



County of Yuba

Community Development & Services Agency

915 8th Street, Suite 123, Marysville, CA 95901

Planning Department

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PLANNING COMMISSION STAFF REPORT

Hearing Date: September 15, 2021

Case Number: Tentative Subdivision Tract Map TSTM 2021-0003 (Ostrom Ranch)

Request: A request to create 117 residential lots on 21.83 acres, a Lot A – Clark Lateral on 1.27 acres, and a Lot B – OPUD on 2.06 acres, for a total area of 25.16 acre property in the RS (Single-Family Residential) Zoning District.

Location: The property is located at 3978 Unit #A Mary Avenue, at the south end of Donald Drive and 350 feet west of Mary Avenue, in the Olivehurst Community (APN: 014-850-014-000).

Applicant: David Lanza, 710 Third Street, Marysville, CA 95901

Engineer: Sean Minard, MHM, 41204 E Street, P.O. Box B, Marysville, CA 95901

Recommendation: Adopt the attached Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, and Resolution approving Tentative Subdivision Tract Map TSTM 2021-0003

Background: The project consists of a tentative subdivision tract map that would create 117 residential lots on 21.83 acres, a Lot A – Clark Lateral on 1.27 acres, and a Lot B – OPUD or Open Space on 2.06 acres of a 25.16-acre property. The project site is located at 3978 Unit #A Mary Avenue, at the south end of Donald Drive and 350 feet west of Mary Avenue, in the Olivehurst Community (APN: 014-850-014-000). The site is bordered by Mary Avenue to the east, the Union Pacific railroad (UPRR) tracks to the west, and the Olivehurst Public Utility District's (OPUD) Wastewater Treatment Facility to the south. The 2030 General Plan designates the land use as Valley Neighborhood and the zoning is "RS" Single Family Residential. The Ostrom Ranch Subdivision proposes 117 residences on roughly 25 acres for a density of 4.65 dwelling units per acre. The "RS" zoning allows a density on the site of 3 to 8 units per care.

The property is currently undeveloped and vacant. Access will be on Donald Drive and a new 30 foot road, Hensley Drive, off of Mary Avenue. There are six new internal street proposed: Donald Drive, Bryne Drive, Brianna Way, Darrach Drive, Katz Drive, and Lorelai Way that will meet the 48 foot residential road width requirements. All roads will be required to be built to County Urban Local Road standards as a Condition of Approval of the map.

The project site is located within Safety Zone 6 of the Yuba County Airport Land Use Compatibility Plan (ALUCP) and lists Single Family Subdivisions as a compatible use. Specifically, Single Family Residential Development falls within the “Normal Compatible” land use category and is located outside of the direct flight path of the airport.

All proposed parcels will be required to connect to Olivehurst Public Utility District (OPUD) for water and sewer services and Olivehurst Public Utility District Fire Department for fire protection services. Moreover, the applicants are proposing to create “Lot A”, the Clark Lateral – which is an existing drainage/slough feature – that will be dedicated to the County of Yuba’s Public Works Department. In addition, the applicants are proposing to create “Lot B” that will be dedicated to OPUD. It will be used as open space and a buffer between the subdivision and the OPUD Wastewater Treatment Facility. In the event that OPUD does not accept the offer of dedication, “Lot B” will be utilized as an on-site drainage feature for the subdivision.

General Plan/Zoning: As previously stated, the site is shown on the General Plan Land Use diagram as Valley Neighborhood and is located in a “RS” Single-Family Residential Use zoning district. The Valley Neighborhood land use classification is intended to allow a wide variety of residential, commercial, and public and quasi-public uses. As the Valley Neighborhood designation pertains to housing, it is intended to provide for a full range of housing types such as single-family apartments, condominiums, and other types of housing in single-use and mixed-use homes. 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 project is located on a vacant 25.16 acre parcel surrounded by developed land with single family residential homes. This project is therefore an infill development as it will utilize the vacant space in this residentially zoned area.

2. *Policy CD5.3: Valley residential development in existing and planned Valley Neighborhoods should provide for the full range of housing types and densities.*

The project site has the ability to accommodate single-family residences. The subdivision will allow for additional residences to be developed on newly created parcels.

3. *Policy HS10.2: If existing noise levels exceed the acceptable levels listed in Table Public Health & Safety-1, new developments are required to incorporate mitigation to reduce noise exposure in outdoor activity areas to the maximum extent feasible and include mitigation designed to achieve acceptable interior noise levels, as defined in Table Public Health & Safety-1.*

A Noise Study was conducted for the project by Paul Bollard from Bollard Acoustical Consultants, Inc. in May, 2021 due to the projects proximity to the Union Pacific Railroad (UPRR). The UPRR tracks are located approximately 180 feet from the backyard areas and building facades of Lots 9 and 10, and approximately 230 feet from the backyard areas and building facades of Lots 1-4 and 41-43. Unmitigated railroad

noise levels within the nearest backyards of the proposed development, Lots 9-10, and Lots 1-4 and 41-43, are predicted to be 64 dB Ldn and 62.5 dB Ldn, respectively.

The developer is proposing a masonry noise barrier along the backyard areas of the lots nearest to the railroad tracks. It was determined that 6-foot-tall noise barrier would provide a minimum railroad noise level reduction of 5 dB. Therefore, following construction of the proposed noise barrier, mitigated railroad noise exposure within the backyards of the proposed residences nearest to the railroad tracks are predicted to be 59 dB Ldn or less, and therefore would satisfy the Yuba County 60 dB Ldn exterior noise level standard.

Moreover, noise levels at the second-floor building façades of residences nearest to the railroad tracks would be 3 dB higher due to reduced ground absorption at those elevated positions. In addition, the second-floor facades would not be shielded by the proposed noise barrier. As a result, second-floor façade noise exposure would be approximately 8 dB higher than predicted first-floor building façade exposure. Resulting second-floor exterior building façade noise exposure is predicted to be 67 dB Ldn at Lots 9-10, and 66 dB Ldn at Lots 1-4 and 41-43.

In order to satisfy the Yuba County 45 dB Ldn interior noise level standard, minimum building façade noise reductions of 14 dB and 22 dB would be required at the first and second-floor facades, respectively, of the residences constructed on Lots 9-10. At Lots 1-4 and 41-43, minimum noise reductions of 13 dB and 21 dB at would be required of the first- and upper-floor building façades, respectively.

Standard residential construction typically results in an exterior to interior noise reduction of at least 25 dB with windows closed, and approximately 15 dB with windows open. Therefore, standard construction practices would be adequate for both first-floor and upper-floor facades. However, in order to reduce the potential for sleep disturbance during nighttime train passbys, the north, west, and south-facing upper-floor bedroom windows of the lots located adjacent to the railroad tracks should be upgraded to a minimum Sound Transmission Class (STC) rating of 32. Mechanical ventilation (air conditioning) should be provided for all residences within this development to allow the occupants to close doors and windows as desired for additional acoustical isolation.

4. *Policy HS10.13: New developments that propose vibration-sensitive uses within 100 feet of a railroad or heavy industrial facility shall analyze and mitigate potential vibration impacts, to the greatest extent feasible.*

Based on the discussion above, four mitigation measures were added to the project to reduce noise impacts from the UPRR:

- a. Mitigation Measure 13.1 Upgraded Window Class: All north, west, and south-facing upper-floor bedroom windows of the residences proposed adjacent to the railroad tracks should be upgraded to a minimum Sound Transmission Class (STC) rating of 32.

- b. Mitigation Measure 13.2 Mechanical Ventilation: Mechanical ventilation (air conditioning) should be provided for all residences in this development to allow occupants to close doors and windows as desired to achieve additional acoustical isolation.
- c. Mitigation Measure 13.3 Noise Barriers: Noise barriers should be constructed at the locations shown on Figure 3 as proposed. This analysis concludes that 6-foot tall barriers relative to adjacent backyard elevation would be sufficient to achieve compliance with the applicable 60 dB Ldn exterior noise standard of Yuba County.
- d. Mitigation Measure 13.4 Disclosure Statements: Disclosure statements should be provided to all prospective residents of this development notifying of elevated noise levels during railroad passages, particularly during nighttime operations and periods of warning horn usage.

The “RS” Single-Family Residential zoning district would allow for a mixture of housing types in a low density (up to 8 units per acre) setting where public water and sewage facilities are available. The predominant housing type in the “RS” zoning district consists of single-unit dwellings. It also provides a space for community facilities and neighborhood services needed to complement residential areas and for institutions which require a residential environment.

The project is located in the Valley Neighborhood land use designation of the 2030 General Plan. The Valley Neighborhood land use designation allows for both detached and attached single-family residences, small-lot single-family homes, second dwelling units, apartments, condominiums, and other types of housing in single-unit and mixed-use format. The project provides residential development at a density of 4.65 dwelling units per acre, thereby, staying consistent with single family density residential (up to 8 dwelling units per acre) called out in the Development Code for the “RS” zoning district.

The proposed project is consistent with the Valley Neighborhood land use designation and 2030 General Plan policies related to low density single-family residential housing and new innovated housing products. The project is, also, consistent with all the development standards contained in the Development Code.

Surrounding Uses:

	GENERAL PLAN	ZONING	EXISTING LAND USE
Subject Property	Valley Neighborhood	RS	Vacant
North	Valley Neighborhood	RS & PF	Single-Family Residential & vacant County property
East	Valley Neighborhood	RS	Single-Family Residential
South	Valley Neighborhood	PF	OPUD Wastewater Treatment Facility
West	Valley Neighborhood	RS & PF	Union Pacific Railroad

Discussion: 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 Valley Neighborhood on the 2030 General Plan Land Use diagram and is within the "RS" 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.

Environmental Review: Staff has prepared a Mitigated Negative Declaration 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 Mitigated Negative Declaration (MND) was prepared. The MND discusses the following project impacts and their respective Mitigation Measures:

- Aesthetics: No light spillage.
- Air Quality: FRAQMD standards and fugitive dust control plan.
- Biological Resources: Swainson's hawk and White-Tailed Kite.
- Cultural Resources: Inadvertent discovery of cultural remains and cultural material.
- Hydrology and Water Quality: National Pollution Discharge Elimination (NPDES) Permit and Drainage Plan.

- Noise: Upgraded window class, Mechanical ventilation, Noise barriers, and Disclosure Statement.
- 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.

Departmental and Agency Review: 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.
- California Department of Transportation, District 3: No comments on the Vehicle Miles Traveled (VMT) study.
- FRAQMD: Requested to update the website link for the Fugitive Dust Control Plan and Standard Construction Phase Mitigation Measures.
- UAIC: AB-52 Consultation was satisfied and closed with the addition of the unanticipated discoveries mitigation measure.

Attachments:

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

Report Prepared By:



Ciara Fisher
Planner II

**BEFORE THE COUNTY OF YUBA
PLANNING COMMISSION**

**RESOLUTION ADOPTING THE MITIGATED)
NEGATIVE DECLARATION AND)
MITIGATION MONITORING PLAN AND) RESOLUTION NO.: _____
APPROVE TSTM 2021-0003 SUBJECT TO)
THE ATTACHED CONDITIONS OF)
APPROVAL)**

WHEREAS, David Lanza, filed an application for a Tentative Subdivision Tract Map to create 117 residential lots on 21.83 acres, a Lot A – Clark Lateral on 1.27 acres, and a Lot B – OPUD on 2.06 acres, for a total area of 25.16 acres. The project site is located at the south end of Donald Drive and 350 feet west of Mary Avenue, in the Olivehurst Community at Assessor’s Parcel Number: 014-850-014.; 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 intends 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 September 15, 2021, 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

Attachment 1

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 2021-0003, 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:  _____

TENTATIVE SUBDIVISION TRACT MAP TSTM 21-00XX (OSTROM RANCH)

COUNTY OF YUBA, CALIFORNIA
MARCH 22, 2021

PROJECT NOTES

OWNER WATSON PROPERTIES P O BOX 1355 ROSEVILLE, CA 95679 CONTACT: MARK VESPOLI PHONE: (916) XXX-XXXX	AREA OF TENTATIVE MAP 25.16 GROSS ACRE	FIRE PROTECTION OLIVEHURST PUBLIC UTILITIES DISTRICT
APPLICANT DAVID LANZA 710 THIRD STREET MARYSVILLE, CA 95901 CONTACT: DAVID LANZA PHONE: (530) 743-7877	EXISTING USE VACANT	SANITARY SEWER OLIVEHURST PUBLIC UTILITIES DISTRICT
ENGINEER/SURVEYOR MHM INCORPORATED 1204 E STREET, P.O. BOX B MARYSVILLE, CA 95901 CONTACT: SEAN MINARD, P.E., P.L.S. PHONE: (530) 742-6485	EXISTING GENERAL PLAN DESIGNATION VALLEY NEIGHBORHOOD	DOMESTIC WATER OLIVEHURST PUBLIC UTILITIES DISTRICT
ASSESSOR'S PARCEL NO. APN 014-850-014	PROPOSED GENERAL PLAN DESIGNATION VALLEY NEIGHBORHOOD	STORM DRAINAGE COUNTY OF YUBA
	EXISTING ZONING RS- SINGLE FAMILY RESIDENTIAL DISTRICT	ELECTRICITY PACIFIC GAS AND ELECTRIC
	PROPOSED ZONING RS- SINGLE FAMILY RESIDENTIAL DISTRICT	NATURAL GAS PACIFIC GAS AND ELECTRIC
	LEVEE PROTECTION RECLAMATION DISTRICT NO. 784	TELEPHONE AT&T
	SCHOOL DISTRICT MARYSVILLE UNIFIED SCHOOL DISTRICT	CABLE COMCAST

GENERAL NOTES:

- SUBDIVIDER RESERVES THE RIGHT TO PHASE DEVELOPMENT AND FILE MULTIPLE FINAL MAPS PURSUANT TO SECTION 66456.1 (A) OF THE SUBDIVISION MAP ACT.
- A 12.0 FOOT PUBLIC UTILITY EASEMENT SHALL BE PROVIDED ON ALL STREETS LOCATED 10 FEET BEHIND SIDEWALK AND 2.0 FEET LOCATED UNDER SIDEWALK. NO PUE SHALL BE PROVIDED ON HENSLEY DRIVE (30 FOOT ACCESS TO MARY AVENUE).
- THIS EXHIBIT IS FOR TENTATIVE MAP PURPOSES ONLY, ACTUAL DIMENSIONS, ROAD ALIGNMENTS, ACREAGE, AND YIELDS ARE TO BE VERIFIED PRIOR TO FINAL MAP.
- THIS IS AN APPLICATION FOR A DEVELOPMENT PERMIT.
- VILLAGE NUMBERING IS FOR IDENTIFICATION PURPOSES ONLY AND DOES NOT INDICATE PHASING ORDER OF DEVELOPMENT. ULTIMATE DEVELOPMENT PHASING WILL BE ORDERLY AND WILL BE DETERMINED AT FINAL MAP AND/OR IMPROVEMENT PLAN STAGE.
- ALL EXISTING STRUCTURES AND WELLS TO BE REMOVED PRIOR TO CONSTRUCTION.
- OWNERS, APPLICANT, ENGINEER, AND SURVEYOR SHALL RECEIVE ANY COMMUNICATIONS AND/OR NOTICES RELATED TO THIS PROJECT.
- STREET TREES SHALL BE PLANTED PURSUANT TO COUNTY OF YUBA STANDARDS. ADDITIONAL DETAIL SHALL BE PROVIDED ON THE IMPROVEMENT PLANS.

LOCATION MAP



LEGAL DESCRIPTION:

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF YUBA, UNINCORPORATED AREA, DESCRIBED AS FOLLOWS:

PORTIONS OF SECTIONS 8 AND 17, IN TOWNSHIP 14 NORTH, RANGE 4 EAST, M.D.B. & M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 8, DISTANT THEREON SOUTH 0 DEGREES 03'40" EAST 2174.78 FEET FROM THE NORTHWEST CORNER OF SAID SOUTHEAST 1/4; THENCE FROM SAID POINT OF BEGINNING NORTH 87 DEGREES 57' EAST 940.17 FEET TO THE WEST LINE OF THE LAND SHOWN UPON THAT CERTAIN MAP ENTITLED "AMENDED PLAT OF OSTROM ACRES NO. 2", ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF YUBA, STATE OF CALIFORNIA, IN BOOK 4 OF MAPS, PAGE 27; THENCE ALONG SAID WEST LINE SOUTH 0 DEGREES 45'10" WEST 1422.42 FEET TO THE NORTH LINE OF THE LAND SHOWN UPON THAT CERTAIN MAP ENTITLED "OSTROM TRACT", ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF YUBA, STATE OF CALIFORNIA, IN BOOK A OF MAPS, PAGE 22; THENCE ALONG SAID NORTH LINE SOUTH 87 DEGREES 57' WEST 1118.58 FEET TO THE EAST LINE OF THE RIGHT OF WAY OF THE WESTERN PACIFIC RAILROAD COMPANY; THENCE ALONG SAID RIGHT OF WAY LINE NORTH 9 DEGREES 20'20" WEST 956.89 FEET TO THE SOUTH LINE OF SAID SECTION 8; THENCE ALONG THE SOUTH LINE NORTH 88 DEGREES 0'40" EAST 352.97 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST 1/4 OF SAID SECTION 8; THENCE NORTH ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 OF SAID SECTION 8, NORTH 0 DEGREES 03'40" WEST 472.22 FEET TO THE POINT OF BEGINNING.

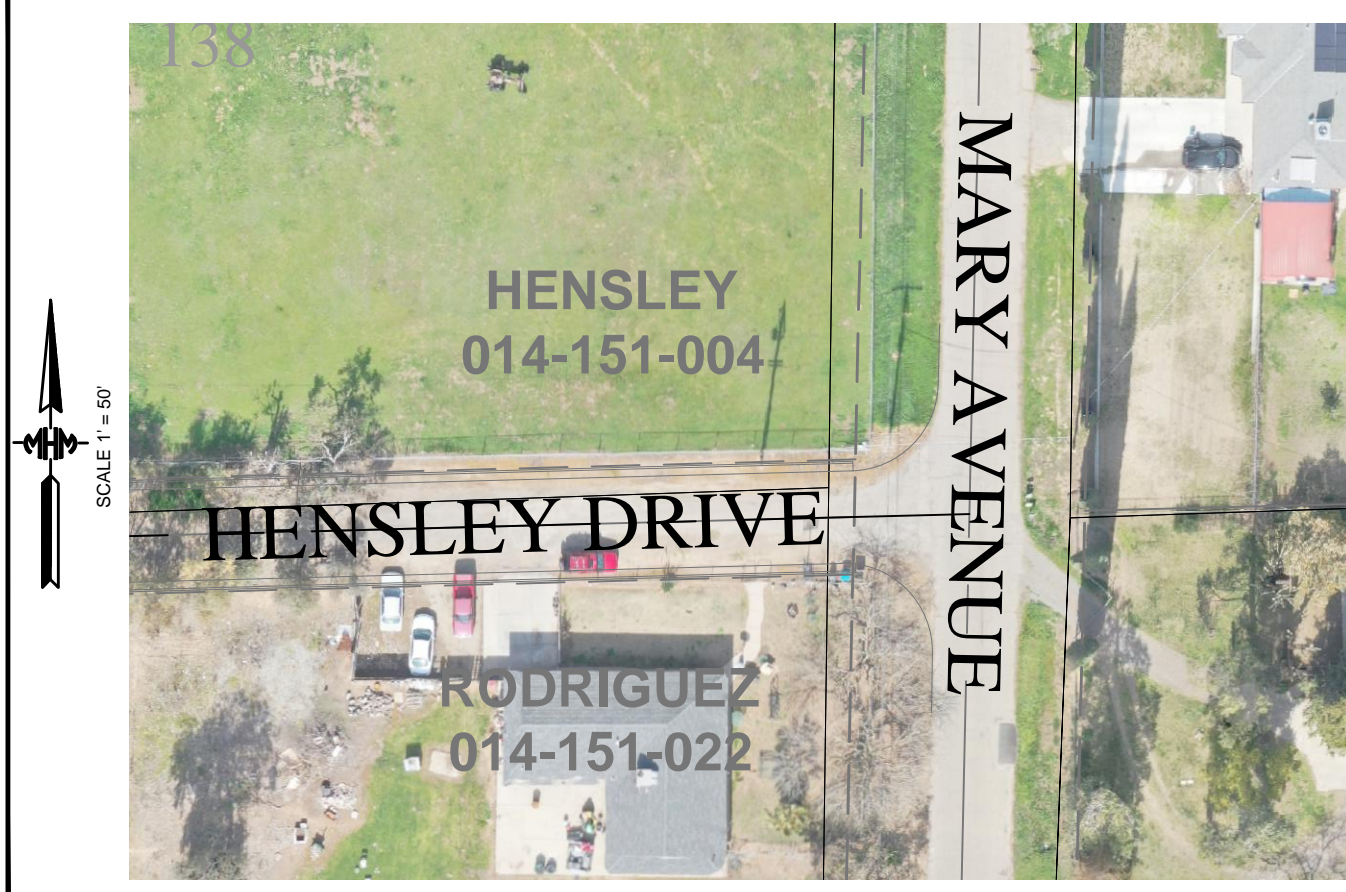
EXCEPTING THEREFROM THE FOLLOWING THAT PORTION OF SECTION 17, TOWNSHIP 14 NORTH, RANGE 4 EAST M.D.B. & M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FORMED BY THE INTERSECTION OF THE NORTHERLY LINE OF THE LAND SHOWN UPON THAT CERTAIN MAP ENTITLED "OSTROM TRACT", ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF YUBA, STATE OF CALIFORNIA, IN BOOK 1 OF MAPS, PAGE 22, WITH THE EASTERLY LINE OF THE RIGHT OF WAY OF THE WESTERN PACIFIC RAILROAD COMPANY, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN THE DEED FROM HALSEY H. DUNNING TO I.E. HAWLEY, RECORDED MARCH 24, 1952 IN BOOK 160, PAGE 124, YUBA COUNTY OFFICIAL RECORDS; THENCE NORTH 87 DEGREES 57' EAST ALONG THE SOUTHERLY LINE OF SAID HAWLEY PARCEL A DISTANCE OF 510 FEET; THENCE NORTH 1 DEGREES 23'45" WEST 167.03 FEET; THENCE SOUTH 87 DEGREES 56' WEST 553.27 FEET TO THE EASTERLY LINE OF SAID RAILROAD RIGHT OF WAY; THENCE SOUTH 9 DEGREES 20'20" EAST A DISTANCE OF 168.38 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THE FOLLOWING THAT PORTION OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 14 NORTH, RANGE 4 EAST, M.D.B. & M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN DEED FROM CHARLES M. DAVIS, ET UX, TO LAKEWOOD ENTERPRISES, INC., DATED OCTOBER 10, 1969 AND RECORDED IN BOOK 490, PAGE 518, YUBA COUNTY OFFICIAL RECORDS, AND RUNNING THENCE ALONG THE BOUNDARY LINE OF SAID PARCEL, THE FOLLOWING TWO COURSES: NORTH 87 DEGREES 57'00" EAST 940.17 FEET AND SOUTH 0 DEGREES 45'10" WEST 381.15 FEET; THENCE SOUTH 82 DEGREES 23'37" WEST 942.35 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 14 NORTH, RANGE 4 EAST, M.D.B. & M., SAID SOUTHWEST CORNER BEING A POINT IN THE GENERAL WESTERLY BOUNDARY LINE OF SAID LAKEWOOD ENTERPRISES, INC. PARCEL OF LAND; THENCE NORTH 0 DEGREES 03'40" WEST ALONG THE GENERAL WESTERLY BOUNDARY LINE OF SAID PARCEL 472.22 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

