

The County of Yuba

Community Development and Services Agency



PLANNING COMMISSION STAFF REPORT

MEETING DATE: April 19, 2023

TO: PLANNING COMMISSION

FROM: Ciara Fisher, Planner III

RE: TENTATIVE SUBDIVISION TRACT MAP TSTM2022-0009
(LUCERO)

REQUEST: The applicant, Daniel Lucero, is requesting approval of a tentative subdivision tract map to subdivide an 87 acre parcel into five parcels, located at 10654 Texas Hill Road in the Dobbins Community (APN: 048-170-001).

RECOMMENDATION: Adopt the attached Mitigated Negative Declaration (MND), Mitigation Monitoring and Reporting Program, and Resolution approving Tentative Subdivision Tract Map TSTM 2022-0009.

BACKGROUND/DISCUSSION: The project consists of a tentative subdivision tract map that would create five parcels from an 87-acre property; Parcels 1, 2, and 3 are proposed to be ± 14.4 acres and Parcels 4 and 5 are proposed to be ± 19.5 acres in size. The project site is located at 10654 Texas Hill Road, approximately 0.6 miles south west of the intersection of Marysville Road and Texas Hill Road, in the Dobbins Community (APN: 048-170-001). The 2030 General Plan designates the land use as Rural Community "RC" and the zoning as Rural Residential – 5 acres minimum "RR-5". The property is developed with a residence, modular home, a shop building, barn, several accessory buildings, and a Vineyard. The Lucero Estate is requesting to subdivide the property into five parcels to allow each one of the Lucero children to have their own portion of their familial property. The existing residence and vineyard will remain on Parcel 3 for the family to own and operate together.

Wells and septic systems would be required to be constructed on Parcels 1, 2, 4, and 5 for future water and wastewater needs. Access to all five parcels will be from two Rural Driveways (Yuba County Public Works Detail 127) that stem from a 60 foot wide Rural Local Road (Yuba County Public Works Detail 121) off Texas Hill Road. Both of the proposed rural driveways will feature a terminus bulb turnaround with a minimum 50-foot turning radius for safe access and evacuation. 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.

The Project is located in the foothills of the Sierra Nevada. The surrounding area consists primarily of rural residential housing, agricultural land, and open space areas filled with various woodlands. Specifically, vegetation in the surrounding area is dominated by a mixed oak and

pine woodland community, with small meadows and meadow margins containing blue oak, interior live oak, valley oak, Foothill pine, California black oak, Douglas-fir, incense cedar, Manzanita, forbs and grasses. Waters of the U.S near the project area consist of portions of West Branch Dobbins Creek that runs through the center of the property. Relative permanent waters within or near the Project Area consist of Lake Francis, which is located approximately 0.17 miles west of the Parcel's boundaries.

SURROUNDING USES:

| | GENERAL PLAN LAND USE DESIGNATION | ZONING | EXISTING LAND USE |
|------------------|--------------------------------------|--------|---|
| Subject Property | Rural Community | RR-5 | Rural Residential & Vineyard |
| North | Rural Community | RR-5 | Rural Residential |
| East | Rural Community | RR-5 | Rural Residential |
| South | Rural Community | RR-5 | Rural Residential |
| West | Rural Community | RR-5 | Ingersoll Subdivision/Rural Residential |

Properties to the north lie across Texas Hill Road and are typical rural-residential single-family dwellings on properties ranging from 2.4+/- acres to 14+/- acres. Properties to the south are typical rural-residential single-family dwellings on properties ranging from 5+/- acres to 135+/- acres. Properties to the east are part of a 58-lot rural residential development (Tract 100) and one 85+/- acre parcel – not all lots have dwellings. Properties to the west are typical rural-residential single-family dwellings on properties ranging from 2+/- acre to 8+/- acres. Surrounding topography, plant, and animal life are typical of the region. The General Plan Land Use Diagram has a General Plan designation of Valley Neighborhood for the subject property as well as surrounding parcels.

GENERAL PLAN/ZONING: The project site is located in the unincorporated area of Yuba County and is designated as Rural Community 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 an 87-acre parcel and exceeds the five acre minimum size for the zone. Therefore, the proposed project is developing the remaining underutilized portion of the 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 (MND) and a Mitigation Monitoring Plan was prepared to preserve the potential environmental resources on the proposed parcels.

4. *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.*

Due to the projects proximity to West Branch Dobbins Creek, Staff has required a Condition of Approval for any new development to maintain a 150-foot setback to reduce impacts to potential Biological and Tribal Cultural Resources.

As mentioned previously, the property is zoned “RR-5”. Pursuant to Chapter 11.06 of the Yuba County Development Code, the purpose of the Rural Residential zoning district is to allow for the appropriate development of very low density, large-lot single family homes and related uses in the rural community areas of the County and to create standards to preserve and protect the character of existing rural residential areas and ensure that future rural residential development is compatible with the surrounding community and adjacent Natural Resources designated lands. Both lots are consistent and meet the intent of the “RR-5” designation.

ENVIRONMENTAL REVIEW: Staff has prepared a MND and Mitigation Monitoring Plan (Attachments 4 and 5) 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 MND was prepared. The MND discusses the following project impacts and their respective Mitigation Measures:

- Air Quality: FRAQMD Construction standards and Fugitive Dust Control Plan.
- Biological Resources: Avoidance and minimization measures for California Spotted Owl and Tri-colored Blackbird and Migratory Birds.
- Cultural Resources: Inadvertent discovery of cultural remains and cultural material.
- Hazards And Hazardous Materials: Vegetation Clearance and Reduce Potential Impacts from Wildfire Risk.

- Hydrology and Water Quality: National Pollution Discharge Elimination (NPDES) Permit and Drainage Plan.
- Tribal Cultural Resources: Inadvertent Discoveries of 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: The project was circulated to various agencies and County departments for review and comment during the early consultation phase and the environmental review stages of the project. The following is a summary of comments:

- County Staff – The Public Works Department, Environmental Health Department, and Building Department have reviewed the project and provided comments and/or conditions of approval that are incorporated into the attached Conditions of Approval.
- County Ag Commissioner: Requested new family residential building sites be a distance of at least 300 feet from the existing agricultural site (vineyard).
- Cal DOT: No comment.
- FRAQMD: Implement Fugitive Dust Control Plan and adhere to District Rule 3.16.
- UAIC: AB-52 Consultation was satisfied and closed with the addition of the unanticipated discoveries mitigation measure.

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 SUBDIVISION TRACT 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 Rural Community on the 2030 General Plan Land Use diagram and is within the "RR-5" 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 and will be connecting to LCWD for water services.

Report Prepared By:



Ciara Fisher
Planner III

ATTACHMENTS

1. Resolution
2. Tentative Subdivision Tract Map
3. Draft Conditions of Approval
4. Draft Initial Study/Mitigated Negative Declaration
5. Mitigation Monitoring Plan
6. Comment Letters

cc: Sam Bunton/Chris Benedict

**BEFORE THE COUNTY OF YUBA
PLANNING COMMISSION**

**RESOLUTION ADOPTING THE MITIGATED)
NEGATIVE DECLARATION AND)
MITIGATION MONITORING PLAN AND) RESOLUTION NO.: _____
APPROVE TSTM 2022-0009 SUBJECT TO)
THE ATTACHED CONDITIONS OF)
APPROVAL)**

WHEREAS, Daniel Lucero, filed an application for a Tentative Subdivision Tract Map to create 5 rural-residential lots on an 87 acre property; for a property located at 10654 Texas Hill Road, approximately 0.6 miles south west of the intersection of Marysville Road and Texas Hill Road, in the Dobbins Community at Assessor's Parcel Number 048-170-001-000; and

WHEREAS, the Community Development and Services Agency of the County of Yuba has conducted an Initial Study for the proposed project and concluded that the project would not result in any significant adverse environmental impacts provided the mitigation measures that are incorporated into the Mitigation Monitoring Plan and Conditions of Approval are implemented; and

WHEREAS, the Community Development and Services Agency of the County of Yuba has provided due notice of a public hearing before the Planning Commission of the County of Yuba and the intent is to recommend adoption of the Mitigated Negative Declaration and Mitigation Monitoring Plan for the proposed project in accordance with the California Environmental Quality Act; and

WHEREAS, a public hearing was held before the Yuba County Planning Commission on April 19, 2023, to allow the public and interested parties to testify and submit evidence in favor of, or against, the adoption of the Mitigated Negative Declaration and Mitigation Monitoring Plan and the approval of the Tentative Subdivision Tract Map.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Planning Commission finds that the proposed project is consistent with the Land Use Element and other applicable elements of the Yuba County 2030 General Plan as well as with the Yuba County Zoning Map and Development Code.
3. The Planning Commission finds that the project site is physically suitable for the proposed type of development and the proposed density of development.
4. The Planning Commission finds that the proposed project and the conditions under

which it would be developed or maintained will promote, protect and secure the public health, safety and general welfare and will result in an orderly and beneficial development of the County.

5. The Planning Commission finds that the project, as conditioned, meets the County design and improvement standards set forth in the Yuba County Development Code.
6. The Planning Commission finds that the project, as conditioned, is in compliance with the Yuba County Development Code.
7. The Planning Commission finds, on the basis of the whole record, no substantial evidence that the project will have a significant effect on the environment, and that the Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis.
8. The project will not cause substantial environmental damage to fish and/or wildlife and their habitats, nor have the potential for adverse effect(s) on wildlife resources or the habitat upon which wildlife depends. A Notice of Determination will be recorded with the County Recorder and Fish and Game Filing Fees will be paid to the County Recorder.

The Planning Commission hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring Plan, incorporated herein by reference and attached as Exhibit A, and approves Tentative Subdivision Tract Map 2022-0009, subject to the Mitigation Measures contained within the Mitigation Monitoring Plan and Conditions of Approval.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Yuba, State of California, on the _____, by the following vote.

AYES:
NOES:
ABSENT:
ABSTAIN:

