

# BOARD OF SUPERVISORS

## AGENDA

Meetings are located at:  
Yuba County Government Center  
Board Chambers, 915 Eighth Street  
Marysville, California



Agenda materials are available at the Yuba County Government Center, 915 8<sup>th</sup> Street, Marysville and [www.co.yuba.ca.us](http://www.co.yuba.ca.us). Any disclosable public record related to an open session item and distributed to all or a majority of the Board less than 72 hours prior to the meeting is available for public inspection at Suite 109 of the Government Center during normal business hours.

**NOVEMBER 17, 2015**

**9:30 A.M. YUBA COUNTY BOARD OF SUPERVISORS - Welcome to the Yuba County Board of Supervisors meeting. As a courtesy to others, please turn off cell phones, pagers, or other electronic devices, which might disrupt the meeting. All items on the agenda other than Correspondence and Board and Staff Members Reports are considered items for which the Board may take action. The public will be given opportunity to comment on action items on the agenda when the item is heard.**

- I. **PLEDGE OF ALLEGIANCE** - Led by Supervisor Vasquez
- II. **ROLL CALL** - Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher
- III. **CONSENT AGENDA:** All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.
  - A. Board of Supervisors
    1. [\(498-1115\) Appoint Rob Klotz to Community Services Commission as District One Representative, term ending December 31, 2018.](#)
    2. [\(499-1115\) Appoint Al Lassaga, Earl Parker, and Paul Baggett to Brophy Water District Board of Directors for four-year terms pursuant to Elections Code §10515.](#)
    3. [\(501-1115\) Approve findings of fact and conclusion of law and order for property located at 5919 Park Court, Linda, APN 021-203-003/Hyalite Investments Inc. and authorize Chair to execute.](#)
  - B. Clerk of the Board of Supervisors
    1. [\(500-1115\) Approve meeting minutes of October 27 and November 3, 2015.](#)
  - C. County Administrator
    1. [\(502-1115\) Approve supporting reinstatement of federal grant funds for construction phases of Fifth Street Bridge and authorize Chair to execute letter to Congressman Garamendi.](#)
  - D. Emergency Services
    1. [\(503-1115\) Adopt resolution proclaiming the existence of ongoing local drought emergency in County pursuant to Government Code §8630.](#)
  - E. Health and Human Services
    1. [\(504-1115\) Approve Children's Medical Services \(CMS\) Plan and Fiscal Plan Guidelines for Fiscal Year 2015-2016 and authorize Chair to execute certifications and statements.](#)
- IV. **PUBLIC COMMUNICATIONS:** Any person may speak about any subject of concern provided it is within the jurisdiction of the Board of Supervisors and is not already on today's agenda. The total amount of time allotted for receiving such public communication shall be limited to a total of 15 minutes and each individual or group will

be limited to no more than 5 minutes. Prior to this time speakers are requested to fill out a "Request to Speak" card and submit it to the Clerk of the Board of Supervisors. Please note: No Board action can be taken on comments made under this heading.

V. **COUNTY DEPARTMENTS**

F. Administrative Services

1. [\(505-1115\) Adopt resolution terminating the agreement with Environmental Alternatives which operates 4H Camp in Dobbins. \(Five minute estimate\)](#)
2. [\(506-1115\) Adopt resolution authorizing six grant deeds or property known as 4H Camp in Dobbins to be granted to Golden Empire Council of the Boy Scouts of America and approve agreement granting properties to Golden Empire Council of the Boy Scouts of America and authorize Chair to execute. \(Fifteen minute estimate\)](#)

A. County Administrator

1. [\(507-1115\) Receive information on proposed Healthy Weight Loss Challenge between Sutter and Yuba counties and provide direction on participation.\(Ten minute estimate\)](#)

VI. **CORRESPONDENCE:** The Board may direct any item of informational correspondence to a department head for appropriate action.

- A. [\(508-1115\) Letter from Child Care Planning Council of Yuba and Sutter counties outlining 2014-2015 accomplishments.](#)
- B. [\(509-1115\) Notice from California Water Resources Control Board on public hearings and pre-hearing conference on petition for changes of specific water right permits for the California Waterfix Project.](#)

VII. **BOARD AND STAFF MEMBERS' REPORTS:** This time is provided to allow Board and staff members to report on activities or to raise issues for placement on future agendas.

VIII. **RECESS TO 2:00 P.M. NOVEMBER 18, 2015**

IX. **ADMINISTRATIVE APPEAL HEARINGS:** If you challenge in court the action or decision of the Yuba County Board of Supervisors regarding a zoning, planning, land use or environmental protection matter made at any public hearing described in this notice, you may be limited to raising only those issues you or someone else raised at such public hearing, or in written correspondence delivered to the Yuba County Board of Supervisors at, or prior to, such public hearing and such public comments will be limited to three minutes per individual or group.

- A. [\(510-1115\) Administrative Appeal Hearing - Hold hearing regarding imposition of administrative penalties in the amount of \\$62,832.32 regarding 10440 Texas Hill Road, APN 048-160-042/Jed Kenniston. \(Thirty minute estimate\) \(Roll Call Vote\)](#)

X. **RECESS TO 6:00 P.M. NOVEMBER 19, 2015**

XI. **ORDINANCES AND PUBLIC HEARINGS:** If you challenge in court the action or decision of the Yuba County Board of Supervisors regarding a zoning, planning, land use or environmental protection matter made at any public hearing described in this notice, you may be limited to raising only those issues you or someone else raised at such public hearing, or in written correspondence delivered to the Yuba County Board of Supervisors at, or prior to, such public hearing and such public comments will be limited to three minutes per individual or group.

- A. [\(511-1115\) Public Hearing - Hold public hearing and approve Certification of the Magnolia Ranch Specific Plan Final Environmental Impact Report; adopt resolution certifying Final Environmental Impact Report, approving mitigation monitoring plan, and adopting Environmental Quality Act Findings of Fact and Statement of Overriding Consideration for Magnolia Ranch Specific Plan Project. \(Roll Call Vote\) \(Ten minute estimate\)](#)
- B. [\(512-1115\) Public Hearing- Hold public hearing and adopt resolution adopting Magnolia Ranch Specific Plan Regional Traffic Fee Nexus Study and establishing Magnolia Ranch Specific Plan Regional Traffic Fee. \(Roll Call Vote\)\(Ten minute estimate\)](#)

- C. [\(513-1115\) Public Hearing - Hold public hearing and adopt resolution for consideration of the Magnolia Ranch Specific Plan project: Specific Plan SP 2006-0002, Tentative Subdivision Tract Map TSTM 2006-0045 and TSTM 2015-0004; adopt ordinance rezoning certain property and approving development agreement by and between the County of Yuba and CEM Investments relative to the Magnolia Ranch Project subject to the conditions of approval and findings. \(Roll Call Vote\) \(60 minute estimate\)](#)

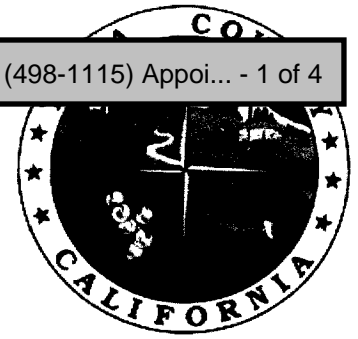
XII. **ADJOURN**

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the Clerk of the Board's office at (530) 749-7510 or (530) 749-7353 (fax). Requests must be made two full business days before the start of the meeting. To place an item on the agenda, contact the office of the Clerk of the Board of Supervisors.


# The County of Yuba

## Office of Clerk of the Board of Supervisors

(498-1115) Appoi... - 1 of 4



**To:** Board of Supervisors

**From:** Donna Stottlemeyer, Clerk of the Board 

**Subject:** Community Services Commission – District One Representative

**Date:** November 17, 2015

### Recommendation

Appoint Rob Klotz to the Community Services Commission as the District One representative for a term to end December 31, 2018.

### Background and Discussion

The Local Appointment List of all Boards/Commissions/Committees is continually posted indicating vacancies, appointees, terms of office, qualifications and meeting information and updated bi-monthly. This is an unscheduled vacancy due to the absence of Mr. William Ransom June 12, 2015. One application from Mr. Klotz has been received and is attached for your review. Supervisor Vasquez recommended appointment.

In light of the expressed interest, it would be appropriate to make the appointment at this time.

### Fiscal Impact

None

### Committee Action

None required.

/rf

attachment

RECEIVED

NOV 02 2015

(498-1115) Appoi... - 2 of 4

# The County of Yuba

Application for Board/Commission/Committee  
Appointed by the Board of Supervisors

Clerk/Board of Supervisors



RETURN APPLICATION WITH ORIGINAL SIGNATURE TO:

CLERK OF THE BOARD OF SUPERVISORS  
YUBA COUNTY GOVERNMENT CENTER  
915 EIGHTH STREET, SUITE 109  
MARYSVILLE, CA 95901  
(530) 749-7510

## BOARD/COMMISSION/COMMITTEE

ON WHICH YOU WOULD LIKE TO SERVE: YC COMMUNITY SERVICES COMMISSION

APPLICANT NAME:

Rob Klotz

MAILING ADDRESS -  
(Street/P.O. Box, City, Zip):

5649 Stony Creek Wy Marysville, CA 95901

PHYSICAL ADDRESS  
(Street, City, Zip):

Same as above

TELEPHONE:

HOME:

530 315 3272

WORK:

Same

EMAIL ADDRESS:

rob.klotz@yahoo.com

OCCUPATION/PROFESSION:  
SUPERVISOR/DISTRICT  
NUMBER:

Owner - KLOTZ Mobile Detail

Andy Vasquez - Dist #1

REASONS YOU WISH TO  
SERVE ON THIS BODY:

Please see attached sheet.

QUALIFICATIONS:

Please see attached sheet.

LIST PAST AND CURRENT  
PUBLIC POSITIONS HELD:

Please see attached sheet.

DO YOU HAVE ANY CRIMINAL CONVICTION THAT MAY BE CONSIDERED A CONFLICT OF INTEREST WITH THE COMMITTEE YOU WISH TO SERVE UPON? ☐ YES ☐ NO

IF YES, PLEASE EXPLAIN. NOTE: THAT A FELONY CONVICTION SHALL PRECLUDE YOU FROM SERVICE.

I UNDERSTAND THAT IF APPOINTED TO A BOARD/COMMISSION/COMMITTEE AND WHAT MAY BE CONSIDERED A CONFLICT OF INTEREST ARISES, THAT I HAVE A DUTY TO GIVE WRITTEN NOTICE OF SUCH TO THE COUNTY.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNATURE

[Signature]

DATE

10.30.15

### THIS SECTION FOR OFFICE USE ONLY

☐ NO VACANCY CURRENTLY EXISTS ON ABOVE-MENTIONED BODY. APPLICANT NOTIFIED.

☐ APPLICANT APPOINTED: \_\_\_\_\_

☐ OTHER: \_\_\_\_\_

**Community Services Commission Application Questions:**  
**Rob Klotz**

**Reason you wish to serve:**

I would like to help advise the county as to the most effective means of allocating available resources to local agencies that represent the needs of our low income residents.

**Qualifications:**

I have been active in the Yuba-Sutter community for the past 7 years. I possess a wealth of experience from the multiple boards and commissions I have served. I am a local business owner, college educated, and I want to see the best for the county I live in.

**Boards and Commissions I have served on:**

Yuba-Sutter Vector Control Board Member  
Regional Waste Management Authority Board Member (chair)  
Sutter County Local Agency Formation Commission (chair)  
Yuba-Sutter Chamber of Commerce Board Member  
League of California Cities Board Member  
Sutter County Superintendent of Schools Board Member

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DANIEL F. GALLERY  
JESSE W. BARTON

**GALLERY & BARTON**  
A PROFESSIONAL LAW CORPORATION  
1112 I STREET, SUITE 240  
SACRAMENTO, CA 95814-2865

P: (916) 444-2880  
F: (916) 444-6915  
WWW.GALLERYBARTONLAW.COM

WRITER'S E-MAIL: [jbarton@gallerybartonlaw.com](mailto:jbarton@gallerybartonlaw.com)

November 9, 2015

Donna Stottlemeyer  
Clerk, Yuba County Board of Supervisors  
915 8<sup>th</sup> Street, Suite 109  
Marysville, CA 95901

## RE: SECOND REQUEST TO APPOINT

Dear Ms. Stottlemeyer:

This office represents Brophy Water District. On August 14, 2015, this office sent a request to have the Board of Supervisors appoint three directors to the Board of Brophy Water District pursuant to provisions of the Water and Elections Code. (Copy attached.) A recent review of County agendas reveals that the appointments still have not been made.

Could you, or perhaps Ms. Morris-Jones, ensure that the appointments are made at the next Board of Supervisor meeting? Their positions expire in December. If I am sending this request to the incorrect address, please inform me as to what address it should be sent.

Thank you for your assistance in this matter. If additional information is needed, please contact me at 916-444-2880. Please forward to me a copy of the resolution appointing the candidates once the Board of Supervisors has acted on this matter.

Very truly yours,

  
Jesse W. Barton

Enc. (1)

cc. Board  
Angil Morris-Jones, County Counsel  
915 8th. St., Suite 111  
Marysville, CA 95901

DANIEL F. GALLERY  
JESSE W. BARTON

**GALLERY & BARTON**  
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P: (916) 444-2880  
F: (916) 444-6915  
WWW.GALLERYBARTONLAW.COM

WRITER'S E-MAIL: jbarton@gallerybartonlaw.com

August 14, 2015

Donna Stottlemeyer  
Clerk, Yuba County Board of Supervisors  
915 8<sup>th</sup> Street, Suite 109  
Marysville, CA 95901

Dear Ms. Stottlemeyer:

The terms of three directors of Brophy Water District expire this year. In accordance with applicable law, notice of the vacancies was given and the time for nomination closed on August 7, 2015. As of the closing date for nomination, only the three incumbents filed declarations of candidacy.

Since the number of candidates does not exceed the number of offices of director to be filled, no election is necessary and the Secretary of the District is required to submit a certificate to the Yuba County Board of Supervisors requesting that the Board appoint the candidates who filed a declaration of candidacy by the closing date for nomination.

On behalf of the Brophy Board of Directors, we request that the Board of Supervisors appoint the candidates listed on the enclosed Certificate as follows:

Al Lassaga: 4-year term

Earl Parker: 4-year term

Paul Baggett: 4-year term

Please forward to me a copy of the resolution appointing the candidates once the Board of Supervisors has acted on this matter.

Very truly yours,

  
Jesse W. Barton

Enc. (1)

cc. Board

**CERTIFICATE**  
**(Elections Code Section 10515(a)(3))**  
**REQUEST FOR APPOINTMENT OF THREE DIRECTORS OF THE BROPHY**  
**WATER DISTRICT UNDER ELECTIONS CODE SECTION 10515.**

The undersigned as Acting Secretary of BROPHY WATER DISTRICT does hereby certify that the number of persons who have filed a Declaration of Candidacy with the undersigned, for the position of Director, prior to the August 7, 2015 closing date, does not exceed the number of offices of Director to be filled at that election and that no Petition signed by ten percent (10%) of the voters or fifty (50) voters, whichever is the smaller number, in the district, requesting a General District Election, has been presented to this Officer.

The undersigned does, therefore, request that the Board of Supervisors at a regular or special meeting held prior to the Monday before the first Friday in December appoint to the office of Director of the BROPHY WATER DISTRICT for the terms indicated, the following persons, each of whom have timely filed declarations of candidacy:

**Al Lassaga: 4-year term**

**Paul Baggett: 4-year term**

**Earl Parker: 4-year term**

**BROPHY WATER DISTRICT**

By: \_\_\_\_\_

Jesse W. Barton, Attorney and Acting Secretary

Dated: August 14, 2015

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HEARING TO ASSESS PROPERTY AND RECORD  
NOTICE OF ABATEMENT LIEN  
BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA

COUNTY OF YUBA,	)	CASE NO.	MMJ15-0177
	)		
Plaintiff,	)	RE:	5919 Park Ct
	)		Linda, CA
vs.	)		
	)	APN:	021-203-003
Diego Araujo Jr	)		
Hyalite Investments Inc.	)	FINDINGS OF FACT	
	)	CONCLUSIONS OF LAW	
Defendant.	)	ORDERS OF THE BOARD OF SUPERVISORS	

FINDINGS OF FACT

1. Assessor's Parcel # 021-203-003 is located at 5919 Park Ct, Linda, CA 95901, and is now owned by Hyalite Investments Inc. Hyalite Investments Inc, purchased the property from Diego Araujo Jr in October of 2015.
2. On July 14, 2015, the tenant and cultivator Chandara Prum was personally served with a Notice and Order to Abate Public Nuisance [Order]. On July 15, 2015, a duplicate Order was mailed, both First Class and by Certified with Return Receipt to the property owner of record, Diego Araujo Jr. A copy of the Order was also served to two additional identified cultivators, Phally Chon and Path Play. The Order required the tenants, cultivators and the property owner to remove code violations consisting of: cultivating an excessive amount of marijuana plants, 138 total; cultivating outdoors and not within an approved accessory building; and cultivating marijuana without first registering with the County.
3. On July 14, 2015, Officer Clark observed the tenant/cultivator Chandara Prum remove and destroy the marijuana.
4. Neither the tenants, cultivators nor the property owner requested a hearing to show cause why the use of the property should not be found to be a public nuisance and abated pursuant to the Notice and Order to Abate Public Nuisance, nor did they request a hearing

to challenge the Administrative Penalty imposed. The Demand for Payment for costs and penalties incurred sent to both the property owner and the cultivator remains unpaid.

5. A Hearing was held on October 27, 2015 to assess the costs of abating the public nuisances and to determine if the administrative and abatement costs and penalties should be made a lien on said property.
  - (a) A two-page memorandum including attached supporting documentation marked as Attachment A (Cost Accounting) and Attachment B (Notice of Hearing) and Attachment C (Notice and Order to Abate Public Nuisance) as well as a PowerPoint presentation was submitted at the Hearing by Jeremy Strang, Code Enforcement Supervisor.
  - (b) The new owner, Hyalite Investments Inc., represented by Tommy Christy, was present.
6. The administrative and abatement costs and penalties incurred total: \$18,409.05.

#### CONCLUSIONS OF LAW

1. Based on the evidence and testimony submitted, administrative and abatement costs and penalties regarding APN 021-203-003 were properly incurred in the amount of \$18,409.05 and the property and its owner bear the costs of same.
2. The new owner, Hyalite Investments Inc., failed to persuade the Board of Supervisors, based on testimony provided, that the administrative and abatement costs and penalties for the property located at 5919 Park Ct, Linda, CA, APN 021-203-003, abated pursuant to the Notice and Order to Abate Public Nuisance, should not be assessed against the property and why a Notice of Abatement Lien should not be recorded.

#### ORDERS

1. It is hereby found and ordered that the administrative and abatement costs and penalties to date incurred by the County of Yuba in the amount of \$18,409.05 are accurate and reasonable and shall be an assessment against the property located at 5919 Park Ct, Linda, CA, APN 021-203-003.

2. It is hereby found and ordered that Hyalite Investments Inc. shall enter into an agreement with the County for a term of three (3) years. The conditions of the agreement are as follows:
  - a. Pay one-half (1/2) of the total amount of \$18,409.05 which is equal to \$9,204.53 immediately upon request;
  - b. Collection of the remaining \$9,204.53 shall be suspended from collection for the three (3) year duration of the agreement providing that the property remains nuisance free by following all laws and specifically all of the Yuba County Ordinance Code, for the same period.
  - c. The County may require that the owner purchase or procure a bond in the amount of \$9,204.53 naming the County as an insured and maintaining said bond in full force and effect for the duration of the agreement.
  - d. The agreement shall contain a provision that notice be given to and that the provisions of the agreement shall apply to any subsequent purchasers of the property until the expiration of the agreement; the County may record the agreement.
3. If Hyalite Investments Inc., or any future owner, fails to maintain the property located at 5919 Park Ct, Linda, CA from becoming a public nuisance, the County shall collect the remaining administrative and abatement costs and penalties of \$9,204.53, by either calling the bond, or by immediately placing the amount as a special assessment against the property as provided by Government Code Section 25845 (d) and cause a Notice of Abatement Lien to be recorded as authorized by Government Code Section 25845(e).
4. Payment pursuant to these orders shall have 90% of the total amount paid deposited into Trust Account 254-0000-371-98-99 and 10% of the total amount deposited into Trust Account 256-0000-371-98-99.
5. These Orders may be recorded by the Director of Yuba County Community Development & Services Agency.
6. Notice of these Orders shall be mailed with a Proof of Service to the owner of the property.

7. This decision is final. The time within which judicial review of this decision may be sought is governed by California Code of Civil Procedure, Section 1094.6 and the Yuba County Ordinance Code Chapter 1.16. Any petition seeking judicial review must be filed in the appropriate court not later than the 90<sup>th</sup> day following the date on which this decision was made; however, if within ten (10) days after the decision was made, a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to not later than the 30<sup>th</sup> day following the date on which the record is either personally delivered or mailed to you or your attorney of record.

PASSED AND ADOPTED at the regular meeting of the Board of Supervisors of the County of Yuba held on the 17<sup>th</sup> day of November 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson of the Board of Supervisors  
County of Yuba, State of California

ATTEST: Donna Stottlemeyer  
Clerk of the Board of Supervisors

APPROVED AS TO FORM: Angil Morris-Jones  
County Counsel



# *The County of Yuba*

## BOARD OF SUPERVISORS

OCTOBER 27, 2015



The Honorable Board of Supervisors of the County of Yuba met on the above date, commencing at 9:31 a.m. within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Mary Jane Griego, and Randy Fletcher. Supervisor Roger Abe was absent. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Deputy Clerk of the Board of Rachel Ferris. Chair Griego presided.

- I. PLEDGE OF ALLEGIANCE - Led by Chief Webb
- II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher – Supervisor Abe absent
- III. CONSENT AGENDA: All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.

MOTION: Move to approve      MOVED: Andrew Vasquez      SECOND: Randy Fletcher

AYES: John Nicoletti, Andrew Vasquez, Mary Jane Griego, Randy Fletcher

NOES: None      ABSENT: Roger Abe      ABSTAIN: None

### A. Board of Supervisors

1. (475-1015) Appoint Rick Brown and Dave Gothrow as Reclamation District 784 Trustees for a four year term ending November 2019. Approved.
2. (476-1015) Appoint Nicholas Iacopi and James Hill to the Board of Directors of Ramirez Water District for four year terms ending November 2019. Approved.

### B. Clerk of the Board of Supervisors

1. (477-1015) Approve meeting minutes of October 13, 2015. Approved as written.

### C. Community Development and Services

1. (478-1015) Approve contract change orders for State Route 70/Feather River Boulevard Interchange project and authorize Director of Public Works to sign change orders. Approved.

### D. Clerk Recorder/Elections

1. (479-1015) Adopt resolution appointing members in lieu of election to the Board of Directors for Special Districts pursuant to Elections Code §10515. Adopted Resolution No. 2015-112, which is on file in Yuba County Resolution Book No. 46.

### E. Health and Human Services

1. (480-1015) Adopt resolution approving Memorandum of Understanding with Sutter-Yuba Mental Health and any amendments thereto regarding the exchange of confidential information and authorize Chair to execute. Adopted Resolution No. 2015-113, which is on file in Yuba County Resolution Book No. 46.

## F. Human Resources/County Administrator

1. (481-1015) Adopt resolutions amending the Basic Salary Schedule and Department Allocation Schedule as it relates to the Deputy County Administrator position effective October 1, 2015. (Finance and Administration Committee recommends approval) Adopted Resolution Nos. 2015-114, and 2015-115, which are on file in Yuba County Resolution Book No. 46.

IV. PUBLIC COMMUNICATIONS: None.V. COUNTY DEPARTMENTS

## A. Sheriff-Coroner/Administrative Services

1. (482-1015) Approve agreement with Motorola Solutions, Inc. for a simulcast radio system for Yuba County Sheriff and authorize Chair to execute. (Ten minute estimate). Sheriff Durfor recapped project, funding source and amounts, and approach to cover remaining balance. Sheriff Durfor responded to Board inquiries.

County Administrator Robert Bendorf responded to specific inquiries regarding payment timelines.

MOTION: Move to approve      MOVED: Andrew Vasquez      SECOND: John Nicoletti  
 AYES: John Nicoletti, Andrew Vasquez, Mary Jane Griego, Randy Fletcher  
 NOES: None      ABSENT: Roger Abe      ABSTAIN: None

VI. ORDINANCES AND PUBLIC HEARINGS: The clerk read the disclaimer.

- A. (483-1015) Public Hearing - Hold public hearing and adopt resolution amending drainage impact fees for Reclamation District 784 and approving Fee Nexus Study for Basin C-2. (Roll Call Vote) (Ten minute estimate)  
 Director Kevin Mallen recapped location of study area, established fee per acre, and responded to Board inquiries.

General Manager Steve Fordice Reclamation District 784 recapped impact fees, future development, and responded to Board inquiries.

Chair Griego opened the public hearing.

Mr. Fordice responded to specific inquiries relating to fee exemptions.

MOTION: Move to close public hearing and adopt resolution  
 MOVED: Andrew Vasquez      SECOND: Randy Fletcher  
 AYES: John Nicoletti, Andrew Vasquez, Mary Jane Griego, Randy Fletcher  
 NOES: None      ABSENT: Roger Abe      ABSTAIN: None

Adopted Resolution No. 2015-116, which is on file in Yuba County Resolution Book No. 46.

VII. BOARD AND STAFF MEMBERS' REPORTS:

Supervisor Nicoletti:

- SoYouCan Annual Food/Toy giveaway December 19, 2015
- Area 4 Agency on Aging home delivery of Thanksgiving meals
- Memorial Adjournment: Mrs. Michelle Manning
- Commend Kevin Mallen and Wendy Hartman on recent Planning Commission meeting and format

Supervisor Fletcher: Meetings attended:

- October 16, 2015 Tour of the Foothills with Senator Nielson
- October 18, 2015 Annual Chestnut Roast
- October 19, 2015 Town all meeting in Hallwood
- October 26, 2015 community meeting regarding roads

Supervisor Griego:

- Boots and Brews 3<sup>rd</sup> Annual event October 24, 2015
- Planning Commission meeting October 21, 2015
- South County Economic Development Committee meeting October 22, 2015
- October 29, 2015 Lindhurst High School recognizing and honoring Alumni

VIII. CLOSED SESSION The Board retired into closed session at 10:16 a.m. and returned at 11:15 a.m. with all present as indicated above.

- A. Personnel pursuant to Government Code §54957 – Department Head Evaluation/Health Officer No report
- B. Personnel pursuant to Government Code §54957 – Department Head Evaluation/Agriculture Commissioner No report

IX. 1:30 P.M. ORDINANCES AND PUBLIC HEARINGS: The clerk read the disclaimer and administered the oath to all parties testifying.

- A. 1:30 P.M. (484-1015) Public Hearing - Hold public hearing and adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of \$15,599.79 and the recording of a lien regarding Vacant Lot on Sun Avenue, Linda, Mohammad A. Khan and Lucy Salva. (Roll Call Vote) (30 minutes estimate) Chair Griego opened the public hearing.

Code Enforcement Manager Jeremy Strang informed the board the referenced date of July 18, 2015 was incorrect and should be July 29, 2015. Mr. Strang presented a PowerPoint presentation depicting photos of the violations, recapping timelines for notification, inspections, and a history of violations at this property and other properties owned by Mr. Khan.

County Counsel Angil Morris-Jones responded to specific objections relating to past history from Ms. Charnel James, Counsel for property owner Mr. Mohammed Khan.

Ms. James provided copies of plane tickets showing Mr. Khan was out of the country from April 4, 2015 through July 28, 2015. Mr. Khan indicated Mr. Ron Dobson was given permission to use his truck to clean up property, repair the fence, and lock the gate.

Mr. Ron Dobson stated he did not have permission to grow marijuana or live on the property and was only authorized to make repairs.

The following individuals spoke:

- Ms. Karen Liggett
- Mr. Mary Dobson
- Mr. Bryan Badsen

Chair Griego closed the public hearing.

The Board recessed at 2:15 p.m. and returned at 2:28 p.m. with all present.

MOTION: Move to close public hearing, and adopt findings of fact, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of \$15,599.79 and the recording of a lien regarding vacant lot on Sun Avenue

MOVED: John Nicoletti SECOND: Andy Vasquez

AYES: John Nicoletti, Andrew Vasquez, Randy Fletcher

NOES: Mary Jane Griego ABSENT: Roger Abe ABSTAIN: None

- B. 1:30 P.M. (485-1015) Public Hearing - Hold public hearing and adopt findings of facts, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties in the amount of \$18,409.05 and the recording of a lien regarding 5919 Park Court, Linda, CA 95901, Diego Araujo Jr. (Roll Call Vote) (30 minutes estimate) Chair Griego opened the public hearing.

Code Enforcement Manager Jeremy Strang provided a PowerPoint presentation depicting photos of marijuana plants and other associated violations, recapped timelines for notification, inspections, cost accounting, and a sale of property.

Mr. Tommy Christy, Hyalite Investment Inc., advised prior to purchasing the property at auction he was aware of pending lien, and submitted an outline of amended fees for Board consideration. Mr. Christy advised the previous tenant is still occupying the property and has been served a three day notice to vacate the property.

The following individual spoke: Ms. Karen Liggett

Chair Griego closed the public hearing.

MOTION: Move to confirm cost accounting, adopt findings of fact, conclusions of law and orders authorizing the assessment of administrative and abatement costs and penalties and the recording of a lien in the amount of \$18,409.05.

MOVED: Andy Vasquez SECOND: Randy Fletcher

AYES: Andrew Vasquez, Randy Fletcher

NOES: John Nicoletti, Mary Jane Griego ABSENT: Roger Abe ABSTAIN: None

Motion failed.

MOTION: Move to accept 50 percent of fine in the amount of \$9,204.53 as penalty due; prepare draft agreement with property owner and require bond for remaining amount of \$9,204.53 to be held in reserve for three years, and present agreement for Board approval November 17, 2015

MOVED: Randy Fletcher SECOND: Andy Vasquez

AYES: Randy Fletcher, Andrew Vasquez, John Nicoletti, Mary Jane Griego

NOES: Mary Jane Griego ABSENT: Roger Abe ABSTAIN: None

- X. ADJOURN 3:20 p.m. in memory of Mrs. Michelle Manning.

Chair

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

By Rachel Ferris, Deputy Clerk

Approved: \_\_\_\_\_

# *The County of Yuba*

## BOARD OF SUPERVISORS

NOVEMBER 3, 2015



The Honorable Board of Supervisors of the County of Yuba met on the above date, commencing at 6:00 p.m. within the Government Center, Marysville, California, with a quorum being present as follows: Supervisors Andy Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, and Randy Fletcher. Also present were County Administrator Robert Bendorf, County Counsel Angil Morris-Jones, and Deputy Clerk of the Board of Supervisors Rachel Ferris. Chair Griego presided.

- I. PLEDGE OF ALLEGIANCE - Led by Supervisor Fletcher
- II. ROLL CALL - Supervisors Vasquez, Nicoletti, Griego, Abe, Fletcher – All present

County Counsel Angil Morris-Jones requested Closed Session be added to the agenda following Board and Staff Members Reports as a matter of business that arose after the agenda was posted as item A. Pending Litigation pursuant to Government Code § 54956.9 (e)(1) One Case.

MOTION: Move to add to closed session      MOVED: John Nicoletti    SECOND: Andy Vasquez  
AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher  
NOES: None    ABSENT: None    ABSTAIN: None

- III. CONSENT AGENDA: All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.

MOTION: Move to approve      MOVED: Andrew Vasquez    SECOND: Randy Fletcher  
AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher  
NOES: None    ABSENT: None    ABSTAIN: None

A. Clerk of the Board of Supervisors

1. (486-1115) Approve meeting minutes of October 20, 2015. Approved as written.

B. Health and Human Services

1. (487-1115) Approve rental contract with Extra Self Storage for 24 x 30 storage space at \$200 per month effective September 9, 2015 and authorize Chair to execute. Approved.
2. (488-1115) Approve rental contract with Extra Self Storage for 24 x 60 storage space at \$500 per month effective September 9, 2015 and authorize Chair to execute. Approved.

#### IV. SPECIAL PRESENTATION

- A. (490-1115) Present Certificates of Recognition to Josh Henricksen, Noel (Siller) Mashet, and T.J. Blackwell. (Five minute estimate) Supervisor Nicoletti read and presented certificates to recipients. Congressman Garamendi presented certificates from State Legislature.
- B. (489-1115) Present Certificate of Recognition to Charles Ford. (Five minute estimate) Supervisor Vasquez read and presented certificate to Mr. Ford. Mr. Ford commended the community and volunteers for their support.
- C. (491-1115) Receive 2015-2016 Williams Report and presentation from Yuba County Office of Education. (Ten minute estimate) Superintendent of Schools Josh Harris provided a brief recap of the Williams report and responded to Board inquiries.

#### V. PUBLIC COMMUNICATIONS: None.

#### VI. COUNTY DEPARTMENTS

##### A. Board of Supervisors

1. (467-1015) Consider authorizing membership to North Valley Hispanic Chamber of Commerce and take action as appropriate. (Ten minute estimate) (Continued from October 20, 2015) Executive Director Wendy Zapata recapped mission statement. Dr. Ernie Garcia recapped strategic action plan and goals. Dr. Garcia indicated there is a memorandum of understanding with Yuba Sutter Chamber of Commerce and recapped efforts to promote leaders from their community.

Dr. Garcia and Ms. Zapata responded to Board inquiries.

The following individual spoke: Auditor Controller Richard Eberle

MOTION: Move to approve      MOVED: Randy Fletcher      SECOND: John Nicoletti  
 AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher  
 NOES: None    ABSENT: None    ABSTAIN: None

By Board consensus Supervisors John Nicoletti was appointed Representative and Mary Jane Griego as Alternate.

2. (492-1115) Appoint two individuals to the First Five Yuba Commission as categorical representative with terms ending April 24, 2017 and April 30, 2018. Supervisor Griego recapped.

MOTION: Move to approve appointments of Melinda Staples and Sally Sokolosky  
 MOVED: Andrew Vasquez      SECOND: Randy Fletcher  
 AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher  
 NOES: None    ABSENT: None    ABSTAIN: None

##### B. Community Development and Services

1. (493-1115) Receive information on property assessed clean energy financing programs;

Adopt resolution consenting to inclusion of properties within the unincorporated area in the California Hero Program to finance distributed generation renewable energy sources, energy and water efficiency improvements, and electric vehicle charging infrastructure, and approving the amendment to a certain joint powers agreement related thereto; Director Kevin Mallen recapped Property Assessed Clean Energy (PACE) Program as a means for local home and business owners to finance energy efficiency improvements to their properties, with payments to be administered as an assessment to the property similar to a Mello-Roos or as a direct assessment lien on the property. Mr. Mallen responded to Board inquiries.

Mr. John Law provided a PowerPoint presentation on the HERO program including various eligible products, options and advantages to homeowners. Mr. Law advised validation would occur after the County's action and services would be available in January or February, and responded to Board inquiries.

MOTION: Move to adopt                      MOVED: John Nicoletti                      SECOND: Andrew Vasquez  
 AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher  
 NOES: None    ABSENT: None    ABSTAIN: None

Adopted Resolution No. 2015-117, which is on file in Yuba County Resolution Book No. 46.

Adopt resolution approving associate membership in the California Enterprise Development Authority and authorizing and directing the execution of associate membership agreement relating to associate membership of the county in the authority, authorizing the county to join the Figtree PACE Program, authorizing the California Enterprise Development Authority to conduct contractual assessment proceedings and levy contractual assessments within the territory of the County of Yuba, and authorizing related actions; and authorizing Community Development and Services Director to execute agreements and necessary documents thereto. (20 minutes estimate)

Mr. Aaron Villaraigosa, Figtree Financing, provided a PowerPoint presentation on their commercial program as a way to improve cash flow by reducing certain costs and realizing energy saving. Mr. Villaraigosa advised they currently have state wide validations and could be running by the end of December, and responded to Board inquiries.

The following individuals spoke:

- Auditor-Controller Richard Eberle
- Assistant Assessor Kimberly Heisch

MOTION: Move to adopt                      MOVED: Andrew Vasquez                      SECOND: Randy Fletcher  
 AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher  
 NOES: None    ABSENT: None    ABSTAIN: None

Adopted Resolution No. 2015-118, which is on file in Yuba County Resolution Book No. 46.

#### C. Human Resources and Organizational Excellence

1. (494-1115) Adopt resolutions amending Classification System-Basic Salary/Hourly Schedule and Department Allocation Schedule as it relates to Assistant Human Resources Director effective November 1, 2015. (Ten minute estimate) Director Jill Abel recapped and responded to Board inquiries.

MOTION: Move to adopt                      MOVED: John Nicoletti      SECOND: Randy Fletcher  
AYES: Andrew Vasquez, John Nicoletti, Mary Jane Griego, Roger Abe, Randy Fletcher  
NOES: None   ABSENT: None   ABSTAIN: None

Adopted Resolution Nos. 2015-119, and 2015-120, which are on file in Yuba County Resolution Book No. 46.

VII. CORRESPONDENCE: The Board may direct any item of informational correspondence to a department head for appropriate action.

- A. (495-1115) Five-year audit report for Strawberry Valley Cemetery District for period of June 30, 2007 through June 30, 2012. Received.
- B. (496-1115) Letter from Camptonville Union Elementary School District regarding increase in school facilities fees and Developer Fee Study. Received.
- C. (497-1115) Notice from California Fish and Game Commission listing the gray wolf as endangered under the California Endangered Species Act. Received.

VIII. BOARD AND STAFF MEMBERS' REPORTS:

Supervisor Nicoletti:

- o Shad Pad Clean Up November 13, 2015
- o Peach Tree Board of Directors meeting October 29, 2015
- o Scarysville Halloween event October 31, 2015

Supervisor Abe: Meetings attended:

- o RCRC Executive Committee meeting October 21, 2015
- o NCCC Board meeting October 21, 2015
- o Planning Commission meeting October 21, 2015
- o Yuba County Water Agency tour October 22, 2015
- o Wheatland High School Homecoming Parade October 30, 2015
- o Yuba Sutter Farm Bureau meeting November 2, 2015
- o Water Agency meeting for member units November 2, 2015
- o Yuba Sutter Chamber of Commerce meeting November 3, 2015
- o Memorial Adjournment: Mr. Dennis O'Connor

Supervisor Fletcher:

- o Out of State October 28 - 31, 2015
- o Yuba County Water Agency meeting November 2, 2015

Supervisor Griego: Lindhurst High School Hall of Fame nominees and recipients

County Counsel: Out of office November 9 - 13, 2015

- IX. CLOSED SESSION The Board retired into closed session at 8:03 p.m. and returned at 8:11 p.m. with all members present.
- A. Pending litigation pursuant to Government Code §554956.9(e)(1) - One Case By unanimous vote staff was given authority.
- X. ADJOURN: 8:12 p.m. in memory of Mr. Dennis O'Connor.

\_\_\_\_\_  
Chair

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

\_\_\_\_\_

Approved: \_\_\_\_\_

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# The County of Yuba



## Office of the County Administrator

Robert Bendorf, County Administrator  
John Fleming, Economic Development Coordinator  
Russ Brown, Communications & Legislative Affairs Coordinator  
Grace M Mull, Administrative Analyst  
Teena L. Carlquist, Executive Assistant to the County Administrator  
Yuba County Government Center  
915 8th Street, Suite 115  
Marysville, CA 95901

Phone: (530) 749-7575  
Fax: (530) 749-7312  
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jfleming@co.yuba.ca.us  
rbrown@co.yuba.ca.us  
gmull@co.yuba.ca.us  
tcarlquist@co.yuba.ca.us

DATE: November 17, 2015  
TO: Board of Supervisors  
FROM: Russ Brown, Communications & Legislative Affairs Coordinator  
SUBJECT: Federal Grant Funds for replacement of Fifth Street Bridge

**Recommended Action:** Authorize Chair to sign letter requesting Rep. Garamendi's support for reinstatement of the federal grant funds for right of way and construction phases of a new Fifth Street Bridge.

**Background & Discussion:** Over the past few years, Yuba County Community Development and Services Agency has been working with other local jurisdictions to address the documented need for improved traffic flow between Marysville and Yuba City. Efforts to construct a third bridge across the Feather River were set aside a few years back, which inspired planners to consider other options, including expansion of traffic flow where the Fifth Street Bridge currently stands.

A plan to convert the existing railroad bridge to handle vehicle traffic was initially determined to be a good option and a study funded by federal grant money ensued. However, the study soon found a more viable option would involve replacing the current Fifth Street Bridge with a four lane bridge. Since the grant was tied to the plans for converting the railroad bridge, the federal funding option suddenly became unavailable.

City and county planners still believe a new Fifth Street Bridge provides the best option and still achieves the ultimate goals of the federal grant – to improve traffic flow between the two cities. Yuba County, Sutter County, Yuba City, and Marysville are each submitting letters to Congressman Garamendi asking him to seek reconsideration of the grant on our behalf.

**Committee Action:** Because of the tight timeframe for this matter, and because the Board has previously supported efforts for a solution to traffic flow issues between the two counties, this matter is being brought directly to the Board.