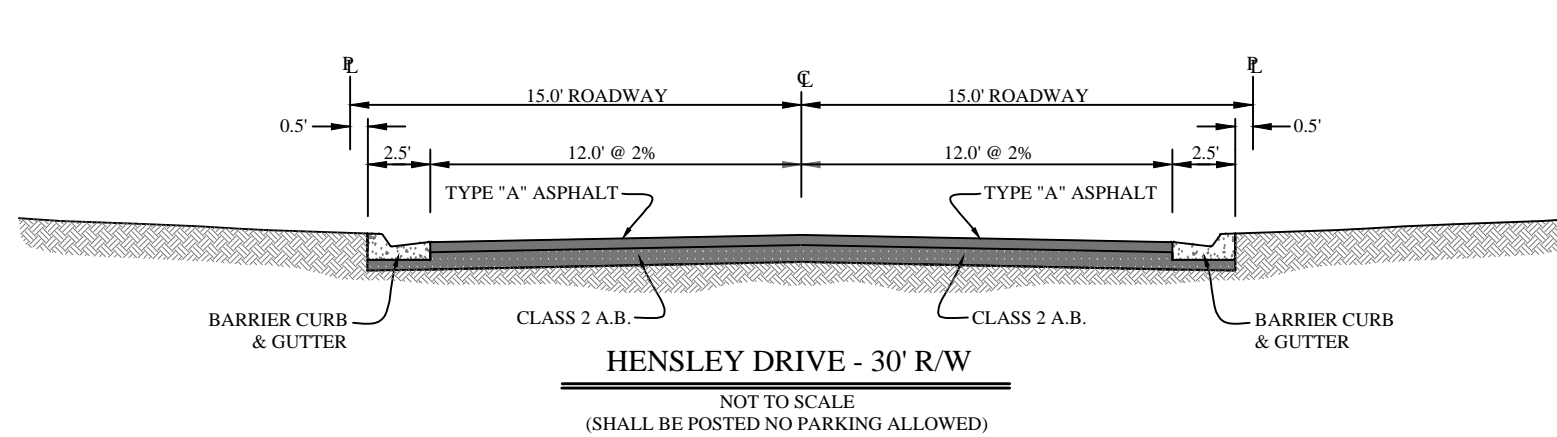
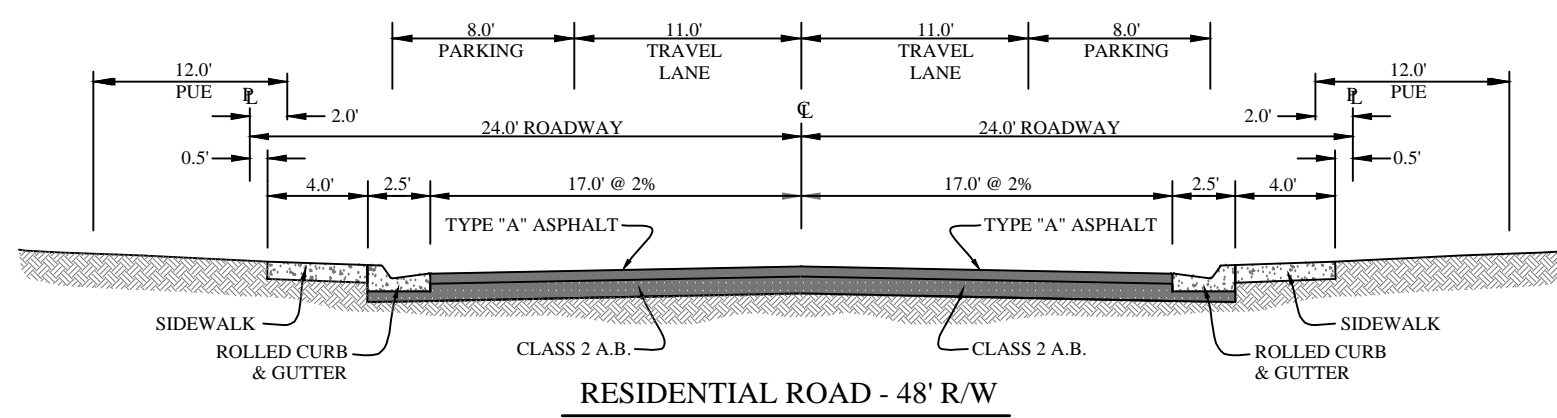
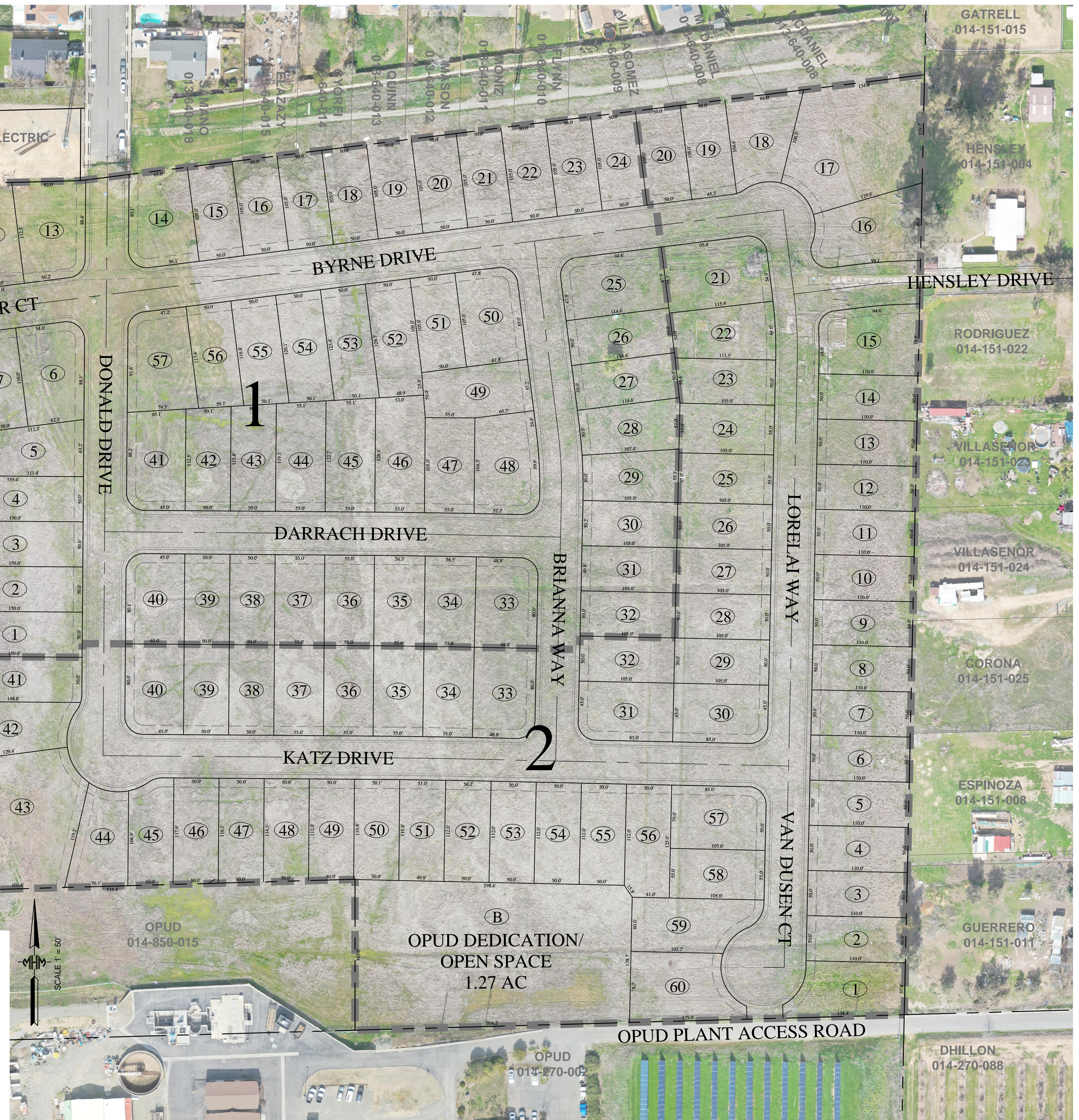
MARY AVENUE CONNECTION EXHIBIT



LAND USE SUMMARY

LOT SUMMARY*			
VILLAGE NO. 1 =	57 LOTS	10.64 AC	5.36 DU/AC
VILLAGE NO. 2 =	60 LOTS	11.19 AC	5.36 DU/AC
SUBTOTAL =	117 LOTS	21.83 AC	5.36 DU/AC
LOT A - CLARK LATERAL		01.27 AC	
LOT B - OPUD OR OPEN SPACE		02.06 AC	
SUBTOTAL =		03.33 AC	
TOTAL =		25.16 AC	

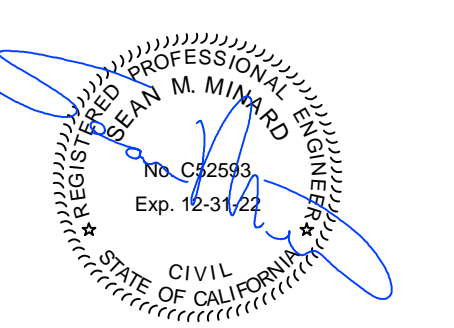
*ALL ACREAGES AND DENSITIES EXCLUDE MAJOR ROADWAYS. THERE ARE NOT MAJOR ROADWAYS ON THIS PROJECT.



COUNTY OF YUBA APPROVAL:
THE COUNTY OF YUBA PLANNING COMMISSION HAS CONSIDERED AND APPROVED RESOLUTION 21-00XX APPROVING TENTATIVE PARCEL MAP NO. 2021-00XX DURING THE PLANNING COMMISSION MEETING ON _____, 2021.

COUNTY OF YUBA DATE: _____

SURVEYORS STATEMENT:
I HEREBY STATE THAT ALL EASEMENTS OF RECORD ARE SHOWN AND LABELED PER PRELIMINARY TITLE REPORT BY PLACER TITLE COMPANY ORDER NUMBER P-475475 DATED MARCH 2, 2021.



SEAN MINARD, P.E. 52593, P.L.S. 8397

2 INDICATES PROPOSED PHASE

Attachment 3
**DRAFT CONDITIONS OF APPROVAL
YUBA COUNTY PLANNING COMMISSION**

Applicant: David Lanza
Owner: Lanza ETAL
APN: 014-850-014-000

Case Number: TSTM 20121-0003
Public Hearing Date: September 15, 2021

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 2021-0003 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 September 27, 2021 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.

Attachment 3
**DRAFT CONDITIONS OF APPROVAL
YUBA COUNTY PLANNING COMMISSION**

Applicant: David Lanza
Owner: Lanza ETAL
APN: 014-850-014-000

Case Number: TSTM 20121-0003
Public Hearing Date: September 15, 2021

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 dedicate to the County of Yuba sufficient right-of-way in fee simple strips of land 48 feet in width, including the area within knuckles and intersection return curves, for the internal access streets as shown on the Tentative Tract Map. The right-of-way line shall be located 0.50 foot behind the back of sidewalk. Corner radii shall be dedicated in accordance with Yuba County standards.
- 9) The following note shall be included in the Grant Deed to the County of Yuba: "Should the Board of Supervisors of the County of Yuba determine that the public purpose for which property was dedicated in fee simple no longer exists, or the property or any portion thereof is not needed for public utilities, the County of Yuba shall reconvey the above described property to the Grantor, whose address is _____, or to the successor(s) in interest pursuant to Government Code Section 66477.5."
- 10) Owner shall provide and offer to dedicate to the County of Yuba a 10-foot easement for public services along the interior street frontage of this property measured from a point 0.50-foot from the back of the (future) sidewalk.
- 11) Owner shall offer to dedicate to the public, in fee simple, the lot designated "A" to the County of Yuba for drainage purposes and the lot designated "B" to the Olivehurst Public Utilities District for open space, or as may be designated or approved by the Public Works Department.
- 12) Road construction for the interior streets (except for the connection at Hensley Drive) as shown on the tentative map shall meet the requirements for an Urban Residential (Local) Road in conformance with the Yuba County Standard (Drawing No. 101) or as modified by the Public Works Director. Such standard includes curbs, gutters, with an attached sidewalk and landscaping.
- 13) Road construction for connection at Hensley Drive as shown on the tentative map shall meet the requirements for an Urban Residential (Local) Road in conformance with the Yuba County Standard (Drawing No. 101) as modified and shown on the tentative map. The overall width from back of curb to back of curb will taper down to 29 feet at the connection point at the easterly property boundary of this tract. Such standard includes curbs and gutters.
- 14) Road construction for Hensley Drive from the easterly boundary of this tract to the connection point at Mary Avenue shall meet the requirements for an Urban Residential (Local) Road in conformance with the Yuba County Standard (Drawing No. 101) as modified and shown on the tentative map. The overall road right-of-way width shall be 30 feet. Such standard includes curbs and gutters. "No Parking" signs shall be posted along Hensley Drive, as

Attachment 3
DRAFT CONDITIONS OF APPROVAL
YUBA COUNTY PLANNING COMMISSION

Applicant: David Lanza
Owner: Lanza ETAL
APN: 014-850-014-000

Case Number: TSTM 20121-0003
Public Hearing Date: September 15, 2021

proposed on the tentative map. This road must be improved as it is the secondary access to the proposed subdivision and does not meet county road standards.

- 15) Intersection of Hensley drive and Mary Avenue shall meet the requirements of an urban residential intersection (Drawing No. 105) within the existing ROW or additional ROW shall be obtained.
- 16) Owner shall provide a streetlight plan to be approved by the Public Works Department. Streetlights shall be LED type models and be maintained by Pacific Gas & Electric (PG&E). Owner shall maintain all streetlights until accepted by the Public Works Department. Prior to map recordation the Owner shall pay the County for two (2) years of service for the streetlights in accordance with rates (LS1-E) set by PG&E.
- 17) 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.
- 18) All road and drainage construction required by these conditions of approval shall be inspected in compliance with Section 4 of the Yuba County Standards and approved by the Yuba County Department of Public Works. Owner's contractor shall meet on-site with the Public Works Department representative prior to the commencement of work to discuss the various aspects of the project.
- 19) Owner shall submit a Preliminary Soils Report prepared by a registered civil engineer and based upon adequate test borings to the Public Works Department for review in compliance with section 66490 of the Subdivision Map Act. Should such preliminary soils report indicate the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required by the decision-making authority (section 11.40.040 (G) of Yuba County Ordinance Code).
- 20) 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.
- 21) Owner shall warranty all improvements required by these Conditions of Approval for a period of twelve (12) months from the time the improvements are accepted by the Public Works Department and a Notice of Completion is recorded.

Attachment 3
**DRAFT CONDITIONS OF APPROVAL
YUBA COUNTY PLANNING COMMISSION**

Applicant: David Lanza
Owner: Lanza ETAL
APN: 014-850-014-000

Case Number: TSTM 20121-0003
Public Hearing Date: September 15, 2021

- 22) Owner shall provide a one-year warranty bond for all street and drainage improvements required by these conditions of approval. The warranty bond period will commence after the Notice of Completion is recorded.
- 23) Owner shall submit a drainage plan to provide for on-site and off-site storm water drainage for the project, designed by a registered civil engineer, to the Public Works Department for review and approval, prior to any construction. The drainage design for the project shall result in a zero percent increase in the storm water discharge from the project compared to the pre-development state using a 100-year storm event peak discharge or include unsteady modeling which considers the location of the property in the watershed and the peak flow downstream is increased by the project. Owner shall construct such approved drainage facilities in order to provide drainage from access roads and lots to acceptable natural drainage courses.
- 24) 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.
- 25) 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 (BMP's) and must be reviewed by the Yuba County Public Works Department prior to the Department's approval of Improvement Plans or issuance of a Grading Permit for the project. See Yuba County's Stormwater Regulations for Construction Activities Procedures for details. According to state law it is the responsibility of the property owner that the SWPPP is kept up to date to reflect changes in site conditions and is available on the project site at all times for review by local and state inspectors. Erosion and sediment control measures, non-stormwater and material management measures, and post-construction stormwater management measures for this project shall be in substantial compliance with the SWPPP.
- 26) Owner shall submit an erosion and sediment control plan for the project, designed by a registered civil engineer, to the Department of Public Works for review and approval prior to each phase of construction and/or grading permit. Erosion and sediment control measures shall

Attachment 3
DRAFT CONDITIONS OF APPROVAL
YUBA COUNTY PLANNING COMMISSION

Applicant: David Lanza
Owner: Lanza ETAL
APN: 014-850-014-000

Case Number: TSTM 20121-0003
Public Hearing Date: September 15, 2021

conform to Section 11 of the Yuba County Improvement Standards and all Yuba County Ordinance Codes. Owner shall implement such erosion and sediment control measures as per the approved plan prior to construction or grading.

- 27) Owner shall pay an in-lieu fee for parkland dedication per Yuba County Development Code §11.45.060 prior to filing the final map.
- 28) 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.
- 29) Owner shall name all roads 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.
- 30) 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.
- 31) Owner shall provide a concrete base or bases for the placement of a centralized mail delivery unit or units within the subdivision as directed by the United States Postal Service. Specifications and location(s) of such base(s) shall be determined pursuant to the applicable requirements of the Postal Service and the Yuba County Department of Public Works, with due consideration for streetlight location, traffic safety, security and consumer convenience. Such base(s) shall be located within a Public Service Easement. Owner shall provide a letter from the Postal Service to the County Surveyor stating that the location of the centralized mail delivery unit or units comply with their requirements and that they have no objection to the filing of the final map.
- 32) 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.
- 33) 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.
- 34) Owner shall submit a current Preliminary Title Report or Subdivision Map Guarantee, in favor of Yuba County, two (2) check prints of the Final Map, calculations, supporting documentation and map checking 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.