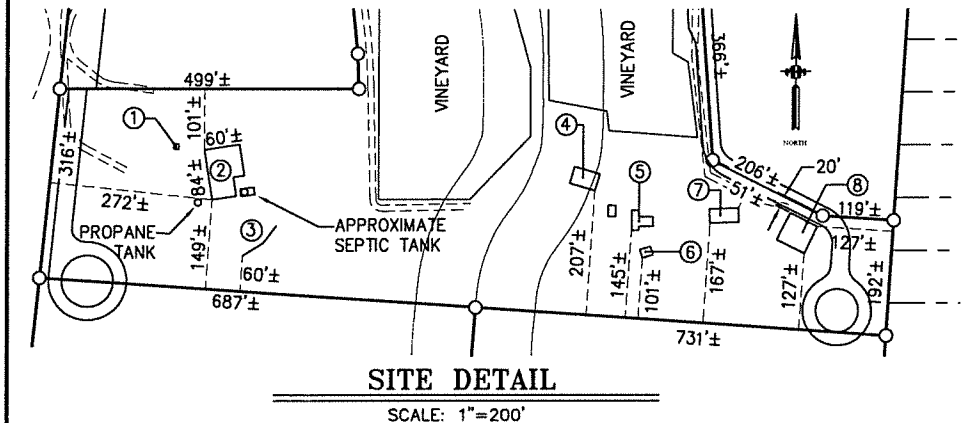
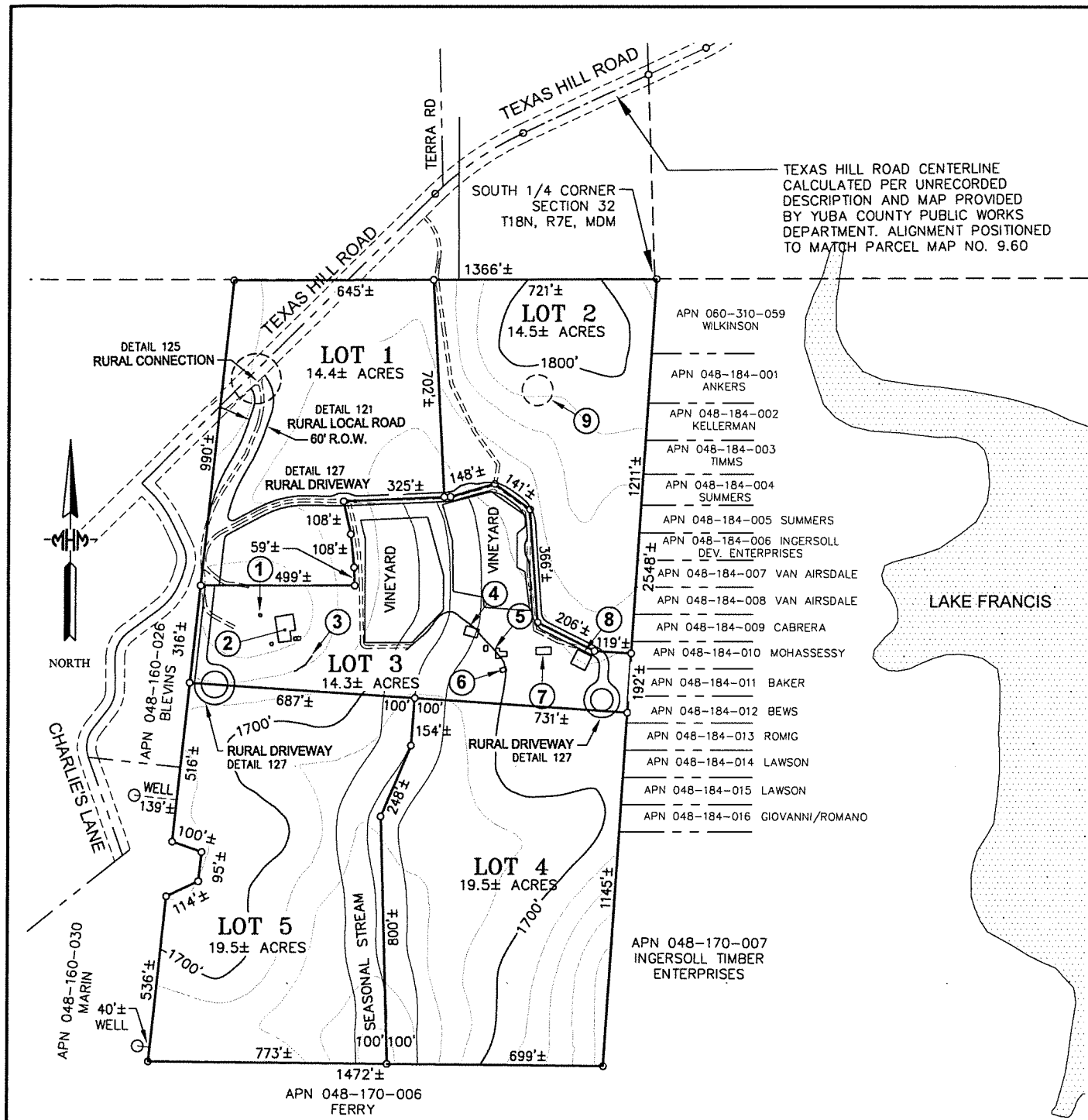
**Yuba County Planning Commission
Chairman**

ATTEST:
Planning Commission Secretary

APPROVED AS TO FORM:
County Counsel

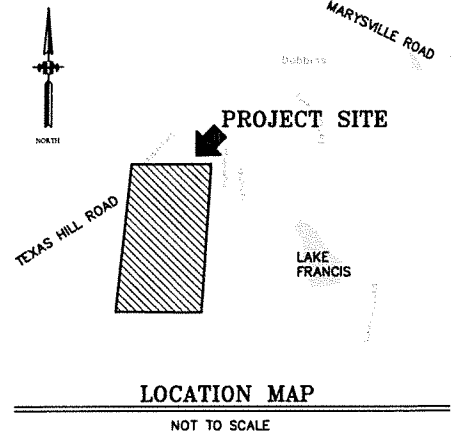
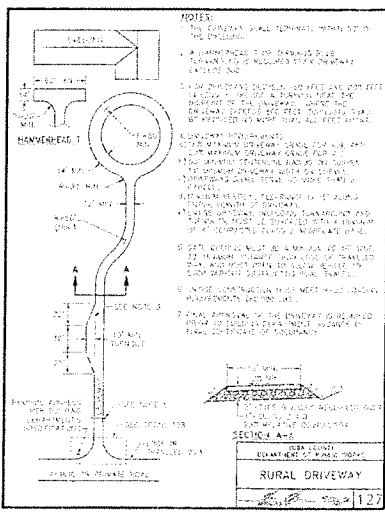
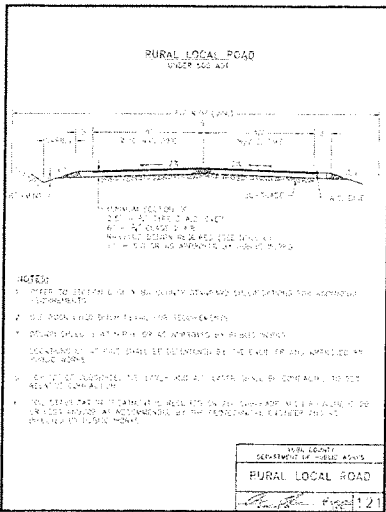
BY: _____

BY:  _____



KEY NOTES

- EXISTING RESTROOM 9'± x 9'±
- EXISTING HOUSE 84'± x 42'± x 52'± x 40'±
- EXISTING LEACH LINE APPROXIMATE LOCATION
- EXISTING BUILDING 28'± x 44'±
- EXISTING BUILDING 33'± x 12'± x 24'± x 16'±
- EXISTING WELL SHED 15'± x 18'±
- EXISTING MOBILE HOME 24'± x 48'±
- EXISTING BARN 50'± x 50'±
- PROPOSED SINGLE FAMILY RESIDENTIAL BUILDING SITE



GENERAL NOTES:

- | | |
|---|---|
| 1. EXISTING GENERAL PLAN USE DESIGNATION: PROPOSED GENERAL PLAN USE DESIGNATION: | RURAL CENTER TO REMAIN AS EXISTS |
| 2. EXISTING ZONING: PROPOSED ZONING: | A/RR RURAL RESIDENTIAL TO REMAIN AS EXISTS |
| 3. EXISTING LAND USE: PROPOSED LAND USE: | RESIDENTIAL SINGLE FAMILY TO REMAIN AS EXISTS |
| 4. SPECIAL DISTRICT DISTRICT(S): | YUBA COUNTY WATER DISTRICT, MARYSVILLE JOINT UNIFIED SCHOOL DISTRICT, DOBBINS OREGON HOUSE FIRE PROTECTION DISTRICT, AND YUBA COMMUNITY COLLEGE DISTRICT |
| 5. ENERGY PROVIDERS: | PACIFIC GAS & ELECTRIC COMPANY |
| 6. EXISTING DRAINAGE: PROPOSED DRAINAGE: | SURFACE DRAINAGE TO REMAIN AS EXISTS |
| 7. EXISTING WATER SUPPLY: PROPOSED WATER SUPPLY: | DOMESTIC AND AGRICULTURAL WELL TO REMAIN AS EXISTS |
| 8. EXISTING WASTEWATER SERVICE: PROPOSED WASTEWATER SERVICE: | SEPTIC SYSTEM TO REMAIN AS EXISTS |
| 9. COMMUNICATION: | OWNER, APPLICANT & ENGINEER/SURVEYOR TO RECEIVE ALL COMMUNICATION. |
| 10. ASSESSOR'S PARCEL NUMBERS: | 048-170-001 (87± AC) |
| 11. PROPERTY'S ADDRESS | 10654 TEXAS HILL ROAD DOBBINS, CA 95935 |

NOTE: NO NEW IMPROVEMENTS OR SIGNIFICANT GRADING OPERATIONS ARE PROPOSED AT THIS TIME.

OWNER/ APPLICANT

DANIEL LUCERO
P.O. BOX 244
DOBBINS, CA 95935
CELL PHONE: (714)916-7966
EMAIL: dennymacdonald56@gmail.com

ENGINEER/SURVEYOR

MHM, INC. (ROGER HANLIN, PLS)
1204 "E" STREET
MARYSVILLE, CA 95901
PHONE: (530)742-6485 EXT 123
EMAIL: rhanlin@mhm-inc.com

**TENTATIVE SUBDIVISION TRACT MAP
NO. TSTM 2022-**

FOR DANIEL R. AND MARIAN P. LUCERO

LYING WITHIN THE NORTH 1/2 OF SECTION 5, TOWNSHIP 17 NORTH, RANGE 7 EAST, AND SECTION 32, TOWNSHIP 18 NORTH, RANGE 7 EAST, M.D.B.&M. IN YUBA COUNTY, CALIFORNIA.

YUBA COUNTY
CALIFORNIA



JULY 2022
SCALE 1"= 300'



**DRAFT CONDITIONS OF APPROVAL
YUBA COUNTY PLANNING COMMISSION**

Applicant: Daniel Lucero
APN: 048-170-001

Case Number: TSTM 2022-0009
Public Hearing Date: April 19th, 2023

ACTIONS FOR CONSIDERATION: Staff recommends the Planning Commission 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 NEGATIVE DECLARATION).
- II. Approve Tentative Subdivision Tract Map TSTM 2022-0009 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 Section 11.40.040.

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 project 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) 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 the Subdivision Map Act (Government Code Section 66410 and following) and Chapter 11.15 of the Yuba County Ordinance Code.
- 4) Unless specifically provided otherwise herein, all references to the Final Map, Final Maps, or to the Final Subdivision Map contained herein shall also mean a map or maps prepared for recordation of each phase of development if the project is to be phased.
- 5) Notwithstanding the provisions of any other of these Conditions of Approval, this map cannot be recorded until expiration of the 10-day appeal period which begins the day following the date of approval. The expiration date of the appeal period is May 1, 2023 at 5:00 p.m.
- 6) This tentative map shall expire 36 months from the effective date of approval unless extended pursuant to Chapter 11 of the Yuba County Ordinance Code.

PUBLIC WORKS DEPARTMENT:

- 7) 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.
- 8) Owner shall establish an easement for road and public utility purposes and an irrevocable offer of dedication to the County of Yuba for a 60-foot strip connecting Texas Hill Road to the southern

DRAFT CONDITIONS OF APPROVAL YUBA COUNTY PLANNING COMMISSION

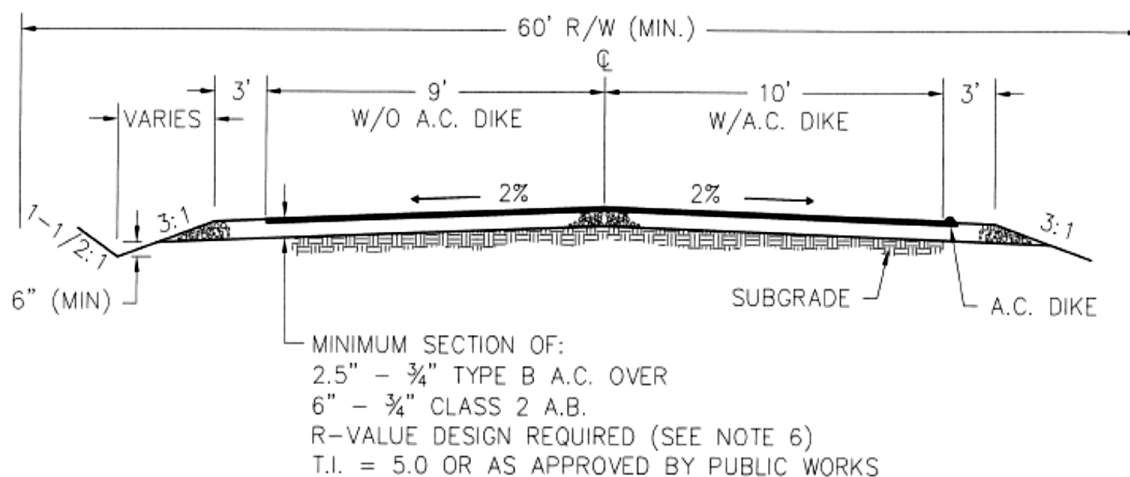
Applicant: Daniel Lucero
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boundary of Lot 1 as shown on the tentative map. A minimum 30' access and utility easements shall be reserved in deeds to provide adequate access for the rural driveways as shown on the tentative map. The alignment of these easements shall be located in such a manner as to permit the construction of roadways in compliance with the requirements of the Yuba County Improvement Standards and Fire Safe Regulations.

