbance activities (e.g., road grading, livestock grazing, etc.) have partially obscured historic ground surface visibility, as in the present case. In the event of an inadvertent discovery of previously unidentified cultural material, archaeological consultation should be sought immediately.

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

**DISCUSSION/CONCLUSION/MITIGATION:**

a & b) The proposed project is a rural residential project, creating four new lots, that would not impact energy resources and conflict with local plans for energy. Therefore, the project creates a *less than significant impact*.

VII. GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Expose people or structures to 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Section 1803.5.3 to 1808.6 of the 2010 California Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

- a) (i-iii) According to the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist, Division of Mines and Geology Special Publication 42, Yuba County is not one of the cities or counties affected by Earthquake Fault Zones, as of August 16, 2007. Therefore, strong seismic ground shaking and seismic-related ground failure, including liquefaction is not an anticipated side effect of development in the area. A ***less than significant impact*** from earthquakes is anticipated.

(iv) The Yuba County General Plan identifies the area as one that has a low risk for landslides, and states that grading ordinances, adopted by Yuba County and based on Appendix J of the 2013 California Building Code, serve as effective measures for dealing

with landslide exposure. Hazards associated with potential seismic and landslide result in a ***less than significant impact***.

b) c) and d) According to Exhibit 4.6-4 Soil Erosion Hazard, of the 2030 General Plan EIR, the project site has a moderate to severe potential for soil erosion hazards due to the project's proximity to Collin's Lake. Exhibit 4.6-5 Shrink/Swell Potential indicates that the project site also contains expansive soils with a low shrink/swell potential. Should application be made for a building permit, Yuba County Building Department staff will determine appropriate building foundation systems for all proposed structures, in accordance with the requirements of the Uniform Building Code. The Building Official may require additional soils testing, if necessary; and will result in a ***less than significant impact***.

e) The project site is surrounded by rural residential properties and has the potential to be used for rural residential purposes. The Yuba County Environmental Health Department has adopted a Sewage Disposal Ordinance 7.07.440 through 7.07.530 that regulates the installation, design and type of septic system required. Additionally, the County Environmental Health Department has standard conditions that address the soil adequacy for the project. Through implementation of the County Environmental Health Department conditions of approval, the project would result in a ***less than significant impact*** to wastewater.



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

### Discussion/Conclusion/Mitigation:

a) Global Warming is a public health and environmental concern around the world. As global concentrations of atmospheric greenhouse gases increase, global temperatures increase, weather extremes increase, and air pollution concentrations increase. The predominant opinion within the scientific community is that global warming is currently occurring, and that it is being caused and/or accelerated by human activities, primarily the generation of “greenhouse gases” (GHG).

In 2006, the California State Legislature adopted AB32, the California Global Warming Solutions Act of 2006, which aims to reduce greenhouse gas emissions in California. Greenhouse gases, as defined under AB 32, include carbon dioxide, methane, nitrous oxide, hydro fluorocarbons, per fluorocarbons, and sulfur hexafluoride. AB 32 requires the California Air Resources Board (ARB), the State agency charged with regulating statewide air quality, to adopt rules and regulations that would achieve greenhouse gas emissions equivalent to statewide levels in 1990 by 2020.

In 2008, the California Air Resources Board (CARB) adopted the Scoping Plan for AB32. The Scoping Plan identifies specific measures to reduce GHG emissions to 1990 levels by 2020, and requires ARB and other state agencies to develop and enforce regulations and other initiatives for reducing GHGs. The Scoping Plan also recommends, but does not require, an emissions reduction goal for local governments of 15% below “current” emissions to be achieved by 2020 (per Scoping Plan current is a point in time between 2005 and 2008). The Scoping Plan also recognized that Senate Bill 375 Sustainable Communities and Climate Protection Act of 2008 (SB 375) is the main action required to obtain the necessary reductions from the land use and transportation sectors in order to achieve the 2020 emissions reduction goals of AB 32.

SB 375 complements AB 32 by reducing GHG emission reductions from the State’s transportation sector through land use planning strategies with the goal of more economic and environmentally sustainable (i.e., fewer vehicle miles travelled) communities. SB 375 requires that the ARB establish GHG emission reduction targets for 2020 and 2035 for each of the state’s 18 metropolitan planning organizations (MPO). Each MPO must then prepare a plan called a Sustainable Communities Strategy (SCS) that demonstrates how the region will meet its SB 375 GHG reduction target through integrated land use, housing, and transportation planning.

The Sacramento Area Council of Governments (SACOG), the MPO for Yuba County, adopted an SCS for the entire SACOG region as part of the 2035 Metropolitan Transportation Plan (MTP) on April 19, 2012. The GHG reduction target for the SACOG area is 7 percent per capita by 2020 and 16 percent per capita by 2035 using 2055 levels as the baseline. Further information regarding SACOG's MTP/SCS and climate change can be found at <http://www.sacog.org/2035/>.

While AB32 and SB375 target specific types of emissions from specific sectors, and ARBs Scoping Plan outlines a set of actions designed to reduce overall GHG emissions it does not provide a GHG significance threshold for individual projects. Air districts around the state have begun articulating region-specific emissions reduction targets to identify the level at which a project may have the potential to conflict with statewide efforts to reduce GHG emissions (establish thresholds). To date, the Feather River Air Quality Management District (FRAQMD) has not adopted a significance threshold for analyzing project generated emissions from plans or development projects or a methodology for analyzing impacts. Rather FRAQMD recommends that local agencies utilize information from the California Air Pollution Control Officers Association (CAPCOA), Attorney General's Office, Cool California, or the California Natural Resource Agency websites when developing GHG evaluations through CEQA.