Attachment 3
**DRAFT CONDITIONS OF APPROVAL
YUBA COUNTY PLANNING COMMISSION**

Applicant: David Lanza
Owner: Lanza ETAL
APN: 014-850-014-000

Case Number: TSTM 20121-0003
Public Hearing Date: September 15, 2021

- 35) Owner shall petition to be assessed for County Service Area 70 (CSA 70) prior to filing the Final Map.
- 36) Owner shall petition to be assessed for an appropriate County Service Area (CSA), for the purpose of receiving extended services provided by the CSA, such as fire protection services, local park, recreation or parkway facilities and services, and miscellaneous extended services including street and highway sweeping, street and highway lighting, landscape maintenance, park and open space maintenance, drainage system maintenance, fire services, and emergency services; prior to filing the Final Map.
- 37) 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).
- 38) 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.
- 39) All easements of record that affect this property are to be shown on the Final Map.
- 40) 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.
- 41) 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.
- 42) 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.
- 43) Owner shall submit a copy of the final map to the Olivehurst Public Utilities District (OPUD) for review to determine conformance with the OPUD requirements. Before the final map can

Attachment 3
**DRAFT CONDITIONS OF APPROVAL
YUBA COUNTY PLANNING COMMISSION**

Applicant: David Lanza
Owner: Lanza ETAL
APN: 014-850-014-000

Case Number: TSTM 20121-0003
Public Hearing Date: September 15, 2021

be filed with the Yuba County Recorder, a letter from the Olivehurst Public Utilities District is to be submitted to the County Surveyor which states that the OPUD requirements have been met and that any public service easements as may be shown on the final map are satisfactory and that there are no objections to filing the final map.

- 44) Prior to filing the Final Map, the Owner shall submit a Focused Traffic Study at the intersections of Donald Drive, Deaton Drive, and Mary Avenue along McGowan Parkway to determine the potential need for traffic signals or other traffic control devices. The owner shall implement any recommendations made in the study.

ENVIRONMENTAL HEALTH DEPARTMENT:

- 45) Owner shall connect parcel(s) 1-117 to Olivehurst Public Utility District for water and sewer services and facilities prior to building permit final inspection for occupancy.
- 46) Owner shall submit to Environmental Health a "Will Serve" letter from Olivehurst Public Utility District for water and sewer services and facilities for parcel(s) 1-117.
- 47) All abandoned, wrecked, dismantled, or inoperative vehicles, machines, and equipment shall be removed by Owner from the subject site.
- 48) All existing trash and debris shall be removed from the subject site.
- 49) 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".
- 50) All abandoned septic tanks on the subject site shall be destroyed in accordance with the requirements of Yuba County Environmental Health Department.

PACIFIC GAS AND ELECTRIC COMPANY:

- 51) No structure or building will be constructed within the existing Pacific Gas and Electric recorded July 9, 1963, in Book 373 at Page 536, Official Records of Yuba County.
- 52) No backyards shall be constructed over the existing PG&E easement area recorded July 9, 1963, in Book 373 at Page 536, Official Records of Yuba County. Backyards inhibit PG&E's access to facilities both routinely and in the event of an emergency.
- 53) The project shall comply with the requirements of the PG&E Gas Line Easement that was recorded July 9, 1963, in Book 373 at Page 536, Official Records of Yuba County.
- 54) Any relocation or arrangement of any existing PG&E facilities to accommodate this project will be at the developers/applicants expense or as agreed by PG&E. There shall be no building of structures allowed under or over any PG&E easements that exist within the subject area.

Attachment 3
DRAFT CONDITIONS OF APPROVAL
YUBA COUNTY PLANNING COMMISSION

Applicant: David Lanza
Owner: Lanza ETAL
APN: 014-850-014-000

Case Number: TSTM 20121-0003
Public Hearing Date: September 15, 2021

BUILDING DEPARTMENT:

- 55) All improvements to the parcels shall require permits from the appropriate agency and jurisdiction and shall be in compliance with all local and state regulations.

OLIVEHURST FIRE DEPARTMENT:

- 56) The project proponent shall meet all hydrant requirements of the district.
- 57) The project proponent shall meet all fire apparatus access requirements of the current fire code.
- 58) Owner shall design and construct all fire suppression facilities in conformance with the requirements of the Olivehurst Fire Department and the current California Fire Code.


PLANNING DEPARTMENT

- 59) 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.
- 60) Satisfy the Mitigation Monitoring Plan for the project in accordance with the California Environmental Quality Act.
- 61) Owner shall meet all requirements of the Feather River Air Quality Management District during any project related construction.
- 62) 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.



Ciara Fisher
Planner II

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

	INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION TSTM2021-0003 (Ostrom Ranch)
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Project Title: Tentative Subdivision Tract Map TSTM 2021-0003 (Ostrom Ranch)

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

Project Location: Assessor's Parcel Number: 014-850-014-000

Applicant/Owner: David Lanza
710 Third Street
Marysville, CA 95901

General Plan Designation(s): Valley Neighborhood

Zoning: "RS" Single Family Residential

Contact Person: Ciara Fisher, Planner II

Phone Number: (530) 749-5470

Date Prepared: July 2021

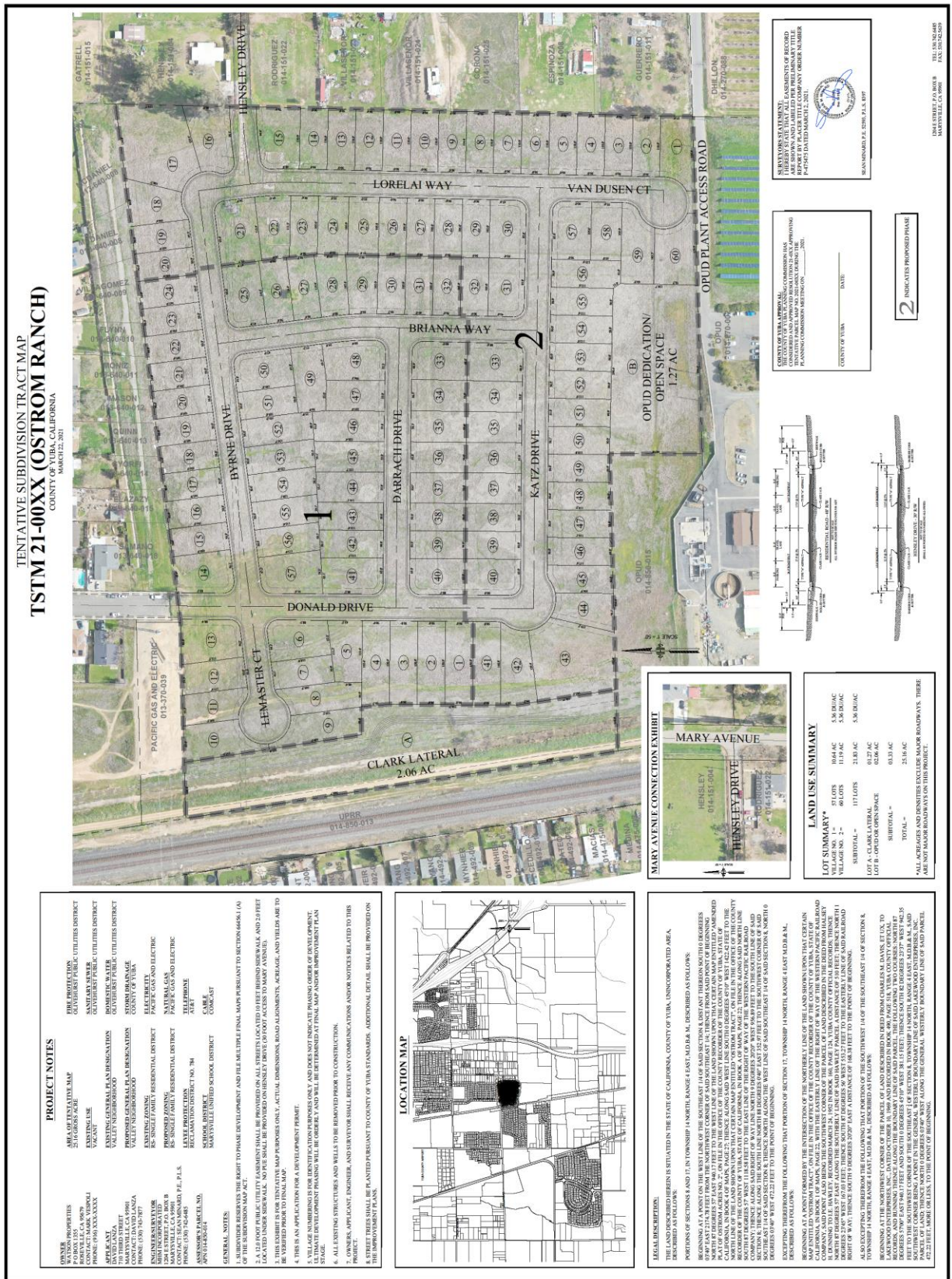
Project Description

The project consists of a tentative subdivision tract map that would create 117 residential lots on 21.83 acres, a Lot A – Clark Lateral on 1.27 acres, and a Lot B – OPUD or Open Space on 2.06 acres of an 25.16 acre property. The project site is located at 3978 Unit #A Mary Avenue, at the south end of Donald Drive and 350 feet west of Mary Avenue, in the Olivehurst Community. The 2030 General Plan designates the land use as Valley Neighborhood and the zoning is "RS" Single Family Residential. The Ostrom Ranch Subdivision proposes 117 residences on roughly 25 acres for a density of 4.65 dwelling units per acre. The "RS" zoning allows a density on the site of 3 to 8 units per care.

The property is currently undeveloped and vacant. Access will be on Donald Drive and a new 30 foot road, Hensley Drive, off of Mary Avenue. There are six new internal street proposed: Donald Drive, Bryne Drive, Brianna Way, Darrach Drive, Katz Drive, and Lorelai Way that will meet the 48 foot residential road width requirements. All roads will be required to be built to County Urban Local Road standards as a Condition of Approval of the map.

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Figure 1: Site Plan



INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**Environmental Setting**

The project area is located immediately north of Mary Avenue and the Olivehurst Public Utility District (OPUD) property, and immediately south of the southern terminus of Donald Drive, a short distance east of the Union Pacific Railroad (UPRR) alignment, within the community of Olivehurst, Yuba County, California. Lands affected are located within a portion of Section 17 of Township 14 North, Range 4 East, as shown on the USGS Olivehurst, California, 7.5' Series quadrangle.

The project area consists of northern Sacramento Valley lands located approximately 2.5- miles east of the Feather River, within a basin that receives winter storm runoff from a significant watershed. The basin is formed in deep sediments of the Sacramento Valley, which in turn has been uplifted along its eastern margin where it interfaces with the lower foothills of the Sierra Nevada, and along its western margin where it interfaces with the Coast Range.

Topography within the APE is generally flat with an elevation averaging approximately 55- feet above sea level. The region is characterized by a Mediterranean climate, with cool, rainy winters and hot, dry summers. The average annual temperature for the project area ranges from 51-75°F, with the hottest temperatures occurring in July, reaching on average a maximum of 94°F. The average yearly rainfall totals for the area are approximately 19.37 inches, with the maximum annual precipitation occurring in January.

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)

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 checked="" 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 type="checkbox"/> Hazards & Hazardous Materials |
| <input checked="" type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources |
| <input checked="" 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 |

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**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.

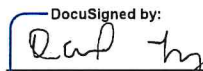


Planner's Signature

Ciara Fisher, Planner II

9/7/21

Date

DocuSigned by:


Applicant's Signature

David Lanza

8/18/2021

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 2021-0003 (Ostrom Ranch), 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

a) & b) The project area consists of single family homes, the OPUD Waste Water Treatment Facility, and the Union Pacific Railroad (UPRR). The project site provides no prominent views to or from adjacent residences, public roadways, or officially recognized scenic vistas. View sheds are primarily within the boundaries of the project; impacts to scenic resources and vistas would not be affected resulting in *less than significant impact*.

c) It is acknowledged that aesthetic impacts are subjective and may be perceived differently by various affected individuals. Nonetheless, given the urbanized environment in which the project is proposed, it is concluded that the project would not substantially degrade the visual character or quality of the project site or vicinity. A *less than significant impact* will result.

d) Outdoor lighting is proposed in conjunction with the residential use. General Plan policy 122-LUP directs new development to minimize light and glare through application of several measures, including careful siting of illumination on a parcel, screening or shielding of light at the source, use of vegetative screening, use of low intensity lighting, lighting controlled by timing devices or motion-activated lighting. To implement this policy, mitigation measure 1.1 is recommended for the project:

Mitigation Measure 1.1 Exterior Lighting

All exterior lighting shall be directed downwards and away from adjacent properties and rights of way. Lighting shall be shielded such that the element is not directly visible, and lighting shall not spill across property lines.

Implementation of the above mitigation measure would ensure that potential impacts from outdoor lighting would be reduced to a *less than significant level with mitigation incorporated*.

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 "Other Land" which is defined as any other mapping category. Common examples include low density rural developments, such as the proposed project. Moreover, 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 Single Family Residential "RS", which allows for low density residential uses. In addition, there is no Williamson Act contract for the subject property. The project would result in ***no impact*** to Williamson Act contracts or existing agricultural uses.

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

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

III. AIR QUALITY

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

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 117 lot 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 was re-designated as 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.

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 is below the FRAQMD thresholds. However, FRAQMD does recommend the following 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 117 single-family 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 residential development with an allowable density of 3-8 dwelling unit per parcel. As mentioned previously, the addition of 117 single family 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion/Conclusion/Mitigation:

a) & b) Marcus H. Bole & Associates prepared a Biological Resource Assessment for the project and below are the results of the study.

During the time period March 3 to March 11, 2021, a NEPA/CEQA-level Biological Assessment and Wetland Determination was conducted on a ±27.17-acre property (Action Area) of former agricultural land located at 3978 Mary Avenue, Olivehurst, Yuba County, California. The Action Area is located on the U.S. Geological survey (USGS) Olivehurst 7.5-minute topographic quadrangle, Section 17, Township 14 North, Range 4 East. The center of the Action Area is approximately 39.068222N, -121.550569W. The terrain elevation within the Action Area slopes from approximately 60 feet above mean sea level (msl) in the eastern portion of the site to

approximately 55 feet msl in the western portion of the site. Currently the Action Area is fallow land. The site is bounded on the north and east by residential properties, to the west by Western Pacific railroad tracks and the Clark Lateral Canal, and to the south by the Olivehurst Public Utility District's water treatment plant.

SETTING

Regionally, the Action Area is located with the southern portion of Yuba County, within the City of Olivehurst. The Action Area is located within the Sacramento Valley, the northern half of the Great Central Valley of California, within flat valley bottomland where elevation averages approximately 60 feet above sea level. Mean annual precipitation is approximately 12 to 35 inches. Mean annual temperature ranges from 40 to 98 degrees Fahrenheit. The vegetative community descriptions and nomenclature described in this section generally follow the classification of "former agriculture land". The major hydrological features near the Action Area is the Reclamation District 784 Clark Lateral Canal to the west of the Action Area.

RESULTS

Description of the Existing Biological and Physical Conditions

The Action Area is located north of the Olivehurst Public Utility District water treatment plant and south of residential properties in the City of Olivehurst, Yuba County, California. The following describes the biological and physical conditions within the property and within the surrounding area.

Action Area

The Action Area is a ±27.17-acre parcel of agricultural land currently fallow. Immediately adjacent to the west of the Action Area is the Reclamation District 784 Clark Lateral, a drainage ditch that carries discharges from the Olivehurst Public Utility District water treatment plant in a southerly direction to the Olivehurst Pump Station. A waste water (sewage) pipeline bisects the property running from the residential properties in the north to the Olivehurst Public Utility District water treatment plant to the south.

Physical & Biological Conditions

Vegetation within the Action Area consists of a mix of non-native ruderal grasses and forbs. There are no medium or large diameter trees within the property.

Non-Native Ruderal Grasses and Forbs

The Action Area has been out of agricultural production for over thirty years. The area is fallow land. As such, the area has reverted to supporting only non-native grasses and forbs. Ruderal grasses and forbs are generally found throughout the Action Areas and are characteristic of former agricultural lands throughout the Yuba County area. Ruderal grasses and forbs typically occur on soils consisting of fine-textured loams or clays that are somewhat poorly drained. This

vegetation type is dominated by grasses including wild oats (*Avena fatua*), yellow star-thistle (*Centaurea solstitialis*), and weedy annuals and perennial forbs, primarily of Mediterranean origin, that have replaced native grasses as a result of past agricultural practices. Within the Action Area a sparse weedy flora is present consisting of wild oats, yellow-star thistle, filaree (*Erodium cicutarium*), field bindweed (*Convolvulus arvensis*), fiddle dock (*Rumex pulcher*), medusahead (*Taeniatherum caput-medusae*), Mediterranean barley (*Hordeum marinum*), radish (*Raphanus sativus*), Italian ryegrass (*Lolium multiflorum*), and trefoil (*Lotus corniculatus*) among others.

Native and introduced wildlife species are tolerant of human activities in former agricultural habitats. Such areas provide marginal habitat for local wildlife species. Common birds such as the house finch (*Carpodacus mexicanus*), black phoebe (*Sayornis nigricans*), American robin (*Turdus migratorius*), and mourning dove (*Zenaida macroura*) were observed in the Action Area. Mammals such as raccoon (*Procyon lotor*), skunk (*Mephitis mephitis*), jackrabbit (*Lepus californicus*), and house mouse (*Mus musculus*) are common in ruderal grassland environments. Several medium to large diameter eucalyptus trees to the east of the Action Area could potentially support raptor nests. All trees were evaluated during a time when leaves were off the trees and nests would be readily evident, however no stick nests were observed within 500 feet of the Action Area.

Regional Species and Habitats of Concern

The following table is a list of species that have the potential to occur within the Action Area and is composed of special-status species within the Olivehurst 7.5 minute quadrangle, and Yuba County. Species lists reviewed, and which are incorporated in the following table, including the CDFW, USFWS, and CNDDDB species list for the Yuba County area. Species that have the potential to occur within the Action Area are based on an evaluation of suitable habitat to support these species, CNDDDB occurrences within a five mile radius of the Action Area and observations made during biological surveys. Not all species listed within the following table have the potential to occur within the Action Area based on unsuitable habitat and/or lack of recorded observations within a five mile radius of the Action Area.

Table 1: Evaluation of Listed and Proposed Species Potentially Occurring or Known to Occur in the Cal Sierra Limited LP Project Action Area

Common Name (<i>Scientific Name</i>)	Status Fed/State/ CNPS	General Habitat Description	Habitat Present/ Habitat Absent	Rationale
INVERTEBRATES				
Conservancy fairy shrimp (<i>Branchinecta conservatio</i>)	FE/_/_	Moderately turbid, deep, cool-water vernal pool.	A/HA	There are no vernal pools within the Action Area. No Effect.
Valley elderberry longhorn beetle (<i>Desmocerus californicus dimorphus</i>)	FT/_/_	Blue elderberry shrubs usually associated with riparian areas.	A/HA	There are no elderberry shrubs within the Action Area, or within 1,000 feet of the Action Area. No Effect.
Vernal pool fairy shrimp (<i>Branchinecta lynchi</i>)	FT/_/_	Moderately turbid, deep, cool-water vernal pool.	A/HA	There are no vernal pools within the Action Area. No Effect.
Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>)	FE/_/_	Vernal pools, swales, and ephemeral freshwater habitat.	A/HA	There are no vernal pools within the Action Area. No Effect.
California linderiella (<i>Linderiella occidentalis</i>)	_/_/_	Seasonal pools in unplowed grasslands with old alluvial soils underlain by hardpan or in sandstone depressions.	A/HA	There are no seasonal pools within the Action Area. No Effect.
REPTILES AND AMPHIBIANS				
California red-legged frog (<i>Rana draytonii</i>)	FT/SSC/_	Quiet pools of streams, marshes and occasionally ponds. (sea level - 4,500 ft. elevation)	A/HA	There is no suitable habitat within or near the property to support this species. No Effect.
Giant garter snake (<i>Thamnophis gigas</i>)	FT/ST/_	Agricultural wetlands and other wetlands such as irrigation and drainage canals, low gradient streams, marshes ponds, sloughs, small lakes, and there associated uplands.	A/HA	Suitable habitat exists within 10 miles of the Action Area. Marginal habitat within the Clark Lateral (south of Action Area). No Effect.
FISH				
Central Valley spring-run Chinook salmon (<i>Oncorhynchus tshawytscha</i>)	FT/ST/_	Sacramento River and its tributaries.	A/HA	The Sacramento River is not part of this project. No Effect.
Central Valley steelhead (<i>Oncorhynchus mykiss</i>)	FT/_/_	Sacramento and San Joaquin Rivers and their tributaries.	A/HA	The Sacramento River is not part of this project. No Effect.