- 9) Road construction for the access road as shown on the Tentative Map shall meet the requirements for a Rural Local Road in conformance with the Yuba County Improvement Standards (Drawing No. 121) or as modified by the Public Works Director.
- 10) Owner shall improve Texas Hill Road along the frontage of property to the half-width Rural Local Road Standard (Drawing 121). In lieu of improving the half-width frontage of Texas Hill Road, owner may pay Public Works an in-lieu fee of \$15,000 to be held in trust and used for future improvements to Texas Hill Road.

RURAL LOCAL ROAD



(Refer to Drawing No. 121 for addition notes and requirements.)

- 11) Owner shall construct a Rural Roadway Connection at Texas Hill Road in compliance with Drawing 125, the Yuba County Standards or as approved by the Public Works Director.
- 12) All existing or proposed driveway within the subdivision shall conform to the current Yuba County Standards for a Rural Driveway (Drawing No. 127 and 128) under permit issued by the Department of Public Works.
- 13) Improvement plans, prepared in compliance with Sections 3 and 7 of the Yuba County Standards shall be submitted to and approved by the Public Works Department prior to any construction. The initial submittal shall also include the necessary calculations for all improvements and associated drainage facilities along with the appropriate plan checking fees based upon a preliminary engineer's estimate. The engineer's estimate shall include estimated costs for the construction of the road and drainage improvements, landscaping requirements (if any), and construction staking. Such approvals shall include the alignment and grades of roads and drainage facilities.
- 14) 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

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Applicant: Daniel Lucero
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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.

- 15) 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.
- 16) 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 Wildlife, and pre-construction surveys for special status species.
- 17) 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, it is required to obtain 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 (BMPs) 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.
- 18) Owner shall submit a stormwater quality plan, including all temporary erosion and sediment control measures, site-design measures, source control measures, treatment measures, and baseline hydromodification management measures for the project, designed by a registered civil engineer in accordance with Section 7.50 of the Yuba County Ordinance Code and Section 11 of the Yuba County Improvement Standards to the Department of Public Works for review and approval prior to construction and/or grading permit. Owner shall construct such management measures as per the approved plan prior to construction.
- 19) Erosion control shall conform to section 11 of the Yuba County Improvement Standards.
- 20) Owner shall pay an in-lieu fee for parkland dedication per Yuba County Development Code §11.45.060 prior to filing the final map.
- 21) Owner shall be responsible for giving 60 days' notice to the appropriate public utilities, PG&E, AT&T, Comcast, etc., prior to any new construction or development of this project.

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- 22) Owner shall name the access road in a manner determined by Chapter 9.70 of the Yuba County Ordinance Code and be approved by the Address Coordinator at the Department of Public Works.
- 23) Owner shall provide all necessary street signs and pavement markings, including, but not limited to, street name signs, stop signs, speed limit signs, stop legends, limit lines, and crosswalks, as required by the Public Works Department.
- 24) The following road maintenance note applies to this division:
"Access to the parcels created by this division and shown hereon as a right-of-way or easement to be reserved in deeds, or as an Offer of Dedication to the County of Yuba is not to be construed to indicate that a passable roadbed exists within the limits described in said deeded instruments or Offers of Dedication. Road construction or maintenance within these limits will not be accomplished or administered by any public agency and is solely the responsibility of the abutting land owners."
- 25) Owner shall create a road and drainage maintenance agreement that is binding on the lots of the subdivision to provide for the maintenance of the access road and any associated stormwater drainage facilities. Such maintenance agreement shall be approved by the County Surveyor and shall be recorded concurrently with the filing of the final map. As an alternative, on terms and conditions acceptable to Yuba County, Owner may either form a Home Owner's Association or other entity acceptable to County to provide for the maintenance of the road and drainage facilities or for any other desired functions prior to filing the final map.
- 26) 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 is 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). Any new fences installed shall be constructed outside the limits of dedications or offer(s) of dedication required by this division, existing County easements or right-of-ways.
- 27) Approximate centerlines of all perennial streams or ditches within this division shall be shown on the Tentative Map.
- 28) Should a fire suppression system be required by the Fire Safe Planner for compliance with the Yuba County Fire Safe Standards and the Uniform Fire Code, which facilities may include a community water supply system, wells, water storage tanks, etc., Owner shall provide easements as necessary for such system for the benefit of each lot within the final map.
- 29) 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 lots being created by this final 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 final map. Any relocation or rearrangement of the public service provider's facilities to accommodate this project shall be at the Owner's expense.
- 30) 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 Final Map.
- 31) Owner shall submit a current Preliminary Title Report or Subdivision Map Guarantee, in favor of Yuba County, two check prints of the Final Map, calculations, supporting documentation and map checking

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fees to the County Surveyor, Department of Public Works for checking, approval and filing of the Final Map. An updated Subdivision Map Guarantee shall be provided 1 week prior to filing the final map with the Yuba County Recorder.

- 32) Owner shall petition to be assessed for County Service Area 70 (CSA 70) prior to filing the Final Map.
- 33) Owner shall have the property surveyed and have corner monuments placed at all lot 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).
- 34) 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.
- 35) All easements of record that affect this property are to be shown on the Final Map.
- 36) Prior to submitting the final 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.
- 37) Owner shall submit a copy of the final map for review by the Planning Department for conformance with the Department's conditions of approval, mitigation measures or other requirements. Before the final map can be filed with the Yuba County Recorder, a statement from the Planning Director which states that the final 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.
- 38) Owner shall submit a copy of the final map for review by the Environmental Health Department for conformance with the Department's conditions of approval and other requirements. Before the final map can be filed with the Yuba County Recorder, a statement from the Environmental Health Department Director which states that the final 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.
- 39) 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 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:

- 40) Owner shall submit a file map to Environmental Health showing that parcel(s) 1, 2, 4 and 5, contains the minimum useable sewage disposal area, and parcel(s) 3 contains the adequate repair 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.

**DRAFT CONDITIONS OF APPROVAL
YUBA COUNTY PLANNING COMMISSION**

Applicant: Daniel Lucero
APN: 048-170-001

Case Number: TSTM 2022-0009
Public Hearing Date: April 19th, 2023

- 41) Owner shall submit for Environmental Health review and approval the results of soils studies for parcel(s) 1, conducted in accordance with the Yuba County Sewage Disposal Ordinance, Chapter 7.07.
- 42) 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.
- 43) The total minimum useable sewage disposal area shall be delineated for parcel(s) 1, on a separate document (Yuba County Health Certificate), recorded and cross referenced to the recorded final map.
- 44) 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.
- 45) 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.
- 46) All abandoned, wrecked, dismantled, or inoperative vehicles, machines, and equipment shall be removed by Owner from the subject site.
- 47) All existing trash and debris shall be removed from the subject site.
- 48) 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".
- 49) All abandoned septic tanks on the subject site shall be destroyed in accordance with the requirements of Yuba County Environmental Health Department.
- 50) 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 (e.g. Springs, Creeks, Irrigation ditches, etc.) is not an approved domestic potable water source.

**DRAFT CONDITIONS OF APPROVAL
YUBA COUNTY PLANNING COMMISSION**

Applicant: Daniel Lucero
APN: 048-170-001

Case Number: TSTM 2022-0009
Public Hearing Date: April 19th, 2023

BUILDING DEPARTMENT:

- 51) All new development must meet applicable requirements of most current adopted version of the California Code of Regulations, Title 24, and Yuba County Ordinance Code Title X, which includes, but is not limited to: Building, Plumbing, Electrical, Mechanical, Accessibility and fire code requirements.
- 52) All new buildings and structures must obtain a building permit prior to construction.

AGRICULTURAL COMMISSIONERS OFFICE:

- 53) Any new family residential building sites on proposed lots 1, 2, 4, and 5 shall maintain a distance of at least 300 feet from the existing ag site (vineyard).


PLANNING DEPARTMENT:

- 54) Lot design on the Final Subdivision Map shall be in conformance with the approved Tentative Map as filed with the Community Development Department. The Community Development Director may approve minor modifications to the final configuration; however, the number of lots shall not exceed that shown on the approved tentative map.
- 55) Satisfy the Mitigation Monitoring Plan for the project in accordance with the California Environmental Quality Act.
- 56) 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.
- 57) 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.
- 58) Owner shall meet all requirements of the Feather River Air Quality Management District during any project related construction.
- 59) 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.



Ciara Fisher
Planner III

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

| | |
|---|---|
|  | INITIAL STUDY/MITIGATED NEGATIVE DECLARATION TSTM 2022-0009 (Lucero) |
|---|---|

Project Title: Tentative Subdivision Tract Map TSTM 2022-0009 (Lucero)

Lead Agency Name and Address: County of Yuba
Planning Department
915 8th Street, Suite 123
Marysville, CA 95901

Project Location: Assessor's Parcel Number: 048-170-001

Applicant/Owner: Applicant/Owner: Daniel Lucero
10654 Texas Hill Road
PO Box 244
Dobbins, CA 95935

Engineer: MHM; Roger Hanlin
1204 E Street
Marysville, CA 95901

General Plan Designation(s): Rural Community

Zoning: "RR-5" Rural Residential (5 acres minimum)