GHGs are emitted as a result of activities in residential buildings when electricity and natural gas are used as energy sources. New California buildings must be designed to meet the building energy efficiency standards of Title 24, also known as the California Building Standards Code. Title 24 Part 6 regulates energy uses including space heating and cooling, hot water heating, ventilation, and hard-wired lighting that are intended to help reduce energy consumption and therefore GHG emissions.

Based on the project description, the project would generate additional vehicle trips in conjunction with the potential for four new additional single family residences. Although the project will have an impact on greenhouse gas emissions, the impact would be negligible. The impact related to greenhouse gas emissions would result in *less than significant*.

b) The project is consistent with the Air Quality & Climate Change policies within the Public Health & Safety Section of the 2030 General Plan therefore, the project has *no impact* with any applicable plan, policy or regulation.

IX. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

a), b) and c) There would be no routine transport, use, or disposal of hazardous materials or the release of hazardous materials into the environment related to this residential project. A school site does not exist within ¼ mile of the project site. The nearest school, YES Charter Academy, is approximately 3 miles east of the project site. There would be ***no impact*** to surrounding land uses concerning hazardous materials and this project.

d) The project site is not located on a site included on a list of hazardous materials sites compiled pursuant to [Government Code Section 65962.5](#). The site has historically been vacant because the residence on the property does not have any building permits. Therefore, the project would not create a significant hazard to the public or the environment and there would be ***no impact*** to the environment from hazardous materials.

e) and f) The project site is not located within the scope of an airport land use plan, within two miles of a public airport or public use airport, or within the vicinity of a private airstrip. The project would have ***no impact*** on public or private airstrips.

g) No new roads or road improvements are proposed for this project that would interfere with the existing road system. Since there would be no major physical interference to the existing road system, there would be ***a less than significant impact*** with an emergency response or evacuation plan.

h) The project is located in a very high wildlife fire hazard severity zone, as reported by the Cal Fire 2008 Fire Hazard Severity Zones map. Additionally, the project has the potential to increase the risk of wildfire on-site once all of the parcels are developed, because it will generate traffic and hence introduce gasoline and petroleum products onto the site in greater degrees than previously experienced. The impact would be ***less than significant with mitigation incorporated***.

#### **Mitigation Measure 9.1      Vegetation Clearance**

Prior to any final occupancy for any new construction on this map, vegetation clearance around structures shall meet the minimum requirements of Public Resources Code Section 4291. Structures shall maintain a fire break by removing and clearing away all brush, flammable vegetation or combustible growth up to 100 feet from structures or to the property line, whichever is closer. Clearing does not apply to individual isolated trees, ornamental shrubbery or similar plants which are used for ground cover unless such vegetation forms a means of rapidly transmitting fire from ground vegetation to canopy trees. Additional clearing may be required by the Fire inspector if extra hazardous conditions exist.

<b>X. HYDROLOGY AND WATER QUALITY</b>					
<b>Would the project:</b>		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 ground water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially alter the existing drainage pattern of 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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i)	Result in a substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv)	Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

a) The project may result in ground disturbance equal to or greater than one acre in size and would then be within the jurisdiction of the Central Valley Regional Water Quality Control Board (RWQCB), which develops and enforces water quality objectives and implementation plans that safeguard the quality of water resources in its region. Prior to construction of a project greater than one acre, the RWQCB requires a project applicant to file for a National Pollution Discharge Elimination System (NPDES) General Permit. The General Permit process requires the project applicant to 1) notify the State, 2) prepare and implement a Storm Water Pollution Prevention Plan (SWPPP), and 3) to monitor the effectiveness of the plan.

**Mitigation Measure 10.1 National Pollution Discharge Elimination (NPDES) Permit**

Prior to the County's approval of a grading plan or site improvement plans, the project applicant shall obtain from the Central Valley Regional Water Quality Control Board a National Pollution Discharge Elimination (NPDES) Permit for the disturbance of over one acre. Further, approval of a General Construction Storm Water Permit (Order No. 99-08-DWQ) is required along with a Small Construction Storm Water Permit. The permitting process also requires that a Storm Water Pollution Prevention Plan (SWPPP) be prepared prior to construction activities. The SWPPP is used to identify potential construction pollutants that may be generated at the site including sediment, earthen material, chemicals, and building materials. The SWPPP also describes best management practices that will be employed to eliminate or reduce such pollutants from entering surface waters.

b) The project will utilize ground water wells for water supply. Conformance with the California Building Code will ensure, prior to the issuance of building or occupancy permits, that adequate water supply is available on site for sanitation and firefighting purposes. The applicant will also have to submit evidence to the Yuba County Environmental Health Department that the site can adequately support a well. There would be a *less than significant impact*.

c) i-iv) While the project would introduce impervious surfaces, which have the potential to alter recharge patterns, the level of development is small and percolation and groundwater recharge activity would remain generally unchanged. Furthermore, the project will not cause erosion or an increase in runoff. There would be a *less than significant impact*.

d) The project is not located within a 100-year flood plain, it is located within a 500-year flood plain. Yuba County is an inland area not subject to seiche or tsunami. Mudflow is not an identified issue at this location; therefore, there would result in a *less than significant impact* from flooding, mudflow, seiche, or tsunami.