Attachment 4

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Common Name (Scientific Name)	Status Fed/State/ CNPS	General Habitat Description	Habitat Present/ Habitat Absent	Rationale
Delta Smelt (<i>Hypomesus transpacificus</i>)	FT/SE/_	Sacramento and San Joaquin Rivers and their tributaries.	A/HA	The Sacramento River is not part of this project. No Effect.
BIRDS				
Swainson's hawk (<i>Buteo swainsoni</i>)	MBTA/ST /_	Open grasslands and shrub lands.	A/MH	Eucalyptus within ½ mile of the Action Area provide suitable nesting habitat. Ruderal grassland provides marginal foraging habitat. None were observed during the habitat survey. May Affect, Not Likely to Adversely Affect.
Tri-colored black bird (<i>Agelaius tricolor</i>)	MBTA/SSC /_	Marshes and swamps, agricultural irrigation ditches, blackberry brambles and grasslands	A/HA	There is no suitable habitat for this species in the Action Area. None were observed during the habitat survey. No Effect.
Western yellow-billed cuckoo (<i>Coccyzus americanus occidentalis</i>)	FC/SE/_	Open woodlands, riparian areas, orchards and moist, overgrown thickets	A/HA	There is no suitable habitat for this species in the Action Area. None were observed during the habitat survey. No Effect.
White-tailed kite (<i>Elanus leucurus</i>)	MBTA/_/_	Open grasslands, meadows, or marshes for foraging, dense-topped trees for nesting and perching	A/MH	Eucalyptus within ½ mile of the Action Area provide suitable nesting habitat. Ruderal grassland provides marginal foraging habitat. None were observed during the habitat survey. May Affect, Not Likely to Adversely Affect.
Bank swallow (<i>Riparia riparia</i>)	_/_ST/_	Requires vertical banks/cliffs with fine textured/sandy soils near streams, rivers, lakes, ocean to dig nesting holes.	A/HA	There is no suitable habitat for this species in the Action Area. None were observed during the habitat survey. No Effect.
MAMMALS				
Hoary bat (<i>Lariurus cinereus</i>)	_/_/_	Roost in large to medium sized trees with dense foliage.	A/HA	There are no extensive parcels of riparian habitat with dense foliage within or near the Action Area. None were observed during the habitat survey. No Effect.
PLANTS				
Woolly rose-mallow (<i>Hibiscus lasiocarpus</i> var. <i>occidentalis</i>)	_/_1B.2	Marshes and swamps (freshwater). Moist, fresh-water soaked river banks & low peat islands in sloughs.	A/HA	There is no suitable habitat for this species in the Action Area. None were observed during the habitat survey. No Effect.
Ferris' milk-vetch (<i>Astragalus tener</i> var. <i>ferrisiae</i>)	_/_1B.1	Meadows and seeps, valley and foothill grassland. Subalkaline flats, usually seen in dry, adobe soils.	A/HA	There is no suitable habitat for this species in the Action Area. None were observed during the habitat survey. No Effect.
		Valley and Foothill Grassland, Cismontane		There is no suitable habitat for this species in the Action Area. None

Attachment 4

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Common Name (Scientific Name)	Status Fed/State/ CNPS	General Habitat Description	Habitat Present/ Habitat Absent	Rationale
Veiny monardella (<i>Monardella venosa</i>)	_/_/1B.1	Woodland. In heavy clay soils; mostly with grassland associates.	A/HA	were observed during the habitat survey. No Effect.
Recurved larkspur (<i>Delphinium recurvatum</i>)	_/_/1B.2	On alkaline soils; often in valley saltbush or valley chenopod scrub.	A/HA	There is no suitable habitat for this species in the Action Area. None were observed during the habitat survey. No Effect.
Hartweg's golden sunburst (<i>Pseudobahia bahifolia</i>)	T/T/1B.1	Valley and Foothill Grassland, Cismontane Woodland. Clay soils, often acidic. Predominately on northern slopes of knolls, but also along shady creeks or near vernal pools.	A/HA	There is no suitable habitat for this species in the Action Area. None were observed during the habitat survey. No Effect.

CODE DESIGNATIONS

FE = Federally-listed Endangered
FT = Federally-listed Threatened
FC = Federal Candidate Species
BCC = Federal Bird of Conservation Concern
MBTA = Protected by the federal Migratory Bird Treaty Act
SE = State-listed Endangered
ST = State-listed Threatened
SR = State-listed Rare
SSC = State Species of Special Concern
S1 = State Critically Imperiled
S2 = State Imperiled
S3 = State Vulnerable
S4 = State Apparently Secure
SSC = CDFW Species of Special Concern
FP = CDFW Fully Protected Species

A = Species Absent
P = Species Present
HA = Habitat Absent
HP = Habitat Present
CH = Critical Habitat
MH = Marginal Habitat
CNPS 1B = Rare or Endangered in California or elsewhere
CNPS 2 = Rare or Endangered in California, more common elsewhere
CNPS 3 = More information is needed
CNPS 4 = Plants with limited distribution
0.1 = Seriously Threatened
0.2 = Fairly Threatened
0.3 = Not very Threatened

Listed and Migratory Birds

Listed and Migratory birds are protected under State and Federal laws, the MBTA (16 USC 703) and the CFWC (3503). These laws and regulations prohibit the killing of these 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”.

Survey Results

During the listed and migratory bird and raptor surveys conducted during March, 2021, there were no observed tree nests (Swainson's hawk, white-tailed kite) within the Action Area. Sharp shinned hawks were observed foraging near the Action Area; however, no “stick nests” were noted. Due the presence of suitable nesting habitat within five miles of the Action Area, the following Avoidance and Mitigation Measures (AMM) should be incorporated into the project.

Mitigation Measure 4.1 Swainson’s Hawk and White-Tailed Kite

If a construction project cannot avoid potential nest trees (as determined by the qualified biologist) by 1,320 feet, the project proponent will retain a qualified biologist to conduct preconstruction surveys for active nests consistent, with guidelines provided by the Swainson’s Hawk Technical Advisory Committee (2000), between March 15 and August 30, within 15 days prior to the beginning of the construction activity. The results of the survey will be submitted to the California Department of Fish & Wildlife (CDFW). If active nests are found during preconstruction surveys, a 1,320-foot initial temporary nest disturbance buffer shall be established. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then the qualified biologist will monitor the nest and will, along with the project proponent, consult with CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed only to proceed within the temporary nest disturbance buffer if Swainson’s hawk or white-tailed kite are not exhibiting agitated behavior, such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, and only with the agreement of CDFW. The designated on-site biologist/monitor shall be on-site daily while construction- related activities are taking place within the 1,320-foot buffer and shall have the authority to stop work if raptors are exhibiting agitated behavior. For activities that involve pruning or removal of a potential Swainson’s hawk or white-tailed kite nest tree, the project proponent will conduct preconstruction surveys that are consistent with the guidelines provided by the Swainson’s Hawk Technical Advisory Committee (2000). If active nests

are found during preconstruction surveys, no tree pruning or removal of the nest tree will occur during the period between March 15 and August 30 within 1,320 feet of an active nest, unless a qualified biologist determines that the young have fledged and the nest is no longer active.

Project Impacts

With the implementation of avoidance and minimization measures there will be no direct or indirect impacts to listed or special concern avian species protected under State and Federal regulations or the MBTA. Direct impacts to all avian species will be avoided or minimized by beginning construction prior to the avian breeding season and/or conducting a preconstruction survey prior to the start of construction activities if construction activities will begin during the avian breeding season (See AMM above). By beginning construction prior to the avian breeding season there will be no active nests within the Action Area and direct impacts to avian species will not occur. Furthermore, beginning construction prior to the avian breeding season will also deter avian species from nesting within or within close proximity of the Action Area, which will also avoid impacts to species. If active avian nests are found then construction buffers, as determined by a qualified biologist, will be established and no construction will occur within the buffer until the biologist has determined that the young have fledged. Establishing no-construction buffers around active nests will minimize direct impacts. The project May Affect, Not Likely to Adversely Affect the Swainson's hawk, other raptor species, or other listed avian species.

Cumulative Effects

There are no foreseeable new actions that have potential to threaten migratory birds within the Action Area or contribute to cumulative effects to migratory bird species.

Table 2: Impacts and Recommended Avoidance/Minimization Measures

Target Species/ Communities	Impacts	Avoidance/ Minimization/ Mitigation Measures
Natural Communities	None	There are no natural communities within the Action Area. The entire Action Area consists of disturbed ruderal grasses and forbs. Plant surveys were conducted in early spring will all plants of concern would be easily identified.
Special Status Avian Species	Less Than Significant with Mitigation Incorporated	If site preparation occurs within the spring bird nesting season (March 15 - August 30), a preconstruction survey shall be conducted by a qualified professional within 15 days prior to construction. If active nests (with eggs or living young) are found within 1,320 feet of the Action Area, no activity shall be permitted that might disturb or remove the active nests until the young birds are able to leave the nest and forage on their own. Setback buffers for the nests will vary depending on the species affected and the location of the nest. Buffer zones shall be determined on a case by case basis in consultation with a California Department of Fish and Wildlife approved biologist.

RESULTS: PERMITS AND TECHNICAL STUDIES FOR SPECIAL LAWS OR CONDITIONS

Federal Endangered Species Act Consultation Summary

The USFWS was contacted during March, 2021, for a list of endangered, threatened, sensitive and rare species, and their habitats within the Action Area. The list was derived from special-status species that occur or have the potential to occur within the USGS Olivehurst 7.5" Quadrangle and Yuba County. The list was referenced to determine appropriate biological and botanical surveys and potential species occurrence within the Action Area.

Federal Fisheries and Essential Fish Habitat Consultation Summary

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). There is no habitat within the Action Area that provides "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). Therefore there is no EFH or the need for federal fisheries consultation.

California Endangered Species Act Consultation Summary

The CDFW was consulted during March, 2021, for a list of endangered, threatened, sensitive and rare species, and their habitats within the Action Area. The list was derived from special-status species that occur or have the potential to occur within the USGS Olivehurst 7.5" Quadrangle and Yuba County. The list was referenced to determine appropriate biological and botanical surveys and potential species occurrence within the Action Area.

Wetlands and Others Water Coordination Summary

MHBA conducted a determination of Waters of the U.S. within the Action Area. Surveys were conducted during March, 2021 by MHBA's Marcus H. Bole. The surveys involved an examination of botanical resources, soils, hydrological features, and determination of wetland characteristics based on the United States Army Corps of Engineers Wetlands Delineation Manual (1987); the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (2008); the U.S. Army Corps of Engineers Jurisdictional Determination Form Instructional Guidebook (2007); the U.S. Army Corps of Engineers Ordinary High Flows and the Stage-Discharge Relationship in the Arid West Region (2011); and the U.S. Army Corps of Engineers Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States (2008).

Determination of Waters of the United States

The intent of this determination is to identify wetlands and "Other Waters of the United States" that are present within the Action Area that could fall under the regulatory jurisdiction of the U. S. Army Corps of Engineers (Corps) pursuant to Section 404 of the Clean Water Act. The 1987

Corps of Engineers Wetlands Delineation Manual identifies several methodologies and combinations of methodologies that can be utilized in making jurisdictional determinations. Marcus H. Bole & Associates has employed the Routine On-Site Determination methodology for this study (as supplemented by the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, dated September 2008). The Routine On-Site Determination method uses a three-parameter approach (vegetation, soils and hydrology) to identify and delineate the boundaries of jurisdictional wetlands. To be considered a wetland, all three positive wetland parameters must be present. These parameters include (1) a dominance of wetland vegetation, (2) a presence of hydric soils, and (3) hydrologic conditions that result in periods of inundation or saturation on the surface from flooding or ponding. Further description of these parameters is provided below:

- 1) Vegetation. Wetland vegetation includes those plants that possess physiological traits that allow them to grow and persist in soils subject to inundation and anaerobic soil conditions. Plant species are classified according to their probability of being associated with wetlands. Obligate (OBL) wetland plant species almost always occur in wetlands (more than 99 percent of the time), facultative wetland (FACW) plant species occur in wetlands most of the time (67 to 99 percent), and facultative (FAC) plant species have about an equal chance (33 to 66 percent) of occurring in wetlands as in uplands. For this study, vegetation was considered to meet the vegetation criteria if more than 50% of the vegetative cover was FAC or wetter. Other than the Clark Lateral, west and south of the Action Area, no wetland habitats were identified on or near the Action Area.
- 2) Hydric Soils. Hydric soils are saturated, flooded, or ponded in the upper stratum long enough during the growing season to develop anaerobic conditions and favor the growth of wetland plants. Hydric soils include gleyed soils (soils with gray colors), or usually display indicators such as low chroma values, redoximorphic features, iron, or manganese concretions, or a combination of these indicators. Low chroma values are generally defined as having a value of 2 or less using the Munsell Soil Notations (Munsell, 1994). For this study a soil was considered to meet the hydric soil criteria for color if it had a chroma value of one or a chroma of two with redoximorphic features, or if the soil exhibited iron or manganese concretions. Redoximorphic features (commonly referred to as mottles) are areas in the soils that have brighter (higher chroma) or grayer (lower chroma) colors than the soil matrix. Redoximorphic features are the result of the oxidation and reduction process that occurs under anaerobic conditions. Iron and manganese concretions form during the oxidation-reduction process, when iron and manganese in suspension are sometimes segregated as oxides into concretions or soft masses. These accumulations are usually black or dark brown. Concretions 2 mm in diameter occurring within 7.5 cm of the surface are evidence that the soil is saturated for long periods near the surface. Onsite soils were identified as San Joaquin loam, 0 to 1% slopes. These are not “hydric” soils and no indication of hydric soil conditions were observed within or near the Action Area.
- 3) Hydrology. Wetlands by definition are seasonally inundated or saturated at or near the surface. In order for an area to have wetland hydrology, it has to be inundated or saturated for 5% of the growing season (approximately 12 days) (USDA, 1967). Indicators include visual soil saturation, flooding, watermarks, drainage patterns, encrusted sediment and plant deposits, cryptogammic lichens, and algal mats. There

are no natural hydrological features within the Action Area. The nearest hydrological feature is the Clark Lateral Canal located to the west of the Action Area. There are no anticipated impacts to the Clark Lateral Canal.

CONCLUSIONS AND RECOMMENDATIONS

According to the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) guidelines, a project is normally considered to have a significant impact on wildlife if it will interfere substantially with the movement of any resident or migratory fish or wildlife species; or substantially diminishes habitat quantity or quality for dependent wildlife and plant species. Impacts to special status species and their associated habitats are also considered significant if the impact would reduce or adversely modify a habitat of recognized value to a sensitive wildlife species or to an individual of such species. This guideline applies even to those species not formally listed as threatened, rare or endangered by the California Department of Fish & Wildlife and the United States Fish and Wildlife Service. Project implementation will not result in impacts to resident or migratory wildlife, special status plant or wildlife species, or any associated protected habitat.

c) Wetland Determination Results

Using the methodologies described in the 1987 Wetland Delineation Manual, Marcus H. Bole & Associates found no evidence of seasonal or perennial wetland habitats within the Action Area. There are no anticipated impacts to the Clark Lateral west and south of the Action Area, therefore the impact is *less than significant*.

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). There is no habitat within the Project Area that provides "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). Therefore there is no EFH or the need for federal fisheries consultation and there is a *less than significant* impact.

e) There would be no conflicts with General Plan policies regarding Mitigation of biological resources. The County has no ordinances explicitly protecting biological resources. Therefore, there is *no impact*.

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. Therefore, there is *no impact*.

V. CULTURAL RESOURCES	Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Cause a substantial adverse change in the significance of a historical resource 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 April, 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 involving creation of a residential subdivision, involving approximately 25-acres of land located immediately north of Mary Avenue and the Olivehurst Public Utility District (OPUD) property, and immediately south of the southern terminus of Donald Drive, a short distance east of the Union Pacific Railroad (UPRR) alignment, within the community of Olivehurst, Yuba County, California.

The proponent proposes to create a residential subdivision, which will include 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 area of potential effects (APE). In this case, the APE would consist of the circa 25-acre land area within which the residential development work will be undertaken. 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).

Scope of Work

Compliance with CEQA (and County rules and regulations) requires completion of projects in conformity with the amended (October 1998) Guidelines, including in particular Section

15064.5. Based on these rules, regulations and Guidelines, the following specific tasks were considered an adequate and appropriate Scope of Work for the present archaeological survey:

- Conduct a records search at the North Central Information Center of the California Historical Resources Information System and consult with the Native American Heritage Commission. The goals of the records search and consultation are to determine (a) the extent and distribution of previous archaeological surveys, (b) the locations of known archaeological sites and any previously recorded archaeological districts, and (c) the relationships between known sites and environmental variables. This step is designed to ensure that, during subsequent field survey work, all significant/eligible cultural resources are discovered, correctly identified, fully documented, and properly interpreted.
- Conduct a pedestrian survey of the APE in order to record and evaluate any previously unidentified cultural resources. Based on map review, a complete coverage, intensive survey was considered appropriate, given the presence of moderate archaeological sensitivity within the property. The purpose of the pedestrian survey is to ensure that any previously identified sites are re-located and evaluated in relation to the present project/undertaking. For any previously undocumented sites discovered, the field survey would include formally recording these resources on State of California DPR-523 Forms.
- Upon completion of the records search and pedestrian survey, prepare a Final Report that identifies project effects and recommends appropriate mitigation measures for sites that might be affected by the undertaking and that are considered significant or potentially significant per CEQA, and/or eligible or potentially eligible for inclusion on the National Register of Historic Places.

The remainder of the present document constitutes the Final Report for this project, detailing the results of the records search, consultation and pedestrian survey and providing recommendations for treatment of significant/eligible archaeological and historic sites. All field survey work followed guidelines provided by the Office of Historic Preservation (Sacramento) and conforms to accepted professional standards.

Location

The project area consists of approximately 25-acres of land located immediately north of Mary Avenue and the Olivehurst Public Utility District (OPUD) property, and immediately south of the southern terminus of Donald Drive, a short distance east of the Union Pacific Railroad (UPRR) alignment, within the community of Olivehurst, Yuba County, California. Lands affected are located within a portion of Section 17 of Township 14 North, Range 4 East, as shown on the USGS Olivehurst, California, and 7.5' Series quadrangle.

Environment

The project area consists of northern Sacramento Valley lands located approximately 2.5- miles east of the Feather River, within a basin that receives winter storm runoff from a significant watershed. The basin is formed in deep sediments of the Sacramento Valley, which in turn has been uplifted along its eastern margin where it interfaces with the lower foothills of the Sierra Nevada, and along its western margin where it interfaces with the Coast Range.

Topography within the APE is generally flat with an elevation averaging approximately 55- feet above sea level. The region is characterized by a Mediterranean climate, with cool, rainy winters and hot, dry summers. The average annual temperature for the project area ranges from 51-75°F, with the hottest temperatures occurring in July, reaching on average a maximum of 94°F. The average yearly rainfall totals for the area are approximately 19.37 inches, with the maximum annual precipitation occurring in January.

The region once supported a variety of flora and fauna taxa which have been subsequently replaced with domesticated plants and a slimmer variety of animals, including marsh birds, ducks, geese, raptors, reptiles, amphibians and small mammals.

In view of the substantial surface water sources throughout this area, prehistoric use and occupation was generally intensive, but the population was not randomly distributed. Clearly, the most intensively occupied land areas were at elevated locations along the river systems and along the Valley/Foothill interface.

Prehistory

The earliest residents in the Great Central Valley are represented by the Fluted Point and Western Pluvial Lakes Traditions, which date from about 11,500 to 7,500 years ago (Moratto 2004). Within portions of the Central Valley of California, fluted projectile points have been found at Tracy Lake (Heizer 1938) and around the margins of Buena Vista Lake in Kern County. Similar materials have been found to the north, at Samwel Cave near Shasta Lake and near McCloud and Big Springs in Siskiyou County. These early peoples are thought to have subsisted using a combination of generalized hunting and lacustrine exploitation (Moratto 2004).

These early cultural assemblages were followed by an increase in Native population density after about 7,500 years ago. One of the most securely dated of these assemblages in north- central California is from the Squaw Creek Site located north of Redding. Here, a charcoal- based C-14 date suggests extensive Native American presence around 6,500 years ago, or 4,500 B.C. Most of the artifactual material dating to this time period has counterparts further south, around Borax (Clear) Lake to the west, and the Farmington Area in a Valley setting east of Stockton. Important artifact types from this time period include large wide-stemmed projectile points and manos and metates.

In the Northern Sacramento Valley in the general vicinity of the project area, aboriginal populations continued to expand between 6,500 and 4,500 years ago. Early Penutian- speaking arrivals in this area may be represented by the archaeological complex known in the literature as the “Windmill” or “Early Horizon.” These sites date to about 4,000-5,000 years ago, with the connection to Penutian-speaking peoples suggested on the basis of extended burials, large leaf-shaped and stemmed projectile points similar to points of the Stemmed Point Tradition in the Plateau and portions of the Great Basin, large villages established along major waterways, and elaborate material culture with a wide range of ornamental and other non-utilitarian artifact types being present (Ragir 1972). The continuation of this pattern through the “Middle Horizon”, or from about 1,000 B.C. to A.D. 300, has also been documented at riverine sites within the Sacramento Valley, including several sites along the Feather River, within the general project vicinity.

Sometime around AD 200-300, the Valley may have experienced another wave of Penutian immigration. Arriving ultimately from southern Oregon and the Columbia and Modoc Plateau region and proceeding down the major drainage systems (including the Feather, Yuba and American Rivers and of course the Sacramento River), these Penutian-speaking arrivals may have displaced the earlier populations, including remnant Hokan-speaking peoples still resident within the Valley. Presumably introduced by these last Penutian-speaking peoples to arrive were more extensive use of bulbs and other plant foods, animal and fishing products more intensively processed with mortars and pestles, and perhaps the bow and arrow and associated small stemmed- and corner-notched projectile points.