Contact Person: Ciara Fisher, Planner III

Phone Number: (530) 749-5470

Date Prepared: March 2023

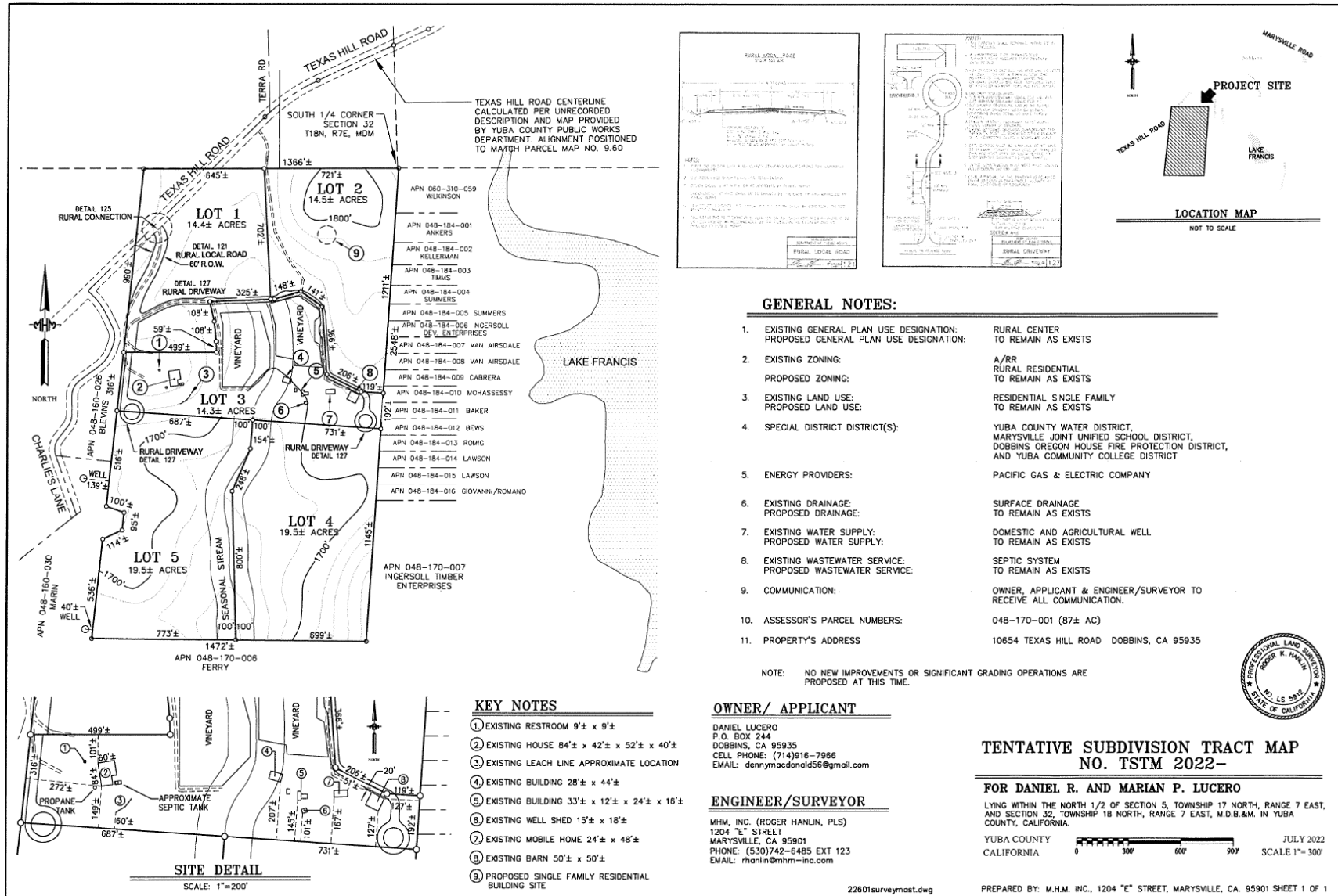
Project Description

The project consists of a tentative subdivision tract map that would create five parcels from a 87 acre property; Parcels 1, 2, and 3 are proposed to be ± 14.4 acres and Parcels 4 and 5 are proposed to be ± 19.5 acres in size. The project site is located at 10654 Texas Hill Road, approximately 0.6 miles south west of the intersection of Marysville Road and Texas Hill Road, in the Dobbins Community (APN: 048-170-001). The 2030 General Plan designates the land use as Rural Community "RC" and the zoning as Rural Residential – 5 acres minimum "RR-5".

The property is developed with a residence, modular home, a shop building, barn, accessory buildings and a Vineyard, which is to remain on proposed Lot 3. Wells and septic systems would be required to be constructed on Parcels 1, 2, 4, and 5 for future water and wastewater needs. Access to all five parcels will be from two Rural Driveways (Yuba County Public Works Detail 127) that stem from a 60 foot wide Rural Local Road (Yuba County Public Works Detail 121) off of Texas Hill Road. Both of the proposed rural driveways will feature a terminus bulb turnaround with a minimum 50 foot turning radius for safe access and evacuation. 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 Subdivision Tract Map



INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Environmental Setting

The study area is on approximately 87- acres of land located immediately adjacent to the southeast side of Texas Hill Road, approximately 0.25-miles west of Lake Francis, and approximately 0.5-miles southwest of Marysville Road, within the community of Dobbins, in Yuba County, California. Lands affected are located within a portion of the northwest quarter of Section 5 of Township 17 North, Range 7 East, as shown on the USGS French Corral, California, 7.5' Series Quadrangle.

Properties to the north lie across Texas Hill Road and are typical rural-residential single-family dwellings on properties ranging from 2.4+/- acres to 14+/- acres. Properties to the south are typical rural-residential single-family dwellings on properties ranging from 5+/- acres to 135+/- acres. Properties to the east are part of a 58-lot rural residential development (Tract 100) and one 85+/- acre parcel – not all lots have dwellings. Properties to the west are typical rural-residential single-family dwellings on properties ranging from 2+/- acre to 8+/- acres. Parcel Maps 3.72 & 2.17. Surrounding topography, plant, and animal life are typical of the region.

Well-watered and containing an abundance of both plant and animal resources, the project region was intensively utilized and densely populated during prehistoric times. Benches and flats flanking primary stream courses such as the Yuba River and its tributaries were utilized for open-air camps and villages.

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

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 Subdivision Tract Map TSTM 2022-0009 (Lucero), 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

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, 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

| I. AESTHETICS | | | | | |
|---------------------------|---|--------------------------------------|--|-------------------------------------|--------------------------|
| Would the project: | | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
| a) | Have a substantial adverse effect on a scenic vista? | <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 site is currently used as rural residential having a working vineyard on the property. The topography and plant life are typical of the region having slopes in excess of 10% and low altitude pine trees and underbrush. There is a seasonal stream running through the property in a north-south direction. Structures on the site include a residence, modular home, shop building, barn and accessory buildings. Given the large parcel sizes being proposed, scenic vistas and view sheds will not be degraded through the development of the remaining parcels. 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 five 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 |
|---------------------------|---|--------------------------------------|--|------------------------------------|-------------------------------------|
| Would the project: | | | | | |
| a) | Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <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" and "Other Land". Grazing Land is defined as is land on which the existing vegetation is suited to the grazing of livestock. Other Land is defined as any other mapping category such as low density rural developments, brush, timber, wetland, vacant and nonagricultural land. 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 Rural Residential, which allows for both residential and agricultural uses. There is an existing Vineyard on the property that will be located on proposed Parcel 3. The Yuba County Agriculture Commissioner's Office has added a Condition of Approval that

any new family residential building sites on proposed lots 1, 2, 4, and 5 shall maintain a distance of at least 300 feet from the existing ag site (vineyard). 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.

| Would the project: | | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---------------------------|--|--------------------------------------|--|-------------------------------------|-------------------------------------|
| a) | Conflict with or obstruct implementation of the applicable air quality plan? | <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 subdivision tract 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 subdivision tract map that would allow the creation of five 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 and one existing residence 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 type="checkbox"/> | <input checked="" 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 outside Marysville. The project address is located immediately adjacent to the southeast side of Texas Hill Road, approximately 0.25-miles west of Lake Francis, and approximately 0.5-miles southwest 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, agricultural land, and open space areas filled with various

woodlands. Specifically, vegetation in the surrounding area is dominated by a Mixed oak and pine woodland community, with small meadows and meadow margins containing blue oak, interior live oak, valley oak, Foothill pine, California buckeye, California black oak, dogwood, Douglas-fir, incense cedar, Pacific madrone, poison oak, coffeeberry, buckbrush, redberry, Manzanita, toyon, blackberry, wild grape, forbs and grasses.

Biological Conditions

The Project Area consists of a vineyard, Pine, Oak, Cedar, and Manzanita trees. 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 outcrops, 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*).

Blue Oak-Foothill Pine Woodland

Blue Oak-Foothill Pine woodlands comprise the majority of the Project Area. These woodlands have a diverse mix of hardwoods, conifers, and shrubs, and widely variable overstories. Foothill pine and blue oak typically form most of the overstory of this highly variable habitat type. Blue oak are usually most abundant, although foothill pine is taller and dominates the overstory. In the Sierra Nevada foothills, interior live oak and California buckeye are often associated with this type. Trees noted on the property primarily consisted of foothill pine (*Pinus sabiniana*), blue oak (*Quercus douglasii*), and interior live oak (*Quercus wislizeni*). Several areas of buckbrush (*Ceanothus cuneatus*) were noted in the understory of the site. Blue Oak-Foothill Pine woodlands provide breeding habitats for a large variety of wildlife species, although no species is totally dependent on them for breeding, feeding, or cover. Biological species observed during the site surveys include the acorn woodpecker (*Melanerpes formicivorus*), American crow (*Corvus brachyrhynchos*), dark-eyed junco (*Junco hyemalis*), and mourning dove (*Zenaida macroura*).

Non-wetland Other Waters of the United States

Non-wetland, Other Waters of the U.S (OWUS) within the Project Area consist of West Branch Dobbins Creek that runs through the center of the property. If impacts to this wetland are anticipated in the future, a §401 Water Quality Certification permit, §1602 Streambed Alteration Agreement and a section §404 Nationwide permit would be required.

Relative Permanent Waters

Relative permanent waters within or near the Project Area consist of Lake Francis, which is located approximately 0.17 miles west of the Parcel's boundaries.

Regional Species and Habitats of Concern

Species lists reviewed include the USFWS Sacramento office species list that have the potential to occur within the Project Area are based on suitable habitat within the Project Area. Not all species listed within the following chapter have the potential to occur within the Project Area based on unsuitable habitat and/or lack of recorded observations within a five mile radius of the Project Area.

California Red-Legged Frog

California red-legged frog (*Rana draytonii*) requires a variety of habitat elements with aquatic breeding areas embedded within a matrix of riparian and upland dispersal habitats. Breeding sites of the California red-legged frog are in aquatic habitats including pools and backwaters within streams and creeks, ponds, marshes, springs, sag ponds, dune ponds and lagoons. Additionally, California red-legged frogs frequently breed in artificial impoundments such as stock ponds.

With the exception of a small portion of West Branch Dobbins Creek, no suitable habitat exists on site to support this species. This property location does not overlap the critical habitat. Moreover, the project will not affect the small portion of West Branch Dobbins Creek 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.

California Spotted Owl and Tri-colored Blackbird

Spotted Owls (*Strix occidentalis occidentalis*) are large, have a round head with no ear tufts and dark eyes. White spots on brown plumage are the source of the name for the species. Juveniles are like adults. They range in the vicinity of the Sierra Nevada mountain range and the Sierra Nevada foothills from Shasta and Lassen Counties in the north, but north of the Tehachapi Pass, Kern County to the south, and east to Carson City, Douglas, and Washoe Counties in Nevada. This owl breeds and roosts in forests and woodlands with large old trees and snags, dense canopies with multiple layers, and downed woody debris. Large, old trees are the key component. Due to its preference for old-growth forests, it is heavily affected by clear-cut logging. The California Spotted Owl is stable overall in its range, but numbers have declined.

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).

There are oak wildlands and blackberry brambles within and near West Branch Dobbins Creek, however, this property location does not overlap the critical habitat. Nonetheless, the following mitigation measures have been included to mitigate any potential impacts to California Spotted Owl and Tri-colored Blackbird.

Mitigation Measure 4.1 California Spotted Owl and Tri-colored Blackbird

Based on suitable nesting habitat elements and historical CNDDB records within a ¼ mile radius of the project area there is potential nesting habitat for California Spotted Owl and Tri-colored Blackbird species on and within 500 feet of the project area. Preconstruction nesting raptor surveys will be required. If any trees will be removed, trees with stick nests must be evaluated for the presence of nesting activities. If no nesting activity is observed by a qualified biologist, then the tree can be removed.

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 Lake Francis. With the lake over 800 feet 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) A Cultural Resource Study which included a pedestrian field survey was conducted for the project by Sean Michael Jensen, M.A. from Genesis Society in July, 2021. Here is a summary of the study and proposed mitigation measures:

Project Background

This report details the results of a cultural resources inventory survey of approximately 87- acres of land located immediately adjacent to the southeast side of Texas Hill Road, approximately 0.25-miles west of Lake Francis, and approximately 0.5-miles southwest of Marysville Road, within the community of Dobbins, in Yuba County, California.

The proponent proposes to create a residential subdivision, which could eventually be followed by grading and land recontouring, construction of new single-family homes, creation of access roads, placement of buried utilities, and general landscaping.

Since the project will involve physical disturbance to ground surface and sub-surface components in conjunction with residential development, it has the potential to impact cultural resources that may be located within the APE. In this case, the APE consists of the circa 87-acre parcel. Evaluation of the project's potential to impact cultural resources must be undertaken in conformity with Yuba County rules and regulations, and in compliance with requirements of the California Environmental Quality Act of 1970, Public Resources Code, Section 21000, et seq. (CEQA), and The California CEQA Environmental Quality Act Guidelines, California Administrative Code, Section 15000 et seq. (Guidelines as amended).