**Fiscal Impact:** None



# County of Yuba Board of Supervisors

(502-1115) Appro... - 2 of 4

District One ~ Andy Vasquez  
District Two ~ John Nicoletti  
District Three ~ Mary Jane Griego  
District Four ~ Roger Abe  
District Five ~ Randy Fletcher

November 17, 2015

The Honorable John Garamendi  
2438 Rayburn HOB  
Washington, DC 20515

Dear Congressman Garamendi,

On behalf of the Yuba County Board of Supervisors, this letter is submitted to request your assistance in gaining reconsideration to reinstate the federal grant funds for right of way and construction phases of a new bridge spanning the Feather River, replacing the Fifth Street Bridge between Yuba City and Marysville.

Over the past few years, Yuba County Community Development and Services Agency worked in concert with Marysville, Yuba City, and Sutter County to address the documented need for improved traffic flow between the two cities. Short of constructing a third bridge, plans to convert the existing railroad bridge to handle vehicle traffic was considered but dropped in favor of the more prudent option of replacing the current Fifth Street Bridge with a four lane bridge. Earlier this year, however, Caltrans determined changes to the project scope took it out of contention for the remaining federal grant money.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU), or Public Law 109-59, enacted August 10, 2005, authorized \$4,000,000 under High Priority Project No. 3631 "to convert a railroad bridge into a highway bridge spanning the Feather River between Yuba City and Marysville." The eventual obligational authority of the federal grant totaled \$3,599,600. The purpose of this grant was to develop two additional lanes across the Feather River between Yuba City and Marysville.

On April 8, 2013, the four government entities completed a Project Study Report that determined converting the railroad bridge into a highway bridge was not the most cost effective means of providing two additional lanes across the river. Instead, the Project Study Report determined that constructing a new 4-lane structure as a replacement to the existing bridge is the preferred project. Once this determination was made, the Caltrans Office of Special and Discretionary Programs declared the High Priority Project funds may no longer be used because the project now does not involve "converting the railroad bridge into a highway bridge."

However, the original intent of the High Priority Project grant to provide two additional lanes across the river is still being met by the preferred project. Approximately \$2,765,000 of High Priority Project funds remain and it makes sense to use these funds for the right of way and construction phases of the preferred project. The project description as documented in High Priority Project No. 3631 under Public Law 109-59 should be replaced in its entirety with the following: "to reconstruct the existing 5th Street Bridge and railroad approaches to provide a 4-lane crossing of the Feather River between Yuba City and Marysville."

Final design of the preferred project is moving forward with a combination of Highway Bridge Program, Regional Surface Transportation Program and local funding. In addition to these three funding sources, State Transportation Improvement Program funding is programmed in 2017 for construction.

For all of these reasons, Yuba County respectfully requests the description for High Priority Project No. 3631 be revised by July 2016 in order to accommodate construction in 2017.

Sincerely,

Mary Jane Griego, Chair  
Yuba County Board of Supervisors

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# COUNTY OF YUBA

## OFFICE OF EMERGENCY SERVICES

(503-1115) Adopt... - 1 of 4

**SCOTT BRYAN**  
COUNTY ADMINISTRATOR  
DIRECTOR OF EMERGENCY SERVICES

**SCOTT BRYAN**  
EMERGENCY OPERATIONS MANAGER

**HOLLY POWERS**  
EMERGENCY OPERATIONS PLANNER

### Board Memo

To: Board of Supervisors

Fr: Scott Bryan, Emergency Operations Manager  
Holly Powers, Emergency Operations Planner

Re: Proclaim the existence of a local emergency in the County of Yuba

Date: November 17, 2015

### Recommendation:

The Board of Supervisors adopt a resolution proclaiming the continuation of a local emergency due to the ongoing drought conditions.

### Background:

On January 17, 2014 Governor Edmund G. Brown Jr. declared a Statewide Drought Emergency due to the impacts on the State of California as a result of four continuous years of drought. On February 18, 2014 the Director of Emergency Services proclaimed a local emergency due to the effects the drought has had within the County of Yuba. Your Board ratified said proclamation on February 25, 2014 and extended on October 20, 2015.

### Discussion:

With an on-going water shortage affecting the County of Yuba, the final duration of the emergency has not yet been determined. The recent rainstorms are seasonally expected and are consistent with the average rainfall during this time of year. At this point, the storms have had no impact on lessening drought conditions. Therefore it is recommended that your Board extend the current proclamation of a local emergency until the end of the incident period per (Govt. Code Section 8630 (c)). This proclamation of emergency will be reviewed and renewed no less than once every thirty days. Per Govt. Code Section 8630(d), this proclamation of emergency shall be terminated as soon as reasonably possible.

### Committee Action:

No committee action was taken due to time constraints.

### Fiscal Impact:

There is an unknown impact to the general fund as of this date.

**BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA**

**RESOLUTION:**

**THE BOARD OF SUPERVISORS  
ADOPT A RESOLUTION  
PROCLAIMING THE EXISTENCE OF  
AN ONGOING LOCAL DROUGHT  
EMERGENCY IN THE COUNTY OF  
YUBA.**

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)  
)

**RESOLUTION NO.** \_\_\_\_\_

**WHEREAS**, the Yuba County Director of Emergency Services did hereby proclaim a local emergency in the County of Yuba on February 18, 2014 per Ordinance Code section 4.20; and

**WHEREAS**, conditions of peril to public health and safety remain in the County of Yuba due to the statewide drought; and

**WHEREAS**, the County of Yuba Board of Supervisors does hereby find that the aforesaid conditions of peril do warrant and necessitate a proclamation of the existence of a local emergency due to a statewide drought; and

**NOW, THEREFORE, IT IS HEREBY PROCLAIMED**, that a local emergency continues to exist in the County of Yuba and the Board of Supervisors Proclamations through this resolution of the continuance of a Local Emergency in the County of Yuba.

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Yuba, State of California on the \_\_\_\_\_ day of \_\_\_\_\_ 2015.

AYES:

NOES:

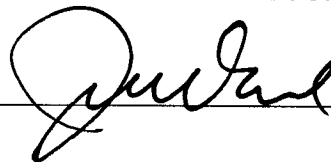
ABSENT:

ABSTAIN:

\_\_\_\_\_  
Chair

ATTEST:       DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

APPROVE AS TO FORM:  
COUNTY COUNSEL

\_\_\_\_\_  


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# The County of Yuba

## HEALTH & HUMAN SERVICES DEPARTMENT

**Jennifer Vasquez, Director**

5730 Packard Ave., Suite 100, P.O. Box 2320, Marysville, California 95901  
Phone: (530) 749-6311 FAX: (530) 749-6281



(504-1115) Appro... - 1 of 88

**Dr. Nichole Quick, MD, MPH**  
**Health Officer**  
Phone: (530) 749-6366

**TO:** Board of Supervisors  
Yuba County

**FROM:** Jennifer Vasquez, Director  
Nichole Quick, Health Officer  
Health & Human Services Department

**DATE:** November 17, 2015

**SUBJECT:** Children's Medical Services (CMS) Plan and Fiscal Guidelines for FY 2015-2016

**RECOMMENDATION:** It is recommended that the Board of Supervisors approve the Children's Medical Services (CMS) Plan and Fiscal Guidelines for Fiscal Year (FY) 2015-2016 and authorize the Chair to sign the two CMS Certification Statements included in this plan.

**BACKGROUND:** The Department of Health Care Services (DHCS) has delegated the responsibility of administering the CMS program, which includes Child Health and Disability Prevention (CHDP), California Children Services (CCS) and the Health Care Program for Children in Foster Care (HCPFC) to county health departments. DHCS allocates administrative funds to the Public Health Division of the Health and Human Services Department to provide these ongoing mandated services upon the submission and approval of the CMS Plan Guidelines.

**DISCUSSION:** The CMS Plan and Fiscal Guidelines for FY 2015-2016 includes the combined plan, budget, and scope of work to continue the administration of the CHDP, CCS and HCPFC programs in Yuba County. The budget for these programs is estimated to be \$745,914; which includes the CHDP budget of \$241,706, the HCPFC budget of \$103,960, and the CCS budget of \$509,029. This revenue source covers salaries and benefits for 6.0 Full Time Employees (FTEs), in addition to the costs of services and supplies associated with administering these programs.

**COMMITTEE:** The Human Services Committee was bypassed as this is a routine annual request. There are no significant changes to the Plan.

**FISCAL IMPACT:** Approval of the CMS Plan and Fiscal Guidelines will not impact County General Funds. The County match requirement is estimated at \$69,667 for the CCS and CHDP Programs and will be funded through Health Realignment Funds.

Children's Medical Services (CMS)  
California Children's Services (CCS)  
Child Health & Disability Prevention (CHDP)  
Health Care Program for Children in Foster Care  
(HCPCFC)

Plan Guidelines

FY 2015-2016

**Children's Medical Services**  
**California Children's Services (CCS)**  
**Child Health & Disability Prevention (CHDP)**  
**Health Care Program for Children in Foster Care**  
**(HCPCFC)**

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**Plan and Budget Required Documents Checklist****MODIFIED FY 2015-2016**County/City: YubaFiscal Year: 2015-2016

<b>Document</b>	
1. <b>Checklist</b>	Yes
2. <b>Agency Information Sheet</b>	Yes
3. <b>Certification Statements</b>	Yes
A. Certification Statement (CHDP) – Original and one photocopy	Yes
B. Certification Statement (CCS) – Original and one photocopy	Yes
4. <b>Agency Description</b>	
A. Brief Narrative	Yes, CHDP
B. Organizational Charts for CCS, CHDP, and HCPCFC	Retain locally
C. CCS Staffing Standards Profile	Retain locally
D. Incumbent Lists for CCS, CHDP, and HCPCFC	Yes
E. Civil Service Classification Statements – Include if newly established, proposed, or revised	Yes
F. Duty Statements – Include if newly established, proposed, or revised	Yes
5. <b>Implementation of Performance Measures</b> – Performance Measures for FY 2014-2015.	N/A
6. <b>Data Forms</b>	
A. CCS Caseload Summary	Yes
B. CHDP Program Referral Data	Yes
7. <b>Memoranda of Understanding and Interagency Agreements List</b>	
A. MOU/IAA List	Yes
B. New, Renewed, or Revised MOU or IAA	Yes
C. CHDP IAA with DSS biennially	Yes
D. Interdepartmental MOU for HCPCFC biennially	Yes
8. <b>Budgets</b>	
A. CHDP Administrative Budget (No County/City Match)	
1. Budget Summary	Yes

County/City: YubaFiscal Year: 2015-2016

Document		
2.	Budget Worksheet	Yes
3.	Budget Justification Narrative	Yes
B.	CHDP Administrative Budget (County/City Match) - Optional	
1.	Budget Worksheet	Yes
2.	Budget Justification Narrative	Yes
3.	Budget Justification Narrative	Yes
C.	CHDP Foster Care Administrative Budget (County/City Match) - Optional	
1.	Budget Summary	N/A
2.	Budget Worksheet	N/A
3.	Budget Justification Narrative	N/A
D.	HCPCFC Administrative Budget	
1.	Budget Summary	Yes
2.	Budget Worksheet	Yes
3.	Worksheet to Determine Healthy Families Funding Source	Yes
4.	Budget Justification Narrative	Yes
E.	CCS Administrative Budget	
1.	Budget Summary	Yes
2.	Budget Worksheet	Yes
3.	Budget Justification Narrative	Yes
G.	Other Forms	
1.	County/City Capital Expenses Justification Form	N/A
2.	County/City Other Expenses Justification Form	N/A
9.	<b>Management of Equipment Purchased with State Funds</b>	
1.	Contractor Equipment Purchased with DHCS Funds Form (DHCS1203)	N/A
2.	Inventory/Disposition of DHCS Funded Equipment Form (DHCS1204)	Yes
3.	Property Survey Report Form (STD 152)	N/A

**Agency Information Sheet****County/City:** Yuba County**Fiscal Year:** 2015-16**Official Agency**

Name:	County of Yuba (Health and Human Services Agency)	Address:	5730 Packard Ave., Ste. 100
Health Officer	Nichole Quick, MD, MPH		Marysville, CA 95901

**CMS Director (if applicable)**

Name:		Address:	
Phone:			
Fax:		E-Mail:	

**CCS Administrator**

Name:	Nelly Camarena, PHN III	Address:	5730 Packard Ave., Ste. 100
Phone:	530-749-6492		Marysville, CA 95901
Fax:	530-749-6397	E-Mail:	ncamarena@co.yuba.ca.us

**CHDP Director**

Name:	Nicole Quick, M.D., MPH	Address:	5730 Packard Ave., Ste. 100
Phone:	530-749-6366		Marysville, CA 95901
Fax:	530-749-6397	E-Mail:	nquick@co.yuba.ca.us

**CHDP Deputy Director**

Name:	Cheryl Andersen, PHN II	Address:	5730 Packard Ave., Ste. 100
Phone:	530-749-6454		Marysville, CA 95901
Fax:	530-749-6397	E-Mail:	candersen@co.yuba.ca.us

**Clerk of the Board of Supervisors or City Council**

Name:	Donna Stottlemeyer	Address:	915 8 <sup>th</sup> Street, Ste. 109
Phone:	530-749-7510		Marysville, CA 95901
Fax:	530-749-7353	E-Mail:	dstottlemeyer@co.yuba.ca.us

**Director of Social Services Agency**

Name:	Jennifer Vasquez		5730 Packard Ave., Ste. 100
Phone:	530-749-6380		Marysville, CA 95901
Fax:	530-749-6281	E-Mail:	jvasquez@co.yuba.ca.us

**Chief Probation Officer**

Name:	Jim Arnold		215 5 <sup>th</sup> Street
Phone:	530-749-7550		Marysville, CA 95901
Fax:	530-749-7364	E-Mail:	jarnold@co.yuba.ca.us

**Certification Statement - Child Health and Disability Prevention (CHDP) Program**County/City: Yuba County

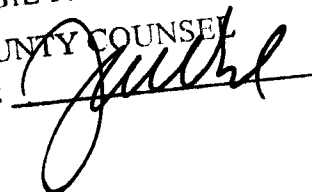
Fiscal Year: 2015-16

I certify that the CHDP Program will comply with all applicable provisions of Health and Safety Code, Division 106, Part 2, Chapter 3, Article 6 (commencing with Section 124025), Welfare and Institutions Code, Division 9, Part 3, Chapters 7 and 8 (commencing with Section 14000 and 14200), Welfare and Institutions Code Section 16970, and any applicable rules or regulations promulgated by DHCS pursuant to that Article, those Chapters, and that section. I further certify that this CHDP Program will comply with the Children's Medical Services Plan and Fiscal Guidelines Manual, including but not limited to, Section 9 Federal Financial Participation. I further certify that this CHDP Program will comply with all federal laws and regulations governing and regulating recipients of funds granted to states for medical assistance pursuant to Title XIX of the Social Security Act (42 U.S.C. Section 1396 et seq.). I further agree that this CHDP Program may be subject to all sanctions or other remedies applicable if this CHDP Program violates any of the above laws, regulations and policies with which it has certified it will comply.

\_\_\_\_\_  
Signature of CHDP Director\_\_\_\_\_  
Date Signed\_\_\_\_\_  
Signature of Director or Health Officer\_\_\_\_\_  
Date Signed\_\_\_\_\_  
Signature and Title of Other – Optional\_\_\_\_\_  
Date Signed

I certify that this plan has been approved by the local governing body.

\_\_\_\_\_  
Signature of Local Governing Body Chairperson\_\_\_\_\_  
Date

APPROVED AS TO FORMS  
ANGIL P. MORRIS-JONES  
COUNTY COUNSEL  
BY: 

**Certification Statement - California Children's Services (CCS)**County/City: Yuba County

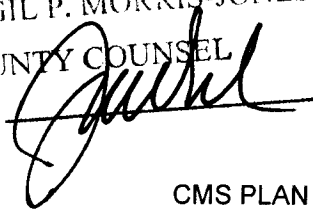
Fiscal Year: 2015-16

I certify that the CCS Program will comply with all applicable provisions of Health and Safety Code, Division 106, Part 2, Chapter 3, Article 5, (commencing with Section 123800) and Chapters 7 and 8 of the Welfare and Institutions Code (commencing with Sections 14000-14200), and any applicable rules or regulations promulgated by DHCS pursuant to this article and these Chapters. I further certify that this CCS Program will comply with the Children's Medical Services Plan and Fiscal Guidelines Manual, including but not limited to, Section 9 Federal Financial Participation. I further certify that this CCS Program will comply with all federal laws and regulations governing and regulating recipients of funds granted to states for medical assistance pursuant to Title XIX of the Social Security Act (42 U.S.C. Section 1396 et seq.) and recipients of funds allotted to states for the Maternal and Child Health Services Block Grant pursuant to Title V of the Social Security Act (42 U.S.C. Section 701 et seq.). I further agree that this CCS Program may be subject to all sanctions or other remedies applicable if this CCS Program violates any of the above laws, regulations and policies with which it has certified it will comply.

\_\_\_\_\_  
Signature of CCS Administrator\_\_\_\_\_  
Date Signed\_\_\_\_\_  
Signature of Director or Health Officer\_\_\_\_\_  
Date Signed\_\_\_\_\_  
Signature and Title of Other – Optional\_\_\_\_\_  
Date Signed

I certify that this plan has been approved by the local governing body.

\_\_\_\_\_  
Signature of Local Governing Body Chairperson\_\_\_\_\_  
Date

APPROVED AS TO FORM  
ANGIL P. MORRIS-JONES  
COUNTY COUNSEL  
BY: 

### Brief Narrative

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Yuba County's CHDP Program is currently composed of a Public Health Nurse, CHDP Deputy Director, nursing staff (PHN/RN) and an Office Specialist. The program is part of the CMS Unit which includes CHDP, HCPCFC and CCS. The unit is directly supervised by a Supervising Public Health Nurse or designee. The unit is one of three within the Health Services Division which is managed by the Director of Nurses with medical oversight provided by the Health Officer (Director of CHDP). The Health Services Division is part of the Health and Human Services Department which also includes CHDP's partners in Public Assistance (also referred to as Social Services or Eligibility) and Children's Services Division (also referred to as Child Welfare Services or Child Protective Services). The Foster Care Nurse in the HCPCFC program is stationed in the Child Welfare Services Division. This position receives program direction and input from both the CHDP Deputy Director and staff from the Children's Services Division.

Yuba County has conducted, completed and/or participated in the following during this past fiscal year (2014-2015):

- Two dental trainings were conducted during the summer of 2014.
  - July 10, 2014, Peach Tree Clinic, dental training was conducted.
  - July 14, 2014, Dr. Ndulue's Clinic, dental training was conducted.
- CHDP collaborated with E-Center and conducted an Audiometric training, April 27, 2015.
- CHDP initiated the CAN DO CHDP Obesity Project during the winter of 2014-2015.
  - Spring of 2015, CHDP connected with a local provider to launch the Obesity Project.
  - CHDP logo and health messages have been approved during this fiscal year.
- CHDP continued to collaborate with MCH on oral health.
  - As a result an Oral Health committee was formed.
    - Infant and children dental kits were provided to the local CHDP providers.
    - Plans were developed for launching a fluoride varnish program.
- CHDP plans for the fiscal year 2015-2016:
  - Oral Health
    - Training the Yuba County Public Health Nurses in the fluoride varnish application process.
    - Launch fluoride varnish clinics in the Yuba County Public Health clinic and in the community at local preschools.
  - CHDP collaborated with E-Center Head Start
    - Vision and Hearing MOU(s) signed between E-Center and CHDP.
    - Vision training scheduled for 9-14-15.
    - Audiometric training to be scheduled in the spring of 2016
    - Dental fluoride varnish application for E-Center sites in the winter of 2016.
  - Launch lifestyle classes as part of the Obesity Project.

CHDP and HCPCFC have worked closely with Children's Welfare Services and Probation to define the roles of each department in providing CHDP services for children being served. This led to the updating of the Interagency Agreement(IAA).

Yuba County is a CCS dependent county under the direction of the CCS Dependent County Operations Section (DCOS). CHDP staff, the CCS Administrator, the CCS Case Manager, and the CCS Medical Case Managers collaborate in performing CMS functions. The CCS Case Manager informs eligible CCS clients of the CHDP program and provides CHDP brochures. The CCS Medical Case Managers review all requests for needed medical services and intervene in high-risk client case management. CHDP staff refers children identified on the PM 160 with possible CCS eligible condition(s) to the CCS Case Manager. The HCPCFC PHN makes referrals to the CCS program and assists CCS staff with foster children on their caseload as needed. Since the entire CMS unit is located in the same building, the three programs network on a regular basis.

State of California - Health and Human Services Agency Department of Health Care Services - Children's Medical Services

**Incumbent List - California Children's Services**

For FY 2014-15, complete the table below for all personnel listed in the CCS budgets. Use **the same** job titles for both the budget and the incumbent list. Total percent for an individual incumbent should **not be over 100 percent**.

Specify whether job duty statements or civil service classification statements have been revised or changed. Only submit job duty statements and civil service classification statements that are new or have been revised. This includes (1) changes in job duties or activities, (2) changes in percentage of time spent for each activity, and (3) changes in percentage of time spent for enhanced and non-enhanced job duties or activities.

Identify Nurse Liaison positions using: **MCMC** for Medi-Cal Managed Care; **HF** for Healthy Families; **IHO** for In-Home Operations, and; **RC** for Regional Center.

County/City: Yuba Fiscal Year: 2015-16

Job Title	Incumbent Name	FTE % on CCS Admin Budget	Have Job Duties Changed? (Yes or No)	Has Civil Service Classification Changed? (Yes or No)
Director Of Nurses	Lynne Olsen	15%	Yes	No
Public Health Nurse III	Nelly Camarena	43%	Yes	No
Public Health Nurse I/II	Kimberly Agcokra	65%	Yes	No
Public Health Nurse I/II	Kelli DiVecchia	65%	Yes	No
Public Health Nurse I/II	Carolyn Iversen	65%	Yes	No
Case Manager	Michele Clark	98%	No	No
Office Specialist	Mauricio Martinez	10%	Yes	No
Office Assistant (Bilingual)	Veronica Villalobos	10%	Yes	No
Office Assistant (Bilingual)	Long Xiong	10%	Yes	No
Account Analyst	Donna Clark	30%	Yes	No

Children's Medical Services Plan and Fiscal Guidelines

State of California - Health and Human Services Agency Department of Health Care Services - Children's Medical Services

**Incumbent List - Child Health and Disability Prevention Program**

For FY 2014-15, complete the table below for all personnel listed in the CHDP budgets. Use the same job titles for both the budget and the incumbent list. Total percent for an individual incumbent should **not be over 100 percent**.

Specify whether job duty statements or civil service classification statements have been revised or changed. Only submit job duty statements and civil service classification statements that are new or have been revised. This includes (1) changes in job duties or activities, (2) changes in percentage of time spent for each activity, and (3) changes in percentage of time spent for enhanced and non-enhanced job duties or activities.

County/City: **Yuba**

Fiscal Year: **2015-16**

Job Title	Incumbent Name	FTE % on CHDP No County/ City Match Budget	FTE % on CHDP County/City Match Budget	FTE % in Other Programs (Specify)	Have Job Duties Changed? (Yes or No)	Has Civil Service Classification Changed? (Yes or No)
Deputy Director, PHN II	Cheryl Andersen	35%	40%	25% General	Yes	No
PHN III	Nelly Camarena	8.99%	11%	43% CCS, 37.01% General	Yes	No
PHN I / II	Carolyn Iversen	0%	15%	65% CCS, 10% MCAH, 10% General	Yes	No
PHN I / II	Kimberly Agcopra	0%	10%	65% CCS, 25% General	Yes	No
PHN I / II	Kelli Di Vecchia	7.5%	15%	65% CCS, 12.5% General	Yes	No
Office Specialist	Kathleen Harriger	30%	None	15% Tobacco 55% General	Yes	No
Accounting Technician	Liz Langley	5%	None	5% Pan Flu, 10% PHEP, 5% Ebola, 75% General	Yes	No
Office Assistant	Veronica Villalobos	5%	None	10% CCS, 5% Pan Flu, 5% PHEP, 5% Ebola, 70% General	Yes	No

# Children's Medical Services Plan and Fiscal Guidelines

State of California - Health and Human Services Agency Department of Health Care Services - Children's Medical Services

## Incumbent List - Health Care Program for Children in Foster Care

For FY 2014-15, complete the table below for all personnel listed in the HCPCFC and CHDP Foster Care Administrative (County/City) budgets. Use **the same** job titles for both the budget and the incumbent list. Total percent for an individual incumbent should **not be over 100 percent**.

Specify whether job duty statements or civil service classification statements have been revised or changed. Only submit job duty statements and civil service classification statements that are new or have been revised. This includes (1) changes in job duties or activities, (2) changes in percentage of time spent for each activity, and (3) changes in percentage of time spent for enhanced and non-enhanced job duties or activities.

County/City: Yuba

Fiscal Year: **2015-16**

Job Title	Incumbent Name	FTE % on HCPCFC Budget	FTE % on FC Admin County/City Match Budget	FTE % in Other Programs (Specify)	Have Job Duties Changed? (Yes or No)	Has Civil Service Classification Changed? (Yes or No)
PHN II	Alexandra Hadley	52.346%	37.65%	10.004% General	No	No

## DUTY STATEMENT

**TITLE:** Director of Nurses  
(15% CCS Global Supervision, 85% General)  
Lynne Olsen

**REPORTS TO:** Health Officer or designee

**DEFINITION:** Assigns, directs, and reviews the work of all assigned nursing personnel and related staff; assists in program planning, implementation and evaluation of nursing and related programs; performs the full range of public health nursing services including teaching, health assessment, and counseling services in connection with adverse health conditions.

**DUTIES:**

CCS  
15%

Participate in coordination activities to develop the program in relation to other agencies such as Regional Centers, Medi-Cal field offices, local education agencies, public health agencies (including maternal, child, and adolescent health services), Medi-Cal Managed Health Care Program.

Monitor yearly budgets to implement program plan within program appropriations in accordance with CMS Plan and Fiscal Guidelines.

Monitor personnel responsibilities for implementing the CCS program according to the staffing standards. Assure that CCS funded personnel perform only allowable functions, audit trail is maintained for all expenditures, and staff complete time studies a minimum of one month a quarter and retain on file.

Review program standards, regulations, policies, procedures, and health-related educational materials.

## Duty Statement

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**Title:** Public Health Nurse I/II/III  
CCS Medical Case Manager

(10% CCS Nurse Case Manager, 33% CCS Administrator/Global Supervision,  
19.99% CHDP, 37.01% General)  
Nelly Camarena

(65% CCS Case Manager, 10% CHDP, 25% General)  
Kimberly Agcopra

(65% CCS Case Manager, 22.5% CHDP, 12.5% General)  
Kelli DiVecchia

(65% CCS Case Manager, 15% CHDP, 10% MCAH, 10% General)  
Carolyn Iversen

**Reports To:** Supervising PHN or designee

**Definition:** Responsible for the day to day CCS Medical Case Management activities. This must be a Skilled Professional Medical Person (SPMP).

**Duties:** Using skilled professional medical and non-SPMP expertise to:

NC	KA	KD	CI
10%	65%	65%	65%

Determining the medical rationale to ensure timely and appropriate medical follow-up.

Collecting and interpreting information regarding the applicant/client's medical status and his/her needs for medical services; conducting hospital-based utilization review activities to determine number of days for approval; identifying resources and referrals needed to support a patient's care in the home for his/her medical condition.

Initiating a proactive medical case management plan, including a review of the adequacy and availability of medical services for the applicant/client and participation in medical case management conferences to coordinate medical service needs and program benefits.

Reviewing literature and research articles to determine eligibility and/or benefits relating to a client's specific medical condition.

Reviewing complex physician billing and making fee determinations.

Providing information on specialized medical program services available to medically high-risk children and their families.

Furnishing medical opinions on decisions relating to adjudication of

administrative appeals based on program medical benefit laws, regulations, and policies.

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Determining the estimated cost of medical care for exceptional cases.

Determining the authorizations to be issued for medical services and benefits to paneled medical/allied health providers and vendors based on knowledge and application of program standards and county requirements.

Administrative medical case management:

SPMP Intra/Interagency Collaboration activities:

Collaborating with physician groups, health department staff (e.g., public health nurses), CHDP, WIC, school nurses, hospital, and managed care professional staff to improve the availability and use of medical services.

SPMP Program Planning and Policy Development and Quality Management activities:

Developing educational resources regarding CCS services and benefits for use by patients/families, providers, and community agencies.

Interpreting CCS program standards and policy letters to physicians and other health care professionals.

Participating in county program reviews; evaluate performance, attainment of goals/ objectives, measure outcomes, etc.

SPMP and Non-SPMP training activities:

Participating in county, regional, and state-conducted medical training sessions/meetings and attending professional education programs relevant to the role of the medical professional and/or to medical administration of the program(s).

Participating in program-required and/or county, regional, and statewide workshops, meetings, and educational sessions relating to the scope of program benefits and changes in program management.

Program Specific Administration activities:

Reviewing program standards, regulations, policies, procedures, and health-related educational materials.

Reviewing literature and research articles to apply up-to-date knowledge in delivery of health care services.

Preparing program-related reports, documents, and correspondence.

## DUTY STATEMENT

**Title:** Public Health Nurse III CCS Administrator  
(33% CCS Administrator, 10% CCS Nurse Case Manager 19.99% CHDP, 37.01% General)  
Nelly Camarena

**Reports To:** Supervising Public Health Nurse or designee

**Definition:** Provides programmatic leadership and oversight for the work of assigned nursing personnel and related staff; assists in program planning, implementation, and evaluation; performs the full range of public health nursing services including teaching, health assessment, and counseling services in connection with adverse health conditions.

**Duties:**

33%

Furnish medical opinions on decisions and relating to adjudication of administrative appeals based on program medical eligibility and benefit laws, regulations, and policies. Determine estimated cost of medical care for exceptional cases.

Collaborate with physician groups, health department staff (e.g., public health nurses), CHDP, WIC, school nurses, hospital, and managed care professional staff to improve the availability and use of medical services.

Participate in coordination activities to develop the program in relation to other agencies such as Regional Centers, Medi-Cal field offices, local education agencies, public health agencies (including maternal, child, and adolescent health services), Medi-Cal Managed Health Care Program.

Monitor yearly budgets to implement program plan within program appropriations in accordance with CMS Plan and Fiscal Guidelines.

Orient and monitor personnel responsibilities for implementing the CCS program according to the staffing standards. Plan, direct, and review the work of CCS staff.

Review program standards, regulations, policies, procedures, and health-related educational materials. Prepare program related reports, documents and correspondence.

Identify and implement quality management procedures relating to the medical services aspect of the program that would cover areas such as: authorization of health care services, appropriateness of health care delivery, etc. Evaluate performance, attainment of goals/objectives, measure outcomes, etc. Develop and utilize medical criteria to review claims, reporting forms, and client charts for the purpose of evaluating the appropriateness and adequacy of medical and allied professional health care.

## DUTY STATEMENT

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**Title:** Public Health Nurse II, CHDP Deputy Director  
(75% CHDP, 25% General)  
Cheryl Andersen, Deputy Director

**Reports To:** Supervising Public Health Nurse or designee

**Definition:** The role of the PHN II / CHDP Deputy Director in the CHDP program is to provide support to the Director in the areas of Administrative Medical Case Management, Quality Management of CHDP providers, assists in program planning, implementation and evaluation of nursing and related programs; performs the full range of public health nursing services including teaching, health assessment, and counseling services in connection with adverse health conditions.

### Duties:

75%

Develop, monitor, and revise yearly budgets to implement program plan within program allocations in accordance with CMS Plan and Fiscal Guidelines.

Develop, conduct, and/or participate in provider in-services and/or workshops and state-conducted medical training sessions/meetings. Attend professional education programs relevant to the role of the medical professional and/or medical administration of the program(s).

Participate in State, Regional Deputy Director, subcommittee meetings, and work groups.

Participate in coordination activities to develop the program in relation to other agencies such as Regional Centers, Medi-Cal field offices, local education agencies (including maternal, child and adolescent health services, Medi-Cal Managed Health Care Programs.)

Collaborate with groups of physicians, health department staff (e.g., public health nurses), CHDP, WIC, school nurses, Head Start, hospital, and CalWORKs staff to improve the availability and use of medical services through the CHDP program.

Coordinate/network with other program/services such as WIC immunization, oral health, child abuse, injury prevention, and youth-serving organizations to increase community awareness of preventive health services

Orient new RNs or PHNs in the program as needed regarding their work in CHDP follow-up and data keeping. Oversee quality of work of CHDP PHN or RN.

Ensure annual Eligibility Specialist trainings are conducted using materials consistent with federal informing requirements. Conduct annual Eligibility Specialist trainings as needed. Orient all appropriate health, welfare, and probation workers on CHDP requirements and services.

Develop, provide, and/or facilitate provider in-services and/or workshops. Conduct CHDP Provider Facility and Medical Record Reviews utilizing CHDP Facility and Medical Record Review tools. Conduct site reviews and chart audits to assure quality exams according to periodicity, calibrated equipment, and appropriately stored vaccines.

Participate in medical case conferencing with other agencies regarding client's medical condition to coordinate medical services needs and program benefits including a review of the adequacy and availability of medical services for the applicant/client.

Interpret the medical aspects of CHDP, including the CHDP Health Assessment Guidelines, to recruit and maintain medically qualified providers.

Explain the significance of actual and suspected medical conditions to client and their families; identify and resources and encourage clients to follow-up on medical, dental, nutritional, and mental health conditions coded with a 4 or 5 during health assessment screens.

Follow-up with clients referred from local social service department letter, and home visits with respective documentation required on (504-1115) Appro... - 19 of 88 (PM357) Inform and assist applicant/client and family with need for support services such as find assistance to complete an application for health care coverage, scheduling appointments and obtaining other services

Participate in multi-year planning to develop goals, objectives, activities, and evaluation tools in order to measure outcomes.

Review professional literature and research articles to determine eligibility and/or benefits relating to a client's health care services needs and specific medical/health conditions.

Develop and review program standards, regulations, policies, procedures, and health related educational materials.

## DUTY STATEMENT

Title: CHDP Public Health Nurse III  
(19.99% CHDP, 43% CCS, 37.01% General)  
Nelly Camarena

Reports To: CHDP Deputy Director (programmatically) and the Supervising Public Health Nurse or designee

Definition: The role of the RN in the CHDP Program is to provide support to the Deputy Director in the areas of Administrative annual trainings for CHDP Providers and Eligibility and Quality Management of CHDP Providers.

Duties:

CHDP  
19.99%

Participate in State, Regional Deputy Director, Subcommittee meetings and work groups.  
Participate in medical case conferencing with other agencies regarding client's medical condition to coordinate medical services needs and program benefits including a review of the adequacy and availability of medical services for the applicant/client.

Provide annual Eligibility Specialist and CalWORKs trainings using materials consistent with federal informing requirements. Orient all appropriate health, welfare, and probation workers on CHDP requirements and services.

Develop, provide, and/or facilitate provider in-services and/or workshops. Conduct CHDP Provider Facility and Medical Record Reviews utilizing CHDP Facility and Medical Record Review tools. Conduct site reviews and chart audits to assure quality exams according to periodicity, calibrated equipment, and appropriately stored vaccines.

Review literature and research articles to apply up-to-date knowledge in delivery of health care services.

Orient new RNs or PHNs in the program regarding their work in CHDP follow-up and data keeping. Oversee quality of work of CHDP PHN or RN.

Develop, conduct, and/or participate in provider in-services and or workshops. Attend professional education programs relevant to the role of the medical professional of the program.

**DUTY STATEMENT**

Title: CHDP PHN I / II  
(10% CHDP, 65 % CCS, 25% General)  
Kimberly Agcopra

(22.5% CHDP, 65% CCS, 12.5% General)  
Kelli DiVecchia

(15% CHDP, 65% CCS, 10% MCAH, 10% General)  
Carolyn Iversen

Reports To: CHDP Deputy Director (programmatically) and the Supervising Public Health Nurse or designee

Definition: The role of the PHN in the CHDP Program is to provide support to the Deputy Director in the areas of Administrative annual trainings for CHDP Providers and Eligibility and Quality Management of CHDP Providers.

**Duties:**

KA	KD	CI
10%	22.5%	15%

Participate in medical case conferencing with other agencies regarding client's medical condition to coordinate medical services needs and program benefits including a review of the adequacy and availability of medical services for the applicant/client.

Provide annual Eligibility Specialist and CalWORKs trainings using materials consistent with federal informing requirements. Orient all appropriate health, welfare, and probation workers on CHDP requirements and services.

Develop, provide, and/or facilitate provider in-services and/or workshops. Conduct CHDP Provider Facility and Medical Record Reviews utilizing CHDP Facility and Medical Record Review tools. Conduct site reviews and chart audits to assure quality exams according to periodicity, calibrated equipment, and appropriately stored vaccines.

Review literature and research articles to apply up-to-date knowledge in delivery of health care services.

Follow-up on Newborn Hearing Screening referrals to help ensure infants have been re-screened if they failed their Newborn Hearing Screening.

Explain the significance of actual and suspected medical conditions to clients and their families; identify resources and encourage clients to follow-up on medical, dental, nutritional and mental health conditions coded with a 4 or 5 during health assessment screens.

**Title:** Foster Care Public Health Nurse (PHN)  
(89.996% HCPCFC, 10.004% General)  
Alexandra Hadley

**Reports To:** Supervising Public Health Nurse or designee

**Definition:** In support of the CHDP Program the PHN I/II position will perform a variety of public health nursing duties focused on the concepts of health care coordination for children in foster care. The PHN is expected to exercise independent, professional judgment in dealing with the complex needs and problems faced by children in foster care, their families and service providers. Additionally the PHN must have a thorough and detailed knowledge of the laws, regulations, and procedures governing other health programs available to Medi-Cal patients.

**Duties:**  
89.996%

Inform and assist child/youth in foster care and foster care providers with the need to obtain preventive health services within 30 days of placement. Promote an understanding of the need to maintain a link to health care services provided through the Child Health and Disability Prevention, Medi-Cal, and Denti-Cal programs. Inform and assist child/youth and foster care providers with the need for support services such as finding appropriate resources and scheduling appointments for medical, dental, mental health and developmental services.

Collect and interpret information regarding the client's health status and his/her needs for services to caseworkers, foster care providers, judicial court officers, health care providers. Explain the significance of actual and suspected medical conditions to clients, caseworkers, foster care providers and others. Identify resources, assist clients, their caseworkers, and foster care providers in obtaining comprehensive assessments and treatment services.

Evaluate and prioritize the client's medical and health care needs based on information obtained from interviews of biological parents, medical and school record reviews, and other medical documentation, etc.

Consult with the caseworker, foster care provider, and the health care provider to develop and update a health plan in the client's case plan. Review the client's health plan with the caseworker as needed and at least every six months.

Provide follow-up consultation on changes in health status, service needs, and effectiveness of services provided to promote continuity of care.

Collaborate with the caseworker, biological parent and foster care provider to ensure that all necessary medical/health care information is available to those responsible for providing health care for the client, including the Health and Education Passport or its equivalent.

Interpret medical information on specialized health services for medically high-risk clients, assist the caseworkers, and foster care providers to obtain referrals for necessary services.

Collaborate with caseworkers, medical, dental, mental, and health care providers, Independent Living Skills Program coordinator, foster family agencies, group homes, health department staff (e.g., public health nurses), CHDP, WIC, school nurses, hospital, and managed care professional staff to improve the availability and use of medical services. (504-1115) Appro... - 23 of 88

Interpret the health care needs of clients in foster care to the medical provider network, other health care service providers, caseworkers, juvenile court officers, and foster care providers.

Assure that the Health and Education Passport or its equivalent is present and updated.

Prepare program-related reports, documents, and correspondence.

Participate in program-required and/or county, regional, and statewide workshops, meetings, and educational sessions relating to the scope of program benefits and changes in program management.

Provide program information to caseworkers, juvenile court officers, foster care providers, foster family agencies, group homes, and other service agencies on the public health nursing services available through the HCPCFC, CCS, and the CHDP program.

Review medical and social services literature and research articles, requiring medical expertise, with a focus on clinical issues, health care service delivery, and ongoing evaluation of the health care needs of clients in foster care.

**DUTY STATEMENT**

**Title:** Office Specialist

(30% CHDP, 15% Tobacco, 55% General)  
Kathleen Harriger

(10% CCS, 15% MCAH, 75% General)  
Mauricio Martinez

**Reports To:** Support Services Supervisor or designee, CHDP Deputy Director/CCS Administrator (Programmatically)

**Definition:** The CHDP/CCS Office Specialist is responsible for the clerical duties of the CHDP/CCS programs. (S)He performs technical clerical work and exercises independent judgment.

**Duties:**

<u><b>CHDP</b></u>	<u><b>CCS</b></u>
30%	10%

Performs activities which include a combination of oral and written information associated with follow-up contacts to clients referred from local social service departments including telephone calls, letters, and home visits with respective documentation required on Social Services forms (PM 357).

Orders, maintains, and distributes program materials for outreach purposes.

Informs and assists clients and their families in accessing program services.

Identifies and follows up on the need for support services such as scheduling appointments and transportation to assure that the client can access services.

Receives and processes PM160 exams, prepares those designated by a medical or dental provider for further follow-up services.

Prepares reports, documents and correspondence that relate to the program.

Participates in training sessions for providers on claiming program policy and regulations.