Ethnography

The project area is located within territory claimed by the Nisenan (Wilson and Towne 1978), and close to the Patwin (Johnson 1978), to the west, at the time of initial contact with European/American culture (circa AD 1850), and also close to the border shared with the Konkow to the north (Riddell 1978; Dixon 1905). The Nisenan were also referred to as Southern Maidu.

The Nisenan, Patwin and Konkow were Penutian speakers (Shipley 1978), for whom the basic social unit was the family, although the village may also have functioned as a social, political and economic unit. Villages were usually located near water sources, with major villages inhabited mainly in the winter as it was necessary to relocate into the hills and higher elevation zones to establish temporary camps during food gathering seasons (i.e., spring, summer and fall). Villages typically consisted of a scattering of bark houses, numbering from four or five to several dozen in larger villages, each house containing a single family of from three to seven people.

As with all northern California Indian groups, economic life for these Penutian-speaking groups revolved around hunting, fishing and the collecting of plant foods. Deer were an important meat source and were hunted by individuals by stalking or snaring, or by groups in community drives. Salmon runs, and other food resources available along the Feather and Yuba Rivers, also contributed significantly to local economies. While much of the fish protein was consumed immediately, a significant percentage, particularly during the fall salmon run, was prepared for storage and consumed during winter months (Broughton 1988). Acorns represented one of the most important vegetal foods and were particularly abundant within the Valley Oak Woodlands, which dominated lands located along the margins of the major rivers, including the Sacramento River, the Feather River, the Yuba River and the Bear River, all located within the general project vicinity.

Relations between Euro-Americans and Native Americans in the northern Sacramento Valley followed the course of interaction documented in most other parts of North America, but with particularly devastating consequences for the Sacramento Valley Indians. John Work's fur trapping expedition through the region in 1832-33 resulted in the introduction of several communicable diseases, the results of which were devastating to Native culture and society (Maloney 1945; Cook 1955, 1976).

Historic Context

Recorded history in the project area begins with the attempts of Spanish colonists to explore parts of California beyond the coastal zone. Gabriel Moraga's expedition was undertaken in 1806, with additional incursions occurring through the late 1830's and 1840's, including John Work's fur trapping expedition through central California in 1832-33, one of the best documented of the early forays into the Great Central Valley. Work's expedition introduced several communicable diseases to the Native inhabitants that turned out to be devastating to Nisenan culture and society (Work 1945; Cook 1976).

Additional major incursion by European American populations followed John Sutter's petition for and award of the New Helvetia Land Grant colony in 1839, with the Grant defining much of present-day Sacramento. Operating initially from Sutter's Fort, the Swiss emigrant planted wheat and raised cattle and horses, and employed many local Nisenan people on his Hock Farm on the west side of the Feather River, approximately four miles west-southwest of the present project area. The establishment of this farm set a precedent for farming in Yuba City and Sutter County.

Discovery of gold in 1848 at Coloma resulted in the influx of thousands of fortune seekers into California and the Sacramento area, ultimately destroying Sutter's hopes for a northern agrarian empire. The embarcadero became a trading center instead, with supplies from San Francisco sold to miners departing for the foothills east of Sacramento and elsewhere in the Sierra Nevada.

By 1849, Sutter's son had assumed title to New Helvetia, and began a systematic survey of the extensive land grant, resulting eventually in a network of straight 80-foot wide streets and 20-foot wide alleys within Sacramento. Proximity to the American and Sacramento Rivers prompted levee construction as early as 1850.

The city of Marysville lies at the confluence of the Yuba and Feather Rivers in Yuba County on a portion of John Sutter's 1841 land grant. Sutter leased part of his land to Theodor Cordua, who built a rancho on the north bank of the Yuba River. In 1848, Cordua sold a half interest in the land to a former employee of his, Charles Covillaud, and later sold his remaining interest to Michael Nye and William Foster. Covillaud's partners in the land grant soon changed so that by 1849 four men, Covillaud, Jose Manuel Ramirez, John Simpson, and Theodore Sicard had become Covillaud and Company. In 1850, town lots were mapped out, parcels sold, and the name of Marysville chosen for the new town in honor of Mary Murphy, the wife of Charles Covillaud and a survivor of the Donner Party. Marysville became the Yuba County seat in 1850, and was incorporated the following year.

The position of Marysville at the confluence of the Feather and Yuba Rivers, and its relative proximity to San Francisco, Sacramento, and the gold mines of the Sierras, made the location a hub in the newly burgeoning economy.

The population grew steadily, reaching around 4,000 by 1900. As the population grew during these last decades of the 19th century, so too did the demand for various commodities and services. Consequently, a diverse number of businesses sprang up throughout the City.

As elsewhere in California, many of the Valley communities were purposefully created and funded by the railroads, with one of the objectives being to provide necessary services for the

system itself (water, fuel), and another being to benefit from housing construction spurred by the extension of the railroad. Several towns both north and south of Marysville represent such communities whose early growth was directly related to the railroad and to the benefits to local agriculture and ranching (both sheep and cattle) which accompanied expansion of the market created by the extension of long-haul freight into the Valley. Both the Western Pacific and the Southern Pacific Railroad lines passed through the northern portion of the City in, enhancing commercial freight service in the region.

In addition to the availability of freight service, the Northern Electric Railroad provided passenger service across the Feather River. In 1909, the Northern Electric Railroad had constructed a steel truss bridge alongside a covered wagon bridge connecting Marysville and Yuba City. The construction of a passenger and railroad link between the Cities of Marysville and Yuba City was crucial to the overall growth and development of both cities.

As Marysville continued to grow into the 20th century, the city developed further northeast away from the confluence of the two rivers. The land area immediately surrounding the APE has been subjected to agricultural development throughout the 20th century, while greater residential and commercial development, first following the end of World War II, and more intensively into the 21st century is evident throughout the region.

Episodic flooding and limited navigation along the Feather River initially limited the magnitude of settlement in the area, and the mid-19th century decades witnessed multiple efforts to reduce the threat of flood within the river's floodplain. On May 31, 1861, the California State legislature passed AB54 which was intended to promote organization of "swampland districts" which would be instrumental in developing flood protection facilities. Structural and jurisdictional limitations resulted in piecemeal levees being erected, which resulted in the program's failure.

Five years later, in 1868, the Green Act was passed which further complicated the matter of flood protection as levees were constructed, not in accordance with the topographical and hydrological setting in mind, but rather based on board-elected districts which "acquired" swamplands for the purposes of reclamation, and ultimately conversion to private property.

In 1908, RD784 was created under the authority of California's Central Valley Flood Protection Board and the Department of Water Resources. The District covers over 40,000 acres, and miles of levees and canals, all for the purpose of relieving the region of floodwaters, temporarily holding such in detention basins, before transporting such through canals ultimately to be discharged back into the Bear River and the Feather River.

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.

Records at North Central Information Center

The official Yuba County archaeological records were examined on April 28, 2021 (I.C. File # YUB-21-21). This search documented the following existing conditions for a 0.25-mile radius centered on the APE:

- According to the Information Center's records, no cultural resources have been documented within the circa 25-acre APE. One (1) historic-era resource has been documented within the 0.25-mile search radius, but outside of the present APE.
- According to the Information Center, all of the present APE has been subjected to previous archaeological investigation, as a result of one (1) previous survey. Three (3) additional investigations have been conducted within the 0.25-mile search radius. All four of these investigations are summarized as follows:

NCIC#	Date	Author(s)
003853	2000	Nelson, Carpenter, Holanda
003853A	2000	Munns, Turner, Kay
003853B	2001	Furlong, Tremaine
008352	2004	Jensen
008356	2004	Jensen
008357	2004	Jensen

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).
- 1860 GLO Plat, T14N, R4E.
- 1911 USGS Ostrom (Olivehurst), CA quadrangle.
- 1952 USGS Olivehurst, CA 7.5' quadrangle.
- NETR topographic maps (1911, 1953, 1959, 1966, 1974, 1983, 1985, 2012, 2015, 2018).
- NETR Aerials (1947, 1998, 2005, 2009, 2010, 2012, 2014, 2016).
- 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 APE 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 April 28, 2021 by Principal Investigator, Sean Michael Jensen, M.A. Mr. Jensen is a professional archaeologist, historian and architectural historian, with more than 34 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

Fieldwork identified the following general conditions within the project area. All of the present APE has been impacted directly by a series of intensive disturbances, including past episodic flooding and subsequent agricultural/ranching activities. As well, a PG&E electrical transmission line is located immediately adjacent to the property's northern boundary. This feature has required grading, construction and ongoing maintenance which have impacted the margins of the present property. Further, a flood control feature, the Clark Lateral, trends north-south along the property's western boundary. This feature consists of a drainage channel excavated to a depth of approximately 15-feet and a width of approximately 40-feet, with the canal's margins substantially disturbed.

Examination of the USGS quadrangles, NETR topographic maps and historic aerials, confirmed that a building or structure was once located within the property's northeastern quadrant. This feature is first noted on the 1974 USGS topographic map, and is depicted as a "new" building, constructed since the previous map iteration in 1966. This area was carefully inspected during the present investigation, and it was evident that the building, as well as the surrounding area, had been demolished at some point.

Prehistoric Resources

No evidence of prehistoric activity or occupation was observed during the present pedestrian survey. The absence of such resources may be explained, at least in part, by the historic through contemporary disturbances to the entire APE. As previously noted, the entire APE has been subjected to intensive agricultural/ranching development, episodic flooding, excavation of a north-south trending trench and placement of a sewer line through the central portion of the property, and contemporary demolition.

Historic Resources

No historic-era sites were observed within the present APE. The absence of such resources is best explained by the degree of disturbance to which all of the APE has been subjected.

ELIGIBILITY RECOMMENDATIONS

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.

PROJECT EFFECTS

A project may have a significant impact or adverse effect on significant historical resources/unique archaeological resources 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 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/unique archaeological resources are present within the project area and no significant historical resources/unique archaeological resources will be affected by the undertaking, as presently proposed.

PROJECT SUMMARY

The report details the results of a cultural resources inventory survey involving creation of a residential subdivision, involving approximately 25-acres of land located immediately north of Mary Avenue and the Olivehurst Public Utility District (OPUD) property, and immediately south of the southern terminus of Donald Drive, a short distance east of the Union Pacific Railroad (UPRR) alignment, within the community of Olivehurst, Yuba County, California.

The proponent proposes to create a residential subdivision, which will include 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 North Central Information Center document that all of the present APE had been subjected to previous archaeological investigation, and that no historic properties have been documented within the APE. As well, the present effort included an intensive-level pedestrian survey. No prehistoric or historic-era cultural resources were identified during the pedestrian survey.

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 April 27, 2021. The NAHC response is pending.

The probability of encountering buried archaeological sites within the APE is low. This conclusion is derived in part from the observed soil matrices which have been subjected to a high degree of disturbance associated with past agricultural/ranching activities. Evidence of ground disturbance assisted in determining whether or not subsurface resources were present within the APE. Overall, the soil types present and contemporary disturbance would warrant a finding of low probability for encountering buried archaeological sites.

Based on the absence of significant historical resources/unique archaeological resources within the APE, archaeological clearance is recommended for the project/undertaking as presently proposed. For these reasons, cultural resources in the project area are *less than significant with the following mitigation measures:*

Mitigation Measure 5.1 Inadvertent Discovery Of Human Remains

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

Mitigation Measure 5.2 Inadvertent Discovery Of Cultural Material

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

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

DISCUSSION/CONCLUSION/MITIGATION:

a) & b) While the project will introduce 117 new homes and increase energy consumption, compliance with Title 24, Green Building Code, will ensure that all project energy efficiency requirements are net resulting in *less than significant impacts*.

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 residential properties and has will be used for residential purposes. The project is within the Olivehurst Public Utility District (OPUD) and is required to connect to their district for public water and sewer. Through implementation of the County Environmental Health Department conditions of approval and connections to OPUD, the project would result in a ***less than significant impact*** to wastewater.

VIII. GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Significant Mitigation Incorporated	Than With	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 additional 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion/Conclusion/Mitigation:

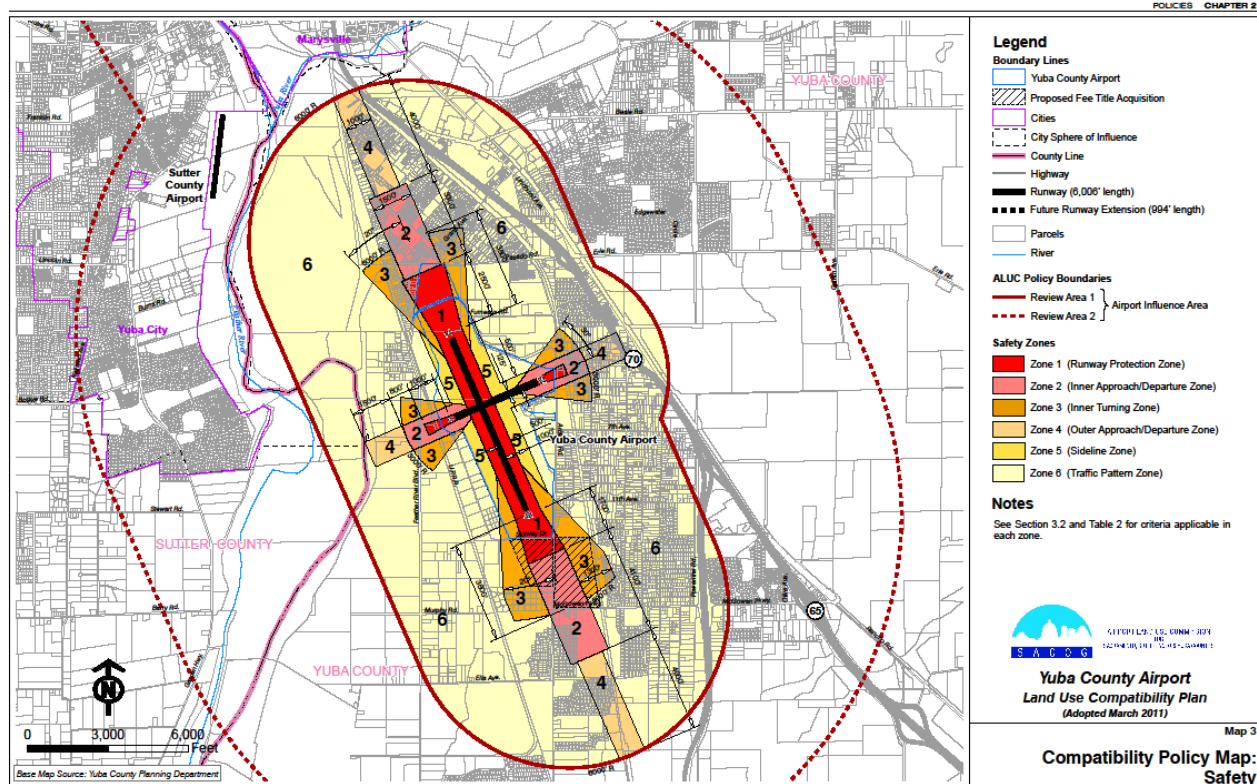
a), b) and c) There would be no routine transport, use, or disposal of hazardous materials or the release of hazardous materials into the environment related to this residential project. The closest school site is Olivehurst Elementary School, which is 0.35 miles away from the project site – therefore, more than a ¼ miles away. There would be **no impact** to surrounding land uses concerning hazardous materials and this project.

d) The project site is not located on a site included on a list of hazardous materials sites compiled pursuant to [Government Code Section 65962.5](#). The site has historically been used for agricultural/ranching activities and is currently vacant. 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 located within Safety Zone 6 of the Yuba County Airport Land Use Compatibility Plan (ALUCP) and approximately 1.5 miles south of the Yuba County Airport (See Figure 2). This Yuba County Airport Land Use Compatibility Plan is one of a series of compatibility plans adopted by the Sacramento Area Council of Governments (SACOG) acting in its capacity as the Airport Land Use Commission (ALUC) for Sacramento, Sutter, Yolo, and Yuba counties. The basic function of the plan is to promote compatibility between Yuba County Airport and the surrounding and proposed land uses.

The property is located within Safety Zone 6 of the ALUCP and lists Single Family Subdivisions as a compatible use. Specifically, Single Family Residential Development falls within the “Normal Compatible” land use category and is located outside of the direct flight path of the airport. Therefore, the project would have *a less than significant impact* on public or private airstrips.

Figure 2: Yuba County Airport Safety Map



g) There are eight new roads within the proposed subdivision: Byrne Drive, Darrach Drive, Katz Drive, Hensley Drive, Brianna Way, Lorelai Way, Lemaster Court, and Van Dusen Court. All of the new roads will connect to existing roads, Donald Drive and Mary Avenue. These new roads and associated road improvements would not interfere with the existing road system. Since

there would be no major physical interference to the existing road system, there would be *a less than significant impact* with an emergency response or evacuation plan.

h) The project is not located in a high wildlife fire hazard severity zone as reported by the Cal Fire 2008 Fire Hazard Severity Zones map. The property is within the jurisdiction of the Olivehurst Public Utility District Fire Department, who will respond to fire emergencies within the project site. For this reason, the impact would be *less than significant*.

X. HYDROLOGY AND WATER QUALITY		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:					
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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 would not require the use of septic tanks, as it would require any new residences built by the project to connect to public sanitary sewer services. As a result, the project would not violate water quality standards or waste discharge requirements with regards to sewage disposal. There would be a *less than significant impact*.

b) The project design proposes a connection to the existing municipal water system, and would not use individual wells. The Olivehurst Public Utility District water system has sufficient water service to provide service to the project. The applicant will be required to adhere to all rules and regulations governing water service hook-up. While the project would introduce impervious surfaces, which has the potential to alter recharge patterns, storm water drainage is proposed

through the use of gutters on the new public roads, therefore percolation and groundwater recharge activity would remain generally unchanged. There would be a *less than significant impact*.

c) i) The project will result in the disturbance of approximately 25.16 acres of vacant land. The project will result in a total of 117 single-family residences along with accompanying streets, driveways, and open space. The project will involve the grading of the entire site.

The project site is 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 shall be incorporated to reduce any substantial siltation or erosion.

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.

There would be a *less than significant impact with mitigation incorporated*.

i-iv) The project would introduce impervious surfaces through the addition of 117 single-family residences and accompanying roads and driveways. This has the potential to generate higher run-off rates that could potentially cause flood either on or off site. Mitigation Measure 10.2 is recommended to reduce any potential flooding on or off site to a less than significant level.

Mitigation Measure 10.2 Drainage Plan

Prior to recordation of a Final Map, a plan for a permanent solution for drainage shall be submitted to and approved by Yuba County and the Public Works Division. The drainage and improvement plans shall provide details relative to drainage, piping, and swales. Further, the Drainage Plan shall specify how drainage waters shall be detained onsite and/or conveyed to the nearest natural or publicly maintained drainage channel or facility and shall provide that there shall be no increase in the peak flow runoff above existing conditions.

There would be a *less than significant impact with mitigation incorporated*.

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.

e) The project will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan because Yuba County has not adopted a water quality control plan or sustainable groundwater management plan. There would be a *less than significant impact*.