Location

The present APE incorporates approximately 87-acres of land located immediately adjacent to the southeast side of Texas Hill Road, approximately 0.25-miles west of Lake Francis, and approximately 0.5-miles southwest of Marysville Road, within the community of Dobbins, in

Yuba County, California. Lands affected are located within a portion of the northwest quarter of Section 5 of Township 17 North, Range 7 East, as shown on the USGS French Corral, California, 7.5' Series Quadrangle.

Environment

The project area is located at the interface of the Sacramento Valley with the lower reaches of the northern Sierra Nevada (Bateman and Wahrhaftig 1966). Tertiary placer deposits are also exposed throughout the region (Clark 1970) and were discovered early in 1849 resulting in a substantial influx of European Americans seeking gold, followed almost immediately by a whole series of landscape modifications as miners churned and sifted every inch of every creek and river bottom in the County, including the Yuba River and most of its tributaries within the project region.

Prior to disturbance associated with mining and logging, vegetation was dominated by a Mixed oak and pine woodland community, with small meadows and meadow margins containing blue oak, interior live oak, valley oak, Foothill pine, California buckeye, California black oak, dogwood, Douglas-fir, incense cedar, Pacific madrone, poison oak, coffeeberry, buckbrush, redberry, Manzanita, toyon, blackberry, wild grape, forbs and grasses (Barbour and Major 1977; Kuchler 1977).

Well-watered and containing an abundance of both plant and animal resources, the project region was intensively utilized and densely populated during prehistoric times. Benches and flats flanking primary stream courses such as the Yuba River and its tributaries were utilized for open-air camps and villages.

Historic Context

Closer to the present project site is the town of Dobbins, which was settled in 1849 by William and Mark Dobbins. Two years later a post office was established to accommodate the growing population that supported the nearby mining camp of Kentucky Ranch (located approximately 1.5 miles southwest of Dobbins. The post office closed between 1854 and 1857 but has remained open since. Situated along Marysville Road, Dobbins served as one of the frequent stage and freight wagon stops along the route transporting supplies from Marysville to various mining operations in the Sierras.

Situated to the north of the project site is the Brownsville-Challenge-Dobbins mining district which is located within Townships 18 and 19 North, and Ranges 6 and 7 East. In the Brownsville- Challenge-Dobbins area, gold-quartz veins are associated with masses of granodiorite (Lindgren and Turner 1895). Production from this district is not known but may have approached 400,000 ounces between 1849 and 1959.

Mining activity began its decline around 1875 and continued to do so over the next decade. Consequently, the economic emphasis of the region shifted to agriculture, with a variety of crops and livestock becoming prolific throughout the region. Accompanying the intensification of agriculture was the need for reliable water delivery. Ditches, transporting water, were excavated

throughout the region in order to bring water to ranchers and farmers. In some cases, water storage was undertaken, with notable examples in the region being New Bullards Bar Reservoir, located approximately three miles northeast of the present project site and completed in 1970, and Lake Francis, completed decades earlier and located approximately 0.25-miles east of the APE.

The project property, itself, was purchased by Charles Royat, the present property owner's uncle in 1906. At that time, the property included a single residence and a double bay garage/shed. Around 1910, Mr. Royat constructed a large barn, a shop and two chicken coops. After these events, and prior to 1946, Mr. Royat constructed a new residence, and in 1962, the original residence was dismantled and some of the lumber material was utilized for storage addition to the east end of the original garage/shed. Around 1980, a mobile home was placed within the western portion of the property, and in November 1990, the residence, constructed by Mr. Royat, was destroyed by fire. In 1990, a new residence was constructed near the location of the original residence, and one of the chicken coops was dismantled and a new coop constructed. Around the same time, two large vineyards were created within the central portion of the property. In 1997, the mobile home that was formally located within the western portion of the property was moved to a position immediately adjacent to the residence destroyed by fire. Finally, around 1997, a new residence was constructed within the western portion of the property, at the location of the original mobile home site.

Resource Considerations, Historic Resources: Historic overviews for the region document a range of historic site and feature types within this portion of Yuba County in particular and the Northern Sacramento Valley in general. These range from remnant structures within historic communities to isolated farms, homesteads and ranch complexes, and irrigation ditches and canals, and drainage and other water conveyance features.

RECORDS SEARCH and SOURCES CONSULTED

Several types of information were considered relevant to evaluating the types of archaeological sites and site distribution that might be encountered within the project area. The information evaluated prior to conducting the pedestrian survey includes data maintained by the North Central Information Center, and available published and unpublished documents relevant to regional prehistory, ethnography, and early historic developments.

North Central Information Center Records

The official Yuba County archaeological records were examined on October 3, 2022 (NCIC File No. YUB-22-28). This search documented the following existing conditions for 87-acre APE, and for a 0.25-mile radius surrounding the project site.

- According to the Information Center, no cultural resources investigations have been conducted within the present project site. One (1) investigation has been conducted within the 0.25-mile search radius surrounding the APE (Furlong, 2004, NCIC #8556).

- According to the Information Center's records, no cultural resources have been documented within the project site. One (1) cultural resource (P-58-852) has been documented within the 0.25-mile search radius surrounding the project site.

Other Sources Consulted

In addition to examining the archaeological site and survey records of Yuba County maintained at the North Central Information Center, the following sources were also included in the search conducted at the Information Center, or were evaluated separately:

- The National Register of Historic Places (1986, Supplements).
- The California Register of Historical Resources.
- The California Inventory of Historic Resources (State of California 1976).
- The California Historical Landmarks (State of California 1996).
- The California Points of Historical Interest (May 1992 and updates).
- The Historic Property Data File (OHP 2012).
- Determination of Effects (OHP 2012).
- 1867 GLO Plat, T17N, R7E.
- 1874 GLO Plat, T17N, R7E.
- 1878 GLO Plat, T18N, R7E.
- French Corral, CA USGS 7.5' (1948).
- NETR Topographic Maps (1950, 1953, 1961, 1966, 1967, 1971, 1976, 1977, 1995, 2003, 2012, 2015, 2018), and aerial photos (1969, 1984, 1998, 2005, 2009, 2010, 2012, 2014, 2016, 2018, 2020).
- Existing published and unpublished documents relevant to prehistory, ethnography, and early historic developments in the vicinity. These sources, reviewed below, provided a general environmental and cultural context by means of which to assess likely site types and distribution patterns for the project area.

CULTURAL RESOURCES SURVEY and CULTURAL INVENTORY

Survey Strategy and Field Work

All of the project site was subjected to intensive pedestrian survey by means of walking parallel transects, spaced at 20-meter intervals.

In searching for cultural resources, the surveyor considered the results of background research and was alert for any unusual contours, soil changes, distinctive vegetation patterns, exotic materials, artifacts, feature or feature remnants and other possible markers of cultural sites.

Fieldwork was undertaken on October 12, 2022, by Principal Investigator, Sean Michael Jensen, M.A. Mr. Jensen is a professional archaeologist, historian and architectural historian, with 36 years of experience in archaeology, architectural history and history, who meets the professional requirements of the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (Federal Register, Vol. 48, No. 190), as demonstrated in his listing on the California Historical Resources Information System list of qualified archaeologists, architectural

historians and historians. No special problems were encountered and all survey objectives were satisfactorily achieved.

General Field Observations

Examination of the NETR Aerial (1969, 1984, 1998, 2005, 2009, 2010, 2012, 2014, 2016, 2018, 2020) and quadrangle maps (1950, 1953, 1961, 1966, 1967, 1971, 1976, 1977, 1995, 2003, 2012, 2015, 2018) for the project site provides a clear history of the property over the past seven decades.

The 1950 through 1967 topographic maps depict three buildings located east of the north-south trending stream course within the central portion of the property. These buildings likely represent the livestock barn, garage/shed and replacement residence. In addition to these three buildings, the 1971 topo depicts a new road and building (mobile home) within the western portion of the property.



Primary residence, circa 1997



Venue terrace, view southerly

Throughout the project site, disturbance to the ground surface varies from minimal to more moderate (see photos, above and below). All of the aforementioned buildings and structures, as well as the subsequent modern buildings that may not appear on the aerial images have resulted in moderate to substantial ground disturbance. Further, creation of vineyards within the central portion of the property have contributed to additional ground disturbance.

Various buried and overhead utilities are located within the project site. Finally, tree and brush removal activities associated with fuel reduction and fire prevention have resulted in various levels of ground disturbance throughout the subject property.

Indigenous Resources

No evidence of indigenous occupation, or utilization, was observed within the project site. The absence of this resource type within the property may best be explained by more suitable habitation settings located east of the project site, near Dobbins Creek.



Vineyard, view east



Fuel reduction area

Historic-era Resources

One historic-era resource was identified within the project site during the present investigation. This resource was documented on DPR 523 Forms, and assigned the temporary designation, “Lucero 1.”

Lucero 1 consists of an historic-era, residential/ranch complex composed of a stick-framed residence (westernmost site attribute), a mobile home, a livestock barn (easternmost attribute), a garage/shed, a workshop and the foundation remnants of a residence. The resource is located wholly east of an unnamed north-south trending ephemeral stream course and includes components and features spanning the 20th century.

The livestock barn extends approximately 50-feet in both length and width, is composed of a post and beam architecture, and the exterior walls are covered with bat and board lumber. The roof is

sheathed in corrugated metal. Originally constructed in 1910, the barn has remained relatively unchanged over the past century.

The two chicken coops include a fully contemporary structure, and a c. 1910 structure which is located near the original (pre-1906) residence and garage/shed. Built on a rock foundation, the structure extends approximately 18-feet in length and 11-feet in width and is composed of a post and beam structure covered with bat and board lumber material. The simple pitched roof is covered with corrugated metal. Overall, the building remains generally unchanged since its 1910 origin.

Located a short distance southeast of the original residence and the contemporary (1990) residence, the garage/shed was contemporaneous with the pre-1906 residence and consisted of two bays opening toward the north. Consisting of a simple dirt floor, the post and beam structure received a concrete slab addition to its eastern end sometime after 1931, and most likely post-WWII. Material scavenged from the original residence was utilized in residing the building which now extends approximately 33-feet in length (east-west) and 24-feet in width. During Mr. Royat's tenure of the property, the building housed his forge and anvil which he utilized in his partial career as a blacksmith.

Situated a short distance south of the garage/shed, the well house was originally constructed by Mr. Royat as a workshop, and which eventually housed a new well and pump for the property. Extending approximately 18-feet in length (east-west) and 15-feet in width, the building is situated on a rock foundation, with the addition of a poured concrete well sleeve and slab area within the western portion of the building's interior. Exterior walls are covered with bat and board lumber and the roof is covered with corrugated metal material.

The contemporary residence is a simple rectangular 2 bedroom, 2 bathroom single-story stick-framed building situated on a concrete slab, and extending approximately 44-feet in length (east-west) and 28-feet in width. Fully contemporary, the building was constructed a short distance west of the original (pre-1906) residence in 1990.

The mobile home is centrally located within the site boundary, and consists of a fully modern, rectangular building, extending approximately 48-feet in length (east-west) and 24-feet in width, which was relocated from the western portion of the property to its present location in 1997.

As previously discussed, the project property itself, within which Lucero 1 is located, was purchased by Charles Royat, the present property owner's uncle in 1906. At that time, the property included a single residence and a double bay garage/shed. Around 1910, Mr. Royat constructed a large barn, a shop and two chicken coops. After these events, and prior to 1946, Mr. Royat constructed a new residence, and in 1962, the original residence was dismantled and some of the lumber material was utilized on an storage addition to the east end of the original garage/shed. Around 1980, a mobile home was placed within the western portion of the property, and in November 1990, the residence, constructed by Mr. Royat, was destroyed by fire. In 1990, a new residence was constructed near the location of the original residence, and one of the chicken coops was dismantled and a new coop constructed.

Around the same time, two large vineyards were created within the central portion of the property. In 1997, the mobile home that was formally located within the western portion of the property was moved to a position immediately adjacent to the residence destroyed by fire. Finally, around 1997, a new residence was constructed within the western portion of the property, at the location of the original mobile home site.