Maintains current list of CHDP medical and dental providers.

Provide general clerical support.

Provides interpretation services to assist the applicant/client, whose primary language is other than English.

## DUTY STATEMENT

**Title:** Office Assistant  
  
(10% CCS, 5% CHDP, 5% Pan Flu, 5% PHEP, 5% Ebola, 70% General)  
Veronica Villalobos  
  
(10% CCS, 5% PHEP, 5% Pan Flu, 80% General)  
Long Xiong

**Reports To:** Support Services Supervisor, CCS Administrator/CHDP Deputy Director  
(programmatically) or designee

**Definition:** Interprets and translates for clients whose primary language is other than English. The CCS office assistant is responsible for clerical duties in the CCS program.

**Duties:**

WV	LX
5%	10%
CHDP	CCS

10%  
CCS

Identify barriers and assist the applicant/client, whose primary language is other than English, to secure medical services related to the client's medical condition.

Provide translation to assist the applicant/client, whose primary language is other than English.

Provide general clerical support

## DUTY STATEMENT

**Title:** CHDP Accounting Technician / CCS Administrative Analyst

(5% CHDP, 5% PanFlu, 10% Phep, 5% Ebola, 75% Social Services)  
Liz Langley

(30% CCS, 48% Social Services, 22% General)  
Donna Clark

**Reports To:** Fiscal Manager

**Definition:** Provides financial and accounting support for the CHDP and CCS grants. This includes performing technical accounting work such as billing, claims, and monitoring expenditures.

**Duties:**

<u>CHDP</u>	<u>CCS</u>
5%	30%

Reviews fiscal procedures and activities to evaluate program compliance/effectiveness.

Works with CHDP Deputy Director and CCS Administrator in developing budgets and monitors the use of the program funds.

Prepares fiscal reports, documents, and related correspondence.

# California Children's Services Caseload Summary Form

County: YUBA COUNTY

Fiscal Year: 2015/2016

		A		B			
CCS Caseload 0 to 21 Years		12-13 Actual Caseload	% of Grand Total	13-14 Actual Caseload	% of Grand Total	14-15 Actual Caseload	% of Grand Total
<b>MEDI-CAL</b>							
1	Average of Total Open (Active) Medi-Cal Children	1236	63.58%	1031	74.66%	1479	79.15%
2	Potential Case Medi-Cal	231	11.88%	25	1.81%	28	1.48%
3	TOTAL MEDI-CAL (Row 1 + Row 2)	1467	75.46%	1056	76.47%	1507	80.63%
<b>NON MEDI-CAL</b>							
<b>Healthy Families</b>							
4	Average of Total Open (Active) Healthy Families	232	11.93%	213	15.42%	0	0.0%
5	Potential Cases Healthy Families	4	0.21%	1	0.07%	0	0.0%
6	Total Healthy Families (Row 4 + Row 5)	236	12.14%	214	15.49%	0	0.0%
<b>OTLIP</b>							
7	Average of Total Open (Active) TLICP	0	0.0%	0	0.0%	224	11.99%
8	Potential Cases TLICP	0	0.0%	0	0.0%	2	0.11%
9	Total TLICP (Row 7 + Row 8)	0	0.0%	0	0.0%	226	12.10%
<b>Straight CCS</b>							
10	Average of Total Open (Active) Straight CCS Children	134	6.89%	79	5.72%	109	5.84%
11	Potential Cases Straight CCS Children	107	5.51%	32	2.32%	26	1.39%
12	Total Straight CCS (Row 10 + Row 11)	241	12.40%	111	8.04%	135	7.23%
13	TOTAL NON MEDI-CAL (Row 6 + Row 9 = Row 12)	477	24.54%	325	23.53%	361	19.33%
<b>GRAND TOTAL</b>							
14	(Row 3 + Row 13)	1944	100.00%	1381	100.00%	1868	100.00%

### CHDP Program Referral Data

Complete this form using the Instructions found on page 4-8 through 4-10.

County/City: Yuba	FY 12-13		FY 13-14		FY 14-15	
<b>Basic Informing and CHDP Referrals</b>						
1. Total number of CalWORKs/Medi-Cal cases informed and determined eligible by Department of Social Services	3838		3277		8673	
2. Total number of cases and recipients in "1" requesting CHDP services	Cases	Recipients	Cases	Recipients	Cases	Recipients
a. Number of CalWORKs cases/recipients	72	139	109	191	58	123
b. Number of Foster Care cases/recipients	34	42	0	0	10	10
c. Number of Medi-Cal only cases/recipients	201	385	70	145	29	49
3. Total number of EPSDT eligible recipients and unborn, referred by Department of Social Services' workers who requested the following:						
a. Medical and/or dental services	136		49		32	

YUBA COUNTY

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CMS PLAN FY 2015-2016

b. Medical and/or dental services with scheduling and/or transportation	59	159	48
c. Information only (optional)	371	128	102
4. Number of persons who were contacted by telephone, home visit, face-to-face, office visit, or written response to outreach letter	86	78	26
<b>Results of Assistance</b>			
5. Number of recipients actually provided scheduling and/or transportation assistance by program staff	14	27	10
6. Number of recipients in "5" who actually received medical and/or dental services	12	14	10

2 – b Further training and updating with Probation and the HPCFC PHN was started. As the result, an updated IAA was created.

YUBA COUNTY

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CMS PLAN FY 2015-2016

**Memoranda of Understanding/Interagency Agreement List**

List all current Memoranda of Understanding (MOUs) or Interagency Agreements (IAAs) in California Children's Services, Child Health and Disability Prevention Program, and Health Care Program for Children in Foster Care. Specify whether the MOU or IAA has changed. Submit only those MOUs and IAAs that are new, have been renewed, or have been revised. For audit purposes, counties or cities should maintain current MOUs and IAAs on file.

**County/City:** Yuba County**Fiscal Year:** 2015-16

<b>Title or Name of MOU/IAA</b>	<b>Is this a MOU or an IAA?</b>	<b>Effective Dates From / To</b>	<b>Date Last Reviewed by County/ City</b>	<b>Name of Person Responsible for this MOU/IAA?</b>	<b>Did this MOU/IAA Change? (Yes or No)</b>
HHSD/Probation	IAA	July 2015 – June 2017	2015	Director of Nurses / Lynne Olsen	Yes
E-Center Head Start Vision	MOU	January 2015 – June 2016	2015	Director of Nurses / Lynne Olsen	New
E-Center Head Start Audiometric	MOU	July 2015 – June 2018	2015	Director of Nurses / Lynne Olsen	Yes
California Health & Wellness	MOU	November 2013 – June 2016	2015	Director of Nurses / Lynne Olsen	No

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
YUBA COUNTY HEALTH AND HUMAN SERVICES DEPARTMENT  
AND  
E-CENTER HEAD START**

This Memorandum of Understanding (hereafter "MOU") stands as evidence that E-Center Head Start and Yuba County Health and Human Services Department (hereafter "YCHHSD") intend to work towards the mutual goal of providing the maximum availability of health care resources for screening of the Head Start population. Both agencies believe that their collaboration to provide hearing screening workshops, as described herein, will further this goal. Each agency agrees to participate in this collaboration in the following manner:

**1. TERM**

The term of this MOU shall commence July 1, 2015, and shall terminate June 30, 2018, unless otherwise terminated by either in accordance with Provision 5.2.

**2. DESIGNATED REPRESENTATIVES**

The Director of Yuba County Health and Human Services Department (YCHHSD) is the authorized representative for YCHHSD. The Director is the authorized representative of the E-Center Head Start. Changes in designated representatives shall occur by advance written notice to the other party.

**3. DUTIES AND RESPONSIBILITIES**

**3.1 YCHHSD SHALL:**

- 3.1.1 Provide workshops on the theory and practice of screening children for hearing problems through the use of state approved hearing screening and audiometric curriculum.
- 3.1.2 Provide all needed training handouts and materials to complete the workshop.
- 3.1.3 Upon successful completion of the theory and practice workshops, provide a certificate of attendance which qualifies participants to provide basic hearing screening and referral for four years from the date of attendance; and
- 3.1.4 Provide hearing workshops based on the need of Child Health and Disability Prevention Program (CHDP) providers, Head Start,

Migrant Head Start and at any agency or organization where a medical supervisor assumes responsibility of hearing screening.

**3.2 E-CENTER HEAD START SHALL:**

- 3.2.1 Provide a facility for a four hour lecture on theory and techniques as determined by group size.
- 3.2.2 Provide a facility for the three-hour hands-on supervised practice sessions on screening children. Sessions will be limited to fifteen participants and the total number of sessions will be determined by the overall number of attendees.
- 3.2.3 Provide American National Standards Institute (ANSI) calibrated audiometers for the practice sessions; and
- 3.2.4 Provide the children authorized to be screened during the hands-on supervised practice sessions of the workshop.

**3.3 YCHHSD and E-CENTER HEAD START SHALL:**

- 3.3.1 Understand that the workshop shall be open to CHDP providers, Head Start, Migrant Head Start and staff at any agency or organization where a medical supervisor assumes responsibility of hearing screening for children.
- 3.3.2 E-Center Head Start shall defend, indemnify, and hold harmless COUNTY, its elected and appointed councils, boards, commissions, officers, agents, and employees from any liability for damage or claims for damage for personal injury, including death, as well as for property damages that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of E-Center Head Start, which may arise from the intentional or negligent acts or omissions of E-Center Head Start in the provision of facilities, equipment, and authorized children to be screened under this MOU by E-Center Head Start, or any of E-Center Head Start's officers, agents, employees, contractors, or sub-contractors.

**4. CONFIDENTIALITY**

E-Center Head Start and YCHHSD will ensure appropriate privacy and security safeguards with respect to all information that either party may create or receive in regard to services to be provided pursuant to this MOU and in regard to all Personally Identifiable Information (PII) and/or Protected Health Information (PHI) that either party may receive, use, or disclose in connection

with the services to be provided. E-Center Head Start and YCHHSD agree to maintain compliance with confidentiality regulations. At no time shall either party's employees, agents, or representatives in any manner, either directly or indirectly, use for personal benefit or divulge, disclose, or communicate in any manner, any information that is confidential. Said party's and their employees, agents, and representatives shall protect such information and treat it as strictly confidential. For purposes of this paragraph, identity shall include, but not be limited to, name, identifying numbers, or other identifier such as finger or voice print or photograph.

## 5. GENERAL PROVISIONS

5.1 This MOU may be amended only by the written, mutual consent of both parties.

5.2 This MOU may be terminated by either party, with or without cause, upon 30 (thirty) days written notice to the other party.

## 6. NOTICES

Any notice required or permitted to be given under this MOU shall be in writing to the other party.

Notices shall be addressed as follows:

If to YCHHSD:

Jennifer Vasquez, Director  
Yuba County Department of  
Health and Human Services  
5730 Packard Ave, Ste. 100  
Marysville, CA 95901

With a copy to:

County Counsel  
County of Yuba  
915 8<sup>TH</sup> Street, Suite 111  
Marysville, CA 95901

If to E-Center Head Start:

Jodie Keller, ECE Program Director  
1128 Yuba Street  
Marysville, CA 95901

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## 7. ATTACHMENTS.

All attachments referred to herein are attached hereto and by this reference incorporated herein. Attachments include:

Attachment A - Insurance Provisions

IN WITNESS WHEREOF, this MOU has been executed as follows:

### COUNTY OF YUBA

By: Jennifer Vasquez  
Jennifer Vasquez, Interim Director  
Yuba County Health and  
Human Services Department

On: 3/19/15  
(Date)

### E-Center Head Start

By: Jodie Keller  
Jodie Keller  
ECE Director

On: 3/16/15  
(Date)

### INSURANCE PROVISIONS APPROVED

Jill Abel  
Jill Abel,  
Interim Human Resources Director

### APPROVED AS TO FORM

Angil P. Morris-Jones  
Angil P. Morris-Jones  
Yuba County Counsel

## ATTACHMENT A

### INSURANCE PROVISIONS

**A.1 INSURANCE.** E-CENTER HEAD START shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the E-CENTER HEAD START, its agents, representatives, or employees.

**A.2 MINIMUM SCOPE AND LIMIT OF INSURANCE.** Coverage shall be at least as broad as:

**A.2.1 Commercial General Liability (CGL):** Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis for bodily injury and property damage, including products-completed operations, personal injury and advertising injury, with limits no less than \$1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

**A.2.2 Automobile Liability:** Insurance Services Office Form Number CA 0001 covering, Code 1 (any auto), or if E-CENTER HEAD START has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than \$1,000,000 per accident for bodily injury and property damage.

**A.2.3 Workers' Compensation** insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease.

**A.2.4 Professional Liability (Errors and Omissions)** Insurance as appropriate to E-CENTER HEAD START's profession, with limits no less than \$1,000,000 per occurrence or claim, \$2,000,000 aggregate.

If the E-CENTER HEAD START maintains higher limits than the minimums shown above, COUNTY requires and shall be entitled to coverage for the higher limits maintained by E-CENTER HEAD START.

**A.3 Other Insurance Provisions.** The insurance policies are to contain, or be endorsed to contain, the following provisions:

**A.4 Additional Insured Status.** COUNTY, its officers, officials, employees, and volunteers are to be covered as additional insureds on the auto policy with respect to liability arising out of automobiles owned, leased, hired or borrowed by or on behalf of E-CENTER HEAD START; and on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of E-CENTER HEAD START including materials, parts, or equipment furnished in connection with such work or operations.

General liability coverage can be provided in the form of an endorsement to the E-CENTER HEAD START's insurance (at least as broad as ISO Form CG 20 10, 11 85 or both CG 20 10 and CG 23 37 forms if later revisions used)..

**A.5. Primary Coverage.** For any claims related to this contract, **E-CENTER HEAD START's insurance coverage shall be primary** insurance as respects COUNTY, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by COUNTY, its officers, officials, employees, or volunteers shall be excess of E-CENTER HEAD START's insurance and shall not contribute with it.

**A.6 Notice of Cancellation.** Each insurance policy required above shall state that **coverage shall not be canceled, except with notice to the COUNTY.**

**A.7 Waiver of Subrogation.** E-CENTER HEAD START hereby grants to COUNTY a waiver of any right to subrogation which any insurer of said E-CENTER HEAD START may acquire against COUNTY by virtue of the payment of any loss under such insurance. E-CENTER HEAD START agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation, but this provision applies regardless of whether or not COUNTY has received a waiver of subrogation endorsement from the insurer.

**A.8 Deductibles and Self-Insured Retentions.** Any deductibles or self-insured retentions must be declared to and approved by COUNTY. COUNTY may require E-CENTER HEAD START to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

**A.9. Acceptability of Insurers.** Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the COUNTY.

**A.10 Claims Made Policies.** If any of the required policies provide coverage on a claims-made basis:

**A.10.1** The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.

**A.10.2** Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the contract of work.

**A.10.3** If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, E-CENTER HEAD START must purchase "extended reporting" coverage for a minimum of five (5) years after completion of contract work.

**A.11 Verification of Coverage.** E-CENTER HEAD START shall furnish COUNTY with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and

endorsements are to be received and approved by COUNTY before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive E-CENTER HEAD START's obligation to provide them. COUNTY reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

**A.12 Subcontractors.** E-CENTER HEAD START shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein.

**A.13 Special Risks or Circumstances.** COUNTY reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

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**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
YUBA COUNTY HEALTH AND HUMAN SERVICES DEPARTMENT  
AND  
E-CENTER HEAD START**

This Memorandum of Understanding (hereafter "MOU") stands as evidence that E-Center Head Start and Yuba County Health and Human Services Department (hereafter "YCHHSD") intend to work towards the mutual goal of providing the maximum availability of health care resources for vision screening of the Head Start population. Both agencies believe their collaboration to provide vision screening workshops, as described herein, will further this goal. Each agency agrees to participate in this collaboration in the following manner:

**1. TERM**

The term of this MOU shall commence January 1, 2015, and shall terminate June 30, 2016, unless otherwise terminated by either in accordance with Provision 5.2.

**2. DESIGNATED REPRESENTATIVES**

The Director is the authorized representative of the E-Center Head Start. The Director of Yuba County Health and Human Services Department (YCHHSD) is the authorized representative for YCHHSD. Changes in designated representatives shall occur by advance written notice to the other party.

**3. DUTIES AND RESPONSIBILITIES**

**3.1 YCHHSD SHALL:**

- 3.1.1** Provide workshops on the theory and practice of screening children for vision problems through the use of state approved vision screening and vision curriculum.
- 3.1.2** Provide all needed training handouts and materials to complete the workshop.
- 3.1.3** Upon successful completion of the theory and practice workshops, provide a certificate of attendance which qualifies participants to

provide basic vision screening and referral for three (3) years from the date of attendance; and

- 3.1.4 Provide vision workshops based on the need of Child Health and Disability Prevention Program (CHDP) providers, Head Start, Migrant Head Start and at any agency or organization where a medical supervisor assumes responsibility of vision screening.

### **3.2 E-CENTER HEAD START SHALL:**

- 3.2.1 Provide a facility for a four hour lecture on theory and techniques as determined by group size.
- 3.2.2 Provide a facility for the three-hour hands-on supervised practice sessions on screening children. Sessions will be limited to ten (10) participants and the total number of sessions will be determined by the overall number of attendees.
- 3.2.3 Provide necessary equipment for the vision practicum including, but not limited to, the HOTV eye chart for the practice sessions; and
- 3.2.4 Provide the children authorized to be screened during the hands-on supervised practice sessions of the workshop.

### **3.3 YCHHSD and E-CENTER HEAD START SHALL:**

- 3.3.1 Understand that the workshop shall be open to CHDP providers, Head Start, Migrant Head Start and staff at any agency or organization where a medical supervisor assumes responsibility of vision screening for children.
- 3.3.2 E-Center Head Start shall defend, indemnify, and hold harmless COUNTY, its elected and appointed councils, boards, commissions, officers, agents, and employees from any liability for damage or claims for damage for personal injury, including death, as well as for property damage that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of E-Center Head Start, which may arise from the intentional or negligent acts or omissions of E-Center Head Start in the provision of facilities, equipment, and authorized children to be screened under this Agreement by E-Center Head Start, or any of E-Center Head Start's officers, agents, employees, contractors, or sub-contractors.

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#### 4. CONFIDENTIALITY

E-Center Head Start and YCHHSD will ensure appropriate privacy and security safeguards with respect to all information that either party may create or receive in regard to services to be provided pursuant to this MOU and in regard to all Personally Identifiable Information (PII) and/or Protected Health Information (PHI) that either party may receive, use, or disclose in connection with the services to be provided. E-Center Head Start and YCHHSD agree to maintain compliance with confidentiality regulations. At no time shall either party's employees, agents, or representatives in any manner, either directly or indirectly, use for personal benefit or divulge, disclose, or communicate in any manner, any information that is confidential. Said party's and their employees, agents, and representatives shall protect such information and treat it as strictly confidential. For purposes of this paragraph, identity shall include, but not be limited to, name, identifying numbers, or other identifier such as finger or voice print or photograph.

#### 5. GENERAL PROVISIONS

5.1 This MOU may be amended only by the written, mutual consent of both parties.

5.2 This MOU may be terminated by either party, with or without cause, upon 30 (thirty) days written notice to the other party.

#### 6. NOTICES

Any notice required or permitted to be given under this MOU shall be in writing to the other party.

Notices shall be addressed as follows:

If to YCHHSD:

Jennifer Vasquez, Director  
Yuba County Health & Human  
Services Department  
P.O. Box 2320  
Marysville, CA 95901

With a copy to:

County Counsel  
County of Yuba  
915 8<sup>th</sup> Street, Suite 111  
Marysville, CA 95901

If to E-Center Head Start:

Jodie Keller, ECE Program Director  
1128 Yuba Street  
Marysville, CA 95901

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## 7. ATTACHMENTS.

All attachments referred to herein are attached hereto and by this reference incorporated herein. Attachments include:

Attachment A - Insurance Provisions Services

IN WITNESS WHEREOF, this MOU has been executed as follows:

COUNTY OF YUBA

By: Jennifer Vasquez On: 1/8/15  
Jennifer Vasquez, Director  
Yuba County Health and  
Human Services Department  
(Date)

E-CENTER HEAD START

By: Jodie Keller On: 12/29/14  
Jodie Keller  
ECE Director  
(Date)

INSURANCE PROVISIONS APPROVED

Martha K. Wilson  
Martha K. Wilson,  
Risk Manager

APPROVED AS TO FORM

Angil P. Morris-Jones  
Angil P. Morris-Jones  
Yuba County Counsel

## ATTACHMENT A

### INSURANCE PROVISIONS

**A.1 INSURANCE:** E-CENTER HEAD START shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the E-CENTER HEAD START, its agents, representatives, or employees.

**A.2 MINIMUM SCOPE AND LIMIT OF INSURANCE.** Coverage shall be at least as broad as:

**A.2.1 Commercial General Liability (CGL):** Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis for bodily injury and property damage, including products-completed operations, personal injury and advertising injury, with limits no less than \$1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

**A.2.2 Automobile Liability:** Insurance Services Office Form Number CA 0001 covering, Code 1 (any auto), or if E-CENTER HEAD START has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than \$1,000,000 per accident for bodily injury and property damage.

**A.2.3 Workers' Compensation** insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease.

**A.2.4 Professional Liability (Errors and Omissions)** Insurance as appropriate to E-CENTER HEAD START's profession, with limits no less than \$1,000,000 per occurrence or claim, \$2,000,000 aggregate.

If E-CENTER HEAD START maintains higher limits than the minimums shown above, COUNTY requires and shall be entitled to coverage for the higher limits maintained by E-CENTER HEAD START.

**A.3 Other Insurance Provisions.** The insurance policies are to contain, or be endorsed to contain, the following provisions:

**A.4 Additional Insured Status.** COUNTY, its officers, officials, employees, and volunteers are to be covered as additional insureds on the auto policy with respect to liability arising out of automobiles owned, leased, hired or borrowed by or on behalf of E-CENTER HEAD START; and on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of E-CENTER HEAD START including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the E-

CENTER HEAD START's insurance (at least as broad as ISO Form CG 20 10, 11 85 or both CG 20 10 and CG 23 37 forms if later revisions used).

**A.5 Primary Coverage.** For any claims related to this contract, **E-CENTER HEAD START's insurance coverage shall be primary** insurance as respect's COUNTY, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by COUNTY, its officers, officials, employees, or volunteers shall be excess of E-CENTER HEAD START's insurance and shall not contribute with it.

**A.6 Notice of Cancellation.** Each insurance policy required above shall state that **coverage shall not be canceled, except with notice to the COUNTY.**

**A.7 Waiver of Subrogation.** E-CENTER HEAD START hereby grants to COUNTY a waiver of any right to subrogation which any insurer of said E-CENTER HEAD START may acquire against COUNTY by virtue of the payment of any loss under such insurance. E-CENTER HEAD START agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation, but this provision applies regardless of whether or not COUNTY has received a waiver of subrogation endorsement from the insurer.

**A.8 Deductibles and Self-Insured Retentions.** Any deductibles or self-insured retentions must be declared to and approved by COUNTY. COUNTY may require E-CENTER HEAD START to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.

**A.9 Acceptability of Insurers.** Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the COUNTY.

**A.10 Claims Made Policies.** If any of the required policies provide coverage on a claims-made basis:

**A.10.1** The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.

**A.10.2** Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the contract of work.

**A.10.3** If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, E-CENTER HEAD START must purchase "extended reporting" coverage for a minimum of five (5) years after completion of contract work.

**A.11 Verification of Coverage.** E-CENTER HEAD START shall furnish COUNTY with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by COUNTY before work commences.

However, failure to obtain the required documents prior to the work beginning shall not waive E-CENTER HEAD START's obligation to provide them. COUNTY reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

**A.12 Subcontractors.** E-CENTER HEAD START shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein.

**A.13 Special Risks or Circumstances.** COUNTY reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

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## YUBA COUNTY CHDP PROGRAM INTERAGENCY AGREEMENT

### I. DECLARATION

This Inter-Agency Agreement is entered into by and between the Public Health Division (PHD) and the Human Services Division (HSD) of the Yuba County Health & Human Services Department (HHSD) and the Yuba County Probation Department (YCPD) for the purpose of collaborating to provide a more comprehensive system of health service access and delivery to children in out-of-home placement and to assure compliance with federal and state regulations and the appropriate expenditure of funds in:

- A. Early and Periodic Screening, Diagnosis and Treatment (EPSDT) in the implementation of the Child Health and Disability Prevention (CHDP) Program;
- B. Health Care Program for Children in Foster Care (HCPCFC) in the implementation of the HCPCFC Program; and
- C. Child Health and Disability Prevention-Foster Care County Match (CHDP-FC) (Title IXX Social Security Act) in the implementation of the CHDP Foster Care Nurse Program.

### II. SCOPE OF WORK

The scope of work and assigned responsibilities for CHDP/EPSDT Services are contained herein by programmatic reference in Exhibit A-1. The scope of work and assigned responsibilities for HCPCFC and CHDP Foster Care Nurse Services are set forth by programmatic reference in Exhibit A-2. The scope of work for CalWORKs/Medical Eligibility Staff and Social Workers/Probation Officers who are assigned to provide the Basic Informing are set forth by programmatic reference in Attachment E to Exhibit A-1. The scope of work for CHDP/EPSDT Unit and Foster Care Public Health Nurse who are assigned to provide the Intensive Informing are set forth herein by programmatic reference in Attachment F to Exhibit A-1.

#### A. Assignment of Staff Performing EPSDT and HCPCFC Activities

- 1. The CHDP Program oversees the components of the federally mandated EPSDT program and the HCPCFC program. The CHDP Program, under the Public Health Division, is located in the Yuba County Health and Human Services building.

2. Medical direction and consultation on CHDP Program issues is provided by the County Health Officer. Administrative supervision is provided by the Director of Nurses or designee. Day-to-day supervision of the CHDP Program staff is provided by the CHDP Deputy Director and/or the Supervising Public Health Nurse (PHN) or designee.

### **III. FISCAL PROVISIONS**

It is mutually agreed that if the County's Budget or State or Federal funding for the current year and/or any subsequent year covered under this agreement does not appropriate sufficient funds for these programs, this agreement shall be of no further force and effect. Neither party shall be obligated to perform any provisions of this agreement from date of notification.

### **IV. TERM**

This interagency agreement shall be effective July 1, 2015, and shall remain in full force and effect through June 30, 2017, or until revised by mutual written agreement or dissolved. In the event that changes in Federal or State legislation impact the current Interagency Agreement, the parties agree to renegotiate the pertinent section with 90 days of receiving new language or instructions from the State.

### **V. NOTICES**

Any notice required or permitted to be given under this Inter Agency Agreement shall be by mail or personal service upon the other parties. Notices shall be addressed as follows:

If to PROBATION

Yuba County Probation  
Jim Arnold, Chief Probation Officer  
215 5<sup>th</sup> Street,  
Marysville, CA 95901

With a copy to:

County Counsel  
County of Yuba  
915 8<sup>th</sup> Street, Suite 111  
Marysville, CA 95901

If to YCHHSD:

Health and Human Services Department  
Jennifer Vasquez, Director  
5730 Packard Avenue, Suite 100  
P.O. Box 2320  
Marysville, CA 95901

## VI. ATTACHMENTS

All attachments referred to herein are attached hereto and by this reference incorporated herein. Attachments include:

- Exhibit A-1 – CHDP/EPSTD Services Scope of Work
  - Attachment A to Exhibit A-1 – EPSTD Functional Relationships Organization Chart
  - Attachment B to Exhibit A-1 – Health Systems Inter-relationships Chart
  - Attachment C to Exhibit A-1 – Foster Care CHDP Organization Chart
  - Attachment D to Exhibit A-1 – CHDP/EPSTD Informing Process
  - Attachment E to Exhibit A-1 – Human Services CalWORKs/Eligibility Informing Process
  - Attachment F to Exhibit A-1 – Informing Process Description
- Exhibit A-2 - HCPCFC and CHDP Foster Care Nurse Scope of Work

## VII. COMPLIANCE CERTIFICATION

In signing this agreement, we hereby certify that the CHDP Program in our community will meet the compliance requirements and standards pertaining to our respective departments contained in the following:

- A. Enabling legislation of the CHDP Program  
**Reference:** Health and Safety Code Sections 124025 through 124110 and Section 104395.
- B. CHDP Program regulations that implement, interpret, or make specific the enabling legislation.  
**Reference:** California Code of Regulations, Title 17, Section 6800 through 6874.
- C. Medi-Cal regulations pertaining to the availability and reimbursement of EPSTD services through the CHDP Program.  
**Reference:** California Code of Regulations, Title 22, Sections 51340(c), 51340 and 51532.
- D. Regulations defining county DSS responsibilities for meeting CHDP/EPSTD Program requirements.
  - 1. Social Services Regulations  
**Reference:**
    - a. Staff Development and Training Standards – Manual of Policies and Procedures (MPP) Sections: 14-530, 14-610.

- b. Civil Rights – MPP Section 21-101, 21-107, 21.115.
- c. Eligibility and Assistance Standards – MPP Sections: 40-107.61, 40-131.3(k), 40-181.211, 45-201.5.
- d. Child Welfare Services Program Standards – MPP Sections: 31-002(c)(8), 31-075.3(h)(1), 31-075.3(h)(2), 31-205.1(h), 31-206.35, 31-206.351, 31-206.352, 31-206.36, 31-206.361, 31-206.362, 31-206.42, 31-206.421, 31-206.422, 31.330.111, 31-401.4, 31-401.41, 31-401.412, 31-401.413, 31-405.1(f), 31-405.1(g), 31-405.1(g)(1).
- e. Intra and interagency relations and agreements Chapter 29-405 and Chapter 29-410.

## 2. Medi-Cal Regulations

### Reference:

- a. California Code of Regulations, Title 22, Sections: 50031; 50157(a), (d), (e), (f), and 50184(b).
- b. Other Title 22 regulations governing DSS programs regarding adoptions and referring parents to community services, including CHDP Pre-placement Advisement, California Code of Regulations, Title 22, Section 35094.2 and Advisement of Parents Whose Child has not been removed from Parent's Care, Section 35129.1.

## E. Current interpretive releases by State Departments of Health Care Services and Social Services.

### Reference:

- 1. Children's Medical Services (CMS) /CHDP Program Letters and Information Notices – Health Care Services.
- 2. All County Letters – Social Services.
- 3. Joint Letters – Health Care Services and Social Services.
- 4. CMS /CCS Numbered Letters pertaining to the CHDP Program – Health Care Services

## F. HCPCFC Regulations

### Reference:

- 1. Medi-Cal regulations pertaining to the availability and reimbursement of EPSDT services through the CHDP program. Reference: Welfare and Institutions Code; Section 16501.3.

2. Statutes and regulations defining county Social Services Department responsibilities for meeting HCPCFC requirements. Reference: CCR, Title 22, Sections 51340 and 51532.
  - a. Social Services Statutes. Reference: Welfare and Institutions Code Section 16010, 358.1, 361.5, 366.1, 366.22(b) or 366.22(d).
  - b. Social Services Regulations. Reference: Child Welfare Services Program Standards: MPP Sections 31-002(10), 31-075 (I 1-2), 31-205 (h), 31-206.35, 31-206.351, 31-206.352, 31-206.36, 31-206.361, 31-206.362, 31-335 .1, 31-401.4, 31-401.41, 31-401.412, 31-401.413, 31-405.1(j), 31-405.1(k, l, ll), and 31-420.1(.7).
  - c. Medi-Cal Regulations. Reference: CCR, Title 22, Sections 50031; 50157(a), (d), (e), and (f) and 50184(b).
3. Current interpretive releases by California Departments of Health Services and Social Services.
  - a. State CHDP Program Letters and Information Notices - Health Services. Specifically CHDP Program Letter 99-6 and CMS Information Notice 99-E.
  - b. All County Letters - Social Services. Specifically, All County Information Notice No I-55-99 and All County Letter No. 99-108.
  - c. Joint Letters - Health Services and Social Services
  - d. CHDP Program Health Assessment Guidelines - Health Services

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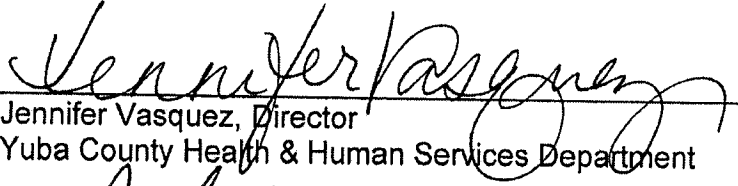
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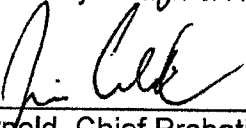
**NOTE:** In the event that changes in Federal or State legislation impact the current Interagency Agreement, the Health Department and Social Services Department agree to renegotiate the pertinent section within 90 days of receiving new language or instructions from the State.

  
\_\_\_\_\_  
Child Health and Disability Prevention Program Director

10/5/15  
Date

  
\_\_\_\_\_  
Jennifer Vasquez, Director  
Yuba County Health & Human Services Department

10/5/15  
Date

  
\_\_\_\_\_  
Jim Arnold, Chief Probation Officer  
Yuba County Probation Department

10-01-15  
Date

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Angil P. Morris-Jones,  
County Counsel

EXHIBIT A-1

Scope of Work and Assigned Responsibilities for CHDP/EPSTD Services

I. **Purpose:** The Early and Periodic Screening, Diagnosis and Treatment (EPSTD) Benefit is a required service under the Medicaid (Medi-Cal in California) program for categorically needy individuals under age 21. The EPSTD benefit is optional for the medically needy population. However, if the EPSTD benefit is elected for the medically needy population, the EPSTD benefit must be made available to all Medi-Cal eligible individuals under age 21. California and the County of Yuba have elected to include the EPSTD benefit for medically needy children and youth under age 21 and therefore all Medi-Cal eligible individuals under age 21.

The EPSTD program consists of two mutually supportive, operational components that ensure a Comprehensive Child Health Program:

- Ensuring availability and accessibility of required health care resources, and
- Helping Medi-Cal recipients and their parents or guardians effectively use them.

This Interagency Agreement delineates the requirements and standards for each department for which the federal EPSTD program has assigned operational responsibility.

II. **Objectives:** The Public Health Division and the Human Services Divisions of the Yuba County Health & Human Services Department and Probation have identified the following specific objectives for continued focus for fiscal years 2015 and forward until revised by mutual agreement:

- A. The CHDP Referral Form (PM 357) will be accurately completed to demonstrate that Medi-Cal eligibles have been informed of CHDP benefits and offered assistance to access health and dental services.
- B. To convey full information to all Medi-Cal eligible recipients (under age 21) and/or parents regarding availability of CHDP services. Specific objectives include assuring that CHDP personnel continue to provide staff education to Human Services Divisions on the importance of preventive health exams, early treatment of problems identified, and their role in making CHDP referrals.
- C. Children in out-of-home placement, who are at greater risk for health and dental problems, will receive well-child health and dental assessments per the periodicity schedule recommended for children in foster care.

- D. To provide the maximum feasible percentage of the target population the actual services of health screening by identifying during staff education sessions, the target population along with percentage that actually receive preventative exams. CHDP providers in the county are also provided with the same statistics and strongly encouraged to develop a recall system according to the periodicity schedule.
- E. To provide coordinated, comprehensive, and culturally competent services for children living in foster care (relative/kinship, foster family homes, group homes, etc.) including CHDP health assessment services and necessary diagnostic and treatment services. The Foster Care PHN located in the Children's Services Division is supporting these CHDP services for foster children.
- F. To inform childcare providers about CHDP services and general public health services and information.
- G. To continue involvement with community organizations such as Women, Infant Children (WIC), Head Start, school districts, and family resource centers. Also to outreach with other community organizations and advocacy groups that impact children.
- H. To develop an evaluation for the reporting systems between the Public Health and Human Services Divisions.
- I. To coordinate with Medi-Cal Managed Care Plans.

### III. Organizational and Functional Relationships

- A. The exchange of information about persons applying for or receiving Medi-Cal, with or without linkages to other social service programs as outlined in this document, is permitted by State and Federal law and regulations and is to be maintained in a confidential manner.
- B. The attached organizational charts display important points of interface between CHDP, PHD, and HSD programs and personnel:

**Attachment "A" demonstrates:**

- 1. The Organizational Chart showing the EPSDT functional relationships.
  - a. The relationship between administrative staff of CHDP and Health and Human Services.
  - b. Social Services System relationship to the Probation Department, Licensed Adoption Agencies and Placement Agencies.
  - c. Relation of EPSDT unit(s) to all above listed departments.

- d. Reporting relationship of EPSDT unit to CHDP Director.
- e. Relationship between CMS and CHDP.

**Attachment “B”** demonstrates the Health System inter-relationships between Health and Human Services Department Social Services/Cal-WORKs and CHDP.

**Attachment “C”** demonstrates the organizational chart for the Health Care Program for Children in Foster Care and their inter-relationship with CHDP.

**Attachment “D”** flow chart depicts the CHDP/EPSDT process of informing the following cohorts about the availability of preventive health care services through assurance of diagnosis and treatment:

1. California Work Opportunity and Responsibility to Kids (CalWORKs)
2. Families, In-person Application/Annual Re-determination.
3. Medi-Cal In-person Application/Annual Re-determination
4. Children Placed in Foster Care

**Attachment “E”** Human Services and Probation CHDP Basic Informing Work Flow Chart

**Attachment “F”** Detailed explanation of Informing Process

**IV. Placement Staff Responsibilities (Social Workers and Probation Officers)**

- A. Provide basic initial and annual informing to Medi-Cal eligible beneficiaries under the age of 21 as detailed in Attachment F.
- B. Ensure that the child in placement receives preventive medical and dental services through the CHDP program, or equivalent health services in accordance with the CHDP schedule for periodic health and dental assessments and health plan contained in the child’s case plan. Note: More frequent health assessments may be obtained for a child entering a new placement. For example, if there is no record documenting a health assessment during a previous placement, if the child is not performing age expected developmental skills, or if the child has moved to an area with a new provider, another health assessment may be claimed through CHDP by entering “New Foster Care Placement” in the Comments/Problems area of the Confidential Screening/Billing Report (PM 160).
- C. Ensure that arrangements are made for necessary diagnosis and treatment of health conditions suspected or identified.

D. Ensure that child's case file includes medical records including, but not limited to, copies of the PM 160 or results of equivalent preventive health screenings. Case records for children age one and over must also contain the result(s) of dental visit(s).

**VII. Eligibility Worker Staff Responsibilities**

Provide basic initial and annual informing to Probation, CalWORKs and Medi-Cal eligibles under the age of 21 as detailed in Attachment E.

**VIII. CHDP Program Responsibilities**

- A. Provide intensive informing to Medi-Cal eligibles under the age of 21 as detailed in Attachment D.
- B. Recruit and maintain an adequate number of medical providers to meet regulations for timely CHDP exams. (Reference: CCR, Section 6844, 6850; CWS Program Standards, Section 31-206.36.)
- C. Make all possible attempts to assure an adequate number of dental providers to meet regulations for timely services. (Reference: CCR, Section 6843, 6850; CWS Program Standards, Section 31-206.36.)
- D. Provide the following materials to Health and Human Services, CMS and Probation:
  - 1. State approved informing brochure with the address and phone number of the local CHDP program
  - 2. Current list of CHDP medical and dental providers
  - 3. Other informational material
- E. Notify the new county and send appropriate information (i.e., CHDP Referral Form-PM 357, Confidential Screening/Billing Report-PM 160) when eligible persons still needing CHDP services move to another county.
- F. Follow up PM 160s by PHNs (CHDP or Foster Care as appropriate) to assure access to care.
- G. Respond to inquiries resulting from reminder cards mailed by the State CHDP Program to all children twenty-seven months of age and younger who are receiving Fee-for-Service Medi-Cal.
- H. Inform all persons eligible for Title V services (California's women of reproductive age, infants, children, adolescents, and their families) of availability of these services and refer as requested.

- I. Provide assistance by creating and making available CHDP trainings for new Eligibility Workers, Social Workers, and Juvenile Probation Officers within 90 days of employment and on annual basis.
- J. A quarterly report will be prepared by the 15<sup>th</sup> day following the end of each quarter to the State Department of Health Services showing the number of CalWORKs and Medi-Cal only persons requesting CHDP services. This report will be used to verify information submitted annually on the Case Management Data Flow Sheet as part of the County's Plan and Budget for the following fiscal year.
- K. Submit a report showing the number of CalWORKs and Medi-Cal Only persons requesting CHDP services with the CMS Annual Plan and Budget to the State Department of Health Care Services.

#### **IX. Staff Education**

- A. Within ninety (90) days of employment and annually, all staff with responsibility for eligibility determination or placement will have completed orientation regarding the CHDP program and their role and responsibilities for informing persons about CHDP and referring for services.
- B. The CHDP Program Public Health Nurse or designee will coordinate and conduct the initial and annual training for Eligibility Workers.
- C. The HCPCFC Public Health Nurse (PHN) or designee will coordinate and conduct the initial and annual training for Social Workers.
- D. The HCPCFC Public Health Nurse or designee will coordinate and conduct the initial and annual training for Probation Officers.
- E. CHDP Program Public Health Nurse or designee will provide an orientation and an annual update regarding the CHDP program to all appropriate Health Division staff.
- F. CHDP, Health Services, and Probation will meet at least annually to identify specific trainings based on needs.