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) and b) The project site is within an area of urban development within the Olivehurst Community of 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 Single Family Residential (RS) zone and Valley Neighborhood general plan designation by creating parcels 117 parcels on 21.83 acres. The RS zone allows a density of 3-8 units per acre – the applicants are proposing approximately 5 units per acre ($117 \text{ units} / 21.83 \text{ acres} = 5.4 \text{ units per acre}$). Moreover, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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:

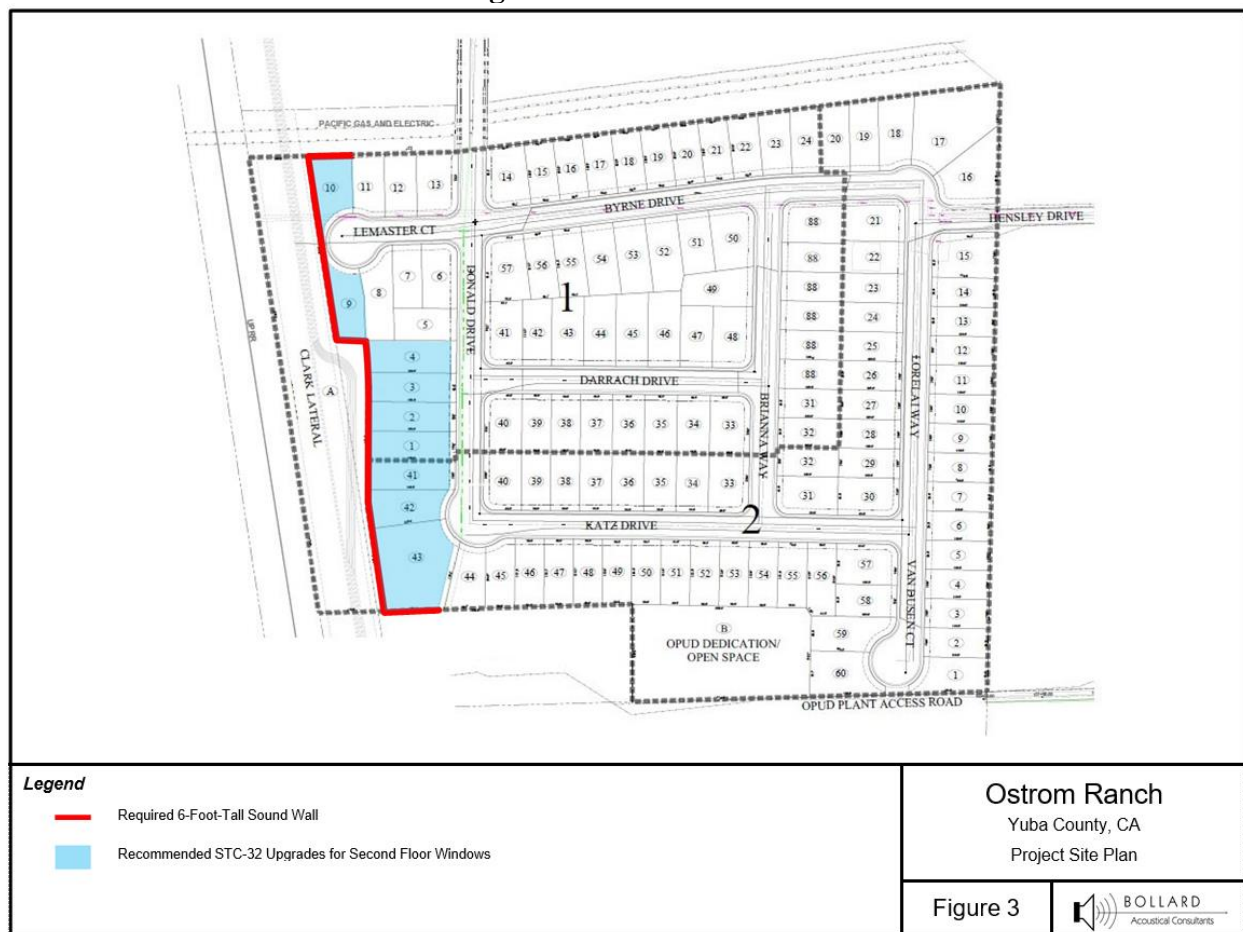
a) & b) A Noise Study was conducted for the project by Paul Bollard from Bollard Acoustical Consultants, Inc. in May, 2021. Here is a summary of the study:

Introduction

The Ostrom Ranch Residential Development proposes the construction of 117 single-family residential lots in Yuba County, California. The site is bordered by Mary Avenue to the east and by Union Pacific railroad (UPRR) tracks to the west. The project area and site plan are shown in Figures 3.

Due to the proximity of the project site to the UPRR tracks, Bollard Acoustical Consultants, Inc. (BAC) was retained by the project applicant to prepare this noise assessment. Specifically, the purposes of this assessment are to quantify noise generated by railroad operations on the UPRR tracks, and to compare those noise levels against the Yuba County exterior and interior noise standards for new residential developments.

Figure 3: Noise Site Plan



CRITERIA FOR ACCEPTABLE NOISE EXPOSURE

Yuba County Noise Element

The Yuba County 2030 General Plan Noise Element contains the following pertinent policies with respect to noise:

Policy HS10.2

If existing noise levels exceed the acceptable levels listed in Table 1, new developments are required to incorporate mitigation to reduce noise exposure in outdoor activity areas to the maximum extent feasible and include mitigation designed to achieve acceptable interior noise levels, as defined in Table 3.

Policy HS10.8

Noise attenuation barriers are strongly discouraged, except to attenuate noise for existing developed uses, and may be used in the context of new developments only when no other approach to noise mitigation is feasible.

Table 3: Maximum Allowable Noise Exposure from Transportation Noise Sources at Noise-Sensitive Land Uses – Yuba County General Plan Noise Element

LAND USE	INTERIOR SPACES		OUTDOOR ACTIVITY AREAS (DBA L _{DN})					
	DBA L _{DN}	DBA L _{EQ}	55	60	65	70	75	80
Residences	45	-						
Hotels, Motels	45	-						
Schools, Libraries, Museums, Places of Worship, Hospitals, Nursing Homes	45	45						
Theaters, Auditoriums, Concert Halls, Amphitheaters	35	-						
Outdoor Spectator Sports	-	-						
Playgrounds, Parks	-	-						
Golf Courses Riding Stables, Water Recreation, Cemeteries	-	-						
Office Buildings, Retail, and Commercial Services	45	-						
Industrial, Manufacturing, Utilities, Agriculture	-	-						

— **Normally Acceptable** – Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise requirements.

■ **Conditionally Acceptable** – New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design.

■ **Normally Unacceptable** – New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirement must be made and needed noise insulation features included in the design.

■ **Clearly Unacceptable** – New construction or development clearly should not be undertaken.

Notes: dBA = A-weighted decibels; L_{dn} = day-night average noise level; L_{eq} = energy-equivalent noise level. This table does not apply to existing transportation noise sources affecting existing land uses. Outdoor activity areas are the portion of a property where activities are normally expected. This would include portions of backyards, decks, balconies, pools, sports or game courts, and patios, but would not include front yards, spaces next to parking, roads, driveways, or vehicular loading areas. Hospitals and nursing homes use the L_{dn} interior standard, whereas schools, libraries, museums, and places of worship use a L_{eq} interior standard. Office buildings have an interior standard, but retail and commercial service uses do not have an interior standard.

Source: Governor's Office of Planning and Research 2003 General Plan Guidelines.

As indicated in Table 3, the applicable General Plan noise standards for this residential project are an exterior noise level of 60 dB L_{dn} in outdoor activity areas (backyards) and 45 dB L_{dn} within residences. Exterior noise environments up to 70 dB L_{dn} are considered conditionally acceptable by Yuba County.

EXISTING AMBIENT NOISE ENVIRONMENT

The existing ambient noise environment at the project site is primarily defined by intermittent railroad activity on the UPRR railroad tracks. To quantify the noise generation of railroad activity, BAC utilized railroad noise level monitoring data previously collected adjacent to these railroad tracks in the general project vicinity. Specifically, BAC utilized noise level measurements previously conducted for the River Oaks Village 1 development (BAC Job #2017-194) located approximately 6 miles south of the proposed development adjacent to the same UPRR tracks.

For the Village 1 project, BAC conducted a continuous (24-hour) noise level survey on November 15-16, 2017, approximately 250 feet from the centerline of the UPRR tracks. The purpose of the continuous noise level survey was to determine railroad noise exposure in terms of the day/night average level (Ldn), and to determine the typical maximum noise levels generated by train passbys.

A Larson Davis Laboratories (LDL) Model 820 precision integrating sound level meter was used to conduct the railroad noise level survey. The meter was calibrated before and after use with an LDL Model CAL200 acoustical calibrator to ensure the accuracy of the measurements. The equipment used meets all pertinent specifications of the American National Standards Institute for Type 1 sound level meters (ANSI S1.4).

During the railroad noise survey at the Village 1 Site, a total of 14 railroad passbys (6 freight trains, 8 passenger trains) were observed during the 24-hour monitoring period. Of these passbys, approximately 33 percent of the freight train passbys occurred during nighttime hours (10:00 p.m. to 7:00 a.m.). No passenger train passbys occurred during nighttime hours. Because the UPRR tracks located adjacent to the Ostrom Ranch development are the same tracks which are adjacent to the River Oaks Village 1 project site, the two sites share the same number of daily railroad passbys. A summary of the monitored railroad operations is provided below in Table 4.

Table 4 Railroad Noise Monitoring Results River Oaks East Village 1 – Yuba County, California							
Date	Number of Passbys	Time of Day		Type of Train		Average SEL, dB	
		Day	Night	Freight	Passenger	Freight	Passenger
11/15/17 - 11/16/17	14	12	2	6	8	96	77
Source: Bollard Acoustical Consultants, Inc. (2017)							

The sound level meter was programmed to record statistical details of brief high-noise-level events for use in identification and analysis of train passbys. From the identified railroad events, the computed railroad Ldn value for the monitoring period was 60 dB at the 250 foot measurement distance. Detailed results of the long-term noise level survey are shown numerically and graphically in Appendices B and C.

EVALUATION OF FUTURE RAILROAD NOISE LEVELS AT THE PROJECT SITE

Railroad Noise Prediction Methodology & Results

As noted in the previous section, existing railroad operations on the UPRR tracks generate a day/night average level of 60 dB Ldn at a distance of 250 feet from the railroad tracks. Future railroad activity would be limited to the number of operations which could reasonably occur over a 24-hour period. Given the frequency of the current schedule, it was conservatively assumed that the number of daily passbys could increase by 50% in the future, resulting in an increase of 2 dB relative to measured existing noise levels. Therefore, future railroad noise exposure at the reference distance of 250 feet would be 62 dB Ldn. Due to reduced ground absorption at elevated upper-floor locations, upper-floor building façade noise levels would be 3 dB higher than first-floor façades, resulting in a future railroad noise exposure of 65 dB Ldn at 250 feet at elevated 2nd floor facades.

At the Ostrom Ranch project site, the UPRR tracks are located approximately 180 feet from the backyard areas and building facades of Lots 9 and 10, and approximately 230 feet from the backyard areas and building facades of Lots 1-4 and 41-43. The reference future railroad noise level of 62 Ldn at 250 feet from the tracks was projected to these backyard areas assuming sound attenuation consistent with a moving point source (4.5 dB decrease per doubling of distance). Within the backyards of Lots 9 and 10, located 180 feet from the UPRR tracks, future unmitigated railroad noise exposure is computed to be approximately 64 dB Ldn. Within the backyards of lots 1-4 and 41-43, located 230 feet from the RR tracks, the future railroad noise exposure is computed to be approximately 63 dB Ldn.

Railroad Noise Compliance Evaluation for Outdoor Activity Areas

As noted in the previous section, unmitigated railroad noise levels within the nearest backyards of the proposed development, Lots 9-10, and Lots 1-4 and 41-43, are predicted to be 64 dB Ldn and 62.5 dB Ldn, respectively. However, the developer is proposing a masonry noise barrier along the backyard areas of the lots nearest to the railroad tracks. The approximate locations of the proposed noise barriers are illustrated on Figure 2. It was determined that 6-foot-tall noise barriers constructed at the locations shown on Figure 2 would provide a minimum railroad noise level reduction of 5 dB. Therefore, following construction of the proposed noise barrier, mitigated railroad noise exposure within the backyards of the proposed residences nearest to the railroad tracks are predicted to be 59 dB Ldn or less, and therefore would satisfy the Yuba County 60 dB Ldn exterior noise level standard. As a result, no further consideration of additional railroad noise mitigation measures would be warranted for the project.

Railroad Noise Compliance Evaluation for Residential Interiors

After accounting for the noise attenuation provided by the proposed 6-foot tall noise barriers along the west side of the project, future exterior noise levels are predicted to be approximately 59 dB Ldn or less at the first-floor building façades of the residences proposed nearest to the RR tracks.

As mentioned previously, noise levels at the second-floor building façades of residences nearest to the railroad tracks would be 3 dB higher due to reduced ground absorption at those elevated

positions. In addition, the second-floor facades would not be shielded by the proposed noise barrier. As a result, second-floor façade noise exposure would be approximately 8 dB higher than predicted first-floor building façade exposure. Resulting second-floor exterior building façade noise exposure is predicted to be 67 dB Ldn at Lots 9-10, and 66 dB Ldn at Lots 1-4 and 41-43.

In order to satisfy the Yuba County 45 dB Ldn interior noise level standard, minimum building façade noise reductions of 14 dB and 22 dB would be required at the first and second-floor facades, respectively, of the residences constructed on Lots 9-10. At Lots 1-4 and 41-43, minimum noise reductions of 13 dB and 21 dB at would be required of the first- and upper-floor building façades, respectively.

Standard residential construction typically results in an exterior to interior noise reduction of at least 25 dB with windows closed, and approximately 15 dB with windows open. Therefore, standard construction practices would be adequate for both first-floor and upper-floor facades. However, in order to reduce the potential for sleep disturbance during nighttime train passbys, the north, west, and south-facing upper-floor bedroom windows of the lots located adjacent to the railroad tracks should be upgraded to a minimum Sound Transmission Class (STC) rating of 32. Figure 3 shows the recommended window assembly upgrade locations. Mechanical ventilation (air conditioning) should be provided for all residences within this development to allow the occupants to close doors and windows as desired for additional acoustical isolation.

CONCLUSIONS AND RECOMMENDATIONS

Future exterior and interior railroad noise levels at the proposed Ostrom Ranch Residential Development are predicted satisfy the Yuba County General Plan noise level standards provided the following Mitigation Measures are implemented:

Mitigation Measure 13.1 Upgraded Window Class

All north, west, and south-facing upper-floor bedroom windows of the residences proposed adjacent to the railroad tracks should be upgraded to a minimum Sound Transmission Class (STC) rating of 32. The recommended upgraded window locations are identified on Figure 3.

Mitigation Measure 13.2 Mechanical Ventilation

Mechanical ventilation (air conditioning) should be provided for all residences in this development to allow occupants to close doors and windows as desired to achieve additional acoustical isolation.

Mitigation Measure 13.3 Noise Barriers

Noise barriers should be constructed at the locations shown on Figure 3 as proposed. This analysis concludes that 6-foot tall barriers relative to adjacent backyard elevation would be sufficient to achieve compliance with the applicable 60 dB Ldn exterior noise standard of Yuba County.

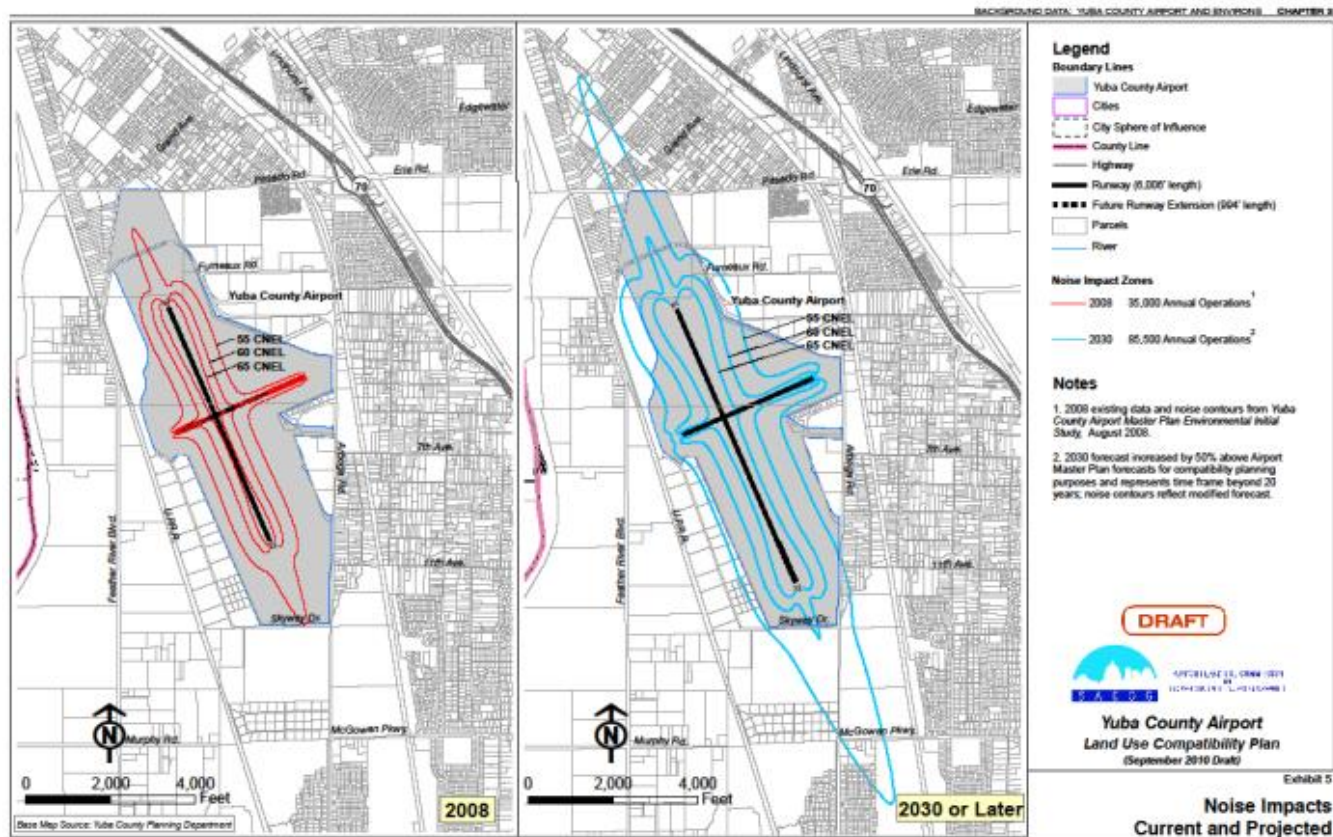
Mitigation Measure 13.4 Disclosure Statements

Disclosure statements should be provided to all prospective residents of this development notifying of elevated noise levels during railroad passages, particularly during nighttime operations and periods of warning horn usage.

These conclusions are based on the projected UPRR noise level data on the project site, the project site plan shown on Figure 2, and on noise reduction data for standard residential dwellings and for typical STC rated window data. Deviations from the project site plan shown in Figure 3 could cause future railroad noise levels to differ from those predicted in this analysis. The project would result in a *less than significant impact with mitigation incorporated*.

c) As mentioned previously, the project site is located within Safety Zone 6 of the Yuba County Airport Land Use Compatibility Plan (ALUCP) and approximately 1.5 miles south of the Yuba County Airport. The property is located outside of the vicinity for any potential noise impacts (See Figure 3). Moreover, Single Family Residential is within the CNEL 55-60 dB and is therefore a compatible uses. Single Family Residential allows for both indoor and outdoor uses, which, at this location, would have minimal interference from aircraft noise. For this reason, a *Less Than Significant Impact* is anticipated to result from surrounding airport uses.

Figure 4: Noise Impacts



XIV. POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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 will result in an increase in population in the immediate area as the project proposes the construction of 117 single-family residences where none currently exist. Based on 2.9 people per dwelling unit, this will result in a population increase of roughly 339 people within the project area. As discussed in Land Use and Planning Section, the property is zoned Single Family Residential (RS), which allows a density of 3-8 units per acre – the applicants are proposing approximately 5 units per acre ($117 \text{ units} / 21.83 \text{ acres} = 5.4 \text{ units per acre}$). Therefore, this project will result in a density that is planned for this property. 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

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 Olivehurst Public Utility District (OPUD) Fire Department and new development is required to install fire hydrants and water main extensions, paid for by the individual developer. At the time building permits are issued, fire fees are paid on a per square footage basis. The fees are established by the District to offset the cost of providing additional fire suppression. The project will be conditioned to comply with all requirement of the OPUD Fire Department. Based on the collection of fees, any impacts the project may have on Fire protection are expected to be less than significant. The increased fire protection capability of the OPUD Fire Department will not cause significant environmental impacts. 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. The stated that their facilities do not have the capacity to absorb the new students from the project and that new development proposals must mitigate the impacts proportional to the intensity of the development. The Board adopted Resolution No. 2019-20/31, authorizing the County to levy a fee, charge, dedication, or other form of requirement against residential development projects for the purpose of funding the construction or reconstruction of school facilities. Specifically, the purpose of the fees is to finance the construction and reconstruction of school facilities in order to provide adequate school facilities for the students of the District. The resolution states that the maximum fee is \$4.08 per square feet for residential development.

For this reason, the proposed development will be paying its fair share of school fees to pay for the construction of new school facilities. With the incorporated standard requirement for school fees, impacts related to schools would be *less than significant*.

d) The project involves the construction of 117 single-family residences. Thus, it would generate an additional demand for parks and recreational facilities. As discussed in above in the Public Services section, the project will addresses the impacts from the increased usage through a combination of 1.695 acres of parkland dedication or the payment of in-lieu fees. The dedication of parkland and/or the payment of in-lieu fees will ensure that parkland dedication for the proposed project is in compliance with the Yuba County standard of 5 acres per 1,000 population. Compliance with Yuba County parkland dedication requirement will ensure that substantial deterioration of recreational facilities would not occur. 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*.

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) & b) The project would result in a small increase in the use of neighborhood and regional parks, and would 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*.

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) A Vehicle Miles Traveled (VMT) Impact Analysis was conducted for the project by Kenneth Anderson from KD Anderson & Associates, Inc. in May, 2021. Here is a summary of the study:

Project Characteristics

The Ostrom Ranch Subdivision proposes 117 residences on roughly 25 acres for a density of 4.65 dwelling units per acre. The current zoning/General Plan designations (Low Density Residential / LDR) allow density on the site of 3 to 8 units per care.

Trip Generation. Based on trip generation rates published by the Institute of Transportation Engineers (ITE), the Ostrom Ranch Subdivision will generate 1,104 daily trips.