ELIGIBILITY CRITERIA

General

Sites identified within the project area were to be evaluated for significance in relation to CEQA significance criteria. Historical resources per CEQA are defined as buildings, sites, structures, objects, or districts, each of which may have historical, architectural, archaeological, cultural, or scientific significance. CEQA requires that, if a project results in an effect that may cause a substantial adverse change in the significance of a historical resource, alternative plans or mitigation measures must be considered; however, only significant historical resources need to be addressed. Therefore, before developing mitigation measures, the significance of cultural resources must be determined in relation to criteria presented in PRC 15064.5, which defines a historically significant resource (one eligible for listing in the California Register of Historical Resources, per PRC SS5024.1) as an archaeological site which possess one or more of the following attributes or qualities:

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

In addition, CEQA further distinguishes between archaeological sites that meet the definition of a significant historical resource as described above (for the purpose of determining effects), and "unique archaeological resources." An archaeological resource is considered "unique" (Section 21083.2(g)) when the resource not merely adds to the current body of knowledge, but when there is a high probability that the resource also:

- Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information.
- Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

In the present case, one historic-era resource was identified within the project site, "Lucero 1."

Application of the Criteria to Historic Site “Lucero 1”

Specific application of the criteria to the “Lucero 1” yields the following recommendations.

- 1) This resource is not associated with events that have made significant contributions to the broad patterns of local or regional history or the cultural heritage of California or the United States. The residential, ranching and farming activities that were undertaken in association with these buildings and structures correspond with common economic activities during the 20th century. There is no evidence that these buildings or structures, or the overall property, contributed in any exceptional way to the history of the region. Consequently, this resource is recommended not eligible per CRHR Criterion 1), and this resource would not appear to be potentially significant per the CEQA criterion under PRC SS5024.1.
- 2) This site is not associated with the lives of persons important to local, California or national history. As previously noted, those responsible for the single, extant pre-1906 component are unknown, while a substantial portion of the buildings are known to have been constructed by Charles Royat, with the remaining buildings placed and/or constructed by the present owner, Daniel Lucero. None of the owners, or those responsible for the construction, of the resource’s built environment are known to have made significant contributions to the history of the region. Consequently, this resource is recommended not eligible per CRHR Criterion 2), and this resource would not appear to be potentially significant per the CEQA criterion under PRC SS5024.1.
- 3) Based on existing inventory data maintained by the North Central Information Center at CSU-Sacramento, a large number of residential/ranch/farm complexes, have already been well documented in the county, and in adjacent counties, that duplicate the general qualities and attributes of this complex. Clearly, this site is not at all rare in the California inventory, nor does this site represent a “distinctive type” or “a distinguishable entity whose components may lack individual distinction.” For these reasons, this resource is recommended not eligible per CRHR Criterion 3), and this resource would not appear to be potentially significant per the CEQA criterion under PRC SS5024.1.
- 4) Data recovery work involving this resource could not be expected to provide unique or unusual additional information over and above that which exists in the existing site record prepared, and the information collected in conjunction with the present project. The information values possessed by this residence have been effectively preserved with this documentation. Consequently, this resource is recommended not eligible per CRHR Criterion 1), and this resource would not appear to be potentially significant per the CEQA criterion under PRC SS5024.1.

According to PRC Section 5024.1(c)(1–4), a resource is considered historically significant if it (i) retains “substantial integrity,” and (ii) meets at least one of the significance criteria.

Resource integrity has been subjected to various alterations over the past century. Some of the original buildings have been destroyed, and even some of their replacements have been destroyed. Further, materials from some of these earlier buildings have been shown to have been scavenged and utilized to repair and/or improve other buildings. Finally, the inclusion of multiple contemporary buildings (three contemporary buildings within the site boundary) further

detracts from the site's ability to convey any historical significance that it may have once possessed. Overall, the integrity of this resource has been compromised and the resource is not considered significant per any of the eligibility criteria, and is therefore not recommended a significant historical resource, or a unique archaeological resource.

PROJECT EFFECTS

A project may have a significant impact or adverse effect on cultural resources/historic properties if the project will or could result in the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance or values of the historic resource would be materially impaired. Actions that would materially impair a cultural resource or historic property are actions that would alter or diminish those attributes of a site that qualify the site for inclusion in the California Register of Historical Resources.

Based on the specific findings detailed above under Cultural Resources Survey and Cultural Inventory, no significant historical resources, or unique archaeological resources are located within the project site.

NATIVE AMERICAN CONSULTATION

Consultation was undertaken with the Native American Heritage Commission (NAHC) re. sacred land listings for the property. An information request letter was delivered to the NAHC on September 30, 2022. The NAHC response is pending.

PROJECT SUMMARY

This report details the results of a cultural resources inventory survey of approximately 87- acres of land located immediately adjacent to the southeast side of Texas Hill Road, approximately 0.25-miles west of Lake Francis, and approximately 0.5-miles southwest of Marysville Road, within the community of Dobbins, in Yuba County, California.

The proponent proposes to create a residential subdivision, which could eventually be followed by grading and land recontouring, construction of new single-family homes, creation of access roads, placement of buried utilities, and general landscaping.

Existing records at the NCIC document that none of the present project area had been subjected to previous archaeological investigation, and that no cultural resources had been documented within, or adjacent to, the project area. As well, the present effort included an intensive-level pedestrian survey. The pedestrian survey failed to identify any prehistoric resources within the APE. One historic-era resource, designated "Lucero 1," was identified, recorded and recommended not eligible for inclusion on the CRHR under any of the relevant criteria.

Consultation was undertaken with the Native American Heritage Commission (NAHC) re. sacred land listings for the property. An information request letter was delivered to the NAHC on September 30, 2022. The NAHC response is pending.

Based on the absence of significant historical resources/unique archaeological resources within the project area, archaeological clearance is recommended for the project/undertaking as presently proposed, although 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 and b) The proposed project is a rural residential project, creating five 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 slight potential for soil erosion hazards. 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 |
|--|--------------------------------------|---|-------------------------------------|-------------------------------------|
| Would the project: | | | | |
| 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 and one existing single family residence. 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 is within ¼ mile of the project site. The nearest school, Dobbins Elementary School, is approximately 0.2 miles north east of the project site. Nonetheless, there would be ***a less than significant impact*** to surrounding land uses concerning hazardous materials and this project because it is residential in nature.

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 used as a vineyard and as a single family residence. 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) Access to all five parcels will be from two Rural Driveways (Yuba County Public Works Detail 127) that stem from a 60 foot wide Rural Local Road (Yuba County Public Works Detail 121) off of Texas Hill Road. Both of the proposed rural driveways will feature a terminus bulb turnaround with a minimum 50 foot turning radius for safe access and evacuation. The applicants submitted a Fire Protection Plan outlining emergency fire exits, and access for fire trucks and emergency services. 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. The project will adhere to the Yuba County requirements for Rural Fire Protection within the SRA and the Fire Risk HS2 Policies in the General Plan. Primary Document Source: Yuba County Foothills Community Wildfire Protection Plan

https://www.deercreekgis.com/files/Yuba_CWPP/20140819_FINAL_Yuba_CWPP_web.pdf

The property is within the jurisdiction of the Dobbins Oregon House Fire Protection District, who will respond to fire emergencies within the project site.

Short-term impacts associated with wildland fire during Proposed Action activities would result in a potentially significant impact. However, implementation of **Mitigation Measure 9.1 and 9.2** would reduce the impact of the Proposed Action on wildfire risk is ***less than significant with mitigation***.

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.

Mitigation Measure 9.2 Reduce Potential Impacts from Wildfire Risk

During Proposed Action construction, any dry vegetation present on the staging areas or temporary access roads would be cleared prior to being used by vehicles or heavy equipment. Fire extinguishers would be present onsite in vehicles to quickly put out any vegetation that ignites as a result of a spark from heavy equipment.

| X. HYDROLOGY AND WATER QUALITY | | | | | |
|---------------------------------------|---|--------------------------------------|--|-------------------------------------|--------------------------|
| Would the project: | | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
| a) | Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or 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 Rural Residential, 5 Acres Minimum (RR-5) zone and the Natural Resources General Plan designation by creating parcels that are greater than 5 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.

| XIV. POPULATION AND HOUSING | | | | |
|---|--------------------------------------|--|-------------------------------------|-------------------------------------|
| Would the project: | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
| a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <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 |
|--|--------------------------|--------------------------------------|--|-------------------------------------|--------------------------|
| Would the project result in: | | | | | |
| Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | | |
| 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

| XVII. TRANSPORTATION/TRAFFIC | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------------|--|-------------------------------------|-------------------------------------|
| Would the project: | | | | |
| 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 and ne existing single family residence. Therefore, impacts to VMT are expected to be ***less than significant***.

c) Texas Hill Road is an existing road that currently provides access to the project site and is used by the surrounding rural community and for traffic traveling through the community of Dobbins. Access to all five parcels will be from two Rural Driveways (Yuba County Public Works Detail 127) that stem from a 60 foot wide Rural Local Road (Yuba County Public Works Detail 121) off of Texas Hill Road. The internal roads 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 Texas Hill Road and the 60 foot ingress/egress easements on the property. There would be no change in emergency access as a result of the project Therefore, the project will have ***no impact***.

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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) The UAIC conducted background research for the identification of Tribal Resources for this project which included a review of pertinent literature, historic maps, and a records search using UAIC's Tribal Historic Information System (THRIS). UAIC's THRIS database is composed of UAIC's areas of oral history, ethnographic history, and places of cultural and religious significance, including UAIC's Sacred Lands that are submitted to the Native American Heritage Commission (NAHC). The THRIS resources shown in this region also include previously recorded indigenous resources identified through the California Historic Resources Information System Center (CHRIS) as well as historic resources and survey data. Therefore, no additional treatment or mitigated action is recommended for the site and would create a ***less than significant impact***.

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 United Auburn Indian Community (UAIC) is a federally recognized Tribe comprised of both Miwok and Maidu (Nisenan) Tribal members who are traditionally and culturally affiliated with the project area. The Tribe has a deep spiritual, cultural, and physical ties to their ancestral land and are contemporary stewards of their culture and landscapes. The Tribal community represents a continuity and endurance of their ancestors by maintaining their connection to their history and culture. It is the Tribe's goal to ensure the preservation and continuance of their cultural heritage for current and future generations.

The UAIC responded to the Early Consultation request on March 9th, 2023. Staff asked if a tribal survey would be required for this project and Anna Starkey, with the UAIC, responded that "no, we won't need to do a tribal survey. Just include our unanticipated discoveries measure." Therefore, The UAIC will not require a field visit to identify any additional tribal cultural

resources. The following mitigation measure has 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 Unanticipated/Inadvertent Discoveries Of TCRs

If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC §21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary.

When avoidance is infeasible, preservation in place is the preferred option for mitigation of TCRs under CEQA and UAIC protocols, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject to future impacts. Permanent curation of TCRs will not take place unless approved in writing by UAIC or by the California Native American Tribe that is traditionally and culturally affiliated with the project area.

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a TCR may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil.

Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of the CEQA, including AB52, have been satisfied.

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 five, 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 checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

DISCUSSION/CONCLUSION/MITIGATION:

a) –d) The project is located within a Very High State Responsibility Area established by CalFire. For this reason, the applicant submitted a Fire Protection Plan outlining their plans for wildfire preparedness. A plan was prepared by the applicant, Denny MacDonald, and was reviewed and approved by Frank Denetale, Fire Prevention Officer. The study included the following information:

ACCESS FOR FIRE TRUCKS & EMERGENCY PERSONNEL:**Access to the Lots:**

- To access Lot 1, 3 & 5: Enter driveway that is asphalt at 10654 Texas Hill Rd. which becomes gravel part of the way. There is a business sign which says, Lucero Vineyards & Winery at this entrance- Lot 1 access is about 40 feet from Texas Hill Rd. off the asphalt driveway.
- To access Lot 3 follow the driveway up the hill to the house on Lot 3. There is a circular driveway in front of the house, garage and storage buildings and returns to Texas Hill Rd. There is also a horizontal gravel road that is at the base of Lot 3 which will take you to the vineyards of Lot 3 and the driveway of Lots 2 and 4. Lot 3 also consists of a two bedroom home, garage, chicken coop, mobile home and barn off of the driveway of 10684 Texas Hill Rd.
- To access Lot 5 continue on the driveway of 10654 up the hill and past Lots 1 and 3. There is a circular turnout on Lot 5 to exit back to Texas Hill Rd. where the entrance is located.