**X. Management Information**

A. The following information will be compiled and shared between the Public Health Division and the Human Services Divisions.

1. Numbers of:

- a. Eligible - intake/re-determination. Break out number of children in Medi-Cal, CalWORKs, and foster care placement.
- b. Requests for CHDP services.
- c. Requests for more information.
- d. Requests for scheduling and/or transportation assistance.
- e. Medical assessment services requested and received.
- f. Dental services requested and received.
- g. Referrals to diagnosis and treatment.

2. CHDP will provide quality management quarterly report evaluating the referral process.

3. CHDP/Human Services Division(s) gather information for the Plan & Fiscal Guidelines report. Information needed is the total cases from the previous fiscal year for Eligibility, Cal-WORKS and Foster Care. Health Services will supply this information by July 15 for the fiscal year just completed.

B. CHDP/HCPFC Performance Measure Data on the number of children in foster care, and the number receiving timely health and dental exams will be compiled and shared between departments annually. HCPFC will supply this information by August 1 for the fiscal year just completed.

**XI. Program Evaluation**

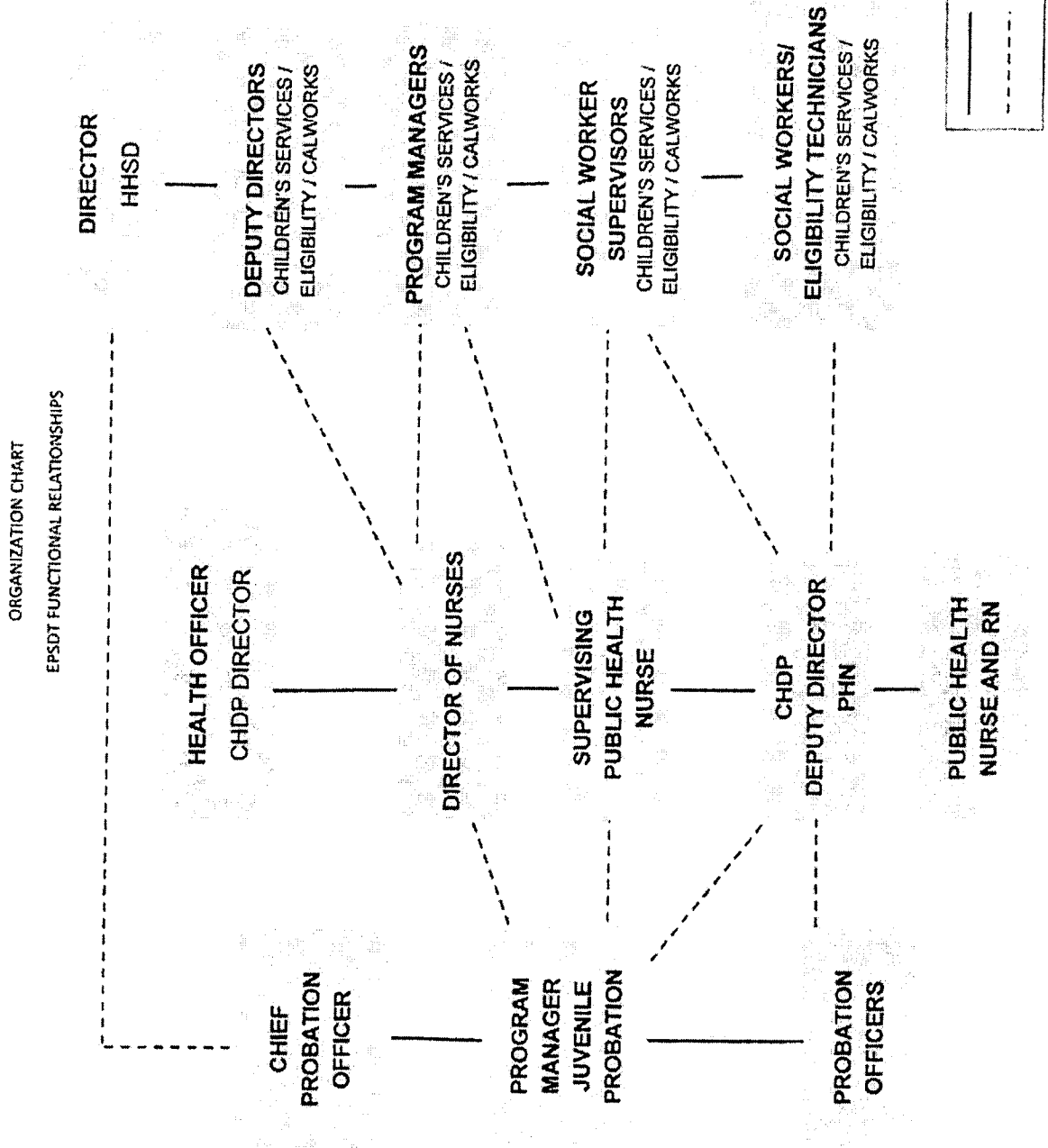
A. In the applicable Human Service Division, applications for CalWORKs and Medi-Cal are reviewed by supervising staff. Ongoing evaluation of forms completed, information filed, correspondence sent, etc., is being reviewed by the CHDP Deputy Director and the supervising staff of the Public Health Division.

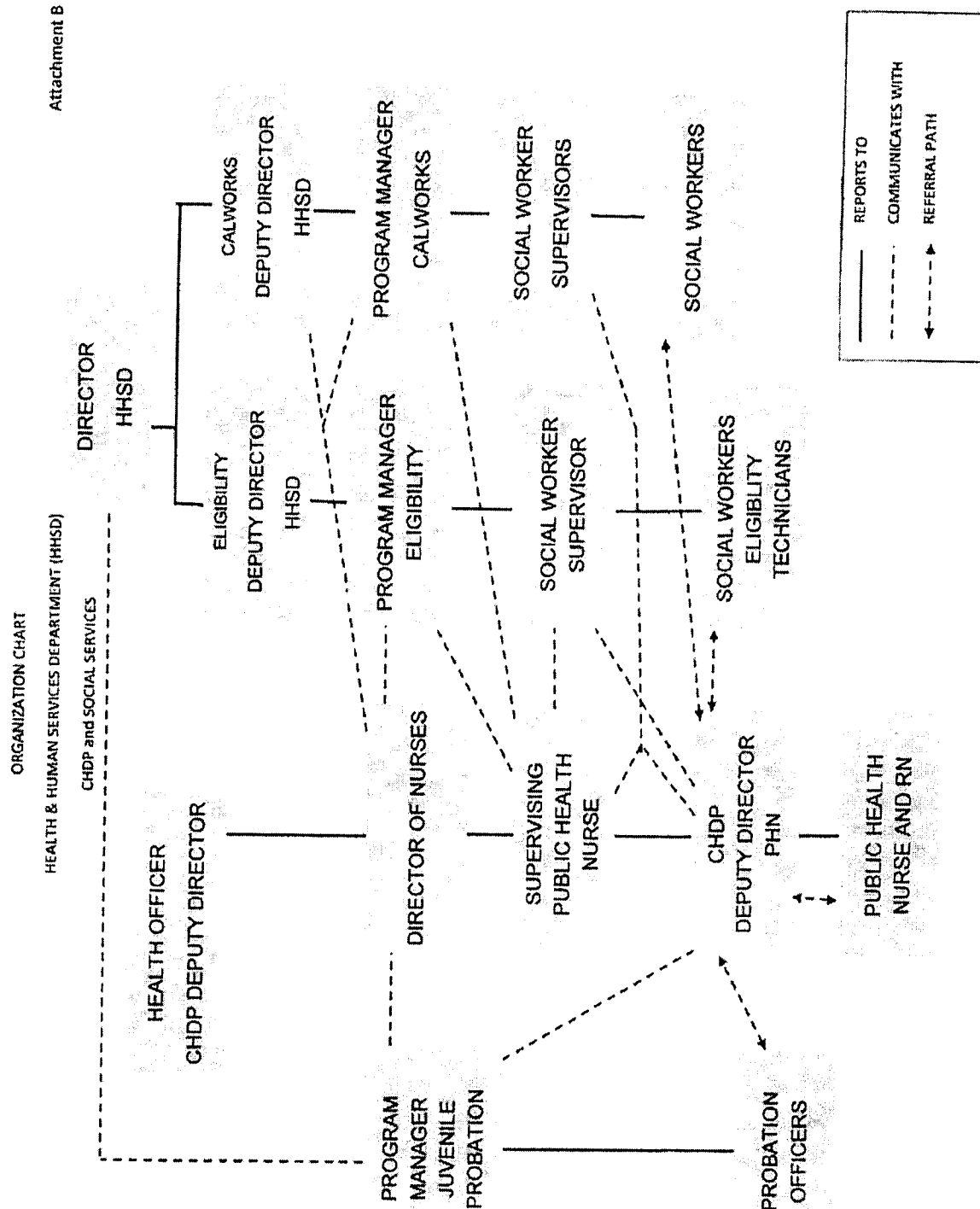
B. There is close inter-working between the EPSDT/CHDP staff and the Director of Nursing in the Public Health Division. Problems are discussed between the CHDP Deputy Director and the appropriate staff with changes made as necessary.

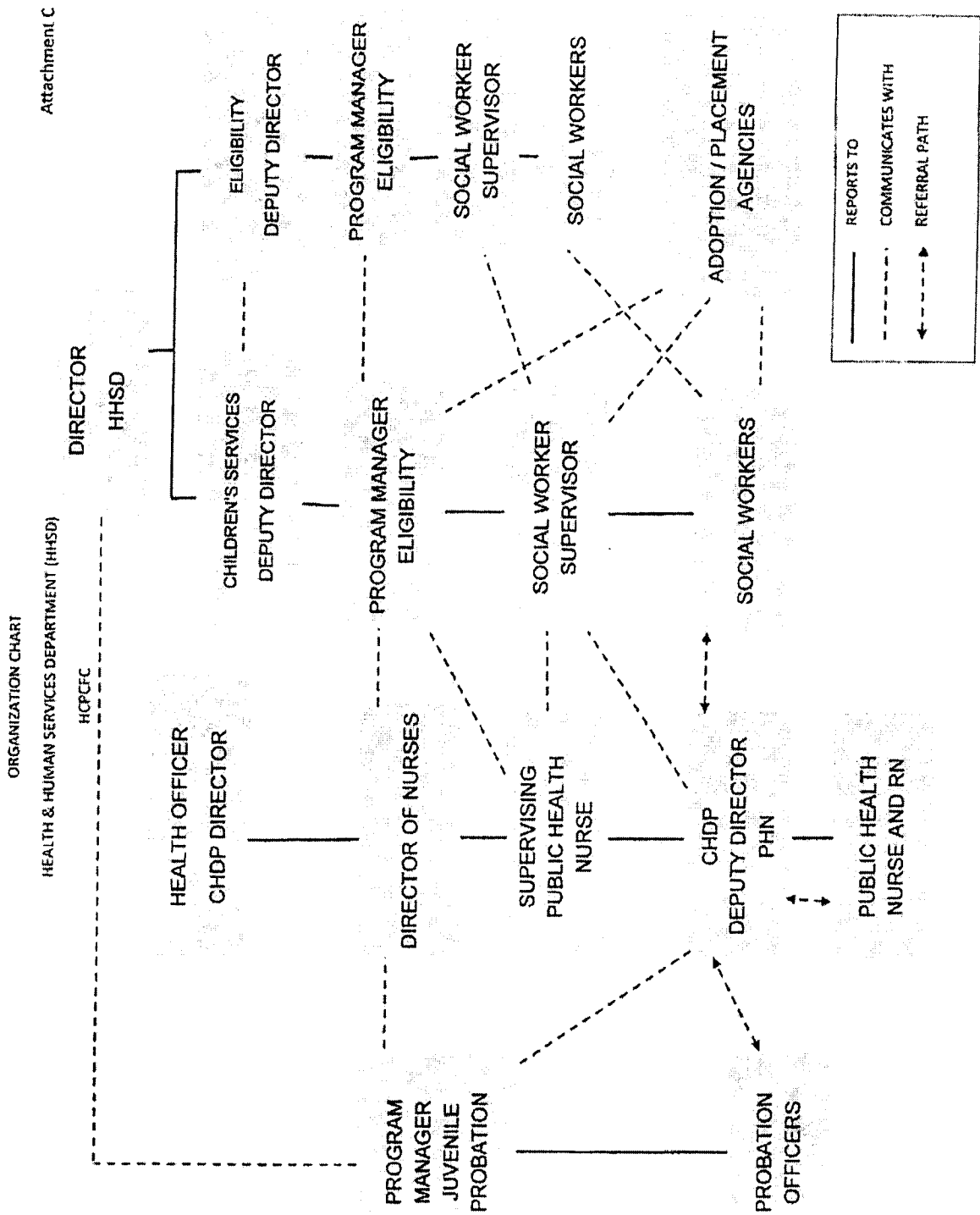
- C. In the Public Health Division, periodic notification procedures are discussed between the CHDP Deputy Director and the appropriate staff with changes made as necessary.
- D. No special studies are being done by either department at this time.
- E. Case management review of the CHDP process/system is ongoing by CHDP staff (e.g. CHDP Deputy Director periodically spot checks PM 160s for specific data and/or questions on follow up of diagnosis and treatment).

The Interagency Plan is reviewed every two years by the CHDP Deputy Director and supervisory staff at the Public Health Division and it is referred to in the event of questions/concerns throughout the year.

Attachment A

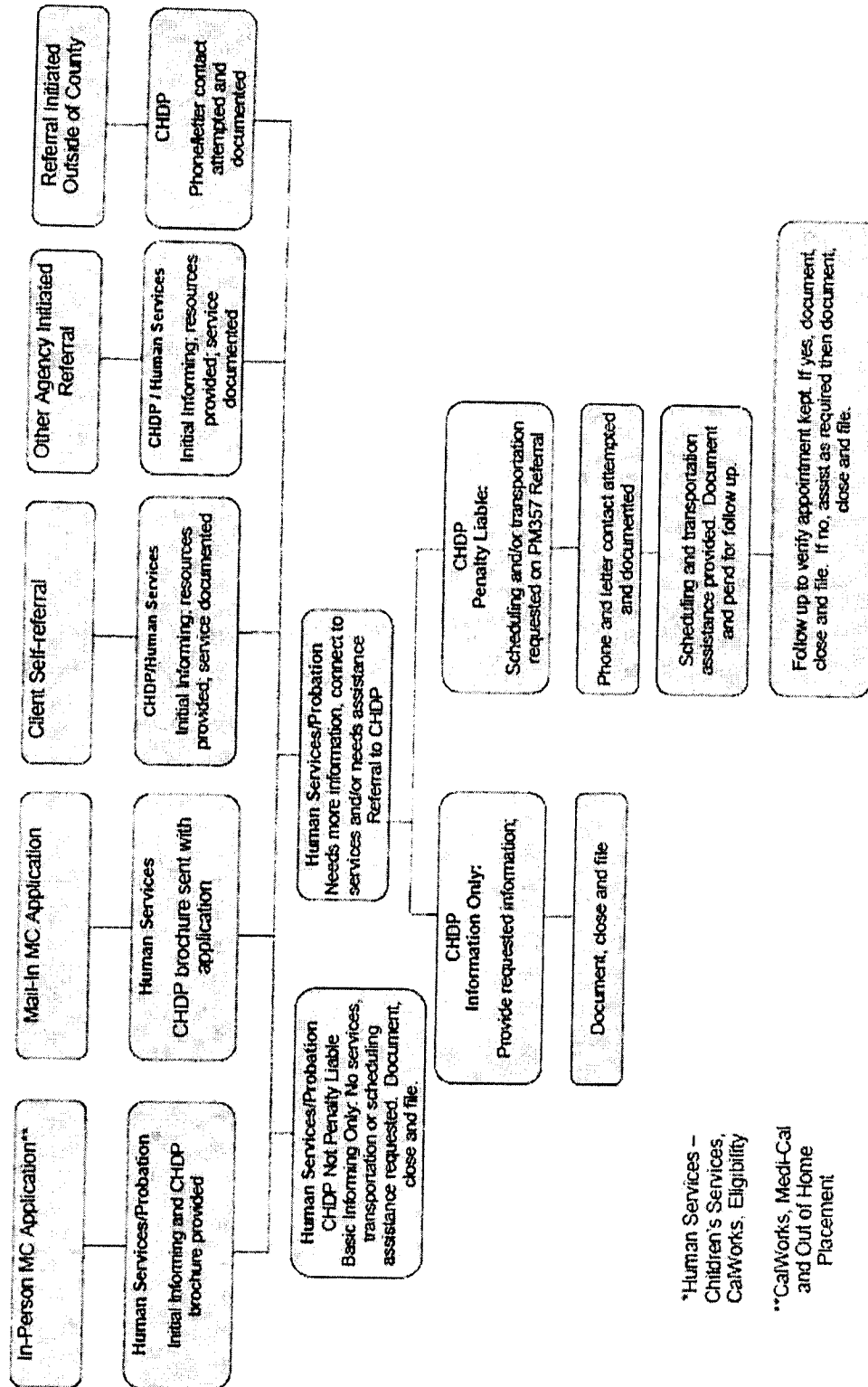






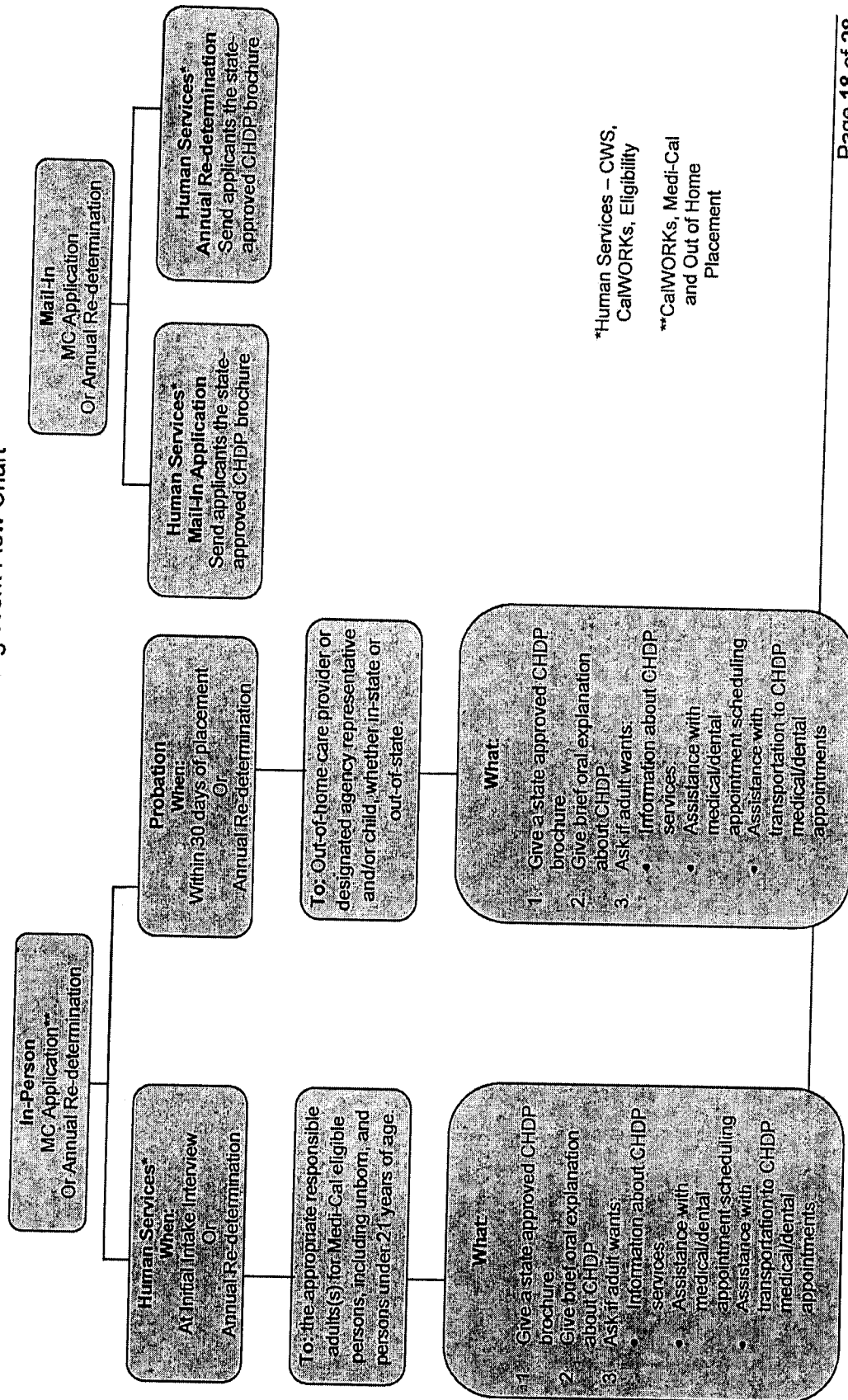
Attachment D

YUBA COUNTY  
HEALTH & HUMAN SERVICES DEPARTMENT  
CHDP / Human Services\* / Probation  
CHDP/EPSDT Referral Work Flow Chart



YUBA COUNTY  
HEALTH & HUMAN SERVICES DEPARTMENT  
Human Services\* / Probation  
CHDP Basic Informing Work Flow Chart

Attachment E



\*Human Services – CWS, CalWORKs, Eligibility  
\*\*CalWORKs, Medi-Cal and Out of Home Placement

Activity	CalWORKs/Medi-Cal Eligibility Technician	Social Workers/Probation Officers
<b>Basic Informing *</b>	<p><b>WHEN:</b></p> <ul style="list-style-type: none"> <li>At the face-to-face eligibility intake interview.</li> <li>At the time of the annual re-determination. (See below for annual re-determination by mail.)</li> </ul> <p><b>IO:</b> The appropriate responsible adult(s) for Medi-Cal eligible persons, including unborn, and persons under 21 years of age:</p> <ul style="list-style-type: none"> <li>All Medi-Cal recipients from birth to age 21 are eligible for CHDP scheduled periodic health assessments and services based on the federally mandated Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program.</li> <li>CHDP provides a schedule of periodic health services to non-Medi-Cal children and youth from birth to age 19 years whose family income is equal to or less than 200 percent of the federal income guidelines. All children and youth are eligible for health assessments based on the same schedule or periodicity used for Medi-Cal children and youth.</li> </ul> <p><b>WHAT:</b></p> <ol style="list-style-type: none"> <li>Give a state approved CHDP brochure.</li> <li>Give oral explanation about CHDP including: <ul style="list-style-type: none"> <li>The value of preventive health services.</li> <li>Availability of health assessments.</li> <li>Availability of dental services.</li> <li>The need for prompt diagnosis and treatment of suspected conditions to prevent disabilities and that all medically necessary diagnosis and treatment services will be paid for by Medi-Cal.</li> </ul> </li> <li>The nature, scope, and benefits of the CHDP program.</li> </ol>	<p><b>WHEN:</b></p> <ul style="list-style-type: none"> <li>Within 30 days of placement.</li> <li>Annually at eligibility re-determination.</li> </ul> <p><b>IO:</b> Out-of-home care provider or designated agency representative and/or child, whether in-state or out-of-state.*</p> <p><b>What:</b></p> <ol style="list-style-type: none"> <li>Give a state approved CHDP brochure.</li> <li>Give oral explanation about CHDP including: <ul style="list-style-type: none"> <li>The value of preventive health services.</li> <li>Availability of health assessments annually and at time of new placement.</li> <li>Availability of dental services.</li> <li>The need for prompt diagnosis and treatment of suspected conditions to prevent disabilities and that all medically necessary diagnosis and treatment services will be paid for by Medi-Cal.</li> <li>The nature, scope, and benefits of the CHDP program.</li> </ul> </li> <li>Ask if adult wants: <ul style="list-style-type: none"> <li>Information about CHDP services.</li> <li>Services (CHDP medical and/or dental).</li> <li>Assistance with appointment scheduling and/or transportation to obtain requested CHDP medical and/or dental services.</li> </ul> </li> </ol>

Activity	CalWORKs/Medi-Cal Eligibility Technician	Social Workers/Probation Officers
	<p>(3) Ask if adult wants:</p> <ul style="list-style-type: none"> <li>Information about CHDP services.</li> <li>Services (CHDP medical and/or dental).</li> <li>Assistance with appointment scheduling and/or transportation to obtain requested CHDP medical and/or dental services.</li> </ul> <p>For annual re-determination by mail, send applicants the state-approved CHDP brochure noted above in (1).</p>	
<p>* Informing about the CHDP program will be by following methods when necessary: Video/slide presentation or audio tape for blind members, use of pictures for those people who do not understand the English language, and use of low literacy materials in other selected languages wherever possible.</p>		
<p><b>Documentation of Basic Informing</b></p>	<p><b>WHEN:</b> Initial and in-person or telephone annual re-determinations. (See below for annual re-determination by mail.)</p> <p><b>WHAT:</b> Document on the CIV program:</p> <ul style="list-style-type: none"> <li>Explanation and brochure given.</li> <li>Date of the explanation and giving of the brochure.</li> <li>Applicant's responses to the CHDP service questions.</li> </ul> <p>Enter a journal entry to document referrals.</p> <p>For annual re-determination by mail, document that the state approved CHDP brochure was sent to applicant.</p> <p>Any "Yes" response to the CHDP questions or offer of services through face-to-face or phone encounters or mail-in requires a referral on the CHDP Referral Form PM 357.</p>	<p><b>WHEN:</b> Initial and annual re-determinations.</p> <p><b>WHAT:</b> Document in the CHDP program area of the Identification Page in the Placement Notebook in the Placement Management Section in the Client Services Application on the Child Welfare Services/Case Management System (CWS/CMS):</p> <ul style="list-style-type: none"> <li>Date care provider was informed of the CHDP program and brochure given.</li> <li>Care provider's request for CHDP services.</li> </ul> <p>Document the results of informing in the case record.</p>

Activity	CalWORKs/Medi-Cal Eligibility Technician	Social Workers/Probation Officers
<b>PM 357 Referral</b>	<p>The CHDP Referral Form PM 357 must be completed in entirety when "Yes" response is given, written or verbal, to offers of more information about CHDP, CHDP medical/dental services, and appointment scheduling/ transportation assistance. Completed PM 357s will be sent to the CHDP/EPST Unit. This action is required to ensure these services are received and that any necessary diagnostic and/or treatment services are initiated within 120 days of the date of eligibility determination for person receiving assistance through CalWORKs or Medi-Cal, and within 120 days of the date of request for children in foster care placement.</p>	<p>The CHDP Referral Form PM 357 must be completed on all Foster Care and Probation cases, whether services are requested or not.</p> <p>Staff responsible for placement will complete the PM 357, document the care provider and/or child's response to the offers of CHDP information and services, maintain a copy in the case record, and forward a copy to the Foster Care PHN for further action.</p> <p>Ref: CHDP program Letter No. 81-5 and All County Letter No. 81-43.</p>
<b>Intensive Informing</b>	<p>Receives referrals of Medi-Cal eligible persons under 21 years of age, including the unborn, and will:</p> <ul style="list-style-type: none"> <li>• Intensively inform those requesting more information.</li> <li>• Offer scheduling and transportation assistance to those who request CHDP medical and/or dental services.</li> <li>• Provide for the penalty liable requested scheduling and/or transportation assistance so that medical and/or dental services can be received from a managed care plan or provider of the requester's choice.</li> <li>• Pre-paid Health Plan enrollment will be documented. Services are provided under income eligibility if pre-paid health plan does not cover preventive services. Medi-Cal Managed Care clients will be referred to their Member Services Department for assistance.</li> <li>• Assure that families asking for health assessment procedures not furnished by their provider are referred to another provider for those procedures so that all requested CHDP services are received within 120 days of the initial request. Medi-Cal Managed Care clients will be referred to their Member Services Department for assistance.</li> <li>• Follow up on families requesting appointment scheduling and transportation assistance to: <ul style="list-style-type: none"> <li>o Re-offer scheduling and transportation assistance to</li> </ul> </li> </ul>	<p>Receives referrals of Medi-Cal eligible persons under 21 years of age who are in out-of-home placement, and will:</p> <ul style="list-style-type: none"> <li>• Intensively inform those requesting more information.</li> <li>• Offer scheduling and transportation assistance to those who request CHDP medical and/or dental services.</li> <li>• Provide for the penalty liable requested scheduling and/or transportation assistance so that medical and/or dental services can be received from a managed care plan or provider of the requester's choice.</li> <li>• Pre-paid Health Plan enrollment will be documented. Services are provided under income eligibility if pre-paid health plan does not cover preventive services. Medi-Cal Managed Care clients will be referred to their Member Services Department for assistance.</li> <li>• Assure that families asking for health assessment procedures not furnished by their provider are referred to another provider for those procedures so that all requested CHDP services are received within 120 days of the initial request. Medi-Cal Managed Care clients will be referred to their Member Services Department for assistance.</li> <li>• Follow up on families requesting appointment scheduling and transportation assistance to:</li> </ul>

Activity	CalWORKs/Medi-Cal Eligibility Technician	Social Workers/Probation Officers
<p><b>Intensive Informing (Continued)</b></p>	<p>those persons whose failure to keep appointments was not due to an action or decision of the family or child.</p> <ul style="list-style-type: none"> <li>Offer and provide requested assistance to those for whom further diagnosis and treatment is indicated.</li> <li>Medi-Cal Managed Care clients will be referred to their Member Services Department for assistance.</li> </ul> <p>These services will be provided and diagnosis and treatment initiated within 120 days of the person's date of eligibility determination or re-determination, and within 120 days of a request if by self-referral or for children in Foster Care unless:</p> <ul style="list-style-type: none"> <li>Eligibility is lost.</li> <li>Child is lost to contact and a good faith effort (see below*) was made to locate the child.</li> <li>Failure to receive services was due to an action or decision of the family or child.</li> </ul> <ul style="list-style-type: none"> <li>Assure that persons asking for health assessment procedures not furnished by their provider are referred to another provider for those procedures so that all requested CHDP services are received within 120 days of the initial request.</li> <li>Follow-up on persons requesting appointment scheduling and transportation assistance to:             <ul style="list-style-type: none"> <li>Re-offer scheduling and transportation assistance to those persons whose failure to keep appointments was not due to an action or decision of the family or child.</li> <li>Offer and provide requested assistance to those for whom further diagnosis and treatment is indicated.</li> </ul> </li> </ul> <p>*A Good Faith Effort will be made to locate all persons lost to contact. Upon request, Human Services, CalWORKs and Eligibility will share current addresses, telephone numbers, and Medi-Cal status of these persons with CHDP/EPSTD program. Allowance for the exchange of this confidential information is based on Federal and State regulations.</p>	<ul style="list-style-type: none"> <li>Re-offer scheduling and transportation assistance to those persons whose failure to keep appointments was not due to an action or decision of the family or child.</li> <li>Offer and provide requested assistance to those for whom further diagnosis and treatment is indicated.</li> </ul> <ul style="list-style-type: none"> <li>Medi-Cal Managed Care clients will be referred to their Member Services Department for assistance.</li> </ul> <p>These services will be provided and diagnosis and treatment initiated within 120 days of the person's date of eligibility determination or re-determination, and within 120 days of a request if by self-referral or for children in Foster Care unless:</p> <ul style="list-style-type: none"> <li>Eligibility is lost.</li> <li>Child is lost to contact and a good faith effort (refer to CHDP/EPSTD Unit section) was made to locate the child.</li> <li>Failure to receive services was due to an action or decision of the family or child.</li> </ul> <ul style="list-style-type: none"> <li>Assure that persons asking for health assessment procedures not furnished by their provider are referred to another provider for those procedures so that all requested CHDP services are received within 120 days of the initial request.</li> <li>Follow-up on persons requesting appointment scheduling and transportation assistance to:             <ul style="list-style-type: none"> <li>Re-offer scheduling and transportation assistance to those persons whose failure to keep appointments was not due to an action or decision of the family or child.</li> <li>Offer and provide requested assistance to those for whom further diagnosis and treatment is indicated.</li> </ul> </li> </ul> <ul style="list-style-type: none"> <li>The assigned Foster Care PHN will work with the placement staff, either Probation Officers or Social Workers, to ensure that information about the need for</li> </ul>

Activity	CalWORKs/Medi-Cal Eligibility Technician	Social Workers/Probation Officers
		<p>CHDP health and dental exams and available information on the health status of children is accurately conveyed at the time of out-of-home placement with a licensed foster parent, relative care giver or group home, or upon return of the child to the parent(s).</p> <ul style="list-style-type: none"> <li>• The assigned Foster Care PHN will inform caregivers/payees responsible for children placed out-of-county of the need for CHDP exams within the prescribed timelines and will offer assistance in locating medical and dental providers.</li> <li>• The assigned Foster Care PHN will facilitate coordination with the out-of-county CHDP Program to assure assistance in locating medical and dental providers as needed.</li> </ul>
<b>Documentation of Intensive Informing</b>	<p>The following will be documented on the CHDP Referral Form (PM 357) for each eligible person listed:</p> <p>For health and/or dental services:</p> <ul style="list-style-type: none"> <li>▪ Type of transportation assistance and date given.</li> <li>▪ Appointment scheduling assistance and date given.</li> <li>▪ Date(s) of appointment(s) and name(s) of provider(s).</li> </ul> <p>When further diagnosis and treatment services needed:</p> <ul style="list-style-type: none"> <li>▪ Response to offer of transportation and appointment scheduling assistance.</li> <li>▪ Type of transportation assistance and date given.</li> <li>▪ Appointment scheduling assistance and date given.</li> <li>▪ Date(s) of appointment(s) and name(s) of provider(s).</li> <li>▪ Date that transportation and/or appointment scheduling assistance was declined (if applicable) and by whom.</li> <li>▪ Disposition of case: appointment kept* or not kept, eligibility lost, family declined further services, or family/child lost to contact and a good faith effort was made to locate the person.</li> </ul> <p>* Confirmation of CHDP services must be done by at least one of the following methods: PM 160 on file, provider verification, or</p>	<p>The following will be documented on the CHDP Referral Form (PM 357) for each eligible person listed:</p> <p>For health and/or dental services:</p> <ul style="list-style-type: none"> <li>▪ Type of transportation assistance and date given.</li> <li>▪ Appointment scheduling assistance and date given.</li> <li>▪ Date(s) of appointment(s) and name(s) of provider(s).</li> </ul> <p>When further diagnosis and treatment services needed:</p> <ul style="list-style-type: none"> <li>▪ Response to offer of appointment scheduling and transportation assistance.</li> <li>▪ Type of transportation assistance and date given.</li> <li>▪ Appointment scheduling assistance and date given.</li> <li>▪ Date(s) of appointment(s) and name(s) of provider(s).</li> <li>▪ Date that transportation and/or appointment scheduling assistance was declined (if applicable) and by whom.</li> <li>▪ Disposition of case: appointment kept* or not kept, eligibility lost, family declined further services, or family/child lost to contact and a good faith effort was made to locate the person.</li> </ul> <p>* Confirmation of CHDP services must be done by at least one of the following methods: PM 160 on file, provider</p>

Activity	CalWORKs/Medi-Cal Eligibility Technician	Social Workers/Probation Officers
	<p>parent/child verification.</p> <p>A Good Faith Effort will be made to locate all persons lost to contact. The EPSDT Unit/CHDP Program will query the Human Services Divisions for current addresses, telephone numbers, and Medi-Cal status of these persons. Upon request, the Human Services Divisions will share this confidential information is based on Federal and State regulations.</p>	<p>verification, or parent/child verification.</p> <p>A Good Faith Effort will be made to locate all persons lost to contact. The EPSDT Unit/CHDP Program will query the Human Services Divisions for current addresses, telephone numbers, and Medi-Cal status of these persons. Upon request, the Human Services Divisions will share this confidential information is based on Federal and State regulations.</p>

## EXHIBIT A-2

### HCPCFC and CHDP Foster Care Nurse Services Scope of Work and Assigned Responsibilities

- I. **Purpose:** The collaboration between HSD, PHD and PHD Public Health Nurses is intended to create a more comprehensive system of health service delivery for children in out-of-home placement.
- II. **Objectives:** Yuba County Public Health and Children's Services have identified the following specific objectives for continued focus for fiscal years 2015 and forward until revised by mutual agreement:
  - A. Children in out-of-home placement, who are at greater risk for health and dental problems, will receive well-child health and dental assessments per the periodicity schedule recommended for children in foster care. To provide coordinated, comprehensive, and culturally competent services for children living in foster care (relative/kinship, foster family homes, group homes, etc.) including CHDP health assessment services and necessary diagnostic and treatment services.
  - B. Pre-court reviews to ensure up-to-date medical information.
- III. **PHN and Placement Staff (Social Worker/Probation Officer) Responsibilities**
  - A. The role of the Public Health Nurse is to identify, respond to, and enhance the physical, mental, dental and developmental well-being of children in out-of-home placement.
  - B. The role of the Social Worker/Probation Officer is to coordinate and monitor the network of services necessary to ensure the overall health, safety and well-being of children in out-of-home-placement.