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

### Discussion/Conclusion/Mitigation

- a) The project site is within an area of rural development within unincorporated Yuba County. The proposed land division is not anticipated to create any physical division of an established community. Therefore, the development would result in ***no impact*** or division of an established community.
- b) The project is consistent with the goals and policies of the Agricultural Residential, 20 Acres Minimum (AR-20) zone and the Natural Resources General Plan designation by creating parcels that are greater than 20 acres in size. There is no habitat conservation plan or natural community conservation plan exists for or near the project site. Land use impacts are anticipated to have ***no impact*** on habitat or conservation plans.

XII. MINERAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

a) and b) The project site is not known to contain any mineral resources that would be of value to the region or residents. Additionally, according to the Yuba County 2030 General Plan EIR, the project site is not delineated in an area identified to have surface mining activities or contain mineral resources. The project is expected to have ***no impact*** on mineral resources.

XIII. NOISE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

a) and b) The property surrounding the project is being used for rural residential. Residential development does not generate substantial noise, like industrial activities or major roadways. Also, there are no significant noise generators in the immediate area. Outdoor activity, including conventional construction which would include a single family residence, can be as high as 85-90 decibels at a distance of 50 feet. The noise levels do drop off at a rate of about 6 dBA per doubling the distance between the noise source and the receptor. Due to the very low density of development proposed and the large distance between the specified building envelopes and existing residences, the project would result in a *less than significant impact*.

c) The project site is not located within two miles of a public airport or private air strip. *No impact* is anticipated to result from surrounding airport uses.

<b>XIV. POPULATION AND HOUSING</b>				
<b>Would the project:</b>	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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

- a) The project does not involve the construction of substantial growth inducing housing or the installation of significant physical infrastructure. The potential population increase would result in four new rural residence. Therefore, the impact would be ***less than significant***.
- b) The project does not involve the removal of housing or the relocation of people who currently utilize the site and would cause ***no impact*** to individuals

## INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

XV. PUBLIC SERVICES		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project result in:</b>					
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a)	Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

a) The project is located within the Dobbins/Oregon House Fire Department which provides fire protection service to the area. The project site is also located within the State Responsibility Area. There are no physical improvements associated with the project at this time. Fire fees would be collected at the time building permits are issued if a single family residence is constructed on a square foot basis. With the payment of fire fees and adherence to the requirements from the Yuba County Development Code and Fire Codes, impacts to fire protection would be *less than significant*.

b) The project area is located within unincorporated Yuba County and would be served by the Yuba County Sheriff's Department. Increased property tax revenue and annual police protections assessment Countywide would support additional civic services including law enforcement. Impacts related to police protection would be *less than significant*.

c) Marysville Joint Unified School District was consulted during early consultation of this project and no response has been received as of this date. However, it is the District's position that their current facilities do not have the capacity to absorb the new students from the project. The opinion of the District is that new development proposals must mitigate the impacts proportional to the intensity of the development. However, school fees are paid directly to the school district to offset new student enrollment. With the incorporated standard requirement for school fees, impacts related to schools would be *less than significant*.

d) The proposed project could create some additional use of park and recreational facilities. No park facilities are proposed with this project. The applicant would be required to pay in-lieu fees for parkland dedication to the County to mitigate for these impacts. Per Chapter 11.45.060 of the Yuba County Development Code, this fee is equivalent to 120 percent of the cost of land needed

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

---

to purchase an amount of parkland proportional to the number of new dwelling units being created by the subdivision. Because the payment of this fee would offset impacts to parks and recreational facilities, impacts would be *less than significant*.

e) In addition to the fees collected above for various services, the per-unit capital facility fees, collected at the time of the building permit issuance, would go toward the costs associated with general government, social services, library, and traffic. With the incorporated Development Code requirements, impacts on public facilities would be *less than significant*.



## INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

XV. RECREATION	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

a) and b) The project would result in a small increase in the use of neighborhood and regional parks, and could create the need for additional recreational facilities. There are no parks proposed with this project. Yuba County Development Code Chapter 11.45.060 requires parkland dedication at a ratio of 5 acres per 1000 new residents (assuming 2.9 persons per household for single-family lots). This condition of project approval for this land division would ensure that in-lieu fees get paid to offset park needs. This requirement would ensure adequate neighborhood parks and funding for regional improvements are in place prior to parcel map recordation. With the incorporated standard requirements, impacts related to increases in park usage would result in a *less than significant impact*.

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

<b>XVII. TRANSPORTATION/TRAFFIC</b>				
<b>Would the project:</b>	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

a) The project is not located in an area where a plan, ordinance or policy measures the effectiveness for the performance of a circulation system. This includes evaluating all modes of transportation including mass transit and non-motorized travel. Therefore, the project will have ***no impact***.

b) Certain types of projects as identified in statute, the CEQA Guidelines, or in OPR's Technical Advisory are presumed to have a less than significant impact on VMT and therefore a less than significant impact on transportation. In any area of the state, absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than significant transportation impact. The proposed project is anticipated to have less than 110 trips per day because the project will introduce four single family residences. Therefore, impacts to VMT are expected to be ***less than significant***.

c) County Road 270 and the 60 foot ingress/egress easements within the property are existing roads that currently provides access to the project site. CR270 and Marysville Road is used by the surrounding rural community and for traffic traveling through the community of Oregon House. CR270 and the 60 foot ingress/egress easement would be used by construction equipment accessing the project site; however, there would be no substantial increase in hazards due to this temporary use of the road and therefore will create a ***less than significant impact***.

d) Emergency access to the project site would be via CR 270 and the 60 foot ingress/egress easement on the property. There would be no change in emergency access as a result of the project Therefore, the project will have ***no impact***.

## INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

## XVIII. TRIBAL CULTURAL RESOURCES

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

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. 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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

a) Please refer to Chapter V, Cultural Resources, for a summary. Moreover, a search of State data bases, including all records and documents available at the North Central Information Center (NCIC), have resulted in identifying 16 previously recorded cultural resources within a 0.5-mi. radius of the study area. Three of those resources were reported within the study area, of which two are prehistoric and one is historic. During the pedestrian survey, ASM determined that there are four resources within the study area. Specifically, one site is prehistoric (CA-YUB-001100/P-58-001118), and three sites are historic (CA-YUB-001106H/P-58-1124, Old Marysville Road/P-58-002637, and OH-01).

With mitigation measures **MM 5.1 & MM 5.2** in the event of the accidental discovery or recognition of tribal cultural resources in an area subject to development activity, there shall be no further excavation or disturbance of the site or any nearby area suspected to overlie similar resources and the Native American Heritage Commission as well as the UAIC shall be contacted within 24 hours. The impact upon tribal cultural resources would be *less than significant impact with mitigation incorporated*.

b) Yuba County Planning Department requested AB-52 consultation with the United Auburn Indian Community (UAIC), due to their request for consultation on all discretionary projects within Yuba County. The UAIC was established in 1917 when the United States acquired land in trust for the Auburn Band near the City of Auburn and formally established the reservation, known as the Auburn Rancheria. In 1953, the United States Congress enacted the Rancheria Acts, authorizing the termination of federal trust responsibilities to a number of California Indian tribes including the Auburn Band. With the exception of a 2.8-parcel containing a tribal church and a park, the government sold the land comprising the Auburn Rancheria. The United States terminated federal recognition of the Auburn Band in 1967. Finally, in 1970, President Nixon

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

---

declared the policy of termination a failure. In 1976, both the United States Senate and House of Representatives expressly repudiated this policy in favor of a new federal policy entitled Indian Self-Determination. In 1991, surviving members of the Auburn Band reorganized their tribal government as the United Auburn Indian Community (UAIC) and requested the United States to formally restore their federal recognition. In 1994, Congress passed the Auburn Indian Restoration Act, which restored the Tribe's federal recognition. The Act provided that the Tribe may acquire land in Placer County to establish a new reservation.

The UAIC responded to the Early Consultation request on April 25, 2022. Anna Starkey, with the UAIC, stated she "reviewed the cultural report and found it sufficient. Therefore, I do not believe UAIC will require a field visit to identify any additional tribal cultural resources." Ms. Starkey provided supplemental mitigation measures to protect the bedrock mortar site (CA-YUB-001100/P-58-001118) beyond the 20 meter setback what was suggested by ASM. The following mitigation measure have been added to address avoidance and preservation in place as the preferred manner of mitigating impacts to tribal cultural and cultural resources (CEQA Guidelines §21083.2(b)). This can be accomplished by the following:

**Mitigation Measure 18.1 Create and Enforce 100-foot Setbacks for All Tribal Cultural Resources (TCR):**

All future buildings and structures, including but not limited to, underground utilities, septic tanks and lines, irrigation lines, or other subsurface infrastructure shall include a setback of at least 100 feet from all known TCRs.

**Mitigation Measure 18.2 Do not Disturb the TCR:**

For any identified Cultural or Tribal Cultural resource, there shall be no disturbance of any kind, including vandalism, pot hunting, collecting of artifacts, or intentional, high intensity burning.

If any indigenous artifacts are collected, it is requested that local Tribes be notified of the find and invited to repatriate the cultural objects with their Tribe's spiritual and religious ceremony in an area where no future ground disturbance is anticipated.

The UAIC has closed consultation with the aforementioned mitigation measures added to the project. Therefore, in the event of the accidental discovery or recognition of tribal cultural resources in the project area the impact upon tribal cultural resources would be *less than significant impact with mitigation incorporated*.

## INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

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

**Discussion/Conclusion/Mitigation:**

a) If a single family residence is constructed on parcel one through four, the projects will require the construction of wastewater treatment (septic and leach field) consistent with the Yuba County Environmental Health Department. Perc and mantel testing have indicated the project site contains suitable soils for this purpose and the impact would be *less than significant*.

b) and c) The rural residential lots that are being created by the project will be served by a private well and septic system. The drainage facilities needed for this project will be designed and implemented in accordance with the Yuba County Public Works Department standards, which will offset potential stormwater drainage issues. The impact would be *less than significant*.

d) and e) Recology, Inc. will continue to provide service to the existing single family residence. If a new single family residence is created on parcels one through three it would also be serviced by Recology, Inc. Recyclable solid waste collected by Recology is taken to a materials recovery facility on State Route 20, outside of the City of Marysville, and all other waste is taken to a landfill on Ostrom Road. The Ostrom Road landfill has a capacity of 41,822,300 cubic yards, and has adequate capacity to serve the project site. The project will have a minimal effect on these facilities and the impact would be *less than significant*.

## INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

XX. WILDFIRE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including down slope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## DISCUSSION/CONCLUSION/MITIGATION:

a) Access to the project site will not be impacted by construction activities. Therefore, project related impacts to the adopted emergency response plan and emergency evacuation plan would be *less than significant*.

b), c) and d) The project is located in a Very High Fire severity zone established by CalFire. Development Code Section 11.06.030(E) requires parcels located within a high fire severity zone shall have a minimum setback of 30 feet from all property lines. Upon written clearance from Cal Fire the setback may be reduced. CalFire has a list of requirements that construction in this area must adhere by to reduce fire risk. Therefore, impacts by wildfire will be *less than significant*.

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION****XXI. MANDATORY FINDINGS OF SIGNIFICANCE**

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

a) As discussed in the Biological Resources section, the proposed development will have a ***less than significant impact*** with mitigation to habitat of a fish or wildlife species. The site is not located in a sensitive or critical habitat area, is void of any water sources and would not conflict with any local policies, ordinances or adopted Habitat Conservation Plans.

As discussed in the Cultural Resources and Tribal Cultural Resources section, construction could potentially impact cultural resources. Proposed mitigation measures in **MM5.1, MM5.2, MM18.1, & MM18.2** would reduce the impact to ***less than significant with mitigation***.

b) The project is anticipated to yield a maximum of one rural residence per undeveloped parcel, which would not significantly impact, or cause cumulatively considerable effects. Therefore, the project is considered to have a ***less than significant impact***, or cause cumulatively considerable effects.

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

---

- c) The project has the potential to create air quality impacts, primarily from the generation of PM10, which is offset by standard mitigation on the project. Additionally, development of the project could result in a greater fire threat, which has also been mitigated. Therefore, the project is considered to have *a less than significant impact with mitigation*.

**REFERENCES**

1. Yuba County 2030 General Plan Environmental Impact Report, AECOM.
2. Yuba County 2030 General Plan, AECOM.
3. Yuba County Development Code 2015.
4. Yuba County Important Farmland Map 2012. California Department of Conservation.
5. Archaeological Survey of a 296-acre Parcel, ASM Affiliates, March 2022



**MITIGATION MONITORING PLAN**  
**TPM 2020-0008 (JOHNSON)**

<b>MM 3.1 FRAQMD:</b> <ul style="list-style-type: none"> <li>Implement FRAQMD Fugitive Dust Plan</li> <li>Implement FRAQMD standard construction phase mitigation measures. (<a href="https://www.fraqmd.org/ceqa-planning">https://www.fraqmd.org/ceqa-planning</a>)</li> </ul>		
<b>Timing/Implementation</b> <i>Upon start of construction activities.</i>	<b>Enforcement/Monitoring</b> Yuba County Public Works Department	
<b>Performance Criteria</b> Permit verification , or clearance documents, from FRAQMD	<b>Verification Cost</b> N/A	
		<b>Date Complete</b> (If applicable)

**MITIGATION MONITORING PLAN  
TPM 2020-0008 (JOHNSON)**

**MM 4.1 Tri-colored Blackbird**

1. The most vulnerable life history stage of the tri-colored blackbird is during the nesting season when this species gathers in large colonies to breed. The survey was conducted outside the avian breeding season (spring, 2015); therefore, prior to impacts, additional surveys are recommended. If observations of tri-colored blackbirds are made during subsequent surveys, avoidance and minimization measures are recommended.
2. Any construction activities should begin outside of the avian breeding season (September 1 – February 28) so as to avoid potential impacts to nesting tri-colored blackbirds or deter tri-colored blackbirds from potentially nesting within or near Prairie Creek. If construction activities cannot commence prior to the avian breeding season (March 1 – August 31) then a pre-construction survey for tri-colored blackbird nesting colonies shall be conducted no later than fifteen (15) days prior to the start of construction activities by an approved biologist in areas of the Project Area where suitable tri-colored nesting habitat occurs. If a tri-colored blackbird nesting colony is observed within 250 feet of the Project Area then Yuba County will be notified and additional avoidance and minimization measures will be implemented. If a tri-colored blackbird nesting colony is observed within the Project Area then Yuba County will be notified which will consult with CDFW for further guidance. If for any reason construction stops for a period of 10 days or longer within the avian breeding season, an additional tri-colored blackbird nesting colony survey shall be conducted fifteen (15) days prior to the continuation of construction activities.

<b>Timing/Implementation</b> <i>Upon start of project design and start of construction activities.</i>	<b>Enforcement/Monitoring</b> Yuba County Planning Department	
<b>Performance Criteria</b> N/A	<b>Verification Cost</b> N/A	
		<b>Date Complete</b> (If applicable)

**MITIGATION MONITORING PLAN**  
**TPM 2020-0008 (JOHNSON)**

**MM 4.2 Migratory Birds**

The following are avoidance and minimization measures for California avian species of special concern and species protected under the MBTA and the CFWC. Any vegetation removal and/or ground disturbance activities should begin during the avian non-breeding (September 1 – February 28) season so as to avoid and minimize impacts to avian species. If construction is to begin within the avian breeding season (March 1 – August 31) then a migratory bird and raptor survey shall be conducted within the Project Area by a qualified biologist. A qualified biologist shall: Conduct a survey for all birds protected by the MBTA and CFWC no later than fifteen (15) days prior to construction activities; map all nests located within 250 feet of construction areas; develop buffer zones around active nests as recommended by a qualified biologist. Construction activity shall be prohibited within the buffer zones until the young have fledged or the nest fails. Nests shall be monitored at least twice (2) per week and a report submitted to the Yuba County monthly. If construction activities stop for more than ten (10) days then another migratory bird and raptor survey shall be conducted no later than fifteen (15) days prior to the continuation of construction activities.