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- To access Lot 2, enter on the gravel driveway at 10684 Texas Hill Rd- The access is about 40 feet to the left. To access the balance of Lot 3 Vineyard from 10684 driveway, take the gravel driveway and turn right onto the horizontal gravel road.
- To access Lot 4 take 10684 Texas Hill Driveway past Lot 2 and past lot 3 and drive behind the barn to Lot 4. There is a circular turnout on Lot 4 to exit back to the same driveway to Texas Hill Rd'

Neighboring Property Characteristics:

- Neighboring property next to Lot 1 and part of Lot 3 belongs to R. Blevins. APN 048-160-026. This residential property consists of a Mobile Home and sheds. The landscape consists of Pine, Oak and Cedar Trees and some grazing area for her Llamas.
- The property behind R. Blevins belongs to D. Marin. APN 048-160-030. This residential property consists of a Mobile Horne. The Landscape consists of Pine, Oak and Cedar Trees and manzanita.
- The property behind Lot 4 and 5 belongs to Ferry. APN 048-170-006. It is unknown what exists on this property. The landscape consists of Pine, Oak and Cedar Trees and manzanita.
- The property on the east end of Lot 2, Lot 3 and Lot 4 belongs to various owners in Lake Francis Estates (Ingersoll Tract). The residential area consists of homes, mobile homes and outbuildings. The landscape entails oak, cedar and Pine trees and various types of brush.

Subject Property Characteristics:

- All brush on Lucero Subdivision has been cleared with a 100 foot clearance along the property line.
- All flammable materials such as brush or vegetation shall be cleared around the buildings to 100 feet. All building rooftops shall be cleared of any flammable material.
- There are 2 wells currently on the subdivision property, a natural spring and pond. There is also a seasonal creek that runs through the subdivision.
- The house on Lot 3 has roof sprinklers and a generator system that is run by a propane tank.

Implementation of **Mitigation Measure 9.1 and 9.2** listed in Chapter IX would reduce the impact of the Proposed Action on wildfire risk to *less than significant with mitigation*.

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 with mitigation measures **MM4.1, and MM4.2**. 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** 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) Due to the nature and size of the proposed project, no substantial adverse effects on humans are expected. The project would not emit substantial amounts of air pollutants, including hazardous materials. The project would not expose residents to flooding. One potential human health effects identified as a result of project implementation were minor construction-related impacts, mainly dust that could affect the few scattered residences near the project site. These effects are temporary in nature and subject to Feather River Air Quality Management District's Standard Mitigation Measures, see **MM3.1**, that would reduce these emissions to a level that would not be considered a significant impact. Another potential human health effect is the properties location within a Very High State Responsibility Area. The applicants have adequately addressed any risks from wildfire, see **MM9.1** and **MM9.2**. 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. Yuba County Improvement Standards.
6. State of California Hazardous Waste and Substance site "Cortese" list
7. Yuba County 2008-2013 Housing Element. AECOM. Dec. 2010
8. Cultural Resource Inventory Survey, Genesis Society, Sean Michael Jensen, M.A., October 2022.
9. List Of Threatened And Endangered Species, USFWS, March 2023
10. Fire Protection Plan, Denny MacDonald, February 2023.

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

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| | | |
|--|--|--------------------------------------|
| MM 4.1 California Spotted Owl and Tri-colored Blackbird Based on suitable nesting habitat elements and historical CNDDDB records within a ¼ mile radius of the project area there is potential nesting habitat for California Spotted Owl and Tri-colored Blackbird species on and within 500 feet of the project area. Preconstruction nesting raptor surveys will be required. If any trees will be removed, trees with stick nests must be evaluated for the presence of nesting activities. If no nesting activity is observed by a qualified biologist, then the tree can be removed. | | |
| Timing/Implementation <i>Upon start of project design and start of construction activities.</i> | Enforcement/Monitoring Yuba County Planning Department | |
| Performance Criteria N/A | Verification Cost N/A | |
| | | Date Complete (If applicable) |

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

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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.

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

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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)

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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 <i>Prior to Final Occupancy Permit.</i> | Enforcement/Monitoring Yuba County Building Department | |
| Performance Criteria N/A | Verification Cost N/A | |
| | | Date Complete (If applicable) |

**MITIGATION MONITORING PLAN
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MM 9.2 Reduce Potential Impacts from Wildfire Risk

During Proposed Action construction, any dry vegetation present on the staging areas or temporary access roads would be cleared prior to being used by vehicles or heavy equipment. Fire extinguishers would be present onsite in vehicles to quickly put out any vegetation that ignites as a result of a spark from heavy equipment.

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)

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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
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MM 18.1 Unanticipated/Inadvertent Discoveries Of TCRs

If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC §21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary.

When avoidance is infeasible, preservation in place is the preferred option for mitigation of TCRs under CEQA and UAIC protocols, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject to future impacts. Permanent curation of TCRs will not take place unless approved in writing by UAIC or by the California Native American Tribe that is traditionally and culturally affiliated with the project area.

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a TCR may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil.

Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of the CEQA, including AB52, have been satisfied.

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

Fisher, Ciara

From: Healy, Angelina R@DOT <angelina.healy@dot.ca.gov>
Sent: Friday, July 29, 2022 10:39 AM
To: Fisher, Ciara
Subject: RE: TSTM2022-0009 - Lucero

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 at this time.

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
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: Thursday, July 28, 2022 10:54 AM
To: Benedict, Christopher <cbenedict@CO.YUBA.CA.US>; Strang, Jeremy <JStrang@CO.YUBA.CA.US>; Burns, Danny <dburns@CO.YUBA.CA.US>; PGE Plan Review <PGEPlanReview@pge.com>; AssessorsOffice <AssessorsOffice@CO.YUBA.CA.US>; Bunton, Sam <sbunton@CO.YUBA.CA.US>
Cc: planning <planning@CO.YUBA.CA.US>; Peterson, Daniel <dpeterson@CO.YUBA.CA.US>; Lee, Mike G. <mlee@co.yuba.ca.us>; Downs, Rachel <rdowns@CO.YUBA.CA.US>; Stone, John <jstone@CO.YUBA.CA.US>; Poliquin, Brett <bpoliquin@CO.YUBA.CA.US>; Crouse, Pam <pcrouse@CO.YUBA.CA.US>; Denatale, Frank <fdenatale@CO.YUBA.CA.US>; Quist, Todd <tquist@CO.YUBA.CA.US>
Subject: TSTM2022-0009 - Lucero

EXTERNAL EMAIL. Links/attachments may not be safe.

Good morning,

The Yuba County Planning Department received the following application:

Fisher, Ciara

From: Quist, Todd
Sent: Thursday, July 28, 2022 2:34 PM
To: Fisher, Ciara
Cc: Scheer, Stephen
Subject: RE: TSTM2022-0009 - Lucero

Hi Ciara,

The Ag Department would like to request that any new family residential building sites on proposed lots 1,2,4 and 5 be conditioned to be a distance of at least 300 feet from the existing ag site(vineyard).

Thanks,

Todd Quist
Assistant Agriculture Commissioner/Sealer of Weights & Measures
Yuba County Agriculture Commissioner's Office
915 8th Street, Suite 127
Marysville, CA. 95901
(530)749-5413
(530)749-5402 Fax
tquist@co.yuba.ca.us

From: Fisher, Ciara <cfisher@CO.YUBA.CA.US>
Sent: Thursday, July 28, 2022 10:54 AM
To: Benedict, Christopher <cbenedict@CO.YUBA.CA.US>; Strang, Jeremy <JStrang@CO.YUBA.CA.US>; Burns, Danny <dburns@CO.YUBA.CA.US>; PGE Plan Review <PGEPlanReview@pge.com>; AssessorsOffice <AssessorsOffice@CO.YUBA.CA.US>; Bunton, Sam <sbunton@CO.YUBA.CA.US>
Cc: planning <planning@CO.YUBA.CA.US>; Peterson, Daniel <dpeterson@CO.YUBA.CA.US>; Lee, Mike G. <mlee@co.yuba.ca.us>; Downs, Rachel <rdowns@CO.YUBA.CA.US>; Stone, John <jstone@CO.YUBA.CA.US>; Poliquin, Brett <bpoliquin@CO.YUBA.CA.US>; Crouse, Pam <pcrouse@CO.YUBA.CA.US>; Denatale, Frank <fdenatale@CO.YUBA.CA.US>; Quist, Todd <tquist@CO.YUBA.CA.US>
Subject: TSTM2022-0009 - Lucero

Good morning,

The Yuba County Planning Department received the following application:

August 30, 2022

Ciara Fisher
Yuba County
915 8th Street
Marysville, CA 95901

Ref: Gas and Electric Transmission and Distribution

Dear Ciara,

Thank you for submitting the TSTM2022-0009 – Lucero 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.
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



Serving Sutter and Yuba Counties

541 Washington Avenue
Yuba City, CA 95991
(530) 634-7659
FAX (530) 634-7660
www.fraqmd.org

Christopher D. Brown, AICP
Air Pollution Control Officer

April 5, 2023

Ciara Fisher
County of Yuba Planning Department
915 8th Street Suite 123
Marysville, CA 95901
Fax: 530-749-5434

Re: TSTM2022-0009 (Lucero)

Dear Ciara Fisher,

The Feather River Air Quality Management District (District) appreciates the opportunity to review and comment in the project referenced above.

The District recommends that the project prepare a Fugitive Dust Control Plan for the construction phase of development and submit it to the air district for review and approval. Further, the project will be responsible during construction phase to adhere to District Rule 3.16 which states that the developer or contractor are required to control dust emissions from earth moving activities, handling, or storage activity from leaving the project site. I have included FRAQMD recommended construction phase mitigation measures and a copy of the fugitive dust control plan form.

The District has also attached a list of local and state regulations applicable to new development that each project must adhere to in addition to any mitigation measures proposed to reduce construction or operational air quality impacts. It should be noted that if any materials and structures are removed they must be disposed of properly. Materials and/or structures being removed from the project site must not be burned.

All new development planned for the proposed project would be subject to FRAQMD's Indirect Source Fees. The proposed would be subject to the Indirect Source Fee of \$15 per residential unit.

If you need any further assistance, please contact me at (530) 634-7659 x209. Air District staff will be available to assist the project proponent or lead agency as needed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter Angelonides".

Peter Angelonides
Air Quality Planner

Enclosures: FRAQMD Construction Phase Mitigation Measures; Fugitive Dust Control Plan; Rules and Regulations Statement

File: Chron
ISR

FRAQMD Construction Phase Mitigation Measures

1. The contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained prior to and for the duration of onsite operation.
2. Utilize existing power sources (e.g., line power) or clean fuel generators rather than temporary power generators.
3. Develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.
4. All grading operations on a project should be suspended when winds exceed 20 miles per hour or when winds carry dust beyond the property line despite implementation of all feasible dust control measures.
5. Work areas shall be watered or treated with Dust Suppressants as necessary to prevent fugitive dust violations.
6. An operational water truck should be available at all times. Apply water to control dust as needed to prevent visible emissions violations and offsite dust impacts. Travel time to water sources should be considered and additional trucks used if needed.
7. Onsite dirt piles or other stockpiled material should be covered, wind breaks installed, and water and/or soil stabilizers employed to reduce wind-blown dust emissions. Incorporate the use of approved non-toxic soil stabilizers according to manufacturer's specifications to all inactive construction areas.
8. All transfer processes involving a free fall of soil or other particulate matter shall be operated in such a manner as to minimize the free fall distance and fugitive dust emissions.
9. Apply approved chemical soil stabilizers according to the manufacturers' specifications, to all-inactive construction areas (previously graded areas that remain inactive for 96 hours) including unpaved roads and employee/equipment parking areas.
10. To prevent track-out, wheel washers should be installed where project vehicles and/or equipment exit onto paved streets from unpaved roads. Vehicles and/or equipment shall be washed prior to each trip. Alternatively, a gravel bed may be installed as appropriate at vehicle/equipment site exit points to effectively remove soil buildup on tires and tracks to prevent/diminish track-out.
11. Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the project site.
12. Provide temporary traffic control as needed during all phases of construction to improve traffic flow, as deemed appropriate by the Department of Public Works and/or Caltrans and to reduce vehicle dust emissions.
13. Reduce traffic speeds on all unpaved surfaces to 15 miles per hour or less and reduce unnecessary vehicle traffic by restricting access. Provide appropriate training, onsite enforcement, and signage.
14. Reestablish ground cover on the construction site as soon as possible and prior to final occupancy, through seeding and watering.