TABLE 5				
TRIP GENERATION ESTIMATE				
Land Use	Unit	Daily Trips Per Unit	Quantity	Daily Trips
Single-family Residence	Dwelling Unit (du)	9.44	117 du's	1,104

Level of Service and Vehicle Miles Traveled (VMT)

Level of Service (LOS) has been used in the past in California Environmental Quality Act (CEQA) documents to identify the significance of a project's impact on traffic operating conditions. As noted in the California Governor's Office of Planning and Research (OPR)

document *Technical Advisory on Evaluating Transportation Impacts in CEQA* (California Governor's Office of Planning and Research 2018),

“Senate Bill 743 (Steinberg, 2013), which was codified in Public Resources Code section 21099, required changes to the guidelines implementing CEQA (CEQA Guidelines) (Cal. Code Regs., Title 14, Div. 6, Ch. 3, § 15000 et seq.) regarding the analysis of transportation impacts. OPR has proposed, and the California Natural Resources Agency (Agency) has certified and adopted, changes to the CEQA Guidelines that identify vehicle miles traveled (VMT) as the most appropriate metric to evaluate a project's transportation impacts. With the California Natural Resources Agency's certification and adoption of the changes to the CEQA Guidelines, automobile delay, as measured by “level of service” and other similar metrics, generally no longer constitutes a significant environmental effect under CEQA. (Pub. Resources Code, § 21099, subd. (b)(3).)”

VMT Methods and Significance Criteria

The OPR *Technical Advisory on Evaluating Transportation Impacts in CEQA* provides recommended thresholds for determining the significance of VMT impacts associated with land use development projects. Specific thresholds are provided for residential, office, and retail commercial types of development. For residential projects, the technical advisory generally recommends establishing a 15 percent reduction in VMT, compared to a baseline, as a significance threshold. That is, if a project would result in a reduction of at least 15 percent in VMT, compared to a baseline, the project can be considered to have a less than significant impact. The significance threshold may be thought of as 85 percent of baseline conditions (100 percent less 15 percent equals 85 percent). A project that would not result in a reduction of at least 15 percent is considered to have a significant impact. The technical advisory notes,

“A proposed project exceeding a level of 15 percent below existing VMT per capita may indicate a significant transportation impact. Existing VMT per capita may be measured as regional VMT per capita or as city VMT per capita.”

The OPR *Technical Advisory* provides general direction regarding the methods to be employed and significance criteria to evaluate VMT impacts, absent policies adopted by local agencies. The directive addresses several aspects of VMT impact analysis, and is organized as follows:

- **Screening Criteria:** Screening criteria are intended to quickly identify when a project should be expected to cause a less-than-significant VMT impact without conducting a detailed study.
- **Significance Thresholds:** Significance thresholds define what constitutes an acceptable level of VMT and what could be considered a significant level of VMT requiring mitigation.
- **Analysis Methodology:** These are the potential procedures and tools for producing VMT forecasts to use in the VMT impact assessment.
- **Mitigation:** Projects that are found to have a significant VMT impact based on the adopted significance thresholds are required to implement mitigation measures to reduce impacts to a less than significant level (or to the extent feasible).

Screening Criteria. Screening criteria can be used to quickly identify whether sufficient evidence exists to presume a project will have a less than significant VMT impact without conducting a detailed study. However, each project should be evaluated against the evidence supporting that screening criteria to determine if it applies. Projects meeting at least one of the criteria below can be presumed to have a less than significant VMT impact, absent substantial evidence that the project will lead to a significant impact.

- ***Small Projects:*** Defined as a project that generates 110 or fewer average daily vehicle trips.
- ***Affordable Housing:*** Defined as a project consisting of deed-restricted affordable housing.
- ***Local Serving Retail:*** Defined as retail uses of 50,000 square feet or less can be presumed to have a less than significant impact.
- ***Projects in Low VMT-Generating Area:*** Defined as a residential or office project that is in a VMT efficient area based on an available VMT Estimation Tool. The project must be consistent in size and land use type (i.e., density, mix of uses, transit accessibility, etc.) as the surrounding built environment.
- ***Proximity to High Quality Transit.*** The directive notes that employment and residential development located within ½ mile of a high-quality transit corridor can be presumed to have a less than significant impact.

Screening Evaluation. The extent to which the proposed project's VMT impacts can be presumed to be less than significant has been determined based on review of the OPR directive's screening criteria and general guidance.

The project is projected to generate 1,104 daily vehicle trips. As the 110 ADT threshold for automobiles is exceeded, the project's VMT impacts cannot be presumed to be less than significant based on this criterion.

The OPR directive provides this explanation for a Presumption of Less Than Significant Impact for ***Affordable Residential Development:***

Adding affordable housing to infill locations generally improves jobs-housing match, in turn shortening commutes and reducing VMT.^{24,25} Further, "low-wage workers in particular would be more likely to choose a residential location close to their workplace, if one is available." In areas where existing jobs-housing match is closer to optimal, low income housing nevertheless generates less VMT than market-rate housing. Therefore, a project consisting of a high percentage of affordable housing may be a basis for the lead agency to find a less-than-significant impact on VMT. Evidence supports a presumption of less than significant impact for a 100 percent affordable residential development (or the residential component of a mixed-use development) in infill locations. Lead agencies may develop their own presumption of less than significant impact for residential projects (or residential portions of mixed use projects) containing a particular amount of affordable housing, based on local circumstances and evidence. Furthermore, a project which includes any affordable residential units may factor the effect of the affordability on VMT into the assessment of VMT generated by those units.

The proposed Ostrom Ranch Subdivision is not designated an affordable housing development, and based on OPR guidance, its VMT impact cannot be presumed to be less than significant based on this screen line criteria.

The Sacramento Area Council of Governments (SACOG) has identified **Low VMT generating locations** within this region, including the overall Yuba County area and unincorporated Yuba County. The Ostrom Ranch Subdivision location within SACOG region was determined, and the per capita VMT characteristics of the existing residences in this area of Yuba County was identified, as noted in Table 2. As shown, the overall Yuba County average per capita VMT rate for residences is 24.92 vehicles miles per day. In unincorporated Yuba County alone, the average is 26.91 per capita VMT. Per capita VMT rates satisfying OPR's 15% reduction goal are 21.18 and 22.88 per capita VMT, respectively.

Residences in the area of the Ostrom Ranch Subdivision have an average per capita VMT rate of 22.25, which is 10.4% less than the overall Yuba County average and 17.0% less than the average for the unincorporated area. As the OPR recommended goal is a 15% reduction, the project is not located in a defined Low VMT generating region as compared to the overall county but is a Low VMT generating area of unincorporated Yuba County. The project's impact may be presumed to be less than significant under this screen line criteria when compared to the unincorporated region.

TABLE 6 PER CAPITA VMT CHARACTERISTICS					
SACOG Regional Average	Overall Yuba County Average	15% reduction from Overall Yuba County Average	Unincorporated Yuba County Average	15% reduction from Unincorporated Yuba County Average	Ostrom Ranch Subdivision Area
20.82	24.92	21.18	26.91	22.88	22.35
https://sacog.maps.arcgis.com/apps/Compare/index.html?appid=ec67f920461b461f8e32c6a5c3dd85cf					

Proximity to High Quality Transit, which requires service on 15-minute headways. This criterion is not applicable in the area of the proposed project.

Vehicle Miles Traveled – Baseline Development Potential and Proposed Project

Because the project's VMT impact may not be presumed to be less than significant based on screening criteria with regards to the overall Yuba County region (i.e., incorporated and unincorporated areas), further analysis was performed to determine whether development of the Ostrom Ranch Subdivision project would interfere with Yuba County's ability to satisfy SB 743 goals under the current General Plan.

Under the currently approved General Plan's land use designations and existing zoning, the maximum development potential on the project site at 8 dwelling units per acre could result in 200 dwelling units, rather than the 117 units now proposed. Alternatively at the lowest end of the density range (i.e., 3 du/acre) 75 dwellings might be developed.

Assuming 3.2 occupants per dwelling unit, development projects yielding a per capita VMT rate satisfying the OPR 15% reduction goal for the overall Yuba County area (i.e., 21.18 per capita VMT) would generate 67.78 VMT per dwelling. Thus, at the range of permitted LDR densities (i.e., 3 to 8 du per acre) 203.3 VMT to 542.2 VMT per acre could result, with 338.9 VMT per acre estimated at the average density of 5.0 du /acre for LDR that was addressed in the General Plan EIR.

While the Ostrom Ranch Subdivision would generate VMT at a per capita rate that approaches but does not reach the 15% OPR reduction goal for overall Yuba County (i.e., 10.5% reduction), the project would help Yuba County reduce regional VMT by developing fewer units than are permitted under the General Plan and were assumed in the General Plan EIR. As proposed, the Ostrom Ranch Subdivision generates 332.6 VMT per acre, which is less than the 338.9 VMT per acre that would be anticipated from average LDR development in areas that did experience per capita VMT rates that satisfied the OPR goal.

Conclusion

The Ostrom Ranch Subdivision's impact on regional VMT is less than significant because:

1. Ostrom Ranch Subdivision is in a low generating area of unincorporated Yuba County, and
2. Ostrom Ranch Subdivision would generate VMT at a rate that is lower than the estimate for average density LDR development at locations that do satisfy the 15% reduction goal for overall Yuba County.

Therefore, the additional 117 parcels will cause a *less than significant* transportation impact.

c) Donald Drive, Deaton Drive, and Mary Avenue are existing roads that will provide access to the project site. The Public Work's Department has conditioned the applicant to provide a Traffic Study at the intersections of aforementioned roads, along McGowan Parkway, to determine the potential need for traffic signals or other traffic control devices. As a result of the incorporated condition of approval, any hazards impacts created by the proposed subdivision are expected to be *less than significant impact*.

d) Emergency access to the project site would be via Donald Drive, Deaton Drive, and Hensley Drive. In addition all of the streets within the subdivision will comply with all county street width standards. There are no cui-de-sacs that exceed the length requirement as set by the County. There are no features of the proposed subdivision that would result in inadequate emergency access. Therefore, the project will have *no impact*.

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. 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) A search of State data bases, including all records and documents available at the North Central Information Center, and intensive pedestrian survey, have resulted in identifying no prehistoric sites within the project property. Therefore, no additional treatment or mitigative action is recommended for any of the four sites and would create a ***less than significant impact***.

b) The UAIC responded to the Early Consultation request on May 26, 2021. Anna Starkey, with the UAIC, requested photographs of the subject property and upon receipt of the photographs closed consultation under AB-52. Specifically stating:

“We reviewed the project location in our database and did not see any tribal cultural resources of concern in the project area that could be impacted. There is likely a medium to low chance of any buried resources to be present. Please use the attached unanticipated discoveries mitigation measure in the TCR [Tribal Cultural Resources] chapter of your CEQA document.”

The following mitigation measure was requested by the UAIC on April 21, 2021 to address inadvertent discoveries of potential tribal cultural resources (TCRs), archaeological, or cultural resources during a project’s ground disturbing activities. 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***.

Mitigation Measure 18.1 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.

Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign. 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, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR's to be appropriate or respectful and request that materials not be permanently curated, unless approved by the Tribe.

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 Tribal Cultural Resource 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 AB 52, has been satisfied.

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) The project will receive water and wastewater service by the Olivehurst Public Utility District (OPUD). The district has indicated that adequate water capacity and wastewater treatment capacity exists to serve the proposed project. All required infrastructure expansions will be located in the existing right-of-way and will therefore create a ***less than significant impact***.

b) The construction of 117 homes will involve the use of the existing water supplies, however no significant impacts related to the adequacy of the water supply for the project were identified during the course of the project review. Since no major concerns have been expressed, any impact related to water supply is expected to be ***less than significant***.

c) OPUD will provide wastewater treatment. The project has been conditioned to ensure that the utility district will receive adequate funding from the project to provide for any needed future expansion of the wastewater treatment facilities. For this reason, there will be a ***less than significant impact***.

d) & e) OPUD will continue to provide service to the 117 lots. Recyclable solid waste collected by OPUD 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*.

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

DISCUSSION/CONCLUSION/MITIGATION:

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

b), c) & d) The project is not located within a State Responsibility Area established by CalFire. All homes will be required to meet current Building Code requirements for sprinkler systems and other design features to reduce fire risk. Therefore, impacts by wildfire will be ***less than significant***.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

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

Discussion/Conclusion/Mitigation:

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

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

b) The project site was already identified through the General Plan and Zoning Designation for residential development. Therefore, the project is considered to have a ***less than significant impact***, or cause cumulatively considerable effects.

c) The project is a 117-lot subdivision that is not expected to have any substantial adverse effect on humans. The project has the potential to create air quality impacts, primarily from the generation of Pm 10. These effects are subject to standard mitigation measures as set forth by the

Feather River Air Quality Management District. Due to the nature and size of the project, no substantial adverse effects on humans are expected as result of the project. 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. Biological Assessment and Wetland Determination, Marcus H. Bole & Associates, March 2021.
6. Cultural Resource Study, Genesis Society, April 2021.
7. Environmental Noise Assessment, Bollard Acoustical Consultants, Inc., May 2021
8. Vehicle Miles Traveled (Vmt) Impact Analysis, KD Anderson & Associates, Inc., May 2021

**MITIGATION MONITORING PLAN
TSTM 2021-0003 (OSTROM RANCH)**

MM 1.1 Exterior Lighting All exterior lighting shall be directed downwards and away from adjacent properties and rights of way. Lighting shall be shielded such that the element is not directly visible, and lighting shall not spill across property lines.		
Timing/Implementation <i>Prior to approval of Site Improvement and/or Master Plans.</i>	Enforcement/Monitoring Yuba County Planning and Public Works Department	
Performance Criteria Building Permit Review	Verification Cost N/A	
		Date Complete (If applicable)

**MITIGATION MONITORING PLAN
TSTM 2021-0003 (OSTROM RANCH)**

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)

**MITIGATION MONITORING PLAN
TSTM 2021-0003 (OSTROM RANCH)**

MM 4.1 Swainson's Hawk and White-Tailed Kite

If a construction project cannot avoid potential nest trees (as determined by the qualified biologist) by 1,320 feet, the project proponent will retain a qualified biologist to conduct preconstruction surveys for active nests consistent, with guidelines provided by the Swainson's Hawk Technical Advisory Committee (2000), between March 15 and August 30, within 15 days prior to the beginning of the construction activity. The results of the survey will be submitted to the California Department of Fish & Wildlife (CDFW). If active nests are found during preconstruction surveys, a 1,320-foot initial temporary nest disturbance buffer shall be established. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then the qualified biologist will monitor the nest and will, along with the project proponent, consult with CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed only to proceed within the temporary nest disturbance buffer if Swainson's hawk or white-tailed kite are not exhibiting agitated behavior, such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, and only with the agreement of CDFW. The designated on-site biologist/monitor shall be on-site daily while construction-related activities are taking place within the 1,320-foot buffer and shall have the authority to stop work if raptors are exhibiting agitated behavior. For activities that involve pruning or removal of a potential Swainson's hawk or white-tailed kite nest tree, the project proponent will conduct preconstruction surveys that are consistent with the guidelines provided by the Swainson's Hawk Technical Advisory Committee (2000). If active nests are found during preconstruction surveys, no tree pruning or removal of the nest tree will occur during the period between March 15 and August 30 within 1,320 feet of an active nest, unless a qualified biologist determines that the young have fledged and the nest is no longer active.

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)

**MITIGATION MONITORING PLAN
TSTM 2021-0003 (OSTROM RANCH)**

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)

**MITIGATION MONITORING PLAN
TSTM 2021-0003 (OSTROM RANCH)**

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 <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)

**MITIGATION MONITORING PLAN
TSTM 2021-0003 (OSTROM RANCH)**

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 <i>Prior to the approval of a grading plan or site improvement plans.</i>	Enforcement/Monitoring Yuba County Public Works Department	
Performance Criteria N/A	Verification Cost N/A	
		Date Complete (If applicable)

**MITIGATION MONITORING PLAN
TSTM 2021-0003 (OSTROM RANCH)**

MM 10.2 Drainage Plan Prior to recordation of a Final Map, a plan for a permanent solution for drainage shall be submitted to and approved by Yuba County and the Public Works Division. The drainage and improvement plans shall provide details relative to drainage, piping, and swales. Further, the Drainage Plan shall specify how drainage waters shall be detained onsite and/or conveyed to the nearest natural or publicly maintained drainage channel or facility and shall provide that there shall be no increase in the peak flow runoff above existing conditions.		
Timing/Implementation <i>Prior to Recordation of Final Map.</i>	Enforcement/Monitoring Yuba County Public Works Department	
Performance Criteria N/A	Verification Cost N/A	
		Date Complete (If applicable)

**MITIGATION MONITORING PLAN
TSTM 2021-0003 (OSTROM RANCH)**

MM 13.1 Upgraded Window Class All north, west, and south-facing upper-floor bedroom windows of the residences proposed adjacent to the railroad tracks should be upgraded to a minimum Sound Transmission Class (STC) rating of 32. The recommended upgraded window locations are identified on Figure 3.		
Timing/Implementation <i>Prior to Issuance of any Project Related Master Plans or Building Permits.</i>	Enforcement/Monitoring Yuba County Planning and Building Department	
Performance Criteria N/A	Verification Cost N/A	
		Date Complete (If applicable)

**MITIGATION MONITORING PLAN
TSTM 2021-0003 (OSTROM RANCH)**

MM 13.2 Mechanical Ventilation

Mechanical ventilation (air conditioning) should be provided for all residences in this development to allow occupants to close doors and windows as desired to achieve additional acoustical isolation.

Timing/Implementation <i>Prior to Issuance of any Project Related Master Plans or Building Permits.</i>	Enforcement/Monitoring Yuba County Planning and Building Department	
Performance Criteria N/A	Verification Cost N/A	
		Date Complete (If applicable)

**MITIGATION MONITORING PLAN
TSTM 2021-0003 (OSTROM RANCH)**

MM 13.3 Noise Barriers Noise barriers should be constructed at the locations shown on Figure 3 as proposed. This analysis concludes that 6-foot tall barriers relative to adjacent backyard elevation would be sufficient to achieve compliance with the applicable 60 dB Ldn exterior noise standard of Yuba County.		
Timing/Implementation <i>Prior to Final Map Recordation.</i>	Enforcement/Monitoring Yuba County Planning Department	
Performance Criteria N/A	Verification Cost N/A	
		Date Complete (If applicable)

**MITIGATION MONITORING PLAN
TSTM 2021-0003 (OSTROM RANCH)**

MM 13.4 Disclosure Statements

Disclosure statements should be provided to all prospective residents of this development notifying of elevated noise levels during railroad passages, particularly during nighttime operations and periods of warning horn usage.

Timing/Implementation <i>Prior to Final Map Recordation.</i>	Enforcement/Monitoring Yuba County Planning Department	
Performance Criteria Provide and receive approval of project related disclosures.	Verification Cost N/A	
		Date Complete (If applicable)

**MITIGATION MONITORING PLAN
TSTM 2021-0003 (OSTROM RANCH)**

MM 18.1 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.

Preservation in place is the preferred alternative under CEQA and UAIC protocols, and every effort must be made to preserve the resources in place, including through project redesign. 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, returning objects to a location within the project area where they will not be subject to future impacts. The Tribe does not consider curation of TCR's to be appropriate or respectful and request that materials not be permanently curated, unless approved by the Tribe.

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 Tribal Cultural Resource 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 AB 52, has 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)

PROPOSED
DEPARTMENT OF PUBLIC WORKS
CONDITIONS OF APPROVAL

CASE: TSTM 2021-0003

1. 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.
2. Owner shall dedicate to the County of Yuba sufficient right-of-way in fee simple strips of land 48 feet in width, including the area within knuckles and intersection return curves, for the internal access streets as shown on the Tentative Tract Map. The right-of-way line shall be located 0.50 foot behind the back of sidewalk. Corner radii shall be dedicated in accordance with Yuba County standards.
3. The following note shall be included in the Grant Deed to the County of Yuba: “Should the Board of Supervisors of the County of Yuba determine that the public purpose for which property was dedicated in fee simple no longer exists, or the property or any portion thereof is not needed for public utilities, the County of Yuba shall reconvey the above described property to the Grantor, whose address is _____, or to the successor(s) in interest pursuant to Government Code Section 66477.5.”
4. Owner shall provide and offer to dedicate to the County of Yuba a 10-foot easement for public services along the interior street frontage of this property measured from a point 0.50-foot from the back of the (future) sidewalk.
5. Road construction for the interior streets (except for the connection at Hensley Drive) as shown on the tentative map shall meet the requirements for an Urban Residential (Local) Road in conformance with the Yuba County Standard (Drawing No. 101) or as modified by the Public Works Director. Such standard includes curbs, gutters, with an attached sidewalk and landscaping.
6. Road construction for connection at Hensley Drive as shown on the tentative map shall meet the requirements for an Urban Residential (Local) Road in conformance with the Yuba County Standard (Drawing No. 101) as modified and shown on the tentative map. The overall width from back of curb to back of curb will taper down to 29 feet at the connection point at the easterly property boundary of this tract. Such standard includes curbs and gutters.
7. Road construction for Hensley Drive from the easterly boundary of the this tract to the connection point at Mary Avenue shall meet the requirements for an Urban Residential (Local) Road in conformance with the Yuba County Standard (Drawing No. 101) as modified and shown on the tentative map. The overall road right-of –way width will be 30 feet. Such standard includes curbs and gutters. “No Parking” signs shall be posted along Hensley Drive, as proposed on the tentative map. This road must be improved as it is the secondary access to the proposed subdivision and does not meet county road standards.
8. Intersection of Hensley drive and Mary Avenue shall meet the requirements of an urban residential intersection (Drawing No. 105).