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#### IV. Areas of Collaboration and Suggested Responsibilities:

Service Provided	Local CHDP Responsibilities Foster Care PHN	Local Children's Services Agency/Probation Department Responsibilities Social Worker/Probation Officer
<b>Accessing Resources</b>	<ul style="list-style-type: none"> <li>• PHN will identify health care providers in the community.</li> <li>• PHN will evaluate the adequacy, accessibility and availability of the referral network for health care services and collaborate with CHDP staff to identify and recruit additional qualified providers.</li> <li>• PHN will serve as a resource to facilitate (e.g., assist in scheduling appointments, arranging transportation, etc.) referrals to early intervention providers, specialty providers, dentists, mental health providers, CCS and other community programs. PHN will assist PHNs in the child's county of residence to identify and access resources to address the health care needs of children placed out of county.</li> </ul>	<ul style="list-style-type: none"> <li>• Children's Services Social Worker/Probation Officer or designee will work with PHN to ensure that all children in foster care are referred for health services appropriate to age and health status on a timely basis.</li> <li>• Children's Services Social Worker/Probation Officer or designee will work with the substitute care provider (Foster Parent) and the PHN to identify an appropriate health care provider for the child. Social Worker/Probation Officer or designee will work with the PHN to ensure that children placed out of county have access to health services appropriate to age and health status.</li> </ul>
<b>Health Care Planning and Coordination</b>	<ul style="list-style-type: none"> <li>• PHN will interpret health care reports for social worker/probation officers and others as needed.</li> <li>• PHN will develop a health plan for each child expected to remain in foster care.</li> <li>• PHN will work with substitute care provider to ensure that the child's Health and Education Passport or its equivalent is updated.</li> <li>• PHN will assist substitute care providers in obtaining timely comprehensive assessments.</li> <li>• PHN will expedite timely referrals for medical, dental, developmental, and mental health services.</li> <li>• PHN will assist social worker/probation officer in obtaining additional services necessary to educate and/or support the foster caregiver in providing for the special health care needs, including but not limited to Early and Periodic Screening, Diagnosis, and Treatment Supplemental Services (EPSDT-SS).</li> <li>• PHN will obtain and provide health care documentation when necessary to</li> </ul>	<ul style="list-style-type: none"> <li>• Social Worker/Probation Officer or designee will collaborate with PHN to develop a health plan which identifies the health care needs and service priorities for each child expected to remain in foster care for 6 months or longer.</li> <li>• Social Worker/Probation Officer or designee will incorporate health plan into child's case record.</li> <li>• Social Worker/Probation Officer or designee will assemble and provide health care documentation to the court when necessary to support the request for health care services.</li> <li>• Social Worker/Probation Officer or designee will collaborate to complete and keep current the child's Health and Education Passport or its equivalent and provide a copy of the HEP to the substitute care provider.</li> <li>• Social Worker/Probation Officer or designee will consult with the PHN to assess the suitability of the foster</li> </ul>

Service Provided	Local CHDP Responsibilities Foster Care PHN	Local Children's Services Agency/Probation Department Responsibilities Social Worker/Probation Officer
	<p>support the request for health care services.</p> <ul style="list-style-type: none"> <li>• PHN will collaborate with social worker/probation officer, biological parent when possible and substitute care provider to ensure that necessary medical/health care information is available to those persons responsible for providing healthcare for the child, including a copy of the Health Education Passport (HEP) to the substitute care provider.</li> <li>• PHN will assist social worker/probation officer to assess the suitability of the foster care placement in light of the health care needs of the child.</li> <li>• PHN will collaborate with the social worker/probation officer and substitute care provider to develop a system of tracking and follow-up on changes in the health care status of the child, service needs, effectiveness of services provided, etc. PHN will review child's health plan with social worker/probation officer as needed and at least every six months.</li> </ul>	<p>care placement in light of the health care needs of the child.</p> <ul style="list-style-type: none"> <li>• Social Worker/Probation Officer of designee will collaborate with the PHN and substitute care provider to develop a system of tracking and follow-up on changes in the health care status of the child, service needs, effectiveness of services provided, etc.</li> <li>• Social Worker/Probation Officer or designee will review child's health plan with PHN at least every six months and before every court hearing. Relevant information will be incorporated into the HEP and court report.</li> </ul>
Training/ Orientation	<ul style="list-style-type: none"> <li>• PHN will participate in developing and providing educational programs for health care providers to increase community awareness of and interest in the special health care needs of children in foster care. PHN will educate social workers, juvenile court staff, substitute care providers, school nurses and others about the health care needs of children in foster care.</li> </ul>	<ul style="list-style-type: none"> <li>• HSD agency staff/Probation Officers or designee will provide input to PHN in developing curriculum for training others about health care needs of children in foster care.</li> <li>• HSD agency staff/Probation Officers or designee will collaborate with PHNs in educating juvenile court staff, substitute care providers, and others about the health care needs of children in foster care. HSD agency personnel will arrange for PHN access to the Child Welfare Services/Case Management System (CWS/CMS) system and provide training in its use.</li> </ul>
Policy/Procedure Development	<ul style="list-style-type: none"> <li>• PHN will provide program consultation to DSS/ Probation Departments in the development and implementation of the EPSDT/CHDP Program policies related</li> </ul>	<ul style="list-style-type: none"> <li>• HSD agency staff/Probation Officers or designee will include the PHN in team meetings and provide orientation to social services and</li> </ul>

Service Provided	Local CHDP Responsibilities Foster Care PHN	Local Children's Services Agency/Probation Department Responsibilities Social Worker/Probation Officer
	to the Health Care Program for Children in Foster Care. PHN will participate in multi-disciplinary meetings for review of health-related issues.	consultation on CWS/CMS.
<b>Transition from Foster Care</b>	<ul style="list-style-type: none"> <li>• PHN will provide assistance to the Social Worker/Probation Officer and youths leaving foster care on the availability of options of health care coverage as well as community resources to meet the health care needs upon emancipation.</li> </ul>	<ul style="list-style-type: none"> <li>• HSD agency staff/Probation Officers or designee will collaborate with PHN to assure youths leaving foster care supervision are aware and connected to resources for independent living.</li> </ul>
<b>Quality Improvement</b>	<ul style="list-style-type: none"> <li>• PHN will conduct joint reviews of case records for documentation of health care services with HSD agency/Probation Department.</li> <li>• PHN will work with HSD agency/Probation Department to develop a plan for evaluating the process and impact of the addition of the PHN component to the foster care team. PHN will establish baseline data for evaluating health care services provided to children in foster care.</li> </ul>	<ul style="list-style-type: none"> <li>• HSD agency staff/Probation Officers or designee will conduct joint reviews of case records for documentation of health care services</li> <li>• HSD agency/Probation Department will work with PHN to develop a plan for evaluating the process and impact of the addition of the PHN component to the foster care team. HSD agency/Probation Officers or designee will collaborate and assist PHN in gathering data.</li> </ul>

**CHDP Administrative Budget Summary for FY 2015-2016**  
**No County/City Match**  
**County/City Name: Yuba**

Column	1	2	3	4	5
Category/Line Item	Total Budget (2 + 3)	Total CHDP Budget	Total Medi-Cal Budget (4 + 5)	Enhanced State/Federal (25/75)	Nonenhanced State/Federal (50/50)
I. Total Personnel Expenses	\$86,131	\$798	\$85,333	\$57,996	\$27,337
II. Total Operating Expenses	\$6,584	\$0	\$6,584	\$1,620	\$4,964
III. Total Capital Expenses					
IV. Total Indirect Expenses	\$21,533	\$0	\$21,533		\$21,533
V. Total Other Expenses					
<b>Budget Grand Total</b>	<b>\$114,247</b>	<b>\$798</b>	<b>\$113,449</b>	<b>\$59,615</b>	<b>\$53,834</b>

Column	1	2	3	4	5
Source of Funds	Total Funds	Total CHDP Budget	Total Medi-Cal Budget	Enhanced State/Federal	Nonenhanced State/Federal
State General Funds	\$798	\$798			
Medi-Cal Funds:			\$113,449		
State	\$41,820		\$41,820	\$14,903	\$26,917
Federal (Title XIX)	\$71,628		\$71,628	\$44,711	\$26,917

*Ly Langley*  
 Prepared By (Signature)

*10-29-15*  
 Date Prepared

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*Cheryl Andersen PHN*

CHDP Director or Deputy

Director (Signature)

*10-29-15*

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**CHDP Administrative Budget Worksheet for FY 15-16**  
**No County/City Match**  
**State and State/Federal**

County/City Name: Yuba

Column	1A	1B	1	2A	2	3A	3	4A	4	5A	5
Category/Line Item	% or FTE	Annual Salary	Total Budget (1A x 1B or 2 + 3)	CHDP % or FTE	Total CHDP Budget	Total Medi-Cal %	Total Medi-Cal Budget (4 + 5)	% or FTE	Enhanced State/Federal (25/75)	% or FTE	Nonenhanced State/Federal (50/50)
<b>Personnel Expenses</b>											
1. PHN II CHDP Dep Dir Andersen	35.00%	\$86,296	\$30,204	2.642%	\$798.00	97.36%	\$29,406	90.0%	\$26,465.06	10.00%	\$2,940.56
2. PHN I - Divicchia	7.50%	\$67,232	\$5,042			100%	\$5,042	89.0%	\$4,487.74	11.00%	\$554.66
3. Office Spec. - Harriger	30.00%	\$39,376	\$11,813			100%	\$11,813			100.00%	\$11,813
4. PHN III - Camarena	8.95%	\$81,017	\$7,279			100%	\$7,279	91.0%	\$6,624	9.00%	\$655
5. SR. Acct. Tech. - Langley	5.00%	\$54,934	\$2,747			100%	\$2,747			100.00%	\$2,747
6. OA Bilingual - Vitalobos	5.00%	\$36,418	\$1,821			100%	\$1,821			100.00%	\$1,821
7											
8											
9											
	91%										
<b>Total Salaries and Wages</b>			\$58,906		\$798		\$58,108		\$37,577		\$20,531
<b>Less Salary Savings</b>											
<b>Net Salaries and Wages</b>			\$58,906		\$798		\$58,108		\$37,577		\$20,531
<b>Staff Benefits (Specify %) Actual</b>			\$27,225				\$27,225		\$20,419		\$6,806
<b>I. Total Personnel Expenses</b>			\$86,131		\$798		\$85,332		\$57,996		\$27,337
<b>II. Operating Expenses</b>											
1. Travel			\$1,000				\$1,000		\$540		\$460
2. Training			\$2,000				\$2,000		\$1,080		\$920
3. Office Expense			\$1,584				\$384				\$384
4. Educational Material			\$1,000				\$1,000				\$1,000
5. Space Rental			\$0				\$0				\$0
6. Communications			\$0				\$0				\$0
7. Provider Training			\$1,000				\$1,000				\$1,000
8. Equipment							\$1,200				\$1,200
9											
10											
<b>II. Total Operating Expenses</b>			\$6,584				\$6,584		\$1,620		\$4,964
<b>III. Capital Expenses</b>											
1											
2											
3											
4											
5											
<b>III. Total Capital Expenses</b>											
<b>IV. Indirect Expenses</b>											
1. Internal (Specify %) 25.00%			\$21,533				\$21,533				\$21,533
2. External (Specify %) 0.00%											
<b>IV. Total Indirect Expenses</b>			\$21,533				\$21,533				\$21,533
<b>V. Other Expenses</b>											
1											
2											
3											
4											
5											
<b>V. Total Other Expenses</b>											
<b>Budget Grand Total</b>			\$114,247		\$798		\$113,449		\$59,616		\$53,834

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 CHDP Director or Deputy Director Date Phone Number Email Address

CHDP  
BUDGET NARRATIVE  
FISCAL YEAR 2015-2016

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I. PERSONNEL EXPENSES

Total Salaries:	\$58,906
Total Benefits:	\$27,225
<b>Total Personnel Expenses:</b>	<b>\$86,131</b>

II. OPERATING EXPENSES

1	<u>Travel</u>	\$	1,000	Includes travel to Statewide conferences, regional meetings, travel for approved training, daily business, plane, and per diem for lodging/meals.
2	<u>Training</u>	\$	2,000	Cost of two attending the Audiology and Audiometry for School Nurses (3 Units) California State University, Fresno Special Sessions Course
3	<u>Equipment</u>	\$	-	
4	<u>Office Expense</u>	\$	1,584	Office supplies, Copies, Postage and various materials for day to day operations
5	<u>Educational Material</u>	\$	1,000	Materials to promote healthy lifestyles, childhood safety, oral health and/or other Public Health messages for children 0-21. CHDP staff, during outreach activities will hand out educational material to health providers and the community.
8	<u>Provider Training</u>	\$	1,000	Audiology, Vision, Motivating Interviewing, Floride Varnish training or as determined by need.
	<b>Total Operating Expenses:</b>	\$	<b>6,584</b>	

III. CAPITAL EXPENDITURES

\$ -

IV. INDIRECT EXPENSE

1	<u>Internal</u>	\$	21,533	25% of Total Personnel Expense to cover indirect expenses.
2	<u>External</u>	\$	-	
	<b>Total Indirect Expenses:</b>	\$	<b>21,533</b>	

V. Other Expenses

**Total Other Expenses:** \$ -

**BUDGET GRAND TOTAL:** \$ 114,247

**CHDP Administrative Budget Summary for FY 2015-2016**  
**County/City Match**  
**County/City Name: Yuba**

Column	1	2	3
Category/Line Item	Total Budget (2 + 3)	Enhanced County/City/Federal (25/75)	Nonenhanced County/City/Federal (50/50)
I. Total Personnel Expenses	\$101,568	\$87,173	\$14,395
II. Total Operating Expenses	\$500	\$0	\$500
III. Total Capital Expenses	\$0		\$0
IV. Total Indirect Expenses	\$25,392		\$25,392
V. Total Other Expenses	\$0		\$0
<b>Budget Grand Total</b>	<b>\$127,459</b>	<b>\$87,173</b>	<b>\$40,287</b>

Column	1	2	3
Source of Funds	Total Funds	Enhanced County/Federal (25/75)	Nonenhanced County/Federal (50/50)
County Funds	\$41,937	\$21,793	\$20,143
Federal Funds (Title XIX)	\$85,523	\$65,379	\$20,143

*Cheryl Langley* 10-29-15  
 Prepared By (Signature) Date prepared

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*Cheryl Andersen PHN* 10-29-15  
 CHDP Director or Deputy Date  
 Director (Signature)

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**CHDP Administrative Budget Worksheet for FY 15-16**  
**County/City Match**  
**County/City Name: Yuba**

Column	1A	1B	1	2A	2	3A	3
Category/Line Item	% or FTE	Annual Salary	Total Budget (1A x 1B or 2 + 3)	% or FTE	Enhanced County/City/Federal (25/75)	% or FTE	Nonenhanced County/City/Federal (50/50)
<b>I. Personnel Expenses</b>							
1. PHN II CHDP Dep. Dir. Andersen	40%	\$86,296	\$34,518	91%	\$31,412	9%	\$3,107
2. PHN I Divecchia	15%	\$67,232	\$10,085	89%	\$8,975	11%	\$1,109
3. PHN III - Camarena	11%	\$81,017	\$8,912	90%	\$8,021	10%	\$891.19
4. PHN II Iverson	15%	\$75,020	\$11,253	89%	\$10,015	11%	\$1,237.83
5. PHN II Agcopia	10%	\$82,133	\$8,213	89%	\$7,310	11%	\$903.46
6.							
7.							
8.							
9.							
10.	91%						
<b>Total Salaries and Wages</b>			\$72,981		\$65,733		\$7,248
<b>Less Salary Savings</b>							
<b>Net Salaries and Wages</b>			\$72,981		\$65,733		\$7,248
<b>Staff Benefits (Specify % Actual)</b>			\$28,586		\$21,440		\$7,147
<b>I. Total Personnel Expenses</b>			\$101,568		\$87,173		\$14,395
<b>II. Operating Expenses</b>							
1. Travel					\$0		\$0
2. Training					\$0		\$0
3. Office Expense			\$500				\$500
4. Educational Material							\$0
5. Space Rental							\$0
6. Communications							\$0
7. Provider Training							\$0
8. Equipment							
9.							
10.							
<b>II. Total Operating Expenses</b>			\$500		\$0		\$500
<b>III. Capital Expenses</b>							
1.							
2.							
3.							
4.							
5.							
<b>III. Total Capital Expenses</b>							
<b>IV. Indirect Expenses</b>							
1. Internal (Specify %) 25.00%			\$25,392				\$25,392
2. External (Specify %) 0.00%							
<b>IV. Total Indirect Expenses</b>			\$25,392				\$25,392
<b>V. Other Expenses</b>							
1.							
2.							
3.							
4.							
5.							
<b>V. Total Other Expenses</b>							
<b>Budget Grand Total</b>			\$127,459		\$87,173		\$40,287

*Ky Langley*  
 Prepared By (Signature)

10-29-15  
 Date Prepared

530-749-6754  
 Phone Number

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 Email Address

*Cheryl Andersen PHN*  
 CHPD Director or Deputy Director  
 (Signature)

10-29-15  
 Date

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 Email Address

I. PERSONNEL EXPENSES

Total Salaries:	\$72,981	
Total Benefits:	\$28,586	

Total Personnel Expenses:	\$101,568	
---------------------------	-----------	--

II. OPERATING EXPENSES

1	<u>Office Expense</u>	\$ 500	Office supplies, Copies, Postage and various materials for day to day operations
---	-----------------------	--------	--

2	<u>Space Rental</u>	\$ -	
---	---------------------	------	--

3	<u>Communications</u>	\$ -	
---	-----------------------	------	--

Total Operating Expenses:	\$ 500	
---------------------------	--------	--

III. <u>CAPITAL EXPENDITURES</u>	\$ -	
----------------------------------	------	--

IV. INDIRECT EXPENSE

1	<u>Internal</u>	\$ 25,392	25% of Total Personnel Expense to cover indirect expenses.
---	-----------------	-----------	--

2	<u>External</u>	\$ -	
---	-----------------	------	--

Total Indirect Expenses:	\$ 25,392	
--------------------------	-----------	--

V. Other Expenses

Total Other Expenses:	\$ -	
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<b><u>BUDGET GRAND TOTAL:</u></b>	<b><u>\$127,459</u></b>	
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## HCPCFC Administrative Budget Worksheet Fiscal Year 2015-2016

County/City Name: Yuba County

Column	1A	1B	1	2A	2	3A	3
Category/Line Item	% or FTE	Annual Salary	Total Budget (1A x 1B or 2 + 3)	% or FTE	Enhanced State/Federal (25/75)	% or FTE	Nonenhanced State/Federal (50/50)
<b>I. Personnel Expenses</b>							
1. Hadley, Alexandra E.	52.3460%	\$96,222	\$50,368	94%	\$47,547.50	6%	\$2,820.61
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							
Total Salaries and Wages	52.3460%		\$50,368		\$47,548		\$2,821
Less Salary Savings							
Net Salaries and Wages			\$50,368		\$47,548		\$2,821
Staff Benefits (Specify %) Actual			\$32,800		\$30,963.36		\$1,836.81
<b>I. Total Personnel Expenses</b>			\$83,168		\$78,511		\$4,657
<b>II. Operating Expenses</b>							
1. Travel			\$0		\$0		\$0
2. Training			\$0		\$0		\$0
<b>II. Total Operating Expenses</b>			\$0		\$0		\$0
<b>III. Capital Expenses</b>							
1.							
2.							
<b>III. Total Capital Expenses</b>							
<b>IV. Indirect Expenses</b>							
1. Internal (Specify %) 25.00%			\$ 20,792				\$ 20,792
2. External							
<b>IV. Total Indirect Expenses</b>			\$ 20,792				\$ 20,792
<b>V. Other Expenses</b>							
1.							
2.							
<b>V. Total Other Expenses</b>							
<b>Budget Grand Total</b>			\$103,960		\$78,511		\$25,449

*L. Langley*  
Prepared By (Signature)

10-29-15

Date prepared

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Phone Number

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Email Address

*Cheryl Andersen PHN*  
CHDP Director or Deputy Director (Signature)

10-29-15

Date

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Phone Number

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Email Address

## HCPCFC Administrative Budget Summary Fiscal Year 2015-2016

County/City Name: Yuba County

Column	1	2	3
Category/Line Item	Total Budget (2 + 3)	Enhanced State/Federal (25/75)	Nonenhanced State/Federal (50/50)
I. Total Personnel Expenses	\$83,169	\$78,512	\$4,657
II. Total Operating Expenses	\$0	\$0	\$0
III. Total Capital Expenses			
IV. Total Indirect Expenses	\$20,792		\$20,792
V. Total Other Expenses			
Budget Grand Total	\$103,961	\$78,512	\$25,449

Column	1	2	3
Source of Funds	Total Funds	Enhanced State/Federal (25/75)	Nonenhanced State/Federal (50/50)
State Funds	\$32,353	\$19,628	\$12,724
Federal Funds (Title XIX)	\$71,609	\$58,884	\$12,725
Budget Grand Total	\$103,961		

*Ilanley*  
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 Date Prepared

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*Cheryl Andersen PHN*  
 CHDP Director or Deputy Director  
 (Signature) 10-29-15  
 Date

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Phone Number

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FY 15/16

I. PERSONNEL EXPENSES

Total Salaries: \$50,368

Total Benefits: \$32,800 Benefits are calculated as actuals

Total Personnel Expenses: \$ 83,168

II. OPERATING EXPENSES1 Travel \$02 Training \$0

Total Operating Expenses: \$0

III. CAPITAL EXPENDITURES \$0IV. INDIRECT EXPENSE1 Internal \$20,792 25% of Total Personnel Expense to cover indirect expenses.2 External \$ -

Total Indirect Expenses: \$ 20,792

V. OTHER EXPENSES \$ -BUDGET GRAND TOTAL: \$ 103,960

**HCPCFC Administrative Budget Worksheet Fiscal Year 2015-2016**  
**County/City Match**  
**County/City Name: Yuba County**

Column	1A	1B	1	2A	2	3A	3
Category/Line Item	% or FTE	Annual Salary	Total Budget (1A x 1B or 2 + 3)	% or FTE	Enhanced State/Federal (25/75)	% or FTE	Nonenhanced State/Federal (50/50)
<b>I. Personnel Expenses</b>							
1. Hadley, Alexandra E.	37.6500%	\$96,222	\$36,227	92%	\$33,329.15	8%	\$2,898.19
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							
Total Salaries and Wages	37.6500%		\$36,227		\$33,329		\$2,898
Less Salary Savings							
Net Salaries and Wages			\$36,227		\$33,329		\$2,898
Staff Benefits (Specify %)   Actual			\$32,800		\$30,176.16		\$2,624.01
<b>I. Total Personnel Expenses</b>			\$69,028		\$63,505		\$5,522
<b>II. Operating Expenses</b>							
1. Travel			\$0		\$0		\$0
2. Training			\$0		\$0		\$0
<b>II. Total Operating Expenses</b>			\$0		\$0		\$0
<b>III. Capital Expenses</b>							
1.							
2.							
<b>III. Total Capital Expenses</b>							
<b>IV. Indirect Expenses</b>							
1. Internal (Specify %)   25.00%			\$ 17,257				\$ 17,257
2. External							
<b>IV. Total Indirect Expenses</b>			\$ 17,257				\$ 17,257
<b>V. Other Expenses</b>							
1.							
2.							
<b>V. Total Other Expenses</b>							
<b>Budget Grand Total</b>			\$86,284		\$63,505		\$22,779

*Ky Langley*  
 Prepared By (Signature)

11-2-15  
 Date prepared

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 Phone Number

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*Cheryl Andersen PHN*  
 CHDP Director or Deputy Director (Signature)

11-2-15  
 Date

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 Phone Number

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 Email Address

## HCPCFC Administrative Budget Summary Fiscal Year 2015-2016

County/City Match

County/City Name: Yuba County

Column	1	2	3
Category/Line Item	Total Budget (2 + 3)	Enhanced State/Federal (25/75)	Nonenhanced State/Federal (50/50)
I. Total Personnel Expenses	\$69,027	\$63,505	\$5,522
II. Total Operating Expenses	\$0	\$0	\$0
III. Total Capital Expenses			
IV. Total Indirect Expenses	\$17,257		\$17,257
V. Total Other Expenses			
Budget Grand Total	\$86,284	\$63,505	\$22,779

81

Column	1	2	3
Source of Funds	Total Funds	Enhanced State/Federal (25/75)	Nonenhanced State/Federal (50/50)
State Funds	\$27,266	\$15,876	\$11,388
Federal Funds (Title XIX)	\$59,018	\$47,629	\$11,389
Budget Grand Total	\$86,284		

CMS PLAN FY 2015-2016

(504-1115) Appro... - 83 of 88

Prepared By (Signature) *Cheryl Andersen* Date Prepared 11-2-15 Phone Number 530-749-6754 Email Address llangley@co.yuba.ca.us  
 CHDP Director or Deputy Director (Signature) *Cheryl Andersen* Date 11-2-15 Phone Number 530-749-6454 Email Address candersen@co.yuba.ca.us

YUBA COUNTY

FY 15/16

I. PERSONNEL EXPENSES

Total Salaries: \$36,227

Total Benefits: \$32,800 Benefits are calculated as actuals

Total Personnel Expenses: \$ 69,028

II. OPERATING EXPENSES1 Travel \$02 Training \$0

Total Operating Expenses: \$0

III. CAPITAL EXPENDITURES \$0IV. INDIRECT EXPENSE1 Internal \$17,257 25% of Total Personnel Expense to cover indirect expenses.2 External \$ -

Total Indirect Expenses: \$ 17,257

V. OTHER EXPENSES \$ -BUDGET GRAND TOTAL: \$ 86,284

CCS CASELOAD	Actual Caseload	Percent of Total CCS Caseload
<b>STRAIGHT CCS</b>		
Total Cases of Open (Active) Straight CCS Children	27	6.04%
<b>OTLICP</b>		
Total Cases of Open (Active) OTLICP Children	62	13.87%
<b>MEDI-CAL</b>		
Total Cases of Open (Active) Medi-Cal (non-OTLICP) Children	358	80.09%
<b>TOTAL CCS CASELOAD</b>	<b>447</b>	<b>100%</b>

Vers 8.14.15

## CCS Administrative Budget Summary

Fiscal Year: 2015-16

County: YUBA

Category/Line Item	Col 1 = Col 2+3+4	Straight CCS	OTLICP	Medi-Cal (non-OTLICP) (Column 4 = Columns 5 + 6)
Column	1	2	3	4
Total Budget				
I. Total Personnel Expense	394,611	23,836	54,734	316,043
II. Total Operating Expense	5,765	349	799	4,617
III. Total Capital Expense	0	0	0	0
IV. Total Indirect Expense	98,653	5,959	13,683	79,011
V. Total Other Expense	10,000	604	1,387	8,009
Budget Grand Total	508,029	30,748	70,603	407,680
				155,513
				252,167

Source of Funds	Col 1 = Col 2+3+4	Straight CCS	OTLICP	Medi-Cal (non-OTLICP) (Column 4 = Columns 5 + 6)
Column	1	2	3	4
Total Budget				
Straight CCS				
State	15,374	15,374		
County	15,374	15,374		
OTLICP				
State	12,356		12,356	
County	12,356		12,356	
Federal (Title XXI)	45,891		45,891	
Medi-Cal				
State	164,962			164,962
Federal (Title XIX)	242,718			242,718
				38,878
				116,635
				126,084
				126,083

Donna Clark  
 Prepared By (Signature) Donna Clark  
 Prepared By (Printed Name)

Nelly Camarena, PHN  
 CCS Administrator (Signature)  
 CCS Administrator (Printed Name)

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Vers 8.14.15

## CCS Administrative Budget Worksheet

Fiscal Year: 2015-16

County: YUBA

Total FTE 4.11

CCS CASELOAD	Actual Caseload	Percent of Total CCS Caseload
<b>STRAIGHT CCS -</b>		
Total Cases of Open (Active) Straight CCS Children	27	6.04%
<b>OTLCP -</b>		
Total Cases of Open (Active) OTLCP Children	62	13.87%
<b>MEDI-CAL - Total Cases of Open (Active) Medi-Cal (non-OTLCP) Children</b>	358	80.09%
<b>TOTAL CCS CASELOAD</b>	<b>447</b>	<b>100%</b>

Column			Straight CCS		Optional Targeted Low Income Children's Program (OTLCP)			Medi-Cal (Non-OTLCP)					
	1	2	3	4A	4	5A	5	6A	6	7A	7	8A	8
Category/Line Item	% FTE	Annual Salary	Total Budget (1 x 2 or 4 + 5 + 6 + 7)	Caseload %	Straight CCS County/State (50/50)	Caseload %	Optional Targeted Low Income Children's Program (OTLCP) Co/State/Fed (17.5/17.5/65)	Caseload %	Medi-Cal State/Federal	Enhanced % FTE	Enhanced Medi-Cal State/Federal (25/75)	Non- Enhanced % FTE	Non-Enhanced Medi-Cal State/Federal (50/50)
I. Personnel Expense													
Program Administration													
1. Camarena, Nelly - PHN III (Administrator)	33.00%	85,844	28,329	6.04%	1,711	13.87%	3,929	80.09%	22,689				
2. Vacant - Info Tech Analyst III (Info Technology Support)	0.00%	55,052	0	6.04%	0	13.87%	0	80.09%	0			100.00%	22,689
3. Olsen, Lynne - Director of Nursing (Global Supervision)	15.00%	120,800	18,120	6.04%	1,094	13.87%	2,513	80.09%	14,512			100.00%	0
	0.00%	0	0	6.04%	0	13.87%	0	80.09%	0			100.00%	14,512
	0.00%	0	0	6.04%	0	13.87%	0	80.09%	0			100.00%	0
Subtotal		261,696	46,449		2,805		6,442		37,201				37,201
Medical Case Management													
1. Agopra, Kimberly - PHN II (Nurse)	65.00%	82,133	53,386	6.04%	3,225	13.87%	7,405	80.09%	42,757	93.00%	39,764	7.00%	2,993
2. Camarena, Nelly - PHN III (Nurse)	10.00%	85,844	8,584	6.04%	518	13.87%	1,191	80.09%	6,875	93.00%	6,394	7.00%	481
3. DiVecchia, Kelli - PHN I (Nurse)	65.00%	67,232	43,701	6.04%	2,640	13.87%	6,061	80.09%	35,000	93.00%	32,550	7.00%	2,450
4. Iverson, Carolyn - PHN II (Nurse)	65.00%	75,020	48,763	6.04%	2,945	13.87%	6,764	80.09%	39,054	93.00%	36,320	7.00%	2,734
	0.00%	0	0	6.04%	0	13.87%	0	80.09%	0	0.00%	0	100.00%	0
	0.00%	0	0	6.04%	0	13.87%	0	80.09%	0	0.00%	0	100.00%	0
	0.00%	0	0	6.04%	0	13.87%	0	80.09%	0	0.00%	0	100.00%	0
Subtotal		310,229	154,434		9,328		21,421		123,686		115,028		8,658
Other Health Care Professionals													
	0.00%	0	0	6.04%	0	13.87%	0	80.09%	0	0.00%	0	100.00%	0
	0.00%	0	0	6.04%	0	13.87%	0	80.09%	0	0.00%	0	100.00%	0
	0.00%	0	0	6.04%	0	13.87%	0	80.09%	0	0.00%	0	100.00%	0
Subtotal		0	0		0		0		0		0		0
Ancillary Support													
1. Clark, Michele - CCS Case Manager (Case Mgmt Technician)	98.00%	57,884	56,726	6.04%	3,426	13.87%	7,868	80.09%	45,432			100.00%	45,432
2. Agopra, Kimberly - PHN II (Case Mgmt Technician)	0.00%	82,133	0	6.04%	0	13.87%	0	80.09%	0			100.00%	0
3. Camarena, Nelly - PHN III (Case Mgmt Technician)	0.00%	85,844	0	6.04%	0	13.87%	0	80.09%	0			100.00%	0
4. DiVecchia, Kelli - PHN I (Case Mgmt Technician)	0.00%	67,232	0	6.04%	0	13.87%	0	80.09%	0			100.00%	0
5. Clark, Michele - CCS Case Manager (Pgm Elig Technician)	0.00%	57,884	0	6.04%	0	13.87%	0	80.09%	0			100.00%	0
Subtotal		350,977	56,726		3,426		7,868		45,432			100.00%	45,432
Clerical and Claims Support													
1. Villalobos, Veronica - Office Asst. (Clerical Personnel)	10.00%	36,418	3,642	6.04%	220	13.87%	505	80.09%	2,917	0.00%	0	100.00%	2,917
2. Martinez, Mauricio - Office Specialist (Clerical Personnel)	10.00%	34,334	3,433	6.04%	207	13.87%	476	80.09%	2,749	0.00%	0	100.00%	2,749
3. Clark, Donna - Administrative Analyst (Fiscal Personnel)	30.00%	76,902	23,671	6.04%	1,430	13.87%	3,283	80.09%	18,958	0.00%	0	100.00%	18,958
4. Xiong, Long - Office Asst. (Clerical Personnel)	10.00%	43,768	4,377	6.04%	264	13.87%	607	80.09%	3,506	0.00%	0	100.00%	3,506
	0.00%	0	0	6.04%	0	13.87%	0	80.09%	0	0.00%	0	100.00%	0

(504-1115) Appro... - 86 of 88

Vers 8.14.15

## CCS Administrative Budget Worksheet

Fiscal Year: 2015-16

County: YUBA

Total FTE 4.11

CCS CASELOAD	Actual Caseload	Percent of Total CCS Caseload
<b>STRAIGHT CCS -</b>		
Total Cases of Open (Active) Straight CCS Children	27	6.04%
<b>OTLCP -</b>		
Total Cases of Open (Active) OTLCP Children	62	13.87%
<b>MEDI-CAL - Total Cases of Open (Active) Medi-Cal (non-OTLCP) Children</b>	358	80.09%
<b>TOTAL CCS CASELOAD</b>	<b>447</b>	<b>100%</b>

Column			Straight CCS		Optional Targeted Low Income Children's Program (OTLCP)			Medi-Cal (Non-OTLCP)				
			4A	4	5A	5	6A	6	7A	7	8A	8
Category/line item			Caseload %	Straight CCS County/State (50/50)	Caseload %	Optional Targeted Low Income Children's Program (OTLCP) Co/State/Fed (17.5/17.5/65)	Caseload %	Medi-Cal State/Federal	Enhanced % FTE	Enhanced Medi-Cal State/Federal (25/75)	Non-Enhanced % FTE	Non-Enhanced Medi-Cal State/Federal (50/50)
Subtotal												
Total Salaries and Wages												
Staff Benefits (Specify %)												
34.80%												
I. Total Personnel Expense												
394,611												
II. Operating Expense												
1. Travel												
400												
2. Training												
750												
3. Office Expense												
4,615												
4.												
5.												
6.												
7.												
II. Total Operating Expense												
5,765												
III. Capital Expense												
1.												
2.												
3.												
III. Total Capital Expense												
0												
IV. Indirect Expense												
1. Internal												
25.00%												
2. External												
0.00%												
IV. Total Indirect Expense												
98,653												
V. Other Expense												
1. Maintenance & Transportation												
10,000												
2.												
3.												
4.												
5.												
V. Total Other Expense												
10,000												
Budget Grand Total												
509,029												

Prepared By (Signature)

Donna Clark

Prepared By (Printed Name)

8/14/2015

530-749-6467

Phone Number

Prepared By (Signature)

Nelly Camarena, PHN

CCS Administrator (Printed Name)

11/12/2015

530-749-6492

Phone Number

**I. PERSONNEL EXPENSES****Vers 8.14.15**

Total Salaries:	\$292,732
Total Benefits:	\$101,879

**4.11 FTE**

<b>Total Personnel Expenses:</b>	<b>\$ 394,611</b>
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**II. OPERATING EXPENSES**

- |   |                       |         |  |
|---|-----------------------|---------|--|
| 1 | <u>Travel</u>         | \$400   | Includes travel to statewide conferences, regional meetings, travel for approved training, daily business, personal vehicle use mileage at current Co. approved rate , and per diem for lodging/meals. |
| 2 | <u>Training</u>       | \$750   | Cost of registration for conferences and workshops   |
| 3 | <u>Office Expense</u> | \$4,615 | Office supplies, printing, copies, educational material postage.   |

<b>Total Operating Expenses:</b>	<b>\$5,765</b>
----------------------------------	----------------

III. <b><u>CAPITAL EXPENDITURES</u></b>	\$ -
---	------

**IV. INDIRECT EXPENSE**

1	<u>Internal</u>	\$98,653	25% of Total Personnel Expense to cover indirect expenses.
---	-----------------	----------	--

2	<u>External</u>	\$ -
---	-----------------	------

<b>Total Indirect Expenses:</b>	<b>\$ 98,653</b>
---------------------------------	------------------

**V. OTHER EXPENSES**

1	<u>Maintenance &amp; Transportation</u>	\$10,000
---	---	----------

<b>Total Other Expenses:</b>	<b>\$ 10,000</b>
------------------------------	------------------

<b><u>BUDGET GRAND TOTAL:</u></b>	<b><u>\$ 509,029</u></b>
-----------------------------------	--------------------------



## Administrative Services Memorandum

**To:** Board of Supervisors  
**CC:** Robert Bendorf, County Administrator  
**From:** Doug McCoy, Director, Administrative Services  
**Date:** November 17, 2015  
**Re:** Conveyance of County 4H Camp property

---

### Recommendation

The Board approves the resolution to terminate the operations and maintenance agreement with Environmental Alternatives to operate the County's 4H Camp in Dobbins.

### Background

On March 25<sup>th</sup> 2014, the Board approved a lease with Environmental Alternatives to operate and maintain the County's property known as the 4H Camp in Dobbins.

The Golden Empire Council of the Boy Scouts of America has expressed a strong interest in taking on the property to be a 'low altitude' camp for the Scouts which the Board will consider in a later action. For that to be considered, this existing lease must be terminated.

### Discussion

Environmental Alternatives has stated their willingness to 'vacate this lease' given the Scouts' interest and willingness to invest in and develop this property.

### Fiscal Impact

This action shall have no financial impact to the County.

**BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA**

**RESOLUTION TO TERMINATE THE  
OPERATIONS AND MAINTENANCE  
AGREEMENT WITH ENVIRONMENTAL  
ALTERNATIVES TO OPERATE THE  
COUNTY'S 4H CAMP IN DOBBINS**

**RESOLUTION NO.** \_\_\_\_\_

**WHEREAS**, since the mid-1930s the County of Yuba has owned an 85 acre parcel of land in the Dobbins area known as the 4H Camp; and

**WHEREAS**, the Camp has been managed under an operations agreement with several public entities to maintain and operate the Camp for the benefit of the public since that time; and

**WHEREAS**, on March 25, 2014, the County entered into an operations and maintenance agreement to Environmental Alternatives, a non-profit organization, to operate and care for the Camp; and

**WHEREAS**, the Golden Empire Council of the Boy Scouts of America has approached the County and expressed an interest in turning this property into a Scout Camp; and

**WHEREAS**, Environmental Alternatives has agreed to terminate the lease in lieu of the Scouts investing in, developing, and using the property.

**NOW, THEREFORE, BE IT RESOLVED,** The Yuba County Board of Supervisors hereby terminates the lease between the County of Yuba and Environmental Alternatives

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Yuba, State of California on the \_\_\_\_\_ day of \_\_\_\_\_, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Mary Jane Griego, Chair

ATTEST:     DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

\_\_\_\_\_

ANGIL P. MORRIS-JONES  
YUBA COUNTY COUNSEL  
APPROVED AS TO FORM:

\_\_\_\_\_  


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## Administrative Services Memorandum

**To:** Board of Supervisors  
**CC:** Robert Bendorf, County Administrator  
**From:** Doug McCoy, Director, Administrative Services *DM*  
**Date:** November 17, 2015  
**Re:** Conveyance of County 4H Camp

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### Recommendation

The Board approves the following actions and authorizes the Chair to execute the related documents:

- The Board approves the attached resolution authorizing the county to grant the County property commonly known as the 4H camp in Dobbins to the Golden Empire Council of the Boy Scouts of America in fee simple determinable with the intention the property shall be used for park, recreation, and educational purposes
- The Board approves the attached agreement granting six properties collectively known as the 4H camp in Dobbins by the County of Yuba to the Golden Empire Council of the Boy Scouts of America
- The Board approves the attached Grant Deeds to actually convey the property

### Background

The County of Yuba has owned the 4H Camp property since the mid-1930s when the land was donated to the County. Over the ensuing years, the property was managed on the County's behalf by the U C Davis Extension Office largely for the benefit of the 4H Organization. In 2008, the Extension Office notified the County they could no longer manage the facility.

Subsequent to that, the County has entered into operations and maintenance agreements with several entities to manage the camp.

November 3, 2015

March 25, 2015 the Board entered into the most recent agreement with Environmental Alternatives, who have done an admirable job managing the Camp since that time.

### **Discussion**

The County met with representatives from Environmental Alternatives (EA) and the Boy Scouts and came up with a plan whereby EA agrees to vacate the operations & maintenance agreement in anticipation of the Scouts assuming the Camp and investing in it to develop the Camp to reach its full potential in a way that still benefits the citizens of Yuba County. This termination will be in a separate Board action.

### **Fiscal Impact**

There is no ongoing fiscal impact to the County other than the cost avoidance to not having to manage the property or Lessee.

There will be some one-time funds coming to the County as a result of a timber harvest that would occur if this transfer is approved by the Board; at a value yet to be determined.

And if the Scouts decide to sell the property in the future, the County would be reimbursed \$500,000; the current property value.

**BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA**

**IN RE:**

**RESOLUTION AUTHORIZING THE  
COUNTY TO GRANT THE COUNTY  
PROPERTY COMMONLY KNOWN AS  
THE 4H CAMP IN DOBBINS TO THE  
GOLDEN EMPIRE COUNCIL OF THE  
BOY SCOUTS OF AMERICA IN FEE  
SIMPLE WITH THE INTENTION THE  
PROPERTY SHALL BE USED FOR PARK,  
RECREATION, AND EDUCATIONAL  
PURPOSES**

**RESOLUTION NO. \_\_\_\_\_**

**WHEREAS**, the Board of Supervisors (the "Board") of the County of Yuba (the "County"), acting pursuant to their powers under the California Government Code §25355 accepted the gift of six parcels of land located in the County of Yuba in the Dobbins area consisting of approximately eighty-five acres (85) of real property which was transferred in 1935 to the County by six Grant Deeds; and

**WHEREAS**, as the California Government Code §25356 provides that any gift unaccompanied by any provision prescribing or limiting the uses and purposes to which the property received may be put, may be put to any uses and purposes which the Board prescribes; and

**WHEREAS**, the Board entrusted the management, maintenance and care of the land to UC Davis Extension ("UC Davis") for their use as a camp and park for recreation activities and educational purposes in their oversight of the Yuba County 4H Program which serves the youth of Yuba County by developing capable, caring, and positive young people by providing them with knowledge and experiences that empowers our youth with life changing skills to thrive and grow up to be productive adults; and

**WHEREAS**, in 2008 UC Davis gave the County notice that they could no longer provide the management, maintenance and care of the land which caused the Board to direct staff to develop and bring back to them a list of alternative organizations that would be able to manage, maintain and care for the land in a manner that continues to benefit the youth of the County by keeping the land as a camp and park for recreation activities and educational purposes; and

**WHEREAS**, the Board has leased the real property to several organizations since UC Davis discontinued their management, maintenance and care of the land in 2008 and to date the Board has continued to search for an organization that would provide a permanent commitment to the youth of the County by keeping the land as a camp and park for recreation activities and educational purposes; and

**WHEREAS**, California Government Code § 25372 provides that the Board may donate any real property that the board declares to be surplus to any organization exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code that is organized for the care, teaching, or training of children; and

**WHEREAS**, the Golden Empire Council of the Boy Scouts of America meets the legal requirements of the law in that it is a 501 ( c ) ( 3 ) non-profit organized for the care, teaching or training of children and they have expressed their desire to make a permanent commitment to the youth by keeping the land as a camp and park for recreation activities and educational purposes permanently.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED**, that the Board of Supervisors of the County of Yuba hereby declares that following six parcels of land consisting of eighty-five 85 acres to be surplus all that certain real property situated in the County of Yuba, State of California, commonly known as the 4H Camp in Dobbins consisting of six separate properties and more specifically described as follows:

1. The east one-half of the southwest one-quarter of the northwest one-quarter of the southwest one-quarter of section 26, Township 18 North, Range 7 East, Mount Diablo Base and Meridian; and The west one-half of the southeast one-quarter of the northwest one-quarter of the southwest one-quarter of section 26, Township 18 North, Range 7 east, Mount Diablo Base and Meridian.
2. The west one-half of the southwest quarter of the northwest one-quarter of the southwest quarter of Section 26, Township 18 North, Range 7 East, Mount Diablo Base and Meridian.
3. North one-half of the northwest quarter of the southwest quarter of section 26; and East one-half of the southwest one-quarter of the northwest quarter of the southwest one-

quarter of section 26, Township 18 North, Range 7 East, Mount Diablo Base and Meridian.

4. All of the south one-half and the northeast one quarter of the southwest one-quarter of section 26, Township 18 North, Range 7 East, Mount Diablo Base and Meridian, lying west of the power line of the Pacific Gas & Electric Co., containing 49.7 acres more or less
5. The east half of the southeast quarter of Section 27, Township 18 North, Range 7 east Mount Diablo Base and Meridian.
6. The north half of the northeast quarter of Section 27, Township 18 North, Range 7 East, Mount Diablo Base and Meridian.

Also excepting from the above mentioned parcels are any easements of record, utilities, and timber harvest rights and agreements that may exist through usage.