**Timing/Implementation**

*Prior to the start of, and during, construction activities.*

**Enforcement/Monitoring**

Yuba County Planning Department

**Performance Criteria**

N/A

**Verification Cost**

N/A

**Date Complete** (If applicable)

**MITIGATION MONITORING PLAN**  
**TPM 2020-0008 (JOHNSON)**

**MM 5.1      Inadvertent Discovery Of Human Remains**

Consultation in the event of inadvertent discovery of human remains: In the event that human remains are inadvertently encountered during trenching or other ground- disturbing activity or at any time subsequently, State law shall be followed, which includes but is not limited to immediately contacting the County Coroner's office upon any discovery of human remains.

<b>Timing/Implementation</b> <i>Prior to the start of, and during, construction activities.</i>	<b>Enforcement/Monitoring</b> Yuba County Planning Department	
<b>Performance Criteria</b> N/A	<b>Verification Cost</b> N/A	
		<b>Date Complete</b> (If applicable)

**MITIGATION MONITORING PLAN**  
**TPM 2020-0008 (JOHNSON)**

**MM 5.2          Inadvertent Discovery Of Cultural Material**

Consultation in the event of inadvertent discovery of cultural material: The present evaluation and recommendations are based on the findings of an inventory- level surface survey only. There is always the possibility that important unidentified cultural materials could be encountered on or below the surface during the course of future development activities. This possibility is particularly relevant considering the constraints generally to archaeological field survey, and particularly where past ground disturbance activities (e.g., road grading, livestock grazing, etc.) have partially obscured historic ground surface visibility, as in the present case. In the event of an inadvertent discovery of previously unidentified cultural material, archaeological consultation should be sought immediately.

**Timing/Implementation**

*Prior to the start of, and during, construction activities.*

**Enforcement/Monitoring**

Yuba County Planning Department

**Performance Criteria**

N/A

**Verification Cost**

N/A

**Date Complete** (If applicable)

**MITIGATION MONITORING PLAN**  
**TPM 2020-0008 (JOHNSON)**

**MM 9.1      Vegetation Clearance**

Prior to any final occupancy for any new construction on this map, vegetation clearance around structures shall meet the minimum requirements of Public Resources Code Section 4291. Structures shall maintain a fire break by removing and clearing away all brush, flammable vegetation or combustible growth up to 100 feet from structures or to the property line, whichever is closer. Clearing does not apply to individual isolated trees, ornamental shrubbery or similar plants which are used for ground cover unless such vegetation forms a means of rapidly transmitting fire from ground vegetation to canopy trees. Additional clearing may be required by the Fire inspector if extra hazardous conditions exist.

**Timing/Implementation**

*Prior to Final Occupancy Permit.*

**Enforcement/Monitoring**

Yuba County Building Department

**Performance Criteria**

N/A

**Verification Cost**

N/A

**Date Complete** (If applicable)

**MITIGATION MONITORING PLAN  
TPM 2020-0008 (JOHNSON)**

**MM 10.1      National Pollution Discharge Elimination (NPDES) Permit**

Prior to the County's approval of a grading plan or site improvement plans, the project applicant shall obtain from the Central Valley Regional Water Quality Control Board a National Pollution Discharge Elimination (NPDES) Permit for the disturbance of over one acre. Further, approval of a General Construction Storm Water Permit (Order No. 99-08-DWQ) is required along with a Small Construction Storm Water Permit. The permitting process also requires that a Storm Water Pollution Prevention Plan (SWPPP) be prepared prior to construction activities. The SWPPP is used to identify potential construction pollutants that may be generated at the site including sediment, earthen material, chemicals, and building materials. The SWPPP also describes best management practices that will be employed to eliminate or reduce such pollutants from entering surface waters.

**Timing/Implementation**

*Prior to the approval of a grading plan or site improvement plans.*

**Enforcement/Monitoring**

Yuba County Public Works Department

**Performance Criteria**

N/A

**Verification Cost**

N/A

**Date Complete** (If applicable)

**MITIGATION MONITORING PLAN  
TPM 2020-0008 (JOHNSON)**

<b>MM 18.1          Create and Enforce 100-foot Setbacks for All Tribal Cultural Resources (TCR)</b>  All future buildings and structures, including but not limited to, underground utilities, septic tanks and lines, irrigation lines, or other subsurface infrastructure shall include a setback of at least 100 feet from all known TCRs.		
<b>Timing/Implementation</b> <i>Prior to the start of, and during, construction activities.</i>	<b>Enforcement/Monitoring</b> Yuba County Planning Department	
<b>Performance Criteria</b> N/A	<b>Verification Cost</b> N/A	
		<b>Date Complete</b> (If applicable)



**MITIGATION MONITORING PLAN**  
**TPM 2020-0008 (JOHNSON)**

<b>MM 18.2            Do not Disturb the TCR</b>  For any identified Cultural or Tribal Cultural resource, there shall be no disturbance of any kind, including vandalism, pot hunting, collecting of artifacts, or intentional, high intensity burning.  If any indigenous artifacts are collected, it is requested that local Tribes be notified of the find and invited to repatriate the cultural objects with their Tribe's spiritual and religious ceremony in an area where no future ground disturbance is anticipated.		
<b>Timing/Implementation</b> <i>Prior to the start of, and during, construction activities.</i>	<b>Enforcement/Monitoring</b> Yuba County Planning Department	
<b>Performance Criteria</b> N/A	<b>Verification Cost</b> N/A	
		<b>Date Complete</b> (If applicable)

**Fisher, Ciara**

---

**From:** Mckee, Deborah@DOT <deborah.mckee@dot.ca.gov>  
**Sent:** Thursday, April 14, 2022 1:03 PM  
**To:** Fisher, Ciara  
**Subject:** Response TPM2020-0008 Johnson Parcel Map

Good afternoon Ciara.