15. The proponent shall assemble a comprehensive inventory list (i.e. make, model, engine year, horsepower, emission rates) of all heavy-duty off-road (portable and mobile) equipment (50 horsepower and greater) that will be used an aggregate of 40 or more hours for the construction project and apply the following mitigation measure:

The project shall provide a plan for approval by FRAQMD demonstrating that the heavy-duty (equal to or greater than 50 horsepower) off-road equipment to be used in the construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 5 percent ROG reduction, 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at time of construction. A Construction Mitigation Calculator (MS Excel) may be downloaded from the SMAQMD web site to perform the fleet average evaluation <http://www.airquality.org/ceqa/index.shtml> . Acceptable options for reducing emissions may include use of late model engines (Tier 4), CARB Approved low-emission diesel products, alternative fuels, engine retrofit technology (Carl Moyer Guidelines), after-treatment products, voluntary offsite mitigation projects, provide funds for air district offsite mitigation projects, and/or other options as they become available. The District should be contacted to discuss alternative measures.

The results of the Construction Mitigation Calculator shall be submitted and approved by the District PRIOR TO BEGINNING WORK. The project shall provide a monthly summary of heavy-duty off-road equipment usage to the District throughout the construction of the project.

16. The Lead Agency may also contribute to the FRAQMD's Off-Site Mitigation Program to reduce project emissions to less than significant. The lead agency should include contribution to the off-site mitigation program as a mitigation measure in its environmental analysis. The lead agency will need to compile a list of all emission sources and consult with the FRAQMD staff to implement this mitigation measure. The project will need to track emissions generated from equipment and vehicles throughout the project phase that is estimated to exceed the threshold (for example, if construction phase exceed the threshold, then track emissions from off-road, portable, and on-road equipment and vehicles). Please consult with the FRAQMD for more information on contributing to an Off-Site Mitigation Program.

**Feather River Air Quality Management District
Fugitive Dust Control Plan**

This plan, upon signature and submittal to the FRAQMD, will serve as an approved Fugitive Dust Control Plan to be implemented at the designated site. This plan must be submitted by the project proponent and received at the air district prior to start of work.

The approved plan serves as an acknowledgment by the project proponent of their duty to address state and local laws governing fugitive dust emissions and the potential for first offense issuance of a Notice of Violation by the air district where violations are substantiated by District staff. This plan (along with standard mitigation measures for all projects and best available mitigation measures where applicable) shall be made available to the contractors and construction superintendent on the project site.

• Site Location: _____

• Project Type (circle all that apply): Residential Commercial Industrial Transportation

• List of responsible persons:

Company: _____

Office (name, title, address, phone): _____

Field (name, title, phone): _____

• Projected Start and End Dates: _____
(Day/Month/Year)

Project Proponent: _____
Printed Name Company/Phone

By signing this document I acknowledge that I have read the FRAQMD Rules and Regulations Statement: New Development, which includes state and local fugitive dust emission laws. I understand that it is my responsibility as the project proponent to ensure that appropriate materials and instructions are available to site employees to implement fugitive dust mitigation measures appropriate for each development phase of this project in order to ensure compliance.

I further acknowledge that it is my responsibility to ensure that site employees are made formally aware of fugitive dust control laws, requirements, and available mitigation techniques, and that appropriate measures are to be implemented at the site as necessary to prevent fugitive dust violations.

Signature: _____ Name: _____

Title: _____ Date: _____

FRAQMD – Modified 2/23/2016

Please Submit to: FRAQMD, 541 Washington Avenue, Yuba City, CA 95991 Attn: Planning
Phone: 530-634-7659 x210 FAX: 530-634-7660 Email: planning@fraqmd.org

FRAQMD Rules & Regulations Statement: New Development

The following statement is recommended as standard condition of approval or construction document language for **all** development projects within Feather River Air Quality Management District (FRAQMD). All projects are subject to FRAQMD rules in effect at the time of construction. A complete listing of current rules is available at www.fraqmd.org or by calling 530-634-7659. Specific rules that may relate to construction activities or building design may include, but are not limited to:

Regulation IV: Stationary Emission Sources Permit System and Registration. Any project that includes the use of equipment capable of releasing emissions to the atmosphere may require permit(s) from FRAQMD prior to equipment operation. The applicant, developer, or operator of a project that includes an emergency generator, boiler, or internal combustion engine should contact the FRAQMD early to determine if a permit is required, and to begin the permit application process. Portable construction equipment (e.g. generators, compressors, pile drivers, lighting equipment, etc.) with an internal combustion engine over 50 horsepower are required to have a FRAQMD permit or a California Air Resources Board portable equipment registration. Other general types of uses that require a permit include, but are not limited to fumigation chambers, gasoline tanks and dispensing, spray booths, and operations that generate airborne particulate emissions.

Rule 3.0: Visible Emissions. A person shall not discharge into the atmosphere from any single source of emissions whatsoever, any air contaminants for a period or periods aggregating more than three minutes in any one hour which is as dark or darker in shade as that designated as No. 2 on the Ringleman Chart.

Rule 3.15: Architectural Coatings. The developer or contractor is required to use coatings that comply with the volatile organic compound content limits specified in the rule.

Rule 3.16: Fugitive Dust. The developer or contractor is required to control dust emissions from earth moving activities, storage or any other construction activity to prevent airborne dust from leaving the project site.

Rule 3.17: Wood Burning Devices. This rule requires newly installed wood burning devices meet emission standards. Wood burning fireplaces are prohibited unless they meet emission standards.

Rule 3.23: Natural Gas-Fired Water Heaters, Small Boilers, and Process Heaters. This rule requires all newly purchased or installed units 75,000 Btu/hr up to 1 million Btu/hr meet emission limits.

Rule 7.10: Indirect Source Fee. An applicant for a building permit shall pay fees to the FRAQMD based on number of units (residential) or square footage of the building and associated parking (commercial and industrial).

Disposal by Burning: Open burning is yet another source of fugitive gas and particulate emissions and shall be prohibited at the project site. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (trash, demolition debris, et. al.) may be conducted at the project site. Vegetative wastes should be chipped or delivered to waste to energy facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials offsite for disposal by open burning.

In addition, other State or Federal rules and regulations may be applicable to construction phases of development projects, including:

California Health and Safety Code (HSC) section 41700. Except as otherwise provided in Section 41705, no person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

HSC section 41701. Except as otherwise provided in Section 41704, or Article 2 (commencing with Section 41800) of this chapter other than Section 41812, or Article 2 (commencing with Section 42350) of Chapter 4, no person shall discharge into the atmosphere from any source whatsoever any air contaminant, other than uncombined water vapor, for a period or periods aggregating more than three minutes in any one hour which is: (a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or (b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subdivision (a).

California Vehicle Code section 23114 regarding transportation of material on roads and highways.

California Code of Regulations Title 13 Chapter 10 section 2485: Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. Limits idling time to 5 minutes for on-road heavy duty diesel trucks.

California Code of Regulations Title 13 Chapter 9 Article 4.8 section 2449: Regulation for In-Use Off-Road Diesel Vehicles. Limits idling time to 5 minutes.

California Code of Regulations Title 17 Division 3 Chapter 1 Subchapter 7.5 section 93105: Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations.

California Code of Regulations Title 17 Division 3 Chapter 1 Subchapter 7.5 section 93106: Asbestos ATCM for Surfacing Applications.

Asbestos NESHAP. Prior to demolition of existing structures, an asbestos evaluation must be completed in accordance with the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) regulations. Section 61.145 requires written notification of demolition operations. Asbestos NESHAP Demolition/Renovation Notification Form can be downloaded at <http://www.arb.ca.gov/enf/asbestos/asbestosform.pdf>. This notification should be typewritten and postmarked or delivered no later than ten (10) days prior to the beginning of the asbestos demolition or removal activity. Please submit the original form to USEPA and a copy each to California Air Resources Board (CARB) and the District at the addresses below:

U.S. EPA
Attn: Asbestos NESHAP Program
75 Hawthorne Street
San Francisco, CA 94105

CARB, Compliance Division
Attn: Asbestos NESHAP Program
P.O. Box 2815
Sacramento, CA 95814

FRAQMD
Attn: Karla Sanders
541 Washington Avenue
Yuba City, CA 95991

Fisher, Ciara

From: Anna Starkey <astarkey@auburnrancheria.com>
Sent: Thursday, March 9, 2023 5:43 PM
To: Fisher, Ciara
Subject: RE: TSTM2022-0009 (Lucero)

No, we won't need to do a tribal survey.
Just include our unanticipated discoveries measure.

From: Fisher, Ciara <cfisher@CO.YUBA.CA.US>
Sent: Thursday, March 9, 2023 5:33 PM
To: Anna Starkey <astarkey@auburnrancheria.com>
Subject: RE: TSTM2022-0009 (Lucero)

Anna,


Do you think your team will want to do a site visit to the property? I was planning to wrap up this project's environmental review early next week, but might need to hold off with your direction.

Thanks,

Ciara Fisher

Planner III
County of Yuba

Office: 530-749-5463 | Cell: 530-812-6082

 Please consider the environment before printing this email

From: Fisher, Ciara
Sent: Wednesday, March 8, 2023 3:18 PM
To: 'Anna Starkey' <astarkey@auburnrancheria.com>
Subject: RE: TSTM2022-0009 (Lucero)

Hi Anna,


All I have is the attached report. No Bio Survey was done.

Thanks,

Ciara Fisher

Planner III
County of Yuba

Office: 530-749-5463 | Cell: 530-812-6082

 Please consider the environment before printing this email

From: Anna Starkey <astarkey@auburnrancheria.com>

Sent: Tuesday, March 7, 2023 11:12 AM

To: Fisher, Ciara <cfisher@CO.YUBA.CA.US>

Subject: TSTM2022-0009 (Lucero)

Good morning Ciara,

Thank you for the notification for the TSTM2022-0009 (Lucero) project. Has, or will there be, an archaeological survey? I don't think the area has been subject to an archaeological survey yet and there are recorded sites in the vicinity. Actually, they are under the Lake Francis reservoir now, that is to the east of the parcel. I'm not specifically requesting a survey, just if there is one, I'd like to review it. Same for a biological survey, if there is one.

Thank you,
Anna



Anna M. Starkey, M.A., RPA

Cultural Regulatory Specialist

Tribal Historic Preservation Department | UAIC

10720 Indian Hill Road

Auburn, CA 95603

[REDACTED]
astarkey@auburnrancheria.com | 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.

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.

The following mitigation measure¹ is intended to address the evaluation and treatment of inadvertent/unanticipated discoveries of potential tribal cultural resources (TCRs), archaeological, or cultural resources during a project's ground disturbing activities.

If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC §21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary.

When avoidance is infeasible, preservation in place is the preferred option for mitigation of TCRs under CEQA and UAIC protocols, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject to future impacts. Permanent curation of TCRs will not take place unless approved in writing by UAIC or by the California Native American Tribe that is traditionally and culturally affiliated with the project area.

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a TCR may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil.

Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of the CEQA, including AB52, have been satisfied.