**BE IT FURTHER RESOLVED AND ORDERED**, that the Board of Supervisors of the County of Yuba acting pursuant to their powers under Government Code §25372 shall convey a fee simple in the above referenced properties to the Boy Scouts of America, a corporation exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code organized for the care, teaching, or training of children with the intention that the property is used as a camp and park for recreation activities and educational purposes. Excepting from this grant of the above mentioned parcels, the County shall maintain the following rights in the land:

1. The Yuba-Sutter 4H Organization will be allowed to use the camp for one week each year at a time to be mutually coordinated with the Boy Scouts Organization to be charged at the going Scout rate.
2. The Tri-County Women's Group will be allowed to continue to use the camp for one week each year at a time to be mutually coordinated with the Boy Scouts Organization to be charged at the going Scout rate.
3. The County will be allowed to use the camp for up to 4 days per year to be scheduled with prior approval of the Grantee. Both parties agree these days will NOT fall during 'peak season' (i.e. between Memorial Day and Labor Day) .
4. Upon conveyance, it is the intention of the Scouts to harvest trees on 40 acres of property. This will be done in coordination with the County for work to be performed under the

County's existing Timber Harvest Plan. Proceeds from this harvest will be shared between the County and the Scouts at a 50% split up to \$50,000 back to the County. If proceeds exceed \$100,000, the County's share shall remain capped at \$50,000.

5. If at such time the Scouts determine the property is no longer of benefit to them, and they wish to dispose of the property, they agree to reimburse the County in the amount of \$500,000 at the time of sale as the present value of the property.

Also excepting from this grant are any easements of record, utilities, and timber harvest rights and agreements that may exist through usage.

**BE IT FURTHER RESOLVED AND ORDERED** that the Board of Supervisors of the County of Yuba hereby authorizes an agreement between the County with the Golden Empire Council of the Boy Scouts of America wherein they agree to all of the terms of this donation. The Chair of the Board of Supervisors is hereby authorized to sign said agreement which will be an attachment to the Grant Deeds and by reference incorporated therein

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Yuba, State of California on the \_\_\_\_\_ day of \_\_\_\_\_, 2015 by the following vote:

AYES:

NOES:

ABSENT:

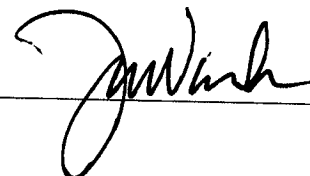
ABSTAIN:

\_\_\_\_\_  
MARY JANE GRIEGO, CHAIRMAN

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS

By: \_\_\_\_\_

APPROVED AS TO FORM  
ANGIL P. MORRIS-JONES  
YUBA COUNTY COUNSEL

\_\_\_\_\_  


**AGREEMENT**  
**FOR THE GRANT OF SIX PROPERTIES**  
**COLLECTIVELY KNOWN AS THE 4H CAMP IN DOBBINS**  
**BY THE COUNTY OF YUBA TO THE**  
**GOLDEN EMPIRE COUNCIL of the BOY SCOUTS OF AMERICA**

In 1935, the Board of Supervisors of the County of Yuba, acting pursuant to their powers under California Government Code section 25355, accepted the gift of six parcels of land located in the County of Yuba in the Dobbins area consisting of approximately eighty-five (85) acres of real property by six grant deeds. Pursuant to California Government Code section 25356, any gift, unaccompanied by any provision prescribing or limiting the uses and purposes to which the property received may be put, may be put to any uses and purposes which the Board prescribes.

Management, maintenance, and care of the land was entrusted to the UC Davis Extension for their use as a camp and park for recreation activities and educational purposes in support of the 4H Program. UC Davis oversees the Yuba County 4H Program. In 2008, UC Davis gave the County notice that they could no longer provide for the management, maintenance, and care of the land.

The Board has leased the property to several organizations in search of an organization that will provide a permanent commitment to youth by keeping the land as a camp and park for recreation activities and educational purposes.

Pursuant to California Government Code section 25372, the Board may donate any real property which the board declares to be surplus to any organization exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code that is organized for the care, teaching or training of children.

The Golden Empire Council of the Boy Scouts of America meets this legal requirement in that it is a 501(c)(3) non-profit organized for the care, teaching, or training of children. The Boy Scouts of America has expressed their desire to make a permanent commitment to the youth by keeping the land as a camp and park for recreation activities and educational purposes.

THE BOARD OF SUPERVISORS IN AND FOR THE COUNTY OF YUBA, grantor, hereby agrees to grant the GOLDEN EMPIRE COUNCIL of the BOY SCOUTS OF AMERICA, grantee, a corporation exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code organized for the care, teaching, or training of children, the following properties in fee simple with the intention that the property is used as a camp and park for recreation activities and educational purposes:

1. The east one-half of the southwest one-quarter of the northwest one-quarter of the southwest one-quarter of section 26, Township 18 North, Range 7 East, Mount Diablo Base and Meridian; and The west one-half of the southeast one-quarter of the northwest

one-quarter of the southwest one-quarter of section 26, Township 18 North, Range 7 east, Mount Diablo Base and Meridian.

2. The west one-half of the southwest quarter of the northwest one-quarter of the southwest quarter of Section 26, Township 18 North, Range 7 East, Mount Diablo Base and Meridian.
3. North one-half of the northwest quarter of the southwest quarter of section 26; and East one-half of the southwest one-quarter of the northwest quarter of the southwest one-quarter of section 26, Township 18 North, Range 7 East, Mount Diablo Base and Meridian.
4. All of the south one-half and the northeast one quarter of the southwest one-quarter of section 26, Township 18 North, Range 7 East, Mount Diablo Base and Meridian, lying west of the power line of the Pacific Gas & Electric Co., containing 49.7 acres more or less
5. The east half of the southeast quarter of Section 27, Township 18 North, Range 7 east Mount Diablo Base and Meridian.
6. The north half of the northeast quarter of Section 27, Township 18 North, Range 7 East, Mount Diablo Base and Meridian.

Excepting from this grant of the above mentioned parcels are any easements of record, utilities, and timber harvest rights and agreements that may exist through usage. Also excepting from this grant of the above mentioned parcels, the County maintains the following rights in the land:

1. The Yuba-Sutter 4H Organization will be allowed to use the camp for one week each year at a time to be mutually coordinated with the Boy Scouts Organization and charged the going Scout rate.
2. The Tri-County Women's Group will be allowed to continue to use the camp for one week each year at a time to be mutually coordinated with the Boy Scouts Organization and charged the going Scout rate.
3. The County will be allowed to use the camp for up to 4 days per year to be scheduled with prior approval of the Grantee. Both parties agree these days will NOT fall during 'peak season' (i.e. between Memorial Day and Labor Day).
4. Upon award, it is the intention of the Scouts to harvest trees on 40 acres of property. This will be done in coordination with the County for work to be performed under the County's existing Timber Harvest Plan. Proceeds from this harvest will be shared between the County and the Scouts at a 50% split up to \$50,000 back to the County. If proceeds exceed \$100,000, the County's share shall remain capped at \$50,000.

If at such time the Scouts determine the property is no longer of benefit to them, and they wish to dispose of the property, they agree to reimburse the County in the amount of \$500,000 at the time of sale as the present value of the property.


I, \_\_\_\_\_, as an agent for GOLDEN EMPIRE COUNCIL of the BOY SCOUTS OF AMERICA, grantee, acting with express and implied actual authority and apparent authority to accept grants of real property on behalf of the principal GOLDEN EMPIRE COUNCIL of the BOY SCOUTS OF AMERICA, hereby agrees to accept the grant of the aforementioned properties in fee simple with the intention that the property is used as a camp and park for recreation activities and educational purposes, with THE COUNTY OF YUBA, grantor, and excepting from said grant all exceptions and reservations herein described, and agrees to abide by all the terms of this agreement.

Dated: \_\_\_\_\_

MARY JANE GRIEGO, Chairman of the YUBA COUNTY  
APPROVED AS TO FORM BOARD OF SUPERVISORS, grantor:

ANGIL P. MORRIS-JONES

COUNTY COUNSEL

BY:  \_\_\_\_\_

Dated:

\_\_\_\_\_  
Charles Brasfeild, CEO / Secretary  
Authorized Agent for the GOLDEN EMPIRE COUNCIL of the  
BOY SCOUTS OF AMERICA, grantee:

Recording Requested By:

And when recorded, mail this deed and tax statements to:

## GRANT DEED

Pursuant to RESOLUTION NO. \_\_\_\_\_ OF THE COUNTY OF YUBA, a political subdivision of the State of California, which was approved, adopted, and ordered on \_\_\_\_\_, 2015, by the YUBA COUNTY BOARD OF SUPERVISORS, and pursuant to the AGREEMENT FOR THE GRANT OF SIX PROPERTIES COLLECTIVELY KNOWN AS THE 4H CAMP IN DOBBINS BY THE COUNTY OF YUBA TO THE GOLDEN EMPIRE COUNCIL TO THE BOY SCOUTS OF AMERICA, marked as Attachment "A" hereto and by this reference incorporated herein as though set forth in full, having been agreed to by The County of Yuba (The County) and The Golden Empire Council To The Boy Scouts Of America (The Boy Scouts), The County does as stated herein below to The Boy Scouts, a corporation exempted from taxation under Section 501(c)(3) of the Internal Revenue Code,

WITNESSETH: that the County has granted and conveyed, and by these presents does grant and convey, unto the Boy Scouts, its successors and assigns, forever, in fee simple with the intention that the property is used as a camp and park for recreation activities and educational purposes all that real property situated in the County of Yuba, State of California, bounded and described as follows:

The east one-half of the southwest one-quarter of the northwest one-quarter of the southwest one-quarter of section 26, Township 18 North, Range 7 East, Mount Diablo Base and Meridian; and The west one-half of the southeast one-quarter of the northwest one-quarter of the southwest one-quarter of section 26, Township 18 North, Range 7 east, Mount Diablo Base and Meridian.

Excepting from this grant any easements of record, utilities, and timber harvest rights and agreements that may exist through usage, and the following interests retained by THE COUNTY OF YUBA

1. The Yuba-Sutter 4H Organization will be allowed to use the camp for one week each year at a time to be mutually coordinated with the Boy Scouts Organization to be charged at the going Scout rate.

2. The Tri-County Women's Group will be allowed to continue to use the camp for one week each year at a time to be mutually coordinated with the Boy Scouts Organization to be charged at the going Scout rate.
3. The County will be allowed to use the camp for up to 4 days per year to be scheduled with prior approval of the Grantee. Both parties agree these days will NOT fall during 'peak season' (i.e. between Memorial Day and Labor Day) .
4. Upon award, it is the intention of the Scouts to harvest trees on 40 acres of property. This will be done in coordination with the County for work to be performed under the County's existing Timber Harvest Plan. Proceeds from this harvest will be shared between the County and the Scouts at a 50% split up to \$50,000 back to the County. If proceeds exceed \$100,000, the County's share shall remain capped at \$50,000.
5. If at such time the Scouts determine the property is no longer of benefit to them, and they wish to dispose of the property, they agree to reimburse the County in the amount of \$500,000 at the time of sale as the present value of the property.

Dated: \_\_\_\_\_

MARY JANE GRIEGO, Chairman of the YUBA COUNTY  
BOARD OF SUPERVISORS, grantor:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }  
COUNTY OF YUBA }

On \_\_\_\_\_ before me, \_\_\_\_\_,  
Notary Public, personally appeared \_\_\_\_\_ who proved to  
me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to  
the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I  
certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

Recording Requested By:

And when recorded, mail this deed and tax statements to:

## GRANT DEED

Pursuant to RESOLUTION NO. \_\_\_\_\_ OF THE COUNTY OF YUBA, a political sub-division of the State of California, which was approved, adopted, and ordered on \_\_\_\_\_, 2015, by the YUBA COUNTY BOARD OF SUPERVISORS, and pursuant to the AGREEMENT FOR THE GRANT OF SIX PROPERTIES COLLECTIVELY KNOWN AS THE 4H CAMP IN DOBBINS BY THE COUNTY OF YUBA TO THE GOLDEN EMPIRE COUNCIL TO THE BOY SCOUTS OF AMERICA, marked as Attachment "A" hereto and by this reference incorporated herein as though set forth in full, having been agreed to by The County of Yuba (The County) and The Golden Empire Council To The Boy Scouts Of America (The Boy Scouts), The County does as stated herein below to The Boy Scouts, a corporation exempted from taxation under Section 501(c)(3) of the Internal Revenue Code,

WITNESSETH: that the County has granted and conveyed, and by these presents does grant and convey, unto the Boy Scouts, its successors and assigns, forever, in fee simple with the intention that the property is used as a camp and park for recreation activities and educational purposes all that real property situated in the County of Yuba, State of California, bounded and described as follows:

The west one-half of the southwest quarter of the northwest one-quarter of the southwest quarter of Section 26, Township 18 North, Range 7 East, Mount Diablo Base and Meridian.

Excepting from this grant any easements of record, utilities, and timber harvest rights and agreements that may exist through usage, and the following interests retained by THE COUNTY OF YUBA

1. The Yuba-Sutter 4H Organization will be allowed to use the camp for one week each year at a time to be mutually coordinated with the Boy Scouts Organization to be charged at the going Scout rate.
2. The Tri-County Women's Group will be allowed to continue to use the camp for one

week each year at a time to be mutually coordinated with the Boy Scouts Organization to be charged at the going Scout rate.

3. The County will be allowed to use the camp for up to 4 days per year to be scheduled with prior approval of the Grantee. Both parties agree these days will NOT fall during 'peak season' (i.e. between Memorial Day and Labor Day) .
4. Upon award, it is the intention of the Scouts to harvest trees on 40 acres of property. This will be done in coordination with the County for work to be performed under the County's existing Timber Harvest Plan. Proceeds from this harvest will be shared between the County and the Scouts at a 50% split up to \$50,000 back to the County. If proceeds exceed \$100,000, the County's share shall remain capped at \$50,000.
5. If at such time the Scouts determine the property is no longer of benefit to them, and they wish to dispose of the property, they agree to reimburse the County in the amount of \$500,000 at the time of sale as the present value of the property.

Dated: \_\_\_\_\_

MARY JANE GRIEGO, Chairman of the YUBA COUNTY  
BOARD OF SUPERVISORS, grantor:

\_\_\_\_\_

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }  
COUNTY OF YUBA }

On \_\_\_\_\_ before me, \_\_\_\_\_,  
Notary Public, personally appeared \_\_\_\_\_ who proved to  
me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to  
the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I  
certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

Recording Requested By:

And when recorded, mail this deed and tax statements to:

## GRANT DEED

Pursuant to RESOLUTION NO. \_\_\_\_\_ OF THE COUNTY OF YUBA, a political subdivision of the State of California, which was approved, adopted, and ordered on \_\_\_\_\_, 2015, by the YUBA COUNTY BOARD OF SUPERVISORS, and pursuant to the AGREEMENT FOR THE GRANT OF SIX PROPERTIES COLLECTIVELY KNOWN AS THE 4H CAMP IN DOBBINS BY THE COUNTY OF YUBA TO THE GOLDEN EMPIRE COUNCIL TO THE BOY SCOUTS OF AMERICA, marked as Attachment "A" hereto and by this reference incorporated herein as though set forth in full, having been agreed to by The County of Yuba (The County) and The Golden Empire Council To The Boy Scouts Of America (The Boy Scouts), The County does as stated herein below to The Boy Scouts, a corporation exempted from taxation under Section 501(c)(3) of the Internal Revenue Code,

WITNESSETH: that the County has granted and conveyed, and by these presents does grant and convey, unto the Boy Scouts, its successors and assigns, forever, in fee simple with the intention that the property is used as a camp and park for recreation activities and educational purposes all that real property situated in the County of Yuba, State of California, bounded and described as follows:

North one-half of the northwest quarter of the southwest quarter of section 26; and East one-half of the southwest one-quarter of the northwest quarter of the southwest one-quarter of section 26, Township 18 North, Range 7 East, Mount Diablo Base and Meridian.

Excepting from this grant any easements of record, utilities, and timber harvest rights and agreements that may exist through usage, and the following interests retained by THE COUNTY OF YUBA

1. The Yuba-Sutter 4H Organization will be allowed to use the camp for one week each year at a time to be mutually coordinated with the Boy Scouts Organization to be charged at the going Scout rate.

2. The Tri-County Women's Group will be allowed to continue to use the camp for one week each year at a time to be mutually coordinated with the Boy Scouts Organization to be charged at the going Scout rate.
3. The County will be allowed to use the camp for up to 4 days per year to be scheduled with prior approval of the Grantee. Both parties agree these days will NOT fall during 'peak season' (i.e. between Memorial Day and Labor Day) .
4. Upon award, it is the intention of the Scouts to harvest trees on 40 acres of property. This will be done in coordination with the County for work to be performed under the County's existing Timber Harvest Plan. Proceeds from this harvest will be shared between the County and the Scouts at a 50% split up to \$50,000 back to the County. If proceeds exceed \$100,000, the County's share shall remain capped at \$50,000.
5. If at such time the Scouts determine the property is no longer of benefit to them, and they wish to dispose of the property, they agree to reimburse the County in the amount of \$500,000 at the time of sale as the present value of the property.

Dated: \_\_\_\_\_

MARY JANE GRIEGO, Chairman of the YUBA COUNTY  
BOARD OF SUPERVISORS, grantor:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }  
COUNTY OF YUBA }

On \_\_\_\_\_ before me, \_\_\_\_\_,  
Notary Public, personally appeared \_\_\_\_\_ who proved to  
me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to  
the within instrument and acknowledged to me that he/she/they executed the same in  
his/their/her authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I  
certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

Recording Requested By:

And when recorded, mail this deed and tax statements to:

## GRANT DEED

Pursuant to RESOLUTION NO. \_\_\_\_\_ OF THE COUNTY OF YUBA, a political sub-division of the State of California, which was approved, adopted, and ordered on \_\_\_\_\_, 2015, by the YUBA COUNTY BOARD OF SUPERVISORS, and pursuant to the AGREEMENT FOR THE GRANT OF SIX PROPERTIES COLLECTIVELY KNOWN AS THE 4H CAMP IN DOBBINS BY THE COUNTY OF YUBA TO THE GOLDEN EMPIRE COUNCIL TO THE BOY SCOUTS OF AMERICA, marked as Attachment "A" hereto and by this reference incorporated herein as though set forth in full, having been agreed to by The County of Yuba (The County) and The Golden Empire Council To The Boy Scouts Of America (The Boy Scouts), The County does as stated herein below to The Boy Scouts, a corporation exempted from taxation under Section 501(c)(3) of the Internal Revenue Code,

WITNESSETH: that the County has granted and conveyed, and by these presents does grant and convey, unto the Boy Scouts, its successors and assigns, forever, in fee simple with the intention that the property is used as a camp and park for recreation activities and educational purposes all that real property situated in the County of Yuba, State of California, bounded and described as follows:

All of the south one-half and the northeast one quarter of the southwest one-quarter of section 26, Township 18 North, Range 7 East, Mount Diablo Base and Meridian, lying west of the power line of the Pacific Gas & Electric Co., containing 49.7 acres more or less

Excepting from this grant any easements of record, utilities, and timber harvest rights and agreements that may exist through usage, and the following interests retained by THE COUNTY OF YUBA

1. The Yuba-Sutter 4H Organization will be allowed to use the camp for one week each year at a time to be mutually coordinated with the Boy Scouts Organization to be charged at the going Scout rate.

2. The Tri-County Women's Group will be allowed to continue to use the camp for one week each year at a time to be mutually coordinated with the Boy Scouts Organization to be charged at the going Scout rate.
3. The County will be allowed to use the camp for up to 4 days per year to be scheduled with prior approval of the Grantee. Both parties agree these days will NOT fall during 'peak season' (i.e. between Memorial Day and Labor Day) .
4. Upon award, it is the intention of the Scouts to harvest trees on 40 acres of property. This will be done in coordination with the County for work to be performed under the County's existing Timber Harvest Plan. Proceeds from this harvest will be shared between the County and the Scouts at a 50% split up to \$50,000 back to the County. If proceeds exceed \$100,000, the County's share shall remain capped at \$50,000.
5. If at such time the Scouts determine the property is no longer of benefit to them, and they wish to dispose of the property, they agree to reimburse the County in the amount of \$500,000 at the time of sale as the present value of the property.

Dated: \_\_\_\_\_

MARY JANE GRIEGO, Chairman of the YUBA COUNTY  
BOARD OF SUPERVISORS, grantor:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }  
COUNTY OF YUBA }

On \_\_\_\_\_ before me, \_\_\_\_\_,  
Notary Public, personally appeared \_\_\_\_\_ who proved to  
me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to  
the within instrument and acknowledged to me that he/she/they executed the same in  
his/their/her authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I  
certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

Recording Requested By:

And when recorded, mail this deed and tax statements to:

## GRANT DEED

Pursuant to RESOLUTION NO. \_\_\_\_\_ OF THE COUNTY OF YUBA, a political subdivision of the State of California, which was approved, adopted, and ordered on \_\_\_\_\_, 2015, by the YUBA COUNTY BOARD OF SUPERVISORS, and pursuant to the AGREEMENT FOR THE GRANT OF SIX PROPERTIES COLLECTIVELY KNOWN AS THE 4H CAMP IN DOBBINS BY THE COUNTY OF YUBA TO THE GOLDEN EMPIRE COUNCIL TO THE BOY SCOUTS OF AMERICA, marked as Attachment "A" hereto and by this reference incorporated herein as though set forth in full, having been agreed to by The County of Yuba (The County) and The Golden Empire Council To The Boy Scouts Of America (The Boy Scouts), The County does as stated herein below to The Boy Scouts, a corporation exempted from taxation under Section 501(c)(3) of the Internal Revenue Code,

WITNESSETH: that the County has granted and conveyed, and by these presents does grant and convey, unto the Boy Scouts, its successors and assigns, forever, in fee simple with the intention that the property is used as a camp and park for recreation activities and educational purposes all that real property situated in the County of Yuba, State of California, bounded and described as follows:

The east half of the southeast quarter of Section 27, Township 18 North, Range 7 east Mount Diablo Base and Meridian.

Excepting from this grant any easements of record, utilities, and timber harvest rights and agreements that may exist through usage, and the following interests retained by THE COUNTY OF YUBA

1. The Yuba-Sutter 4H Organization will be allowed to use the camp for one week each year at a time to be mutually coordinated with the Boy Scouts Organization to be charged at the going Scout rate.
2. The Tri-County Women's Group will be allowed to continue to use the camp for one week each year at a time to be mutually coordinated with the Boy Scouts Organization to

be charged at the going Scout rate.

3. The County will be allowed to use the camp for up to 4 days per year to be scheduled with prior approval of the Grantee. Both parties agree these days will NOT fall during 'peak season' (i.e. between Memorial Day and Labor Day) .
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Dated: \_\_\_\_\_

MARY JANE GRIEGO, Chairman of the YUBA COUNTY  
BOARD OF SUPERVISORS, grantor:

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STATE OF CALIFORNIA }  
COUNTY OF YUBA }

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his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the  
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And when recorded, mail this deed and tax statements to:

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Dated: \_\_\_\_\_

MARY JANE GRIEGO, Chairman of the YUBA COUNTY  
BOARD OF SUPERVISORS, grantor:

\_\_\_\_\_

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STATE OF CALIFORNIA }  
COUNTY OF YUBA }

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WITNESS my hand and official seal.

Signature \_\_\_\_\_

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# The County of Yuba



## Office of the County Administrator

Robert Bendorf, County Administrator  
John Fleming, Economic Development Coordinator  
Russ Brown, Communications & Legislative Affairs Coordinator  
Grace M Mull, Administrative Analyst  
Teena L. Carlquist, Executive Assistant to the County Administrator  
Yuba County Government Center  
915 8<sup>th</sup> Street, Suite 115  
Marysville, CA 95901

Phone: (530) 749-7575  
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[jfleming@co.yuba.ca.us](mailto:jfleming@co.yuba.ca.us)  
[rbrown@co.yuba.ca.us](mailto:rbrown@co.yuba.ca.us)  
[gmull@co.yuba.ca.us](mailto:gmull@co.yuba.ca.us)  
[tcarlquist@co.yuba.ca.us](mailto:tcarlquist@co.yuba.ca.us)

DATE: November 17, 2015  
TO: Board of Supervisors  
FROM: Russ Brown, Communications & Legislative Affairs Coordinator  
SUBJECT: Yuba-Sutter Healthy Weight Loss Challenge

**Recommended Action:** Receive information on draft plans to conduct a Healthy Weight Loss Challenge between Sutter and Yuba counties and provide direction for local participation.

**Background & Discussion:** Over the past several years, Yuba County has been identified as a community suffering from the ill-effects of unhealthy lifestyles. Topping the list in virtually every study conducted is obesity and the many medical issues associated with it, including diabetes, heart disease, high blood pressure, stroke and much more. Yuba County Supervisors have been keenly aware of this serious problem and have a track record of supporting initiatives that encourage healthy lifestyles for those who live and work in this region.

This past summer, Sutter County Public Information Officer Chuck Smith began working on the idea of conducting a weight loss challenge between Yuba and Sutter counties. An initial white paper outlining the challenge was shared with health officials from both counties, who liked the concept but wanted more work done to ensure the contest is conducted in a manner that encourages healthy lifestyle changes, rather than simply losing weight.

More recently, rules for such a challenge were drafted and presented to the two county health officers for review. Organizers are hopeful to have "challenge resolutions" issued from each county Board of Supervisors prior to a challenge kick-off targeted for early 2016.

**Committee Action:** This is an informational matter being brought directly to the Board of Supervisors.

**Fiscal Impact:** None

# THE BIG-LITTLE GAME REVIVED

## YUBA VS. SUTTER HEALTHY WEIGHT LOSS CHALLENGE

### OFFICIAL RULES

1. The Big-Little Game Revived: Yuba vs. Sutter Healthy Weight Loss Challenge ("the Challenge") is a community oriented weight loss challenge sponsored by the County of Yuba and the County of Sutter. The geographic scope of the challenge is the entirety of the incorporated and unincorporated areas of Yuba County and Sutter County, including the cities of Marysville, Wheatland, Yuba City, and Live Oak, and the unincorporated communities of Linda, Olivehurst, Plumas Lake, Beale Air Force Base, Smartsville, District 10, Hallwood, Dobbins, Oregon House, Challenge, Brownsville, Browns Valley, Sutter, Meridian, Robbins, Pleasant Grove, Rio Oso, Nicolaus, and East Nicolaus. The official address of the Challenge is: Big-Little Game Weight Loss Challenge, Sutter County Board of Supervisors, 1160 Civic Center Boulevard, Yuba City, CA, 95993.
2. The Challenge is subject to all federal, state and local laws. Void where prohibited. By entering the Challenge, each contestant agrees to abide by these Official Rules and Sponsor's decisions, which are final in all respects.
3. Challenge begins on January 30, 2016 and ends on April 30, 2015.
4. **ACKNOWLEDGEMENT & ASSUMPTION OF RISKS : BY ENTERING THIS CHALLENGE, EACH CONTESTANT ACCEPTS THE INHERENTLY DANGEROUS NATURE AND RISK IN WEIGHT LOSS AND EXERCISE PROGRAMS, INCLUDING PERSONAL INJURY, ILLNESS AND/OR DEATH, ACKNOWLEDGES THAT HIS/HER PARTICIPATION IN THE CHALLENGE IS VOLUNTARY, ACKNOWLEDGES THAT THERE ARE NATURAL FACTORS AND OCCURRENCES THAT MAY IMPACT ON OR AFFECT SAFETY OF THE ACTIVITIES IN WHICH HE/SHE IS PARTICIPATING AND THAT HE/SHE ASSUMES THE RISK OF SUCH FACTORS AND OCCURRENCES.** Without limiting the generality of the foregoing, each Contestant acknowledges that an exercise program is generally designed to stress the heart, lungs, cardiovascular and circulatory systems, muscles, joints, ligaments and tendons in an attempt to improve muscular strength and cardiovascular fitness. Therefore, by entering the Contest, each Contestant fully assumes the risk of any injury, illness, or death, suffered as a result of his/her participation in the Challenge.
5. Each Contestant further acknowledges that he/she is solely responsible for his/her own safety and physical health in any weight loss or exercise program that he/she chooses to undertake and that it is his/her sole responsibility to determine if he/she is physically and medically capable of engaging in any such weight loss or exercise program and to determine if any existing injuries, illnesses, conditions, or other limitations may be worsened, aggravated or otherwise adversely affected by participation in such weight loss or exercise activities.
6. By entering, each Contestant acknowledges that he/she has been advised to consult with his/her physician with respect to any past or present injury, illness, cardiovascular problem, knee problem, joint problem or any other condition or medication that may affect his/her participation and ability to participate in the Challenge or to make any significant changes to his/her dietary habits and/or

physical activity routines and to identify what a healthy weight loss rate is for him/her. Each Contestant warrants that he/she has discussed with his/her physician the appropriateness of the Challenge and any related weight loss or exercise programs or if not, Contestant warrants that he/she is in good health and has no physical conditions, illnesses or injuries that would prevent him/her from safely participating in the Challenge.

7. Sponsor encourages healthy eating and exercise throughout the Challenge, and drastic weight loss is discouraged for health reasons. Generally, a healthy weight loss rate is approximately one percent (1%) per week; however, each individual is different. Therefore, as noted above, each Contestant is strongly encouraged to consult with his/her health care provider prior to registering in the Challenge to identify what rate of weight loss is medically advisable and appropriate for him/her and before making any significant changes to his/her dietary habits, physical activities, exercise routines or intensity.
8. **RELEASE OF LIABILITY :** In exchange for permission to participate in the Challenge, each Contestant agrees to release and hold harmless Sponsor, their respective board officers, executives, directors, employees, landlords, lessees, assigns, sponsors, managers, affiliates, prize suppliers, and advertising and promotional agencies (collectively referred to as the "Released Parties") from any and all liability, now or in the future, for personal injury, illness, death or property damage, including medical or hospital bills, and including permanent or partial disability, caused, aggravated, worsened, sustained or otherwise incurred in any manner, including through the negligence of the Released Parties, by such Contestant's participation in the Challenge or any Challenge-related activities, including any weight loss or exercise activities, and/or the receipt, use or misuse of any prize.
9. **NOT MEDICAL ADVICE :** Contestants agree that nothing in these Official Rules or in any Challenge-related materials shall constitute medical advice of any kind and that Contestants are solely responsible for obtaining suitable medical advice from their health care providers as noted above.
10. **ELIGIBILITY :** To be eligible to participate, all Contestants must be at least eleven (12) years old (participants 17 years or younger must have a parent or guardian sign an additional waiver).
11. You are not eligible to enter or win if you have had a surgical procedure for weight loss (such as liposuction or gastric bypass) within 12 months (one year) prior to entering, or at any time during, the Challenge Period. In addition, Sponsor reserves the right, in its sole discretion, to exclude from entry into, or further participation in, the Challenge, any individuals who have certain medical or physical conditions, limitations, prior or current injuries, or illnesses.
12. Contestants will be required to participate in Initial and Final Weigh-Ins during the designated weigh-in periods. Weigh-In Events to be held in January and April. Dates and locations to be announced.
13. **PRIZES/PRIZE RESTRICTIONS:** The Big-Little Game Revived: Yuba vs. Sutter Weight Loss Challenge will make available multiple prizes during this Challenge, consisting of First Place Prizes for "Highest Percentage of Weight Lost" total, and "Highest Percentage of Weight Lost" in each county; Second Place Prizes for "Highest Percentage of Weight Lost" total, and one prize for each county; and Third Place Prizes for "Highest Percentage of Weight Lost" total, and one prize for each county. And multiple prizes for "10% of Weight Lost" and "5% of Weight Lost." There will also be (2) Team Grand Prizes awarded to those teams (one from each county) with the highest COMBINED percentage of

weight lost. Members of winning teams CANNOT also be winners in Individual Highest Percentage of Weight Lost categories, but members from teams that do not win the Grand Prize are eligible for individual prize awards. Each of the prizes will be determined by the sponsors and publicized on the Challenge web site prior to the beginning of the Challenge.

14. There are NO prizes for "Most Inches Lost" or "Most Weight Lost."
15. Total pounds lost by each contestant WILL be compiled based on county of residence to determine which county "lost" the most weight, but there are no prizes awarded in this category.
16. Sponsor reserves the right to award fewer than the stated number of prizes in the event that a sufficient number of eligible Contestants do not enter and complete the Challenge. All details of all prizes shall be at Sponsor's sole discretion. Winners assume sole responsibility for all costs associated with the prize not explicitly outlined above, including without limitation, all federal, state and local taxes (if any). Gift Card prizes are subject to any conditions or restrictions imposed by issuer.
17. Prizes may not be transferred or substituted except that Sponsor, in its sole discretion, may substitute a prize, or portion thereof, with a prize or portion of equal or greater value if it deems necessary or appropriate. Any such changes will be announced.
18. Any portion of any prize not used or accepted by any winner is forfeit and winner will not be entitled to a cash substitute. All prizes being offered are provided "as is" with no warranty or guarantee, express or implied, by Sponsor. Merchandise prizes (if any) carry no warranty other than that offered by relevant manufacturers. Sponsor has neither made nor is responsible or liable for any warranty, representation, or guarantee, express or implied, in fact or in law, relative to any prize, including but not limited to its quality, mechanical condition or fitness for a particular purpose. Other restrictions apply.
19. REGISTRATION: will only be accepted in person, during the official Weigh In Events, or in a format or location otherwise provided by the Sponsor. Individuals or Teams of up to 5 persons can register. Participants can only register as an "Individual" or as a "Team Member" – not both. Teams will be given different Entry Materials than Individuals. Every member must be present at the time of the official weigh in.
20. Registration consists of two (2) steps, both of which must be completed in person at the official Weigh In events: First, you must legibly complete an Official Entry Form with all of the following required information: (i) name, (ii) address, (iii) telephone number, (iv) e-mail address, and (v) date of birth and you must complete and sign, without making any changes, a Liability Waiver & Release Form (collectively referred to as the "Entry Materials"). Next, you will be required to participate in the initial individual weigh-in ("Initial Weigh-In") and measurements/BMI will be OPTIONAL. Sponsor will maintain an "Initial Weight Report" for each Contestant. Please see "Weigh-In Procedures" below for the restrictions and limitations that apply to all Weigh-Ins (defined below). Each Contestant will also be offered a FREE blood pressure screening.
21. You are not registered for the Challenge until you have completed all of the steps in the preceding paragraph and Sponsor has received your Entry Materials and Initial Weigh In/Health Report. Weights will not be disclosed publicly (unless contestant provides consent). Only the individual progress of each Contestant, measured by net percentage of weight lost since his/her Initial Weigh-In, will be announced or displayed publicly during the Challenge Period.

22. Sponsor reserves the right to add your e-mail address to a distribution list and stay in touch with you via e-mail about this Challenge and provide future information about the Big-Little Game Revived: Yuba vs. Sutter Healthy Weight Loss Challenge!
23. All Entry Materials become the property of Sponsor and will not be returned.
24. **WEIGH-IN PROCEDURES:** Your Initial Weigh-In and Final Weigh-In (collectively, "Weighs-Ins") are all subject to the following restrictions and conditions: A) Most scales will only measure up to 400 lbs. A doctor's note with respect to a Contestant's current actual weight within seven (7) days prior to the Initial Weigh-In only will be accepted in lieu of being weighed on site if such Contestant exceeds the weight measurable by the on-site scale. B) No shoes hats, coats or other outerwear or unnecessary items as determined by Sponsor may be worn during any Weigh-In. c) No "loading up" or disrobing will be permitted prior to any Weigh-In. Apparel pockets must be emptied, and jewelry, belts, wallets, outer apparel, and other such items must be removed prior to each Weigh-In. During the Initial Weigh-In, the Challenge Representative will note the individual items of apparel worn by each Contestant, for example, jeans, sweater, etc. For accuracy, Contestants will be required to wear comparably weighted apparel during the Final Weigh-In. If a Contestant fails to do so, Sponsor reserves the right, in its sole discretion, to adjust the Final Weigh-In Report as it deems appropriate to account for any discrepancy.
25. **Contestant's License & Warranty As To Entry Materials:** By submitting Entry Materials, each Contestant grants Sponsor and its agents the right to record, copy, publish, use, edit, exhibit, distribute, perform, merchandise, market, license, sublicense, adapt and/or modify the content of such Entry Materials in any way, in any and all media, without limitation and without any compensation to the Contestant. Submission of Entry Materials further constitutes the Contestant's consent to irrevocably assign and transfer to Sponsor any and all rights, title and interest in such Entry Materials, including, without limitation, all copyrights.
26. By submitting any Entry Materials, each Contestant certifies that any written materials supplied by Contestant were original and written by the Contestant and no other person or entity holds rights to such materials. All Entry Materials become property of Sponsor and will not be returned.
27. No weight loss supplements or prescriptions may be used by Contestants during the Challenge Period. No Contestants may have had or have any surgical weight loss procedures, including without limitation liposuction or gastric bypass, up to 12 Months BEFORE or DURING the Challenge Period. No anabolic steroids, human growth hormones, or thyroid medications (whether over-the counter or prescription) may be used by Contestants during the Challenge Period except with a written prescription a licensed physician for a verifiable medical condition. Sponsor reserves the right to disqualify any Contestant who Sponsor reasonably suspects has violated this paragraph unless Contestant can furnish proof satisfactory to Sponsor (i.e., from a lab or health care provider) that no violation has occurred.
28. Sponsor reserves the right but not the obligation (a) to feature any or all Contestants in other media or in other Contest-related promotions at Sponsor's sole discretion; and/or (b) to promote the Challenge via social networking sites such as Facebook, Twitter, and other websites, with web drivers to the main Web site to follow the progress of the Contestants.
29. **FINAL WEIGH-IN/DETERMINATION OF WINNERS :** All Contestants will be required to participate in a Final Weigh-In (actual date/s and location/s to be announced). Teams are still eligible to participate

- as long as 50% of the original Team Members are present for the Final Weigh-In. Only those Team Members weights will be calculated to determine COMBINED percentage of weight lost.
30. In the event of a tie between any potential winners, the winner will be determined based on second re-weigh by designated officia. If necessary, there will also be an "Overall" comparison to also include each contestant's body measurements and/or BMI.
  31. In the event that any potential Winner (a) fails to satisfy any eligibility or verification requirement herein, (b) declines to accept the prize, or (c) is otherwise determined to be ineligible, Sponsor in its discretion may disqualify that individual and the runner-up Contestant will be awarded the prize. Alternate winners are subject to all eligibility requirements and restrictions of these Official Rules.
  32. PUBLICITY RELEASE: By accepting a prize, each Winner agrees to award Sponsor the right to publicize his/her name, photograph (including the use and appearance of winner's photograph on the [www.lightenupsgv.com](http://www.lightenupsgv.com) or other Sponsor web pages), likeness, biographical information and details of winning for purposes of this and future promotions without further compensation, except where prohibited.
  33. LIMITATION OF LIABILITY/DISCLAIMER OF LIABILITY : RELEASED PARTIES EXPRESSLY DISCLAIM ANY AND ALL WARRANTIES OF ANY KIND (WHETHER EXPRESS, IMPLIED, STATUTORY OR OTHERWISE), INCLUDING BUT NOT LIMITED TO, IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, AND NONINFRINGEMENT. RELEASED PARTIES SHALL NOT BE LIABLE OR RESPONSIBLE FOR THOSE GUARANTEES OR WARRANTIES MADE OR OFFERED BY ADVERTISERS, PARTNERS, MANUFACTURERS OR SUPPLIERS, INCLUDING THOSE RELATED TO THE PRIZE OR ANY CONTEST-RELATED ACTIVITIES. UNDER NO CIRCUMSTANCES SHALL RELEASED PARTIES BE HELD RESPONSIBLE OR LIABLE FOR YOUR USE OF THE INFORMATION AND/OR PRODUCTS PROVIDED AND/OR MADE AVAILABLE THROUGH THE CHALLENGE OR FOR ERRORS OR ANOMALIES RESULTING IN THE UNINTENDED OR ERRONEOUS PARTICIPATION, AWARD OF PRIZE OR OTHER BENEFITS UNDER THESE OFFICIAL RULES. RELEASED PARTIES OFFER NO ASSURANCES, GUARANTEES OR WARRANTIES THAT THE CONTEST, CHALLENGE PAGE OR RELATED WEB SITES WILL BE UNINTERRUPTED OR ERROR-FREE AND DO NOT GUARANTEE THE ACCURACY OR RELIABILITY OF ANY INFORMATION OBTAINED THROUGH THE CONTEST. RELEASED PARTIES WILL NOT BE LIABLE, AND ARE NOT RESPONSIBLE, FOR DAMAGES OF ANY KIND RELATED TO YOUR PARTICIPATION IN OR INABILITY TO PARTICIPATE IN THE CONTEST, WHETHER THE DAMAGES ARE DIRECT, INDIRECT, INCIDENTAL, SPECIAL OR CONSEQUENTIAL.
  34. CONTESTANTS AGREE, EXCEPT WHERE PROHIBITED BY LAW, TO RELEASE AND DISCHARGE, HOLD HARMLESS AND INDEMNIFY RELEASED PARTIES AND THEIR SUCCESSORS AND ASSIGNS, AND ALL OTHERS ASSOCIATED WITH THE DEVELOPMENT AND EXECUTION OF THIS CONTEST, FROM ANY AND ALL CLAIMS, ACTIONS, PROCEEDINGS, AND LIABILITY FOR ANY DAMAGES INCLUDING PROPERTY DAMAGE, EXPENSES, FEES, INJURY OR LOSSES (INCLUDING PERSONAL INJURY OR DEATH, MEDICAL OR HOSPITAL BILLS, AND PERMANENT OR PARTIAL DISABILITY) SUSTAINED IN CONNECTION WITH THE PARTICIPATION IN ANY ASPECT OF THIS CONTEST, THE RECEIPT, OWNERSHIP, OR USE OF THE PRIZE OR WHILE TRAVELING TO, PREPARING FOR, OR PARTICIPATING IN ANY CONTEST-RELATED OR PRIZE-RELATED ACTIVITY.
  35. Without limiting the generality of the foregoing, all Contestants and other persons agree that Released Parties (a) are not responsible for lost, interrupted, or unavailable network, server, or

- other connections, or for any failed telephone or computer hardware or software, or for any failed, delayed, misdirected, corrupted, or garbled transmissions or errors of any kind, whether human, mechanical, or electronic, (b) are not responsible for any injury or damage to any computer, modem or other electrical device as a result of participation in this Challenge or downloading of any software or materials; (c) are released from any and all liability related to this Challenge and the receipt, use and/or misuse of any prize; and (d) will not be responsible for the inability to select Winners because of equipment failure, unforeseen human intervention, or data storage failure.
36. MISCELLANEOUS: All federal, state and local laws apply. Sponsor shall be entitled to interpret these Official Rules as needed — including but not limited to rules regarding Entry Materials, compliance with Official Rules, selection of Winners, deadlines, restrictions on prizes, and eligibility — and all of its decisions are final. By entering, Contestants agree to these Official Rules.
37. Sponsor reserves the right to cancel, terminate or suspend this Challenge or any part of this Challenge should any non-authorized intervention, network failure, information storage failure, telecommunications failure, malfunction, or other causes beyond its control, corrupt or impair the security, administration, fairness and/or operation of this Challenge as determined by Sponsor in its sole discretion, at which time, Sponsor will select the Winners in accordance with the previously announced selection criteria or as it otherwise deems fair under the circumstances from among all non-suspect entries received at the time of the Challenge cancellation, termination or suspension.
38. Sponsor reserves the right to prohibit any Contestant from participating in the Challenge if, at its sole discretion, Sponsor finds such Contestant to be tampering with the entry process or the operation of the Contest, or if such Contestant repeatedly shows a disregard for, or attempts to circumvent, these Official Rules, or acts: (a) in a manner Sponsor determines to be not fair or equitable; (b) with an intent to annoy, threaten or harass any other Contestant or Sponsor; or (c) in any other disruptive manner. Any person attempting to defraud or tamper with this Challenge in any way will be ineligible for prizes and may be prosecuted to the full extent of the law. Any failure by Sponsor to enforce any of these Official Rules shall not constitute a waiver of such Official Rules. CAUTION: ANY ATTEMPT BY ANY INDIVIDUAL TO DELIBERATELY UNDERMINE THE LEGITIMATE OPERATION OF THE CHALLENGE MAY BE A VIOLATION OF CRIMINAL AND CIVIL LAWS AND SHOULD SUCH AN ATTEMPT BE MADE, SPONSOR RESERVES THE RIGHT TO SEEK DAMAGES FROM ANY SUCH INDIVIDUAL TO THE FULLEST EXTENT PERMITTED BY LAW.
39. All activity arising out of and relating to the Challenge is subject to verification and/or auditing for compliance with the Official Rules and you agree to cooperate with Sponsor concerning verification and/or auditing. All references to any Contestant's status as a "winner" are subject to verification and/or auditing by Sponsor. If verification activity or an audit evidences non-compliance of an entry or Contestant with the Official Rules at any time as determined by Sponsor in its sole discretion. Sponsor reserves the right to disqualify the Contestant and remove the corresponding entry from the Challenge.
40. Sponsor reserves the right to correct typographical, printing or clerical errors in any Contest-related materials. No more than the stated number of prizes will be awarded. In the event that production, technical, seeding, programming or any other reasons cause more than the stated number of prizes as set forth in these Official Rules to be available and/or claimed, Sponsor reserves the right to

award only the stated number of prizes by applying the previously announced winner selection criteria to all legitimate, un-awarded, eligible prize claimants.