9. Owner shall repair/replace any existing sidewalks or curb and gutter along the frontage of the property that, in the opinion of the Public Works Department, are non-compliant with current ADA standards or pose a safety hazard to the general public.
10. Owner shall provide a streetlight plan to be approved by the Public Works Department. Streetlights shall be LED type models and be maintained by Pacific Gas & Electric (PG&E). Owner shall maintain all streetlights until accepted by the Public Works Department. Prior to map recordation the Owner shall pay the County for two (2) years of service for the streetlights in accordance with rates (LS1-E) set by PG&E.
11. 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.
12. All road and drainage construction required by these conditions of approval shall be inspected in compliance with Section 4 of the Yuba County Standards and approved by the Yuba County Department of Public Works. Owner's contractor shall meet on-site with the Public Works Department representative prior to the commencement of work to discuss the various aspects of the project.
13. Owner shall submit a Preliminary Soils Report prepared by a registered civil engineer and based upon adequate test borings to the Public Works Department for review in compliance with section 66490 of the Subdivision Map Act. Should such preliminary soils report indicate the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required by the decision-making authority (section 11.40.040 (G) of Yuba County Ordinance Code).
14. 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.
15. Owner shall warranty all improvements required by these Conditions of Approval for a period of 12 months from the time the improvements are accepted by the Public Works Department and a Notice of Completion is recorded.
16. Owner shall provide a one-year warranty bond for all street and drainage improvements required by these conditions of approval. The warranty bond period will commence after the Notice of Completion is recorded.
17. Owner shall submit a drainage plan to provide for on-site and off-site storm water drainage for the project, designed by a registered civil engineer, to the Public Works Department for review and approval, prior to any construction. The drainage design for the project shall result in a zero percent increase in the storm water discharge from the project compared to the pre-development state using a 100-year storm event peak discharge. Owner shall construct such approved drainage facilities in order to provide drainage from access roads and lots to acceptable natural drainage courses.

18. 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.
19. 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 (BMP's) and must be reviewed by the Yuba County Public Works Department prior to the Department's approval of Improvement Plans or issuance of a Grading Permit for the project. See Yuba County's Stormwater Regulations for Construction Activities Procedures for details. According to state law it is the responsibility of the property owner that the SWPPP is kept up to date to reflect changes in site conditions and is available on the project site at all times for review by local and state inspectors. Erosion and sediment control measures, non-stormwater and material management measures, and post-construction stormwater management measures for this project shall be in substantial compliance with the SWPPP.
20. Owner shall submit an erosion and sediment control plan for the project, designed by a registered civil engineer, to the Department of Public Works for review and approval prior to each phase of construction and/or grading permit. Erosion and sediment control measures shall conform to Section 11 of the Yuba County Improvement Standards and all Yuba County Ordinance Codes. Owner shall implement such erosion and sediment control measures as per the approved plan prior to construction or grading.
21. Owner shall pay an in-lieu fee for parkland dedication per Yuba County Development Code §11.45.060 prior to filing the final map.
22. 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.
23. 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.
24. 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.
25. Owner shall provide a concrete base or bases for the placement of a centralized mail delivery unit or units within the subdivision as directed by the United States Postal Service. Specifications and location(s) of such base(s) shall be determined pursuant to the applicable requirements of the Postal Service and the Yuba County Department of Public Works, with due consideration for streetlight location, traffic safety, security and consumer convenience. Such base(s) shall be located within a Public Service Easement. Owner shall provide a letter from the Postal Service to the County

Surveyor stating that the location of the centralized mail delivery unit or units comply with their requirements and that they have no objection to the filing of the final map.

26. 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.
27. 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.
28. Owner shall submit a current Preliminary Title Report or Subdivision Map Guarantee, in favor of Yuba County, two (2) check prints of the Final Map, calculations, supporting documentation and map checking 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.
29. Owner shall petition to be assessed for County Service Area 70 (CSA 70) prior to filing the Final Map.
30. Owner shall petition to be assessed for County Service Area 66B (CSA 66B) prior to filing the Final Map.
31. 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).
32. 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.
33. All easements of record that affect this property are to be shown on the Final Map.
34. 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.
35. 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.
36. 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.

37. Owner shall submit a copy of the final map to the Olivehurst Public Utilities District (OPUD) for review to determine conformance with the OPUD requirements. Before the final map can be filed with the Yuba County Recorder, a letter from the Olivehurst Public Utilities District is to be submitted to the County Surveyor which states that the OPUD requirements have been met and that any public service easements as may be shown on the final map are satisfactory and that there are no objections to filing the final map.

ENVIRONMENTAL HEALTH DIVISION
CONDITIONS OF APPROVAL
TSTM 2021-0003

1. Owner shall connect parcel(s) 1-117 to Olivehurst Public Utility District for water and sewer services and facilities prior to building permit final inspection for occupancy.
2. Owner shall submit to Environmental Health a "Will Serve" letter from Olivehurst Public Utility District for water and sewer services and facilities for parcel(s) 1-117.
3. All abandoned, wrecked, dismantled, or inoperative vehicles, machines, and equipment shall be removed by Owner from the subject site.
4. All existing trash and debris shall be removed from the subject site.
5. 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".

Fisher, Ciara

From: Marquez, Melanie
Sent: Friday, April 2, 2021 9:06 AM
To: Fisher, Ciara
Subject: RE: TSTM2021-0003; Ostrom Ranch

Good Morning Ciara,

Code Enforcement division does not have any comments regarding the subject project.

Happy Friday!

Melanie Marquez

Code Enforcement Supervisor
County of Yuba, CDSA
(530) 749-5430 – Main
(530) 749-5643 – Direct
(530) 749-5616 – Fax
mmarquez@co.yuba.ca.us



Please be advised: Due to a significant rise in COVID-19 cases in Yuba and Sutter Counties and the transition back into the purple tier designation, Yuba County Community Development and Services Agency will be conducting most operations remotely and the office will be closed to the general public. In-office visits in certain situations may be available **by appointment only – please contact your agency representative for details**. Staff are monitoring both email and voicemail daily, and we will do our best to respond to inquiries within 24 hours (excluding holidays and weekends). For general questions, please email us at codeenforcement@co.yuba.ca.us or leave a phone message at 530-749-5455 and someone will respond as soon as possible.



This email message is a confidential communication from Yuba County Community Development and Services Agency and is intended only for the above-named recipient(s) and may contain information that is proprietary, confidential, financial, etc. If you have received this message in error or are not the named or intended recipient(s), please immediately notify the sender at (530)749-5430 and delete this email message and any attachments from your workstation or network mail system.

From: Fisher, Ciara <cfisher@CO.YUBA.CA.US>
Sent: Wednesday, March 31, 2021 4:29 PM
To: Burns, Danny <dburns@CO.YUBA.CA.US>; Benedict, Christopher <cbenedict@CO.YUBA.CA.US>; Johnston, Nick <njohnston@CO.YUBA.CA.US>; Marquez, Melanie <mmarquez@CO.YUBA.CA.US>
Cc: Perkins, Kevin <kperkins@CO.YUBA.CA.US>; Hochstrasser, Margaret <mhochstrasser@CO.YUBA.CA.US>; Nix,

August 11, 2021

Ciara Fisher
County of Yuba
915 8th Street, Suite 123
Marysville, CA 95901

Re: TSTM2021-0003 Ostrom Ranch
3978 Unit #A Mary Avenue, Olivehurst

Dear Ciara:

Thank you for giving us the opportunity to review the subject plans. The proposed TSTM2021-0003 Ostrom Ranch is within the same vicinity of PG&E's existing facilities that impact this property.

PG&E holds a 10' wide easement for the conveyance of gas across APN: 014-850-014-000, in Yuba county. In order for the development to take place over the gas line and easement area, the following conditions need to be met:

- No structure or building will be constructed within the easement area.
- No backyards are constructed over the easement area. Backyards inhibit PG&E's access to facilities both routinely and in the event of an emergency.
- No foundation or face of foundation is constructed within 5' of the easement area.

Should these conditions be too restrictive, the applicant will need to contact PG&E to relocate the gas line.

Please contact the Building and Renovation Center (BRSC) for facility map requests by calling 1-877-743-7782 and PG&E's Service Planning department at www.pge.com/cco for any modification or relocation requests, or for any additional services you may require.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact me at [EMAIL].



Sincerely,

A handwritten signature in blue ink, which appears to read "J. Newell", is positioned below the word "Sincerely,".

Justin Newell
Land Management
916-594-4068

DISTRICT 3
703 B STREET | MARYSVILLE, CA 95901-5556
(530) 741-4233 | FAX (530) 741-4245 TTY 711
www.dot.ca.gov

April 23, 2021

GTS# 03-YUB-2021-00098

Ms. Ciara Fisher
Planner II
County of Yuba
915 8th Street
Marysville, CA 95901

Re: TSTM2021-0003 Ostrom Ranch

Dear Ms. Fisher:

Thank you for including the California Department of Transportation (Caltrans) in the initial map review process for the project referenced above. We review 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 and health while enhancing California's economy and livability.

The proposed project would create 117 single family residential lots on 21.83 acres with 1.27 acres Clark lateral and 2.06 acres of open space totaling 25.16 acres located 3978 Unite #A Mary Avenue in the community of Olivehurst. The following comments are based the preliminary application package provided to us on April 5, 2021.

Forecasting & Modeling

We anticipate that the single-family homes will generate approximately 1,104 trips daily, with 87 of these occurring during AM peak hour and 116 trips occurring during PM peak hour.

Please prepare a transportation impact study report emphasizing Vehicle Miles Traveled (VMT) Analysis. The increase of vehicle trips exceeding 100 during peak hour from this project constitutes an anticipated impact with regard to VMT under Senate Bill 743. The transportation study should document this concern, the impact, and identify mitigation measures as well proportional shares of the mitigation cost.

The report should include: Trip Generation from all the new developments, Trip Distribution percentages, Construction completion year (Project Opening Year), Year, Month, Date and Time of traffic data collection, Existing traffic volumes, Project Opening Year traffic volumes with and without project, Project Only Traffic volumes, Future cumulative traffic volumes with and without the project.

Traffic Operations

Since this development will add to the existing congestion, please provide details on any plans the County has for future improvements in the area.

Encroachment Permit

Any project along or within the State's Right of Way requires an encroachment permit issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five sets of plans clearly indicating State ROW must be submitted to:

Hikmat Bsaibess
California Department of Transportation
District 3, Office of Permits
703 B Street
Marysville, CA 95901

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.

If you have any question regarding these comments or require additional information, please contact Deborah McKee, Intergovernmental Review Coordinator for Yuba County, by phone (530) 821-8411 or via email at deborah.mckee@dot.ca.gov.

Sincerely,



GARY ARNOLD, Branch Chief
Office of Transportation Planning
Regional Planning Branch—North

Fisher, Ciara

From: Mckee, Deborah@DOT <deborah.mckee@dot.ca.gov>
Sent: Thursday, July 29, 2021 8:42 AM
To: Fisher, Ciara
Subject: TSTM2021-0003 Ostrom Ranch - IGR 03-YUB-2021-00118

Good morning Ciara.

Thank you for submitting the TPM2021-0003 Ostrom Ranch Initial Study to our office for our review. At this time, we do not have any comments.

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

Thank you,
Deborah

From: Fisher, Ciara <cfisher@CO.YUBA.CA.US>
Sent: Friday, July 9, 2021 4:27 PM
To: Benedict, Christopher <cbenedict@CO.YUBA.CA.US>; Johnston, Nick <njohnston@CO.YUBA.CA.US>; Marquez, Melanie <mmarquez@CO.YUBA.CA.US>; Burns, Danny <dburns@CO.YUBA.CA.US>; Emergency_Services <EmergencyServices@CO.YUBA.CA.US>; Mckee, Deborah@DOT <deborah.mckee@dot.ca.gov>; PGE Plan Review <PGEPlanReview@pge.com>; fraqmd@fraqmd.com; Morawcznski, Nicholas <nmorawcznski@CO.YUBA.CA.US>; olfire@opud.org
Cc: Perkins, Kevin <kperkins@CO.YUBA.CA.US>; Hochstrasser, Margaret <mhochstrasser@CO.YUBA.CA.US>; Peterson, Daniel <dpeterson@CO.YUBA.CA.US>
Subject: Initial Study for TSTM2021-0003 Ostrom Ranch


EXTERNAL EMAIL. Links/attachments may not be safe.

Happy Friday everyone,

Attached is the Initial Study/MND for the Ostrom Ranch Tentative Subdivision Map. The project is scheduled for the September 15th Planning Commission meeting. Please let me know if you have any comments for the environmental document by August 6th.

Thanks,

Ciara Fisher
Planner II
County of Yuba
Office: 530-749-5463 | Cell: 530-812-6082

 Please consider the environment before printing this email

Fisher, Ciara

From: Sondra Spaethe <sspaethe@fracmd.org>
Sent: Wednesday, August 4, 2021 8:43 AM
To: Fisher, Ciara
Cc: Peter Angelonides
Subject: Fw: Initial Study for TSTM2021-0003 Ostrom Ranch
Attachments: Agency Distrib List.doc; Initial Study - Ostrom TSTM2021-0003.pdf; MM Plan.pdf

Good morning Ciara,

Thank you for the opportunity to review and comment on this project. The Feather River AQMD has a more recent update to the California Air Quality Attainment Plan. The 2018 Plan is available here: <https://www.fraqmd.org/california-air-quality-plans>. Yuba County was re-designated as Nonattainment for the CAAQS for ozone in 2019.



California Air Quality Plans - FRAQMD

California Ozone Plan: The 2018 Northern Sacramento Valley Planning Area Triennial Air Quality Attainment Plan (2018 Plan) is now available for public review and comment.

www.fraqmd.org

Please update the link to the Fugitive Dust Control Plan and Standard Construction Phase Mitigation Measures to <https://www.fraqmd.org/ceqa-planning>



CEQA Planning - FRAQMD

Information related to Vegetation Mitigation and Air Quality. ARB presentation on Strategies to Reduce Near Roadway Air Pollution Exposure To address air quality concerns in landscaping activities, Low OFP trees and shrubs are preferred that are also California native, drought-resistant, and low or non-allergenic.

www.fraqmd.org

Sondra Spaethe
Planning/Engineering Supervisor

Fisher, Ciara

From: Anna Starkey <astarkey@auburnrancheria.com>
Sent: Friday, June 11, 2021 9:48 AM
To: Fisher, Ciara
Cc: Anna Cheng
Subject: RE: AB52: TSTM2021-0003, Ostrom Ranch Project

Good morning Ciara,

Thank you so much for providing the overview photographs for the Ostrom Ranch Project. These were extremely helpful. I was looking for any raised areas (mounds), vegetation, etc. that would indicate the presence of a cultural site and did not see any indication of any areas of concern. We will not require a site visit and can close consultation once we are sure the unanticipated discoveries mitigation measure is include in your CEQA document.

I appreciate your patience and attention to this matter.

Best,

Anna


From: Fisher, Ciara <cfisher@CO.YUBA.CA.US>
Sent: Friday, June 11, 2021 9:14 AM
To: Anna Starkey <astarkey@auburnrancheria.com>
Cc: Anna Cheng <acheng@auburnrancheria.com>
Subject: RE: AB52: TSTM2021-0003, Ostrom Ranch Project

Good Morning Anna,

Attached are the photographs of Ostrom Ranch. Please let me know if you need anything else!

Thanks,

Ciara Fisher
Planner II
County of Yuba
Office: 530-749-5463 | Cell: 530-812-6082

 Please consider the environment before printing this email

From: Fisher, Ciara
Sent: Thursday, June 3, 2021 11:22 AM
To: Anna Starkey <astarkey@auburnrancheria.com>
Cc: Anna Cheng <acheng@auburnrancheria.com>
Subject: RE: AB52: TSTM2021-0003, Ostrom Ranch Project

Hello Anna,

The notification in April was a part of our Early Consultation that I send to all appropriate agencies, so that is why I formally requested AB-52 Consultation with the UAIC on May 26th. Thank you and I look forward to your comments – I'm sure they will be similar to the emails from this morning.

Ciara Fisher

Planner II

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: Wednesday, June 2, 2021 5:10 PM
To: Fisher, Ciara <cfisher@CO.YUBA.CA.US>
Cc: Anna Cheng <acheng@auburnrancheria.com>
Subject: FW: AB52: TSTM2021-0003, Ostrom Ranch Project

Hello Ciara,

Thank you for the notification and cultural report to review for the Ostrom Ranch project. I believe you already sent this request to us in April and I responded on the 21st. See email below. I will review the cultural report by tomorrow and let you know if we have any questions or concerns.

Kind regards,
Anna Starkey

*The United Auburn Indian Community is now accepting electronic consultation request, project notifications, and requests for information! Please fill out and submit through our website. Do not mail hard copy letters or documents. <https://auburnrancheria.com/programs-services/tribal-preservation> **Bookmark this link!***



Anna M. Starkey, M.A., RPA
Cultural Regulatory Specialist
Tribal Historic Preservation Department | UAIC
10720 Indian Hill Road
Auburn, CA 95603
Direct line: (916) 251-1565 | Cell: (530) 863-6503
astarkey@auburnrancheria.com | www.auburnrancheria.com

From: Anna Starkey
Sent: Wednesday, April 21, 2021 5:08 PM
To: 'c.fisher@co.yuba.ca.us' <c.fisher@co.yuba.ca.us>
Subject: AB52: TSTM2021-0003, Ostrom Ranch Project

Good afternoon,

Thank you for the notification and opportunity to consult on the Ostrom Ranch Project. We reviewed the project location in our database and did not see any tribal cultural resources of concern in the project area

that could be impacted. There is likely a medium to low chance of any buried resources to be present. Please use the attached unanticipated discoveries mitigation measure in the TCR chapter of your CEQA document.

Thank you for involving UAIC in the planning process.

Best,
Anna Starkey

The United Auburn Indian Community is now accepting electronic consultation request, project notifications, and requests for information! Please fill out and submit through our website. Do not mail hard copy letters or documents. <https://auburnrancheria.com/programs-services/tribal-preservation>



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Attachment 6

Marysville Joint Unified School District

1919 B Street, Marysville, CA 95901 ~ (530) 749-6115 ~ plauseng@mjustd.com

Penny Lauseng, Assistant Superintendent, Business Services

April 19, 2021

County of Yuba
Community Development & Services Agency
Planning Department
915 8th Street
Marysville, CA. 95901
Attn: Clara Fisher, Planner II

RE: Project Number TSTM2021-0003, Ostrom Ranch

Dear Ms. Fisher,

Please accept this preliminary response to the project impact on school facilities within Marysville Joint Union School District (MJUSD). This response is not intended to replace our comments as allowed under California Environmental Quality Act (CEQA) requirements, rather, to assist the County of Yuba in scoping the environmental review required by CEQA.

Developer Fees Government Code Section 65995 and California Education Code Section 17620 allows school districts to levy fees on residential and or commercial/industrial construction projects within a school district's boundaries. The intent of the fee is to mitigate the impact the development will have on the school(s) that the student will attend.

The impact on school facilities is significant. MJUSD schools will be required to build additional classrooms as well as increase core facilities such as libraries, multiple purpose rooms, restrooms, and other spaces to accommodate the growth. The cost to increase facilities for this growth is the responsibility of the developer.

Marysville Joint Unified School District looks forward to analyzing the growth and discussion mitigation strategies that will provide the students generated from new development with quality public school facilities. MJUSD appreciates your request for preliminary comments.

Sincerely,

A handwritten signature in blue ink that reads "Penny Lauseng".

Penny Lauseng
Assistant Superintendent, Business Services
Marysville Joint Unified School District

Fisher, Ciara

From: Chief <Chief@wheatlandfireauthority.com>
Sent: Tuesday, April 20, 2021 4:40 PM
To: Fisher, Ciara
Subject: Project # TSTM2021-0003

Good Afternoon, I am concern on the name of the project being called (Ostrom Ranch). In the response area of Wheatland Fire Authority we have a road that is name Ostrom. I feel that this will cause some major issues when it comes to 911 incidents. With this situation, I feel that life and property will be jeopardized if this name is allowed for this project. I strongly recommend changing the name of the project to a name that is not in any other fire departments response areas. Thank you for your time on this issue.

Art Paquette
Fire Chief
Wheatland Fire Authority
530.682.9819
chief@wheatlandfireauthority.com