Thank you for submitting the TPM2020-0008 Johnson Tentative Parcel Map (03-YUB-2022-00155) project to our office for our review. At this time, we do not have any comments.

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this parcel.

Thank you,  
Deborah

*Deborah McKee*

Transportation Planning - North  
California Department of Transportation, District 3  
703 B Street | Marysville, CA 95901  
Cell: (530) 821-8411  
Monday-Thursday 7 AM – 4:30 PM, Friday 7 AM – 3:30 PM (Rotating day off)  
Email: [deborah.mckee@dot.ca.gov](mailto:deborah.mckee@dot.ca.gov)  
[www.dot.ca.gov/d3/](http://www.dot.ca.gov/d3/)  
For real-time highway conditions: <http://quickmap.dot.ca.gov/>



---

**From:** Fisher, Ciara <cfisher@CO.YUBA.CA.US>  
**Sent:** Thursday, April 14, 2022 10:53 AM  
**To:** Burns, Danny <dburns@CO.YUBA.CA.US>; Benedict, Christopher <cbenedict@CO.YUBA.CA.US>; Strang, Jeremy <JStrang@CO.YUBA.CA.US>; PGEPlanReview@pge.com; Johnston, Nick <njohnston@CO.YUBA.CA.US>  
**Cc:** planning <planning@CO.YUBA.CA.US>; Maddux, Dave <dmaddux@CO.YUBA.CA.US>; Bird, Jodi <jbird@CO.YUBA.CA.US>; Crouse, Pam <pcrouse@CO.YUBA.CA.US>; Downs, Rachel <rdowns@CO.YUBA.CA.US>; Olsen, Jeff (Public Works) <jolsen@CO.YUBA.CA.US>; Morawcznski, Nicholas <nmorawcznski@CO.YUBA.CA.US>  
**Subject:** TPM2020-0008; Johnson Parcel Map

**EXTERNAL EMAIL.** Links/attachments may not be safe.

Good morning,

Planning is re-routing an older Tentative Parcel Map application that was originally submitted in June 2020 for new comments. The application was placed on Hold and the applicant has since submitted all of the materials required for approval. A brief description is below & all pertinent documents are attached and in Trakit for review. Please submit comments by **May 12<sup>th</sup>**.

**Fisher, Ciara**

---

**From:** Healy, Angelina R@DOT <angelina.healy@dot.ca.gov> on behalf of D3 Local Development@DOT <D3.local.development@dot.ca.gov>  
**Sent:** Tuesday, July 19, 2022 7:47 AM  
**To:** Fisher, Ciara  
**Subject:** RE: Draft Initial Study/MND for TPM2021-0008 - Johnson

Hello Ciara,

Thank you for including the California Department of Transportation (Caltrans) in the review process for the project referenced below. Caltrans' new mission, vision, and goals signal a modernization of our approach to California's transportation system. We reviewed this local development for impacts to the State Highway System (SHS) in keeping with our mission, vision, and goals for sustainability/livability/economy, and safety/health.

Based on the information received Caltrans has no comments.

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development.

Thank you,

**Angelina Healy**

Local Development Review, Equity & System Planning  
Equity Lead & Native American Liaison

-----  
Work Cell: (530) 790-8138  
Email: [angelina.healy@dot.ca.gov](mailto:angelina.healy@dot.ca.gov)  
Schedule: 7am - 4:30pm, M-F (Friday as rotating day off)  
DPLAS | Caltrans – District 3  
703 B Street | Marysville, CA 95901

---

**From:** Fisher, Ciara <cfisher@CO.YUBA.CA.US>  
**Sent:** Friday, July 15, 2022 11:55 AM  
**To:** Benedict, Christopher <cbenedict@CO.YUBA.CA.US>; Strang, Jeremy <JStrang@CO.YUBA.CA.US>; Maddux, Dave <dmaddux@CO.YUBA.CA.US>; Bunton, Sam <sbunton@CO.YUBA.CA.US>  
**Cc:** Peterson, Daniel <dpeterson@CO.YUBA.CA.US>; planning <planning@CO.YUBA.CA.US>  
**Subject:** Draft Initial Study/MND for TPM2021-0008 - Johnson

**EXTERNAL EMAIL. Links/attachments may not be safe.**

Happy Friday everyone,

Please review the attached draft Initial Study/MND for the Johnson Tentative Parcel Map (TPM2020-0008). The project is scheduled for the August 4<sup>th</sup> Development Review Committee meeting. Please let me know if you have any comments or recommendations for the environmental document by **August 3<sup>rd</sup>**.

Thanks,

Ciara Fisher  
Planner III

**Fisher, Ciara**

---

**From:** Kelly McNally <kelly@bvid.org>  
**Sent:** Tuesday, April 19, 2022 8:22 AM  
**To:** Fisher, Ciara  
**Subject:** RE: TPM2020-0008; Johnson Parcel Map

Good morning Ciara,

I appreciate the opportunity to comment on TPM 2020-0008 (Johnson); however, the property is outside of the BVID service area boundary, and I do not have any comments on the proposed entitlement.