41. DISPUTES By entering the Challenge, Contestants agree that (a) any and all disputes, claims, and causes of action arising out of or connected with the Challenge or Challenge-related activities, or any Prizes, shall be resolved individually, without resort to any form of class action; (b) any and all claims, judgments and awards shall be limited to actual out-of-pocket costs incurred, including costs associated with entering the Challenge but in no event attorneys' fees; and (c) under no circumstances will any Contestant be permitted to obtain any award for, and Contestant hereby waives all rights to claim punitive, incidental or consequential damages and any and all rights to have damages multiplied or otherwise increased and any other damages, other than for actual out-of-pocket expenses.
42. All issues and questions concerning the construction, validity, interpretation and enforceability of these Official Rules, or the rights and obligations of the Contestants and Sponsor in connection with the Challenge, shall be governed by, and construed in accordance with the laws of the State of California, without giving effect to any choice of law or conflict of law rules or provisions that would cause the application of the laws of any jurisdiction other than the State of California. Any legal proceedings arising out of this Challenge or relating to these Official Rules shall be instituted only in the federal or state courts located in the State of California, County of Los Angeles and the parties consent to jurisdiction therein with respect to any legal proceedings or disputes of whatever nature arising under or relating to these rules. The invalidity or unenforceability of any provision of these Official Rules shall not affect the validity or enforceability of any other provision. In the event that any provision is determined to be invalid or otherwise unenforceable or illegal, these Official Rules shall otherwise remain in effect and be construed in accordance with their terms as if the invalid or illegal provision were not contained herein.

For additional questions or information, please contact the Public Information Officer for the County of Sutter at (530) 822-7100.



# Child Care Planning Council

of yuba and sutter counties

RECEIVED

(508-1115) Lette... - 1 of 4

OCT 28 2015

Clerk/Board of Supervisors

October 26, 2015

Supervisor Mary Jane Griego, Chairman  
Yuba County Board of Supervisors  
915 8<sup>th</sup> Street Suite 109  
Marysville, CA 95961

Dear Supervisor Griego,

The Child Care Planning Council of Yuba and Sutter Counties had another successful year implementing projects and completing State Department of Education mandates in FY 2014-2015. The enclosed highlight's sheet outlines some of the activities and accomplishments of the Council last year. We have also provided a Sutter County Early Care and Education Landscape sheet that shows the state and federal dollars being utilized in our community to serve children ages 0 - 12 years. If the Board of Supervisors or one of its committees would like a presentation, please call 749-4041 to make the arrangements.

Sincerely,

Tonya K. Byers  
Child Care Coordinator

Enclosures



1104 E Street, Marysville, CA 95901  
[www.childcareyubasutter.org](http://www.childcareyubasutter.org)





# Child Care Planning Council

(508-1115) Lette... - 2 of 4

## 2014-2015 ACCOMPLISHMENTS/HIGHLIGHTS

### **–Education and Training–**

#### **“Focus: Fresh Perspectives in ECE”**

In October, one hundred forty-six early care and education providers attended workshops to address issues related to the social-emotional development of young children. Workshops included information on self-regulation, stress and resiliency, challenging behaviors, developmental trends, and the link between social-emotional development, cognitive growth, and family engagement. One workshop was offered in Spanish for bilingual providers.

#### **“Let’s Talk . . . Early Childhood Education”**

One hundred fifty-four early care and education providers attended the full day conference held in March at Yuba College. The Council and its partners presented ten workshops focused on communication and techniques to enhance children’s development in language and literacy, technology, math, and social-emotional skills. The conference welcomed motivational speaker, and former kindergarten teacher, Cara Lane to encourage our local providers to consider the connection between their own social-emotional development and work.

#### **“ECERS Training”**

In November, eighteen early care and education providers, as well as other professionals working with young children, attended our ECERS (Early Childhood Environment Rating Scale) Training to understand the use of classroom environment rating scales to guide program quality and improvement.

### **–Quality Early Care and Education–**

#### **AB 212 PROJECT**

With funds allocated through legislation (AB 212), the Council distributed \$10,350 to 9 individuals working directly with children in state-funded child development centers in Sutter County and \$17,795 to 15 staff in Yuba County. Incentives are awarded based on an individual’s education and professional growth attainment.

Funds were made available to AB212 state contractors in Sutter and Yuba Counties for trainings and training materials to support center-based professional development plans, with approval based on the Council’s funding guidelines.

#### **CARES Plus Program**

Council staff continued the CARES Plus Program, providing stipends for education and professional development to family child care and center-based providers in both Yuba & Sutter counties. The CARES Plus Program is a collaboration of the Council, Yuba First 5, and Sutter County Children & Families Commission. The program distributed \$23,900 to 20 individuals working in Sutter County, and \$14,250 to 13 individuals working in Yuba County.

#### **Quality Rating and Improvement System**

The Council convened a regional consortia consisting of Yuba, Sutter, and Colusa Counties, to consolidate and enhance current efforts in quality improvement. The Keys to Quality regional consortia will be applying or state funding to establish a quality rating system for the local State Preschool programs, and other licensed providers, as well as supporting continued professional development, and community education on quality in early learning.

### **–Capacity Building–**

- In 2014-2015, two of our local State Preschool programs collaborated with the California Department of Education, for inclusion in the state’s federal application for Early Head Start-Community Care Partnership funds. California received funding for seven Northern California Counties. The funds seek to add infant/toddler slots to both Sutter & Yuba Counties.
- Part-day State Preschool programs discontinued the collection of family fees following legislation to repeal the family fee requirement, enabling more families’ access to enrollment without additional financial hardship.
- The CCPC continued to offer technical assistance to individuals interested in opening and/or expanding services.

### **–Public Policy–**

#### **COMMUNICATION WITH ELECTED OFFICIALS**

- The Council continues to provide information on the local impact of legislative proposals as needed.

## **PROGRAM TECHNICAL ASSISTANCE**

- Staff continued to assist local programs, providing program assessments and planning community.

(508-1115) Lette... - 3 of 4

### **–Needs Assessment/Strategic Planning–**

The Council began work on the 2015-2020 Strategic Plan, which will be completed in 2015. The Council is utilizing the latest Needs Assessment data, other local sources of information, and the engagement of key stakeholders and the public to establish current goals and objectives.

### **–Community Involvement–**

Council members and staff participated and collaborated with numerous community organizations addressing issues related to young children and families including:

#### **LOCAL BOARD AND COUNCIL PARTICIPATION**

- Yuba College Early Care and Education Advisory Committee
- Yuba City Unified School District's PreK Council
- Yuba County Education and Early Care Functional Group
- First 5 Yuba Commission
- Sutter County Children and Families Commission
- Bi-County Early Childhood Behavioral Health Collaborative
- Yuba College Early Childhood Mentor Program

#### **COLLABORATIONS**

- Convened the Month of the Child Committee to plan and execute family and children's activities during April.
- Continued to convene the Teen Parent Connection Collaborative to address teen parent and child issues in our community. The Teen Parent Connection Collaborative developed a new resource brochure for pregnant and parenting teens, and assisted local agencies in their needs assessment processes.
- The Council continues to convene the Early Childhood Educators Training Collaborative. The purpose of the Collaborative is to build, strengthen and/or expand collaborations that support the early care and education workforce. The Collaborative held two conferences during the year. Partners include our local colleges, First 5 Commissions, Children's Home Society, school districts, and local providers.

### **–Communications–**

#### **EARLY CARE AND EDUCATION TRAINING CALENDAR**

The Council distributed its training calendar via email and posted information on its website. For Council sponsored trainings, registration materials were mailed to licensed family child care and center based providers in Yuba & Sutter Counties.

#### **WEB SITE**

The Council maintains a website to reflect the needs of parents, providers and the community. The website provides a link to local events, programs, and resources for parents and child care providers.

#### **MONTH OF THE CHILD**

The Council formatted a flyer providing information for April's Month of the Child community wide activities, and held its Bubbles, Bubbles Everywhere kick-off event.

#### **PRESENTATIONS**

The Council continued its presentations to various community groups to enhance their understanding of the complexities of the child care/development field and community needs.

#### **GENERAL INFORMATION**

The Council continued to disseminate information on funding and training opportunities, local events and services, accreditation, First 5 activities, state and federal legislation in addition to providing referrals to other agencies or organizations.

### **–Reporting–**

#### **QUARTERLY REPORTS**

- Written and oral reports were submitted to the Council's governing bodies, the Yuba and Sutter County Board of Supervisors and the Superintendent of Schools.
- Quarterly reports were submitted to California Department of Education, Early Education and Support Division in addition to the LPC annual report and self-evaluation to show compliance with state regulations and statute.

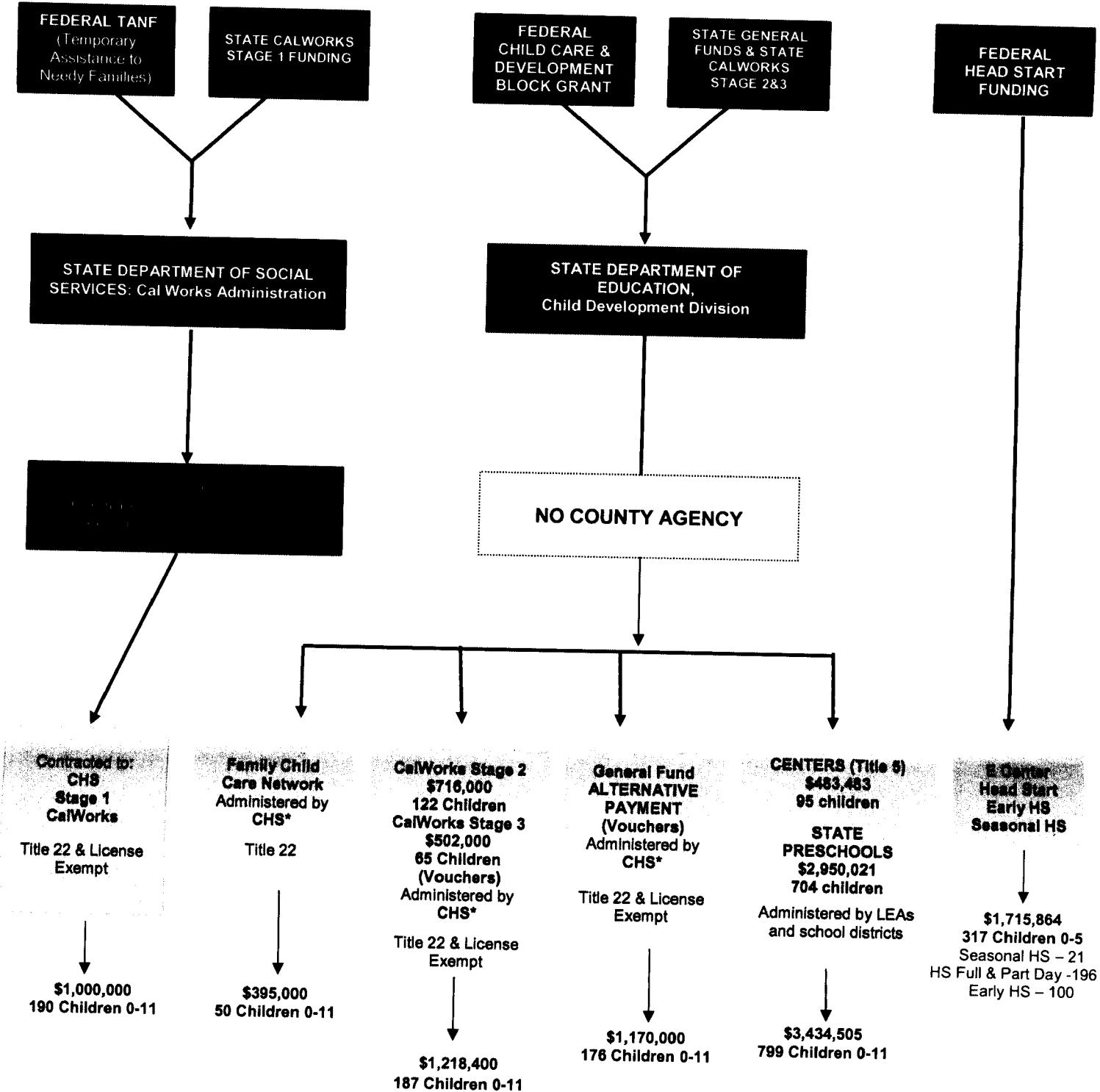
#### **PRIORITIES**

According to state statute, child care funding priorities for the next fiscal year must be submitted, by zip code, to the CDE-EESD by May 30th. The Council made adjustments to the FY15-16 Priorities after reviewing data and holding a public hearing. The Yuba and Sutter County Board of Supervisor and the Superintendent of Schools approved the submitted changes.

### **–Staffing–**

The Council continues operation with the strong backing of the superintendents and support staff.

**CALIFORNIA PUBLICLY FUNDED  
EARLY CARE AND EDUCATION LANDSCAPE  
2014-2015  
YUBA COUNTY**



\*CHS contracts are combined for Yuba & Sutter Counties except for Stage 1; generally the funds are divided equally between the counties, but CHS receives a single, combined contract for the two.  
LEAS - MJUSD, Yuba College & Wheatland Elementary School District



State Water Resources Control Board

**RECEIVED**

NOV 02 2015

**NOTICE OF PETITION FOR CHANGE  
OF SPECIFIC WATER RIGHT PERMITS FOR THE  
STATE WATER PROJECT AND CENTRAL VALLEY PROJECT  
FILED BY THE CALIFORNIA DEPARTMENT OF WATER RESOURCES  
AND THE UNITED STATES BUREAU OF RECLAMATION  
FOR THE CALIFORNIA WATERFIX PROJECT  
AND  
NOTICE OF PUBLIC HEARING AND PRE-HEARING CONFERENCE  
TO CONSIDER THE ABOVE PETITION**

Clerk/Board of Supervisors

The Department of Water Resources (DWR) and the United States Bureau of Reclamation (Reclamation) filed a joint Petition for Change ("Petition") on August 26, 2015, and an addendum and errata to the Petition on September 16, 2015, with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), pursuant to California Water Code section 1701. In the Petition, DWR and Reclamation request to add three new points of diversion (PODs) and/or points of rediversion (PORs) to 4 DWR and 11 Reclamation water right permits for the State Water Project (SWP) and Central Valley Project (CVP), respectively. If approved by the State Water Board, the new PODs/PORs would authorize DWR and Reclamation to divert water from the Sacramento River near Courtland and route it through two tunnels underneath the Delta to the SWP and CVP pumping facilities near Tracy. This project is referred to as the California WaterFix Project.

Specifically, the Petition seeks to change Water Right Permits 16478, 16479, 16481, and 16482 (Applications 5630, 14443, 14445A, and 17512, respectively) of DWR for the SWP; and Water Right Permits 11315, 11316, 11967, 11968, 11969, 11971, 11973, 12364, 12721, 12722, and 12723 (Applications 13370, 13371, 5628, 15374, 15375, 16767, 17374, 17376, 5626, 9363, and 9364, respectively) of Reclamation for the CVP.

The counties that could be affected by the Petition are: Alameda, Butte, Colusa, Contra Costa, El Dorado, Fresno, Glenn, Imperial, Kern, Kings, Los Angeles, Madera, Merced, Napa, Orange, Placer, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Shasta, Solano, Stanislaus, Sutter, Tehama, Trinity, Tulare, Ventura, Yolo, and Yuba. These are the counties in which the DWR and Reclamation operate the SWP and CVP, respectively.

On October 30, 2015, the State Water Board issued a combined notice of the Petition; and notice of an evidentiary hearing to consider the Petition and pre-hearing conference to organize the conduct of the hearing (combined Notice). The purpose of the hearing is to receive evidence relevant to determining whether the State Water Board should approve, subject to terms and conditions, the aforementioned Petition. A quorum of the State Water Board members may be present during the hearing and pre-hearing conference; however, no final Board action will be taken during the hearing or pre-hearing conference.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, Ca 95812-0100 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

The combined Notice includes additional background and project information, including information concerning the relationship between the California WaterFix project and the State Water Board's comprehensive Bay-Delta planning efforts. The combined Notice also describes how to protest the Petition and/or participate in the evidentiary hearing, lists hearing dates, identifies hearing rooms, and establishes due dates for submittals associated with the Petition and hearing for those who wish to participate. Persons wishing to protest the Petition and/or participate in the hearing must file a Notice of Intent to Appear pursuant to the requirements of the combined Notice by 12:00 noon, Tuesday, January 5, 2016. The State Water Board will hold the pre-hearing conference on January 28 and, if necessary, January 29, 2016, and will commence the evidentiary hearing on the Petition on April 7, 2016, with multiple hearing dates thereafter. The hearing and pre-hearing conference will commence at 9:00 am in the Byron Sher Auditorium of the Joe Serna Jr. Cal EPA Building, 1001 I Street, Second Floor, Sacramento, CA 95814.

The combined Notice and other related information, including the Petition, may be viewed and downloaded at:  
[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/california\\_waterfix/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_waterfix/)

To receive email notifications regarding the hearing concerning this Petition and related announcements regarding the California WaterFix Project, please subscribe to the State Water Board's "California WaterFix" email subscription list, under the "Water Rights" title bar at:  
[http://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.shtml](http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml).

For further information on the State Water Board's comprehensive Bay-Delta planning efforts, please visit the State Water Board's Bay-Delta Program webpage at:  
[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/)

Questions concerning this notice and non-controversial procedural questions regarding the Petition, hearing, or pre-hearing conference may be directed to the Division's California WaterFix hearing team at (916) 319-0960 or by email at [CWFhearing@waterboards.ca.gov](mailto:CWFhearing@waterboards.ca.gov).

DATE OF NOTICE: October 30, 2015



# The County Of Yuba

(510-1115) Admin... - 1 of 27

Community Development  
& Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616



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

## Public Nuisance Hearing

To: Yuba County Board of Supervisors  
From: Jeremy Strang, Code Enforcement Division Manager  
Date: November 18, 2015

### Statement of Facts:

The property that is subject of this hearing is Assessor's Parcel Number (APN) 048-160-042. The parcel is located in the unincorporated area of the County of Yuba in the community of Dobbins and is commonly referred to as 10440 Texas Hill Road. The property has the zoning designation RR5, Rural Residential, 5 acre minimum, and is 15.98 acres in size. The property is improved with a 30' X 50' barn with electricity.

Jed Kenniston is the property owner and is listed on the most recent equalized tax assessment.

### Current Code Case:

Case Number: MMJ15-0338  
Date: 10/1/2015  
Complaint: Marijuana Cultivation  
Disposition: Founded; cultivation of 186 marijuana plants. Notice and Order to Abate Public Nuisance issued.  
Case Closed: N/A

On June 17, 2015, Sheriff's Deputy Moore attempted to make an inspection of the subject parcel and was greeted by the property owner. Mr. Jed Kenniston admitted to cultivating marijuana and stated that he had 34 marijuana plants but refused Deputy Moore's request to inspect.

On September 30, 2015, Deputy Moore referred his case to Code Enforcement for follow-up. A review of Building Department records showed that the property does not have a permitted dwelling, only a 1500 square foot barn with electricity. A judicial Inspection Warrant was sought and on October 5, 2015, the Honorable Judge Debra L. Givens authorized the warrant (see **Attachment A – Warrant**).

On October 5, 2015, Officer John Jacenich, accompanied by Officers Clark and Monaco, and Deputy Moore executed an Inspection Warrant at the subject parcel. Staff made contact with the property owner Jed Kenniston and his wife Roberta at a recreational vehicle where they were living on the property.

Public Nuisance Declared:

On October 5, 2015, pursuant to his observations, Officer Jacenich issued a Notice and Order to Abate Public Nuisance. His inspection confirmed that:

1. Marijuana was being cultivated without first registering the cultivation
2. The number of plants, 186, exceeded the maximum amount allowed
  - a. 99 marijuana plants were being cultivated in an unpermitted, non-qualifying accessory structure
  - b. 87 marijuana plants were being cultivated outdoors
3. The property lacks a legal dwelling
4. Hazardous electrical, including but not limited to, unpermitted work and the use of extension cords in lieu of permanent wiring was observed throughout the parcel
5. Two (2) greenhouse accessory structures were erected without building permits
6. Two (2) recreational vehicles and two tents were emplaced and being used for human habitation without Emplacement Permits
7. The property had been Graded without Grading Permits
8. Unpermitted use of a barn for human habitation
9. Conducting accessory uses that are not incidental and subordinate to an established primary use.

The Notice and Order to Abate Public Nuisance ["Order"] (see **Attachment B – Notice and Order**) was personally served to the property owner, Jed Kenniston. The Order was also mailed to the property owner to his Sonoma, California address on file by U.S. Mail, both by Certified Mail with Return Receipt and by First Class; a proof of Service for each was completed (see **Attachment C – Proof of Service**).

The Order alleges the following violations:

1. 7.40.400A Cultivation of marijuana in violation of any of the provisions of Chapter 7.40 of the Yuba County Ordinance Code.
  - a. 7.40.300A Outdoor cultivation of marijuana plants
  - b. 7.40.300C Cultivation of more than 12 Plants
  - c. 7.40.320A3 Use of extension cords in lieu of permanent wiring
  - d. 7.40.340 Failure to register medical marijuana cultivation prior to cultivating
2. 7.40.400B Cultivation of marijuana without a legally established dwelling
3. 7.40.400E The cultivation of marijuana in a manner that exceeds 12 plants
4. 7.40.400G Violation of any Yuba County Ordinance section
  - a. Construction of a building without permits in violation of Chapter 10.05
  - b. Emplacement and occupancy of a recreational vehicle in violation of Chapter 10.20
  - c. Grading without a permit in violation of Chapter 11.23
  - d. Conducting accessory uses without first establishing a primary use 12.01

The Order, pursuant to Yuba County Ordinance Code Section 7.40.540B, required that the nuisance be abated immediately but not more than 3 days from the date the Order is served. Yuba County

Ordinance Code Section 7.40.550 requires that an Administrative Penalty be immediately assessed, therefore an Administrative Penalty of \$19,300.00 per day began to accrue immediately on October 5, 2015 (see **Attachment D – Administrative Penalty Worksheet**).

Attached and incorporated as part of this report as **Attachment E – Photographs**, are photographs taken on October 5, 2015, by Officer Jacenich. The photographs accurately depict the conditions of the subject property observed by Officer Jacenich on that date and further support the existence of a public nuisance.

On October 8, 2015, a compliance inspection was performed by Officer Jacenich at the request of the property owner, Jed Kenniston. Officer Jacenich verified that the marijuana had been cut down and noted that all other cited violations still remained.

On October 14, 2015, Jed Kenniston, through their attorney David Vasquez, filed a timely request, along with the fee deposit of \$4,116.00, for hearing to appeal the amount of Administrative Penalty imposed (see **Attachment F – Request for Hearing**).

#### Applicable Law:

### **YUBA COUNTY ORDINANCE CODE CHAPTER 7.40, MARIJUANA CULTIVATION**

#### **7.40.300 Cultivation Restrictions**

*A. Outdoor cultivation on any Parcel is prohibited.*

#### **7.40.300 Cultivation Restrictions**

*C. Cultivation of more than twelve (12) marijuana plants on any Parcel is prohibited. The foregoing limitation shall be imposed regardless of the number of qualified patients or primary caregivers residing on the Parcel or participating directly or indirectly in the cultivation. Further, this limitation shall be imposed notwithstanding any assertion that the person(s) cultivating marijuana are the primary caregiver(s) for qualified patients or that such person(s) are collectively or cooperatively cultivating marijuana.*

#### **7.40.320A Accessory Structures**

*3. The accessory structure shall be equipped with permanently installed and permitted electricity, and shall not be served by temporary extension cords.*

#### **7.40.340 Registration Requirements**

*A. The cultivation of marijuana in any quantity upon any premises without first registering the cultivation and paying the required fee as listed within Title XIII of this Code is hereby declared to be unlawful and a public nuisance and may be abated in accordance with this Chapter.*

#### **7.40.400 Conditions Creating Public Nuisance**

*A public nuisance shall be deemed to exist when any of the following conditions or circumstances is present:*

*A. Any person owning, leasing, occupying or having charge or possession of any Parcel within the unincorporated area of the County to cause or allow such Parcel to be used for the*

*cultivation of marijuana in violation of the provisions contained herein or any provisions set forth in Division 10 of the California Health and Safety Code.*

*B. The cultivation of marijuana on a Parcel that does not have an occupied legally established Dwelling in conformance with this Chapter.*

*E. The cultivation of marijuana in a manner that exceeds 12 plants.*

*G. Any violation of any Ordinance or State law or any public nuisance defined or known at common law or in equity jurisprudence.*

#### **7.40.550 Administrative Penalties**

*A. Any person who violates this Chapter shall be guilty of a separate offense for each and every day, or portion thereof, the violation is committed, permitted or continued. In addition to the actual abatement and/or administrative costs incurred by the County any person who has been issued a Notice and Order to Abate Public Nuisance shall be assessed an Administrative Penalty as follows:*

- 1. A penalty of \$100.00 for each violation of this Code per day as set forth in the Notice and Order to Abate.*
- 2. A penalty of \$200.00 for each violation of this Code per day when a second violation of this Code occurs within eighteen (18) months of a previously issued Notice and Order to Abate.*
- 3. A penalty of \$500.00 for each violation of this Code per day for each subsequent violation of this Code beyond the second when the violation occurs within thirty-six (36) months of the original Notice and Order to Abate.*

*B. For the purpose of calculating the daily Administrative Penalty, each offense of any Section of this Chapter shall be charged as a separate violation; in addition, each marijuana plant in violation of this Chapter shall be charged as a separate violation.*

*C. The Administrative Penalty, pursuant to this Section, shall be assessed immediately upon the issuance of a Notice and Order to Abate Public Nuisance and shall continue to accrue until the date compliance with the Order has been met and verified by the Enforcing Officer. In the event an appeal has been properly filed with the County, the appeal shall have no affect on the Administrative Penalty and said Penalty shall continue to accrue during the pendency of the hearing. At the conclusion of the hearing the Yuba County Board of Supervisors is authorized to modify or waive the Administrative Penalty for cause and shall make express findings into the record for such modification or waiver.*

#### **7.40.560 Enforcement Costs**

*A. All costs and penalties associated with the enforcement of this Chapter are the responsibility of the owner(s) of any parcel(s) on which a nuisance has been found to exist and such costs shall be paid within 30 days of the date of demand thereof.*

### **YUBA COUNTY ORDINANCE CODE CHAPTER 10.05, BUILDING & CONSTRUCTION**

#### **10.05.700 Violations**

*(b) It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by*

*this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.*

**YUBA COUNTY ORDINANCE CODE CHAPTER 10.20, REGULATING THE EMPLACEMENT OF TRAVEL TRAILERS AND MOTOR HOMES AS TEMPORARY RESIDENCES**

***10.20.030 Permit Required***

*No person shall emplace or occupy as a place of human habitation any travel trailer or motor home regulated by this Chapter unless and until a travel trailer or motor home Emplacement Permit is issued by the Building Official*

**YUBA COUNTY ORDINANCE CODE CHAPTER 11.23, GRADING, DRAINAGE AND EROSION CONTROL**

***11.23.020A Grading Permit Required***

*2. . . .[N]o person shall do or permit to be done any grading on any site in the unincorporated areas of Yuba County without a valid grading permit obtained from the Community Development and Services Agency.*

**YUBA COUNTY ORDINANCE CODE CHAPTER 12.01, ZONING – GENERAL PROVISIONS**

***12.01.050 Permitted uses only***

*No structure or part thereof shall be erected, altered or enlarged nor shall any site or structure be used, designated or intended for use other than the uses hereinafter listed as permitted or conditional in the zone in which such structures, land or premises is located. (Reference also 11.01.040B)*

**Additional Information:**

In preparing for this hearing a review of the property's history resulted in the following information:

1. Grant Deed (2015-00395) recorded on January 14, 2015, granting property to Mr. Kenniston
2. The property does not have any history of code violations
3. Google Earth Imagery taken April 2015 clearly shows the small greenhouse and the freshly graded earth for the outdoor cultivation as well as the larger greenhouse.
4. On October 9, 2015, the Yuba County Sheriff's Office executed a criminal search warrant. Mr. Kenniston was arrested for the illegal cultivation of marijuana as well as the intent to sell marijuana.

**Recommendation:**

The evidence and testimony given clearly show violations of the Yuba County Ordinance Code and those violations constitute a public nuisance. I respectfully request that the Yuba County Board of Supervisors:

1. Confirm the existence of a public nuisance
2. Confirm the Administrative Penalty for \$19,300.00 per day
3. Confirm enforcement costs of \$62,832.32 accrued to date (see **Attachment G – Cost Accounting**)
4. Order that the enforcement costs be paid within 30 days of the date of your Order.
5. Order where the enforcement costs go unpaid that:
  - a. A special tax assessment be assessed against the parcel with the Yuba County Tax Collector's Office; and
  - b. A lien be recorded with the Yuba County Recorder's Office, and;
  - c. Any monies collected pursuant to your Order be deposited into Trust Account 254-0000-371-98-99 (90%) and Trust Account 256-0000-371-98-99 (10%).

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF YUBA

(510-1115) Admin... - 7 of 27

In the Matter of the Application )  
Of the County of Yuba )  
 )  
 )  
\_\_\_\_\_ )

NO. 15-165  
INSPECTION WARRANT  
CCP § 1822.50 et seq.

The people of the State of California to any Code Enforcement Officer in the County of Yuba:

Proof, by affidavit, having been made by John Jacenich, that there is reasonable cause for the issuance of the Inspection Warrant, you are therefore, commanded to make an inspection accompanied by representatives and employees of the following Yuba County Departments: Community Development and Services Agency, Animal Control Services, and the County Sheriff's Department in the daytime (between the hours of 8:00 a.m. and 6:00 p.m.) of the properties located and described as:

Assessor's Parcel Number: 048-160-042, Dobbins, CA 95935

Pursuant to the provisions of The STANDARD CODE OF CIVIL PROCEDURE of the STATE OF CALIFORNIA, Part III Title 13 Section 1822.50 et seq., for the following purpose, to wit:

1. To determine the full extent and nature of public nuisance violations - as defined by Yuba County Ordinance Code Title VII Chapter 7.40 Article 4 Section 7.40.400 A-G believed to exist on the property.
2. Identify, record, document and photograph the same.

Which inspection shall include, but not be limited to, the interior of all structures, vehicles and fenced marijuana grow areas with locks located on this parcel and extend from property boundary to property boundary of the above-described property.

The warrant shall be effective for a period not to exceed 14 days from the date the warrant is signed.

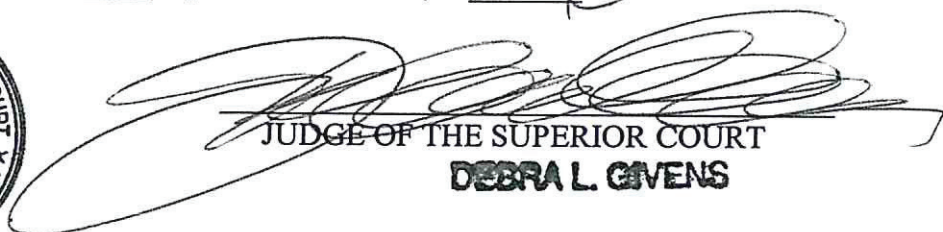
The warrant shall be returned to the undersigned judge upon its execution.

Upon good cause being shown pursuant the Code of Civil Procedure §1822.56, the affiant is authorized to proceed onto the property without the presence of the owner or occupant(s) of said property and to use forcible entry, if needed, to execute this warrant. Said entry is reasonably necessary to effectuate the purpose of the regulations being enforced. Further, pursuant to Code of Civil Procedures §1822.56, good cause having been shown, the requirement of notice of this inspection warrant is waived; the warrant may be executed without advance notice.

Refusal to permit the inspection authorized hereunder shall be a misdemeanor, pursuant to the provisions of the Code of Civil Procedure § 1822.57.

Given under my hand and dated this 5 day of October 2015, at 8:50 AM/PM.



  
JUDGE OF THE SUPERIOR COURT  
**DEBRA L. GIVENS**

Attachment A - Warrant



# The County Of Yuba

Community Development &  
Services Agency

## CODE ENFORCEMENT

Telephone: (530) 749-5455

Fax: (530) 749-5616

(510-1115) Admin... - 8 of 27



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

## NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

MMJ15-0338

CULTIVATOR(S) ADDRESS:	PROPERTY OWNER: ADDRESS
Ed & Roberta Kenniston Dobbins, CA 95935	Ed Kenniston 161 EL Ritero Sonoma, CA 95476-3117

**VIOLATION ADDRESS:** 048-160-042 Dobbins, CA 95935

**APN:** 048-160-042

**PLEASE TAKE NOTICE:** that the use and condition of the subject property has been determined by Yuba County Code Enforcement to constitute violations of Chapter 7.40 of the Yuba County Ordinance Code and is therefore declared a public nuisance. The violations are:

☒ **Yuba County Ordinance Code § 7.40.400(A)** ...the cultivation of marijuana in violation of the provisions contained herein or any provisions set forth in Division 10 of the California Health and Safety Code.

- ☒ Outdoor cultivation 7.40.300A
- ☐ Cultivation w/in dwelling 7.40.300B
- ☒ Cultivation of more than 12 plants 7.40.300C      NUMBER OF PLANTS: 186
- ☐ Water source/discharges 7.40.300D
- ☐ Cultivation environment; health, safety, welfare; dust, odor, traffic, chemicals 7.40.300E
- ☐ Active Code case 7.40.300F
- ☒ Lack of dwelling 7.40.310
- ☐ Permitted accessory structure 7.40.320A1
- ☐ Accessory structure w/in setback 7.40.320A2
- ☒ Use of extension cord(s) 7.40.320A3
- ☐ Lack of mechanical filtration system 7.40.320A4
- ☐ Lack of adequate fence around accessory structure (height; security) 7.40.330
- ☒ Lack of registration 7.40.340

☒ **Yuba County Ordinance Code § 7.40.340** *The cultivation of marijuana cultivation and paying the required fee.* (510-1115) Admin... - 9 of 27

☒ **Yuba County Ordinance Code § 7.40.400(B)** *The cultivation of marijuana on a parcel that does not have an occupied, legally established Dwelling.*

☒ **Yuba County Ordinance Code § 7.40.400(E)** *The cultivation of marijuana in a manner that exceeds 12 plants*  
# of plants: 186

☒ **Yuba County Ordinance Code § 7.40.400(G)** *Any violation of any Ordinance or State law or any public nuisance defined or known at common law or in equity jurisprudence, including but not limited to the following violations:*

- ☒ Conducting activities on a site which are not permitted uses in the Agricultural/Rural Residential Zone in violation of the Yuba County Ordinance Code, Chapter 12.01 et seq. including utilizing accessory uses without first establishing a primary use
- ☒ Emplacement and occupancy of a recreational vehicle as a place of human habitation in violation of the Yuba County Ordinance Code, Chapter 10.20
- ☒ Construction/erection of a building/structure without first obtaining a building permit in violation of the Yuba County Ordinance Code, Chapter 10.05
- ☐ Accumulation and storage of abandoned, wrecked, dismantled or inoperable vehicles, or parts thereof, in violation of the Yuba County Ordinance Code, Chapter 7.35
- ☐ Maintaining an environment for the propagation and harborage of vector and vermin by the accumulation and storage of junk, trash and debris in violation of the Yuba County Ordinance Code, Chapter 7.36
- ☒ Grading without A Permit 11.23 Y.C.O.C
- ☐
- ☐

**YOU ARE HEREBY ORDERED** to correct or remove all violations from subject property immediately.

**YOU ARE HEREBY ADVISED** that Administrative Penalties in the amount of \$ 19,300.00 per day pursuant to Yuba County Code § 7.40.550 **have begun to accrue** and will continue to accrue until the date compliance with the Order has been met and verified by the Enforcement Officer; you must call this office to schedule an inspection to verify compliance.

If you disagree with the determination that a public nuisance exists on the subject property, you have the right to a hearing to show cause, if any, why the use of said real property should not be found to be a public nuisance and abated pursuant to the Yuba County Code. You may request a hearing by filing a written request for a hearing with the Yuba County Code Enforcement Office, whose address appears above, within 10 calendar days of the date of this Notice. A \$4,116.00 deposit, pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request. Even if you do not request a hearing with respect to the existence of a public nuisance, you may contest the Administrative Penalties by filing a written request for a hearing solely to contest the imposition of the Administrative Penalties. A \$4,116.00 deposit pursuant to Yuba County Ordinance Code § 13.20.500, shall accompany the written request.

If you do not request a hearing and fail to comply with the time requirements set forth, the County will abate the nuisance. If you request a hearing, and after such hearing a public nuisance is found to exist, you shall abate said violations as set forth in the Findings of Fact, Conclusions of Law, and Orders. Furthermore if the County abates the nuisance, you will be responsible for the actual costs of the abatement, and the Administrative

Penalties, if any, which shall be paid within thirty (30) days from the date of the (510-1115) Admin... - 10 of 27 of abating a violation" shall include, but not be limited to, the county's attorneys' fees, the cost of the administrative hearing, the cost of prior time and expenses associated with bringing the matter to hearing, the cost associated with any appeals from the decision of the administrative hearing, the cost of judicially abating the violation, the cost of men and material necessary to physically abate the violation, and the cost of securing expert and other witnesses.