Thank you,

Kelly McNally  
Browns Valley Irrigation District



---

**From:** Fisher, Ciara <cfisher@CO.YUBA.CA.US>  
**Sent:** Thursday, April 14, 2022 10:53 AM  
**To:** Burns, Danny <dburns@CO.YUBA.CA.US>; Benedict, Christopher <cbenedict@CO.YUBA.CA.US>; Strang, Jeremy <JStrang@CO.YUBA.CA.US>; PGEPlanReview@pge.com; Johnston, Nick <njohnston@CO.YUBA.CA.US>  
**Cc:** planning <planning@CO.YUBA.CA.US>; Maddux, Dave <dmaddux@CO.YUBA.CA.US>; Bird, Jodi <jbird@CO.YUBA.CA.US>; Crouse, Pam <pcrouse@CO.YUBA.CA.US>; Downs, Rachel <rdowns@CO.YUBA.CA.US>; Olsen, Jeff (Public Works) <jolsen@CO.YUBA.CA.US>; Morawcznski, Nicholas <nmorawcznski@CO.YUBA.CA.US>  
**Subject:** TPM2020-0008; Johnson Parcel Map

Good morning,

Planning is re-routing an older Tentative Parcel Map application that was originally submitted in June 2020 for new comments. The application was placed on Hold and the applicant has since submitted all of the materials required for approval. A brief description is below & all pertinent documents are attached and in Trakit for review. Please submit comments by **May 12<sup>th</sup>**.

**Fisher, Ciara**

---

**From:** Anna Starkey <astarkey@auburnrancheria.com>  
**Sent:** Monday, April 25, 2022 2:54 PM  
**To:** Fisher, Ciara  
**Subject:** AB52: TPM2020-0008 - Johnson  
**Attachments:** 9\_TCR\_SetBacksforParcels.pdf

Good afternoon,

Thank you for providing the notification and cultural report for the project referenced above. I reviewed the cultural report and found it sufficient (I appreciate that the archaeologists updated the site records. This is something that should always be done if the site records are over 5 years old). Therefore I do not believe UAIC will require a field visit to identify any additional tribal cultural resources. I've included additions to their recommendation for the bedrock mortar site. Please review the attached and let me know if you think our requests are reasonable for a property owner. I've added a bit more to the measure as just saying that the site will need a set-back is not enough to protect it.

If these measures are acceptable, then we do not need to continue to consult and can close consultation.

Thank you,  
Anna

Please submit all project notifications through our online form. **Bookmark this link!**  
<https://auburnrancheria.com/programs-services/tribal-preservation/submit-agency-notification/>



**Anna M. Starkey, MA, RPA**  
Cultural Regulatory Specialist  
Tribal Historic Preservation Department| UAIC  
10720 Indian Hill Road  
Auburn, CA 95603  
Direct Line: (916) 251-1565 | Cell: (530) 863-6503  
[astarkey@auburnrancheria.com](mailto:astarkey@auburnrancheria.com) | [www.auburnrancheria.com](http://www.auburnrancheria.com)

---

Nothing in this e-mail is intended to constitute an electronic signature for purposes of the Electronic Signatures in Global and National Commerce Act (E-Sign Act), 15, U.S.C. §§ 7001 to 7006 or the Uniform Electronic Transactions Act of any state or the federal government unless a specific statement to the contrary is included in this e-mail.



## Tribal Cultural Resource Protection Measures

---

The following mitigation measure is intended to address avoidance and preservation in place as the preferred manner of mitigating impacts to tribal cultural and cultural resources (CEQA Guidelines §21083.2(b)). This can be accomplished by the following:

**Create and Enforce 100-foot Setbacks for All Tribal Cultural Resources (TCR):** All future buildings and structures, including but not limited to, underground utilities, septic tanks and lines, irrigation lines, or other subsurface infrastructure shall include a setback of at least 100 feet from all known TCRs.

**Do not Disturb the TCR:** For any identified Cultural or Tribal Cultural resource, there shall be no disturbance of any kind, including vandalism, pot hunting, collecting of artifacts, or intentional, high intensity burning.

If any indigenous artifacts are collected, it is requested that local Tribes be notified of the find and invited to repatriate the cultural objects with their Tribe's spiritual and religious ceremony in an area where no future ground disturbance is anticipated.



April 19, 2022

Ciara Fisher  
County of Yuba  
915 8<sup>th</sup> Street  
Marysville, CA 95901

Ref: Gas and Electric Transmission and Distribution

Dear Ciara Fisher,

Thank you for submitting the TPM2020-0008 Johnson Parcel Map plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: [https://www.pge.com/en\\_US/business/services/building-and-renovation/overview/overview.page](https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page).
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team  
Land Management



## **Attachment 1 – Gas Facilities**

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch





wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [ $24/2 + 24 + 36/2 = 54$ ] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ( $90^\circ \pm 15^\circ$ ). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.



11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.



## **Attachment 2 – Electric Facilities**

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. **Buildings and Other Structures:** No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. **Grading:** Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. **Fences:** Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. **Landscaping:** Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 10 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. **Reservoirs, Sumps, Drainage Basins, and Ponds:** Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. **Automobile Parking:** Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. **Storage of Flammable, Explosive or Corrosive Materials:** There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.



8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 ([http://www.cpuc.ca.gov/gos/GO95/go\\_95\\_startup\\_page.html](http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html)) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.