If such abatement costs are not paid within thirty (30) days of the date of the demand for payment therefore, such costs will become a lien against the subject property and will also be specially assessed against the property in the same manner as taxes. The abatement lien shall be recorded and shall have the same force and effect as an abstract of judgment, which is recorded as a money judgment obtained in a court of law. Special assessments have the same priority, for collection purposes, as other County taxes; and, if not paid, may result in a forced sale of your property.

If there is a hearing, and subject property is found to be in violation of any or all of the provisions stated above, the County will contend that you are bound by such finding at any subsequent and relative judicial action. If you fail to request a hearing, or appear at the hearing and fail to raise any defense or assert any relevant point at the time of hearing, the County will assert, in later judicial proceedings to enforce an order of abatement, that you have waived all rights to assert such defenses or such points.

**IMPORTANT: READ THIS NOTICE CAREFULLY. FAILURE TO RESPOND WITHIN THE TIME SET FORTH IN THIS NOTICE WILL LIKELY RESULT IN ADMINISTRATIVE AND/OR JUDICIAL ABATEMENT AND TERMINATION OF USES OF, OR CONDITIONS ON YOUR PROPERTY WHICH THE ENFORCEMENT OFFICER CONTENDS ARE IN VIOLATION OF THE YUBA COUNTY ORDINANCE CODE.**

☐ **POSTED PROPERTY**

☒ **PERSONAL SERVICE** JED & ROBERTA KENNISTON

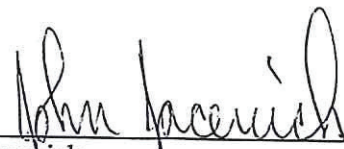
☒ **CERTIFIED MAIL**

**DATED:** 10/5/15

Jed Kenniston  
161 EL Ritero  
Sonoma, CA 95476-3117

**CERT #:**

TD13 3020 00006317 8768

  
John Jacenich  
Code Enforcement Officer

**Encl:** Excerpts from Yuba County Ordinance Code, Chapter 7.40, BILLING STATEMENT #689

**CC:**



**County of Yuba**  
Code Enforcement Division  
915 8th Street, Suite 123  
Marysville, CA 95901  
Phone: 530.749.5455

**Billing Statement**  
(510-1115) Admin... - 11 of 27

DATE	INVOICE #
10/6/2015	689

BILL TO:  
Jed Kenniston  
161 El Ritero  
Sonoma, CA 95476

CASE INFORMATION

Number: MMJ15-0338  
Officer: J. Jacenich  
APN: 048-160-042  
Vacant Lot on Cook Lane, Dobbins  
Cert#: 7013 3020 0000 6317 8768

TERMS	DUE DATE
Net 30	11/5/2015

SERVICE DATE	DESCRIPTION OF CHARGES	RATE	HOURS	AMOUNT
9/30/2015	Received Complaint, Opened Case	147.00	0.5	73.50
9/30/2015	Research Property Status	147.00	0.5	73.50
10/2/2015	Warrant Prep for Inspection	147.00	3	441.00
10/5/2015	Inspection Two (2) Officers	147.00	3	441.00
10/5/2015	Notice & Order to Abate	1,470.00		1,470.00
10/5/2015	Admin Penalty 1 Day (10/5/2015)	19,300.00		19,300.00
10/5/2015	CDSA Support Fees (6%)	149.94		149.94
*Please note: Administrative Penalty continues to accrue at a rate of \$19,300.00 per day.				

FAILURE TO MAKE PAYMENT BY THE DUE DATE LISTED ABOVE  
WILL RESULT IN THE FOLLOWING LATE-PAYMENT PENALTIES:

<b>Total</b>	<b>\$21,948.94</b>
--------------	--------------------

5 - 30 DAYS PAST DUE = 25%  
31 + DAYS PAST DUE = 50%

FORMS OF PAYMENT ACCEPTED: CHECK, MONEY ORDER, CASHIER CHECK, CREDIT & DEBIT CARDS.  
REMIT PAYMENT TO CDSA, ATTENTION: ACCOUNTS RECEIVABLE. (VISA CREDIT CARD NOT ACCEPTED)

Attachment B - Notice & Order

## COUNTY OF YUBA

### PROOF OF SERVICE

I served a copy of the foregoing **Notice and Order to Abate Public Nuisance (MMJ15-0338)** and **Billing Statement #689** on the following persons by:

- ☒ **Mailing**, postage prepaid, Certified/Return Receipt Requested and First Class Mail to the **property owner(s)**:  
Name: Jed Kenniston  
Address: 161 El Ritero, Sonoma, CA 95476  
Date of Delivery to Post Office: October 6, 2015  
Registration No.: 7013 3020 0000 6317 8768
- ☐ **Emailing** to the **property owner(s)**:  
Name:  
Email Address:  
Date and Time of Email:
- ☒ **Mailing**, postage prepaid, First Class Mail to the **tenant/cultivator(s)**:  
Name:  
Address:  
Date of Delivery to Post Office:
- ☐ **Mailing**, postage prepaid, Certified/Return Receipt Requested and First Class Mail to the **attorney(s)**:  
Name:  
Address:  
Date of Delivery to Post Office:  
Registration No.:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on October 6, 2015 at Marysville, California.

Signed



Community Development & Services Agency  
Code Enforcement Division  
Melanie Marquez  
215 8<sup>th</sup> Street, Suite #123  
Marysville CA. 95901  
(530) 749-5455

7013 3020 0000 6317 8768

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

10/6/15 JJ N40/Billing#689

Postage	\$	APN: 048-160-042
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage		Postmark Here

Sent To  
 Street, Apt. No.  
 or PO Box No.  
 City, State, Zip

**Jed Kenniston**  
**161 El Ritero**  
**Sonoma, CA 95476**

PS Form 3800, August 2006 See Reverse for Instructions

10/6/15 JJ Vacant Lot on Cook LA N40/Billing#689

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *[Signature]* Agent ☐ Addressee ☐

B. Received by (Printed Name) *Jed Kenniston* C. Date of Delivery *10/15/2015*

1. Article Addressed to:  
**Jed Kenniston**  
**161 El Ritero**  
**Sonoma, CA 95476**

2. Is delivery address different from item 1? ☐ Yes ☐ No  
 If YES, enter delivery address below:

3. Service Type  
☒ Certified Mail®  
☐ Registered  
☐ Insured Mail  
☐ Priority Mail Express™  
☐ Return Receipt for Merchandise  
☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

Number  
 7013 3020 0000 6317 8768  
 Domestic Return Receipt  
 n 3811, July 2013

COMMUNITY DEVELOPMENT  
 & SERVICE AGENCY  
 OCT 19 2015  
 95476

# COUNTY OF YUBA

(510-1115) Admin... - 14 of 27

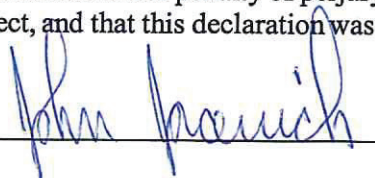
## PROOF OF SERVICE

I served a copy of the foregoing **Notice and Order No.MMJ15-0338** on the following persons by:

- ☒ Personally **delivering** a copy to:  
Name: Jed & Roberta Kenniston  
Address: Parcel # 048-160-042, Dobbins, CA 95935  
Date: October 5, 2015  
Time: 1500 Hours
- ☐ **Mailing**, postage prepaid, Certified/Return Receipt Requested to the **property owner**:  
Name:  
Address:  
Date of Delivery to Post Office:  
Registration No.:
- ☐ **Mailing**, postage prepaid, Certified/Return Receipt Requested to the **tenant(s)**:  
Name:  
Address:  
Date of Delivery to Post Office:  
Registration No.:
- ☐ **Mailing**, postage prepaid, Certified/Return Receipt Requested to the **lien holder(s)**:  
Name:  
Address:  
Date of Delivery to Post Office:  
Registration No.:
- ☐ **Posting** a copy of the at:  
Address:  
APN:  
Date and Time of Posting:  
Location Posted:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on October 5, 2015 at Marysville, California.

Signed



John Jacenich  
915 8<sup>th</sup> Street, Suite #123  
Marysville CA. 95901  
(530) 749-5455

# ADMINISTRATIVE PENALTY WORKSHEET

## 7.40.550A-C

Case #: MMJ15-0338

APN: 048-160-042

Owner: Jed Kenniston, 161 EL Ritero, Sonoma, CA 95476

Situs: 048-160-042, Dobbins, CA 95935

Dates	Violation & Ordinance Number	Amount	Total per Day
Commenced on October 5, 2015	Number of Plants 186	X \$100.00	\$18,600.00
	The cultivation of marijuana without registering. 7.40.340	\$100.00	\$100.00
	The cultivation of marijuana on a parcel that does not have an occupied legal dwelling 7.40.400(B)	\$100.00	\$100.00
	The cultivation of marijuana that exceeds 12 plants. 7.40.400(E)	\$100.00	\$100.00
	Conducting activities on a site which are not permitted. Chapter 12.01	\$100.00	\$100.00
	Emplacement and occupancy of a travel trailer. Chapter 10.20	\$100.00	\$100.00
	Construction of two greenhouses without permits. Chapter 10.05	\$100.00	\$100.00
	Grading without a permit. 11.23 YCOC	\$100.00	\$100.00
		\$100.00	
	Outdoor cultivation. 7.40.300 A	\$100.00	0
	Use of extension cords 7.40.320A3	\$100.00	0
		\$100.00	
	<b>Grand Total:</b>		<b>\$ 19,300.00</b>

# Inspection Warrant

## APN: 048-160-042

## 10440 Texas Hill Road

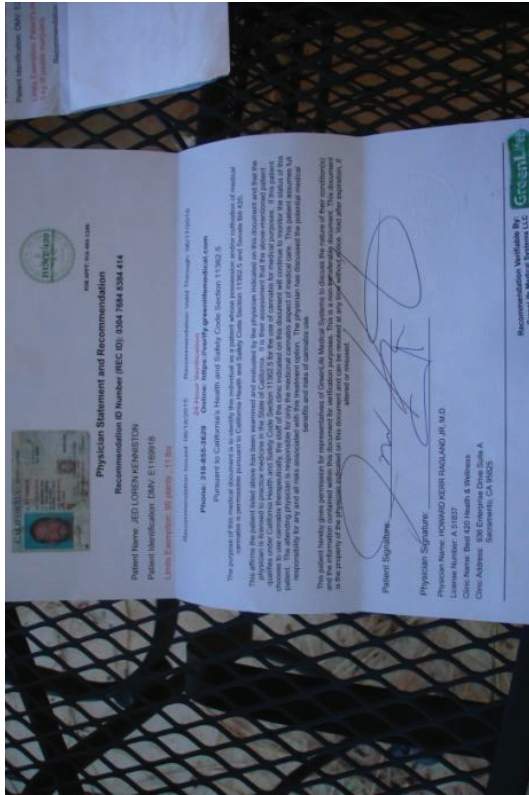
Taken: October 5, 2015



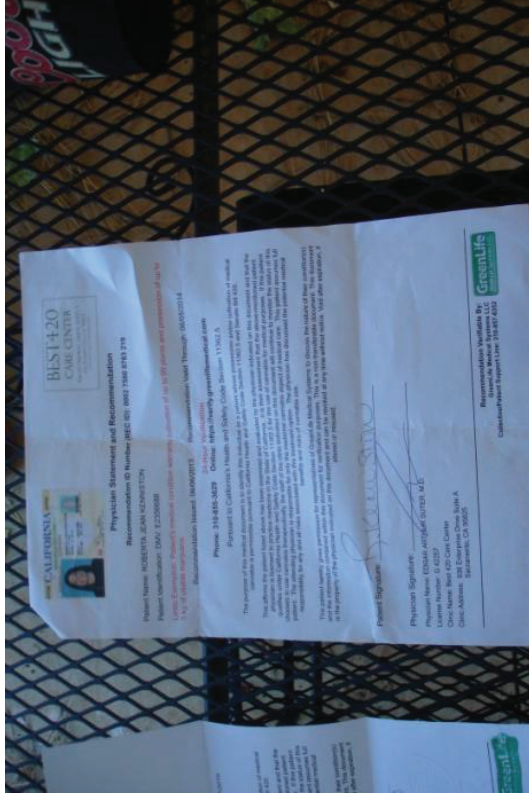
30X50 Accessory Building



Property Owner Vehicles



Doctor Recommendation 1



Doctor Recommendation 2



Inside Building



Inside Building

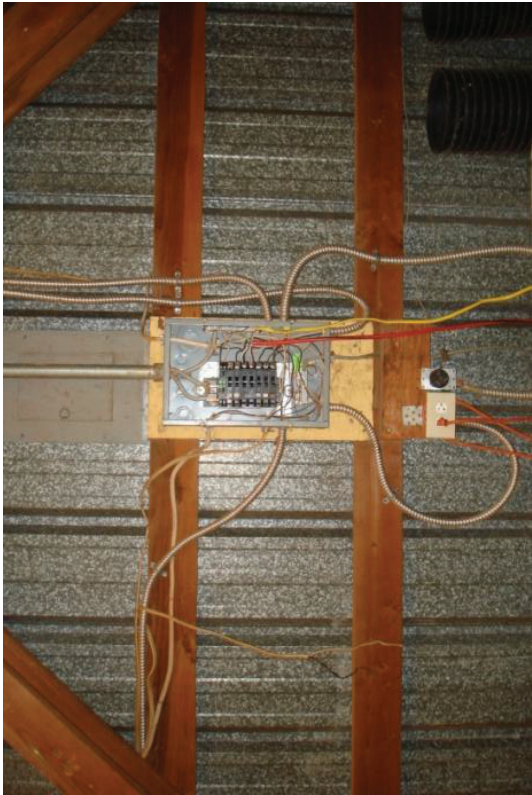
Attachment E - Photographs



Inside Building



Inside Building



Hazardous Electrical



Chemical Storage



Grow Lights



Cooking Stove



Shower



Tent 1

Attachment E - Photographs



Toilet



Bathroom Sink



RV 1



Outdoor Washing Machine



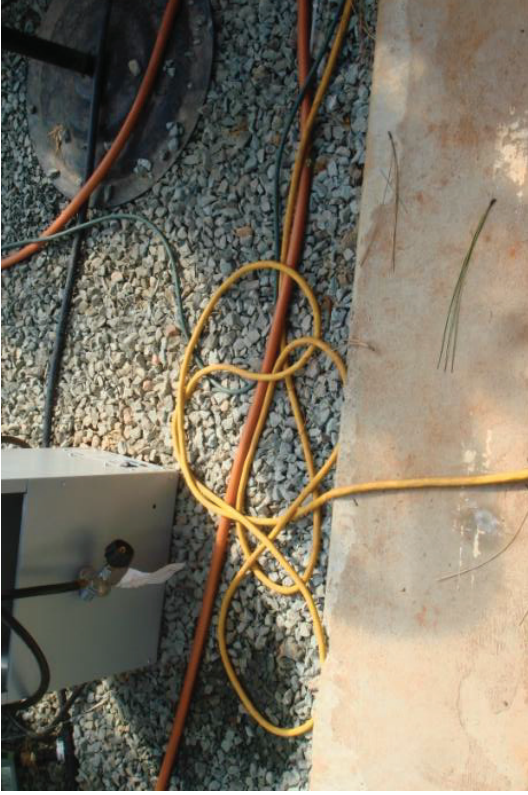
Unpermitted Building 1



Unpermitted Building 2



Indoor Marijuana Grow



Hazardous Electrical



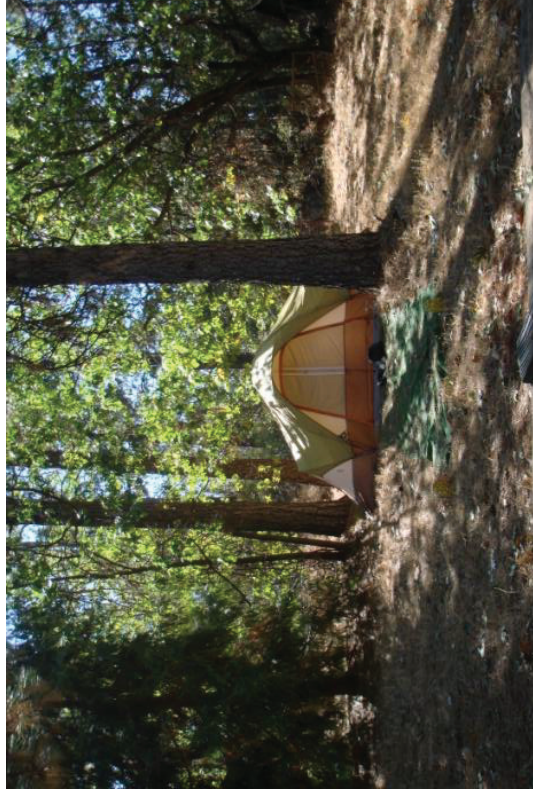
Indoor Marijuana Grow



Chemical 1



Tent 1



Tent 2



Chemical 2



Hazardous Electrical



Storage Container #1



Tools



Marijuana to be processed



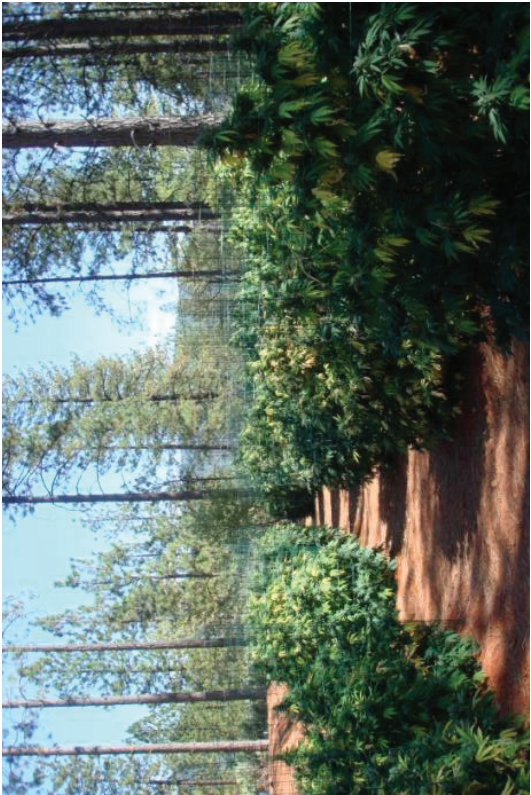
Marijuana Drying Racks



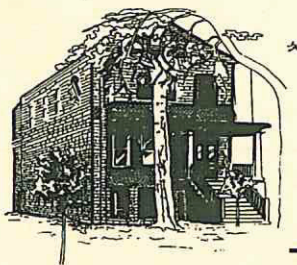
Recreational Vehicle 2



Outdoor Marijuana Grow



Outdoor Marijuana Grow



**Vasquez & Vasquez**  
Attorneys at Law

(510-1115) Admin... - 26 of 27

David W. Vasquez, Esq.  
James R. Vasquez, Esq.

613 D Street, Marysville, CA 95901  
(530) 743-5641  
FAX (530) 743-1364

October 14, 2015

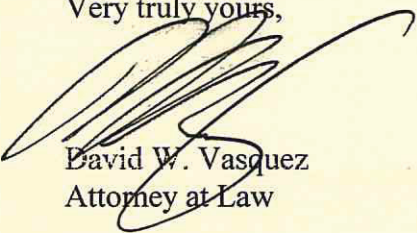
OFFICER JOHN JACENICH  
Yuba County Code Enforcement  
915 8<sup>th</sup> Street, Ste 123  
Marysville, CA 95901

**RE: JED AND ROBERTA KENNISTON**  
**Violation address: 048-160-042 Dobbins, CA 95935**  
**APN #: 048-160-042**

Dear Mr. Jacenich:

In response to your written Notice and Order to Abate Public Nuisance dated October 5, 2015, and received by Mr. And Mrs. Kenniston on October 5, 2015, on behalf of Mr. And Mrs. Kenniston, I hereby request an administrative hearing in order to contest the proposed Administrative Penalties and fees described in your letter and the attached billing statement. (See attached Notice).

Very truly yours,

  
David W. Vasquez  
Attorney at Law

Enc.

**RECEIVED**

**OCT 14 2015**

**COMMUNITY DEVELOPMENT  
& SERVICES AGENCY**

Attachment F - Request for  
Hearing

# YUBA COUNTY CODE ENFORCEMENT COST ACCOUNTING

Date: December 16, 2015

Case #: MMJ15-0338

APN: 048-160-042

Owner: Jed Kenniston

Situs: No address assigned- Vacant Lot on Cook Lane, Dobbins, CA

Date	Reason for Charge	Hours	Total
9/30/2015	Received Complaint, Opened Case*	0.5	\$ 73.50
9/30/2015	Research Property Status*	0.5	73.50
10/02/2015	Warrant Prep For Inspection*	3.0	441.00
10/05/2015	Inspection, Two (2) Officers*	3.0	441.00
	<b>Total Staff Hours at \$147.00 per Hour</b>	<b>7.0</b>	<b>\$ 1,029.00</b>
10/05/2015	Notice & Order to Abate Public Nuisance*	FEE	1,470.00
10/07/2015	Administrative Penalty, 3 Days @ \$19,300.00 Per Day Accrued Daily, October 5 - 7, 2015	PENALTY	57,900.00
11/09/2015	Notice of Non-Compliance	FEE	147.00
11/09/2015	CDSA Processing Fee, One Document	FEE	73.50
12/16/2015	Cost Accounting Hearing Before BOS	FEE	1,470.00
12/16/2015	Release of Abatement Lien	FEE	147.00
12/16/2015	Notice of Compliance	FEE	147.00
12/16/2015	CDSA Processing Fee, Two Documents	FEE	147.00
12/16/2015	Recordation Fee, Two Documents	FEE	24.00
12/16/2015	CDSA Support Fees (6%)	FEE	277.82
		<b>Total</b>	<b>\$62,832.32</b>

Remit payment & make payable to: CDSA

Attention: Accounts Receivable

Phone: (530)749-5455

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

# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

Phone – (530) 749-5430 • Fax – (530) 749-5434  
915 8<sup>th</sup> Street, Suite 123  
Marysville, California 95901

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



(511-1115) Publi... - 1 of 126

CODE ENFORCEMENT  
749-5455 • Fax 749-5464

ENVIRONMENTAL HEALTH • CUPA  
749-5450 • Fax 749-5454

HOUSING & COMMUNITY SERVICES  
749-5460 • Fax 749-5464

PLANNING  
749-5470 • Fax 749-5434

PUBLIC WORKS • SURVEYOR  
749-5420 • Fax 749-5424

FINANCE AND ADMINISTRATION  
749-5430 • Fax 749-5434

**TO:** Board of Supervisors

**FROM:** Kevin Mallen, CDSA Director  
Wendy W. Hartman, Planning Director

**SUBJECT:** Consideration of Certification of the Magnolia Ranch Specific Plan Final Environmental Impact Report (FEIR) for the proposed Magnolia Ranch Specific Plan (MRSP) Project.

**DATE:** November 19, 2015

### RECOMMENDATION

The Planning Commission recommends that the Board of Supervisors Certify the MRSP Final EIR . Certification of the EIR includes adoption of the Mitigation & Monitoring Plan and the Findings of Fact & Statement of Overriding Considerations.

### BACKGROUND/DISCUSSION

A detailed description of the project and Environmental Impact Report process is included in the attached Planning Commission Staff report. This report will focus on the Final EIR and Planning Commission hearing. The Final EIR for the Magnolia Ranch Specific Plan Project was posted for public review and comment on October 9, 2015. Twenty (20) comment letters were received on the EIR within the comment period and are included in the Final EIR. Responses to comments pertaining to the EIR are included after each letter. The Final EIR also includes recommended changes to Mitigation Measures and text of the EIR to address comments received. The Planning Commission staff report includes additional comment letters and responses received after the Final EIR was drafted. Any comment letters received on the EIR after the drafting of this staff report will be presented to the Board at the public hearing.

Findings of Fact & Statement of Overriding Considerations. The EIR analysis examines both project and cumulative significant or potentially significant impacts that would occur with development of the Specific Plan Area and off-site improvement areas. The analysis also provides feasible mitigation measures, where available and applicable, to reduce significant or potentially significant impacts of the proposed Specific Plan to less than significant. The EIR analysis also identifies significant and unavoidable impacts that would remain significant after mitigation measures were applied. Table 2.1 starting on page 2-9 of the Draft EIR provides a summary of impacts that are less than significant, significant or significant and unavoidable. Changes to Table 2.1 are provided on page 3-1 of the Final EIR. A key component of the decision making process is the adoption of Findings of Fact & Statement of Overriding Considerations (Attachment 2) when the CEQA process has identified

significant & unavoidable impacts associated with the project. The findings and statement identify the reasons and support for the Board of Supervisors' decision to Certify the EIR for the project despite these known effects on the environment that could/will occur due to the project's implementation.

### **PLANNING COMMISSION HEARING**

On October 21, 2015 the Yuba County Planning Commission held a public hearing on the MRSP Final EIR. Public testimony was received on the following topics:

1. Water Management: Residential project will use less water than rice;
2. No capacity for drainage;
3. Agreements were reached with school districts to mitigate impacts;
4. Mineral Rights;
5. Inquiry about accidents at South Beale and Highway 65;
6. Inquiries about impacts to Beale: Beale representative, Harl Sanderson, indicated that the Base would issue a formal statement of neutrality at a future date;
7. Support for the EIR; and
8. Opposition to the EIR.

After closing the public hearing, the Planning Commission unanimously recommended that the Board of Supervisors certify the Final EIR. The full Planning Commission staff report including attachments, draft minutes, and presentation slides are available on the Planning website at: <http://www.co.yuba.ca.us/Departments/Community%20Development/Planning/Projects/Magnolia/Magnolia.aspx> or can be reviewed at the Planning Department during normal business hours.

### **ATTACHMENTS**

1. Resolution
2. Findings of Fact & Statement of Overriding Considerations
3. Final EIR (submitted to Board under separate cover and available on Planning website)
4. Planning Commission Staff Report & Attachments (available on Planning website)

Attachment 1

Resolution Certifying the MRSP EIR

**BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA**

**RESOLUTION CERTIFYING THE FINAL  
ENVIRONMENTAL IMPACT REPORT  
(STATE CLEARING HOUSE NO. SCH  
2013022017), APPROVING A MITIGATION  
MONITORING PLAN, AND ADOPTING  
ENVIRONMENTAL QUALITY ACT  
FINDINGS OF FACT & STATEMENT OF  
OVERRIDING CONSIDERATIONS FOR THE  
MAGNOLIA RANCH SPECIFIC PLAN  
PROJECT,**

)  
) **RESOLUTION NO.** \_\_\_\_\_  
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**WHEREAS**, CEM INVESTMENTS, has filed an application for a Specific Plan SP 2006-0002, Change of Zone CZ 2006-0010, Tentative Subdivision Tract Map TSTM 2006-0045 (Large Lot and Small Lot), TSTM 2015-0004 (Large Lot), and Development Agreement DA 2006-0001, incorporated by reference, for the proposed Magnolia Ranch Specific Plan (the Project), located in South Yuba County on six (6) parcels (identified as Assessor's Parcel Numbers 015-070-009, 015-070-051, 015-070-072, 015-070-078, 015-070-079, and 015-070-080) totaling approximately 1,039 acres, south of Ostrom Road, west of South Beale Road, east of Bradshaw Road, and approximately 3,000 feet north of State Route 65; and

**WHEREAS**, the County of Yuba has also prepared a Regional Traffic Fee Nexus Study and Regional Traffic Fee Program for the Magnolia Ranch Specific Plan Area to mitigate to the extent feasible traffic impacts that may result due to the development of the Magnolia Ranch Specific Plan Project; and

**WHEREAS**, the County of Yuba is lead agency pursuant to the California Environmental Quality Act (Public Resources Code Section 21000, *et seq.*, hereinafter, CEQA) for approval of the Project; and

**WHEREAS**, a Notice of Preparation for the Draft Environmental Impact Report (Draft EIR) was released for Trustee and Responsible Agencies, and interested parties requesting comments on the Project on February 8, 2013, with the comment period ending on March 8, 2013, and a duly noticed scoping meeting was held at the Yuba County Government Center on February 25, 2013, to solicit comments on the appropriate scope and content of the Draft EIR; and

**WHEREAS**, the Draft EIR was completed on May 18, 2015, and a Notice of Completion was filed with the State Clearinghouse and a Notice of Availability of the Draft EIR was released for Trustee and Responsible Agencies, and interested parties for review and comment on the Draft EIR on May 19, 2015, with a 45-day comment period ending on July 2, 2015; and

**WHEREAS**, a duly noticed Public Hearing to receive comments on the Draft EIR was held before the County of Yuba Board of Supervisors on June 16, 2015 and continued to a joint meeting of the Board of Supervisors and Planning Commission on July 15, 2015, and the comment period was extended by the Board of Supervisors to July 17, 2015; and

**WHEREAS**, the Planning Department of the Yuba County Community Development and Services Agency caused to be prepared a Final Environmental Impact Report (Final EIR), including a response to comments received on the Draft EIR and distributed to all those who commented on the Draft EIR; and

**WHEREAS**, a duly noticed Public Hearing was held before the Yuba County Planning Commission to make a recommendation on the Final EIR on October 21, 2015 and at said hearing, the Yuba County Planning Commission, adopted a resolution recommending that the Board of Supervisors certify the Final EIR; and.

**WHEREAS**, the Board of Supervisors, acting in its capacity as the project approval body, held a duly noticed Public Hearing on the Final EIR on November 19, 2015; and

**WHEREAS**, the documents and other materials constituting the administrative record of the proceedings upon which the Board of Supervisors decision is based are located at the Yuba County Government Center offices at 915 8<sup>th</sup> Street, Marysville, CA 95901, and that the custodian of the records is the Yuba County Planning Department.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Yuba as follows:

1. The foregoing recitals are true and correct.
2. The Board of Supervisors certifies that the Final EIR reflects the independent judgment and analysis of the County.
3. The Board of Supervisors certifies that it has reviewed and considered the information contained in the Final EIR.
4. The Board of Supervisors finds that the EIR has identified all potentially significant impacts associated with the project, most of which were mitigated to a

level which has been determined to be acceptable to the County, but a few of which were determined to be significant and unavoidable.

5. The Board of Supervisors certifies that the Final EIR has been prepared as required by CEQA and is adequate.
6. The Board of Supervisors has not been presented with evidence which would require recirculation of the EIR, or a portion thereof.
7. The Board of Supervisors hereby adopts the California Environmental Quality Act Findings of Fact and Statement of Overriding Considerations set forth in EXHIBIT "A" attached hereto and incorporated herein.
8. The Board of Supervisors hereby approves and adopts the Mitigation Monitoring and Reporting Plan set forth in APPENDIX A of the Final Environmental Impact Report, and incorporated by reference herein.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the Board of Supervisors of the County of Yuba, State of California, by the following vote.

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
CHAIR  
Yuba County Board of Supervisors

ATTEST: Donna Stottlemeyer  
Clerk of the Board of Supervisors

APPROVED AS TO FORM:  
Angil P. Morris-Jones, County Counsel

BY: \_\_\_\_\_

BY:  \_\_\_\_\_

Attachment 2

Findings of Fact & Statement of Overriding Considerations

Available at:

<http://www.co.yuba.ca.us/Departments/Community%20Development/Planning/Projects/Magnolia/Magnolia%20Staff%20Reports.aspx>

Attachment 3

Final EIR: Distributed Under Separate Cover

Available at:

<http://www.co.yuba.ca.us/Departments/Community%20Development/Planning/Projects/Magnolia/Magnolia.aspx>

Attachment 4

Planning Commission Staff Report (without attachments)

Complete Staff Report Available at:

<http://www.co.yuba.ca.us/Departments/Community%20Development/Planning/Projects/Magnolia/Magnolia%20Staff%20Reports.aspx>

# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**  
Phone – (530) 749-5430 • Fax – (530) 749-5434  
915 8<sup>th</sup> Street, Suite 123  
Marysville, California 95901  
[www.co.yuba.ca.us](http://www.co.yuba.ca.us)



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CODE ENFORCEMENT  
749-5455 • Fax 749-5484

ENVIRONMENTAL HEALTH • CUPA  
749-5450 • Fax 749-5454

PLANNING  
749-5470 • Fax 749-5434

PUBLIC WORKS • SURVEYOR  
749-5420 • Fax 749-5424

FINANCE AND ADMINISTRATION  
749-5430 • Fax 749-5434

### PLANNING COMMISSION STAFF REPORT

**Hearing Date:** October 21, 2015

**Project:** *Magnolia Ranch Specific Plan Final Environmental Impact Report (FEIR).* County staff and AECOM prepared an Environmental Impact Report (EIR) to analyze the environmental impacts of the proposed Magnolia Ranch Specific Plan Project (Project)

**Location:** The Project consists of six parcels (identified as Assessor's Parcel Nos. 015-070-009, 015-070-051, 015-070-072, 015-070-078, 015-070-079, and 015-070-080) totaling approximately 1,028 acres located south of Ostrom Road, east of Bradshaw Road, west of South Beale Road, and approximately 3,000 feet north of SR 65.

**Property Owners:** CEM Investments C/O Al Montna, 12755 Garden Highway, Yuba City, CA 95991(Applicant). Property owners: (i) A & G Montna Properties LP, C/O Al Montna, 12755 Garden Highway, Yuba City, CA. 95991; (ii) CEMR Properties, C/O Michael E. Rue and Patricia M. Rue, P.O. Box 8, Rio Oso, CA 95674; (iii) River Valley Rice & Land, LLC C/O Terry Eager, 44446 Club House Drive, El Macero, CA 95618; (iv) WGKS Eureka Land, LLC, C/O Walter Christiansen, P.O. Box 1330, Yuba City, CA 95992; (v) James R. Kenny and Sherril P. Kenny, Trustees of The Kenny Living Trust; and (vi) San Felipe Properties Inc., a California Corporation.

### RECOMMENDATION

Staff recommends that the Planning Commission take the following action:

1. Adopt the attached resolution recommending that the Board of Supervisors certify the Environmental Impact Report (EIR) consistent with California Environmental Quality Act (CEQA) requirements.

### PROJECT DESCRIPTION

On January 29, 2010, CEM Investments (the Applicant), on behalf of six property owners filed applications for a Specific Plan (SP2006-0002), Change of Zone (CZA2006-0010), Phase 1 Large Lot and Small Lot Subdivision Tract Map (TSTM2006-0045), Development Agreement (DA2006-0001), and a Phase 2 Large Lot Subdivision Tract Map (TSTM2015-0004) (the "Project") on approximately 1,039 acres located in unincorporated Yuba County south of Ostrom Road, between Bradshaw and South Beale Roads, east of State Route 65, and immediately southwest of Beale Air Force Base.

The Magnolia Ranch Specific Plan (MRSP) proposes a mix of land uses, including 3,000 to 4,200 dwelling units at different densities that could accommodate approximately 7,000 to 12,000 persons. Proposed land uses include

very low density, low density, medium and high density residential units and units that are age restricted; neighborhood commercial areas, a business park, an elementary and intermediate school, parks, multi-purpose open space with park trails, and off-site improvements (the Project). Pursuant to provisions of the California Environmental Quality Act (CEQA) and State CEQA Guidelines the county, serving as lead agency, determined the Project required preparation of an environmental impact report (EIR).

### **EIR DISCUSSION**

On February 8, 2013 a Notice of Preparation (NOP) stating an EIR would be prepared for the Project was filed with the Governor's Office of Planning and Research State Clearinghouse and advertised in the local newspaper along with a scoping meeting notice. The NOP and scoping meeting notice requesting comments on the Project were mailed to Trustee and Responsible agencies, and interested parties. Given the large parcel sizes in the area the property owners list was expanded and notices were sent to property owners within 1,500 feet of the Project (standard "valley floor" noticing is 300 feet) .

On February 25, 2013, a scoping meeting was conducted at the Yuba County Government Center to receive comments as to what environmental issues should be addressed in the EIR. On May 18, 2015 the Draft EIR was completed and a Notice of Completion was filed with the State Clearinghouse and a Notice of Availability (NOA) published and mailed out to Trustee and Responsible agencies, interested parties, and property owners within 1,500 of the Project. Pursuant to CEQA a 45 day review and comment period was provided for the Draft EIR. The review period started on May 19, 2015 and ended on July 2, 2015.

On June 15, 2015, the Board of Supervisors conducted a public hearing to receive testimony on the Draft EIR. The Board continued the hearing and comment period to July 15, 2015 as a joint meeting with the Planning Commission. After receiving public testimony at the joint meeting, the Board of Supervisors extended the comment period to 4:30 p.m. on July 17, 2015.

The Final EIR was submitted to the State Clearing House and Notice of Availability and public hearing was published and mailed out to Trustee and Responsible agencies, interested parties and property owners on October 9, 2015. Twenty (20) comment letters were received on the EIR within the comment period and are included in the Final EIR. Responses to comments pertaining to the EIR are included after each letter. The Final EIR also includes recommended changes to Mitigation Measures and text of the EIR to address comments received.

**Public Comments Received after the Comment Period on the Final EIR.** Staff has received two (2) EIR related comment letters from the public after the close of the comment period and preparation of the Final EIR. These comment letters have been included in Attachment 3 and responses to comments are included in Attachment 4. Letters received after the drafting of the staff report but prior to the Planning Commission hearing will be addressed in staff's presentation to the Commission and copies will be provided to the Commission at the hearing.

**Conclusion:** The EIR analysis examines both project and cumulative significant or potentially significant impacts that would occur with development of the Specific Plan Area and off-site improvement areas. The analysis also provides feasible mitigation measures, where available and applicable, to reduce significant or potentially significant impacts of the proposed Specific Plan to less than significant. The EIR analysis also identifies significant and unavoidable impacts that would remain significant after mitigation measures were applied. Table 2.1 starting on page 2-9 of the Draft EIR provides a summary of impacts that are less than significant, significant or significant and unavoidable. Changes to Table 2.1 are provided on page 3-1 of the Final EIR.

October 21, 2015

If the Project is approved, the mitigation measures identified in the EIR will be incorporated into the project conditions of approval by reference. In addition, in order to implement the EIR mitigation measures related to road impacts, the Board of Supervisors will also need to adopt the MRSP Traffic Fee as well as adopt an amendment to increase the County-Wide Traffic impact Fees to include the County-Wide fair share cost of the South Beale Road Interchange. When the Project is presented to the Board of Supervisors for action, it will include these items for Board consideration.

In conclusion, staff believes that the Environmental Impact Report meets the requirements of CEQA and therefore recommends that the Planning Commission adopt the Resolution contained in Attachment 1 recommending that the Board of Supervisors Certify the EIR.

**ATTACHMENTS**

1. Resolution Recommending Board of Supervisors to Certify Final EIR
2. Final Environmental Impact Report (FEIR) distributed under separate cover.
3. Public Comment Letters Received After Preparation of the Final EIR
4. Response to Comments Received After Preparation of the Final EIR

Documents are available for review on the Planning Department website at:

<http://www.co.yuba.ca.us/Departments/Community%20Development/Planning/Projects/Magnolia/Magnolia.aspx>

Report Prepared By:

Report Reviewed By:

  
Wendy W. Hartman

  
Kevin Mallen, CDSA Director

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Attachment 1

Resolution Recommending Certification of the EIR

Available at:

<http://www.co.yuba.ca.us/Departments/Community%20Development/Planning/Projects/Magnolia/Magnolia.aspx>

Attachment 2

Final EIR: Distributed Under Separate Cover

Available at:

<http://www.co.yuba.ca.us/Departments/Community%20Development/Planning/Projects/Magnolia/Magnolia.aspx>

Attachment 3

Public Comment Letters Received After Preparation of Final EIR

Available at:

<http://www.co.yuba.ca.us/Departments/Community%20Development/Planning/Projects/Magnolia/Magnolia.aspx>

Attachment 4

Responses to Comment Letters Received After Preparation of Final EIR

Available at:

<http://www.co.yuba.ca.us/Departments/Community%20Development/Planning/Projects/Magnolia/Magnolia.aspx>

(Under the EIR Public Comments Link)

FINDINGS OF FACT  
AND  
STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

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MAGNOLIA RANCH SPECIFIC PLAN – YUBA COUNTY

SCH# 2013022017

COUNTY OF YUBA  
COMMUNITY DEVELOPMENT & SERVICES AGENCY (CDSA)  
915 8<sup>TH</sup> STREET, MARYSVILLE CA 95901

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## Introduction

The Environmental Impact Report (EIR) has been prepared by the County of Yuba for the construction and operation of the Magnolia Ranch Specific Plan Project. The EIR consists of the Draft EIR (DEIR), and Final EIR (FEIR) identified significant impacts associated with project approval. Approval of a project with significant impacts requires that findings ("findings") be made by the County of Yuba pursuant to the California Environmental Quality Act (CEQA, California Public Resources Code Sections 21000 et seq.), and State CEQA Guidelines (California Administrative Code, Title 14, Chapter 3) Sections 15043, 15091, and 15093. Significant impacts of the project will either: 1) be mitigated to a less than significant level pursuant to the mitigation measures identified in the EIR; or 2) mitigation measures notwithstanding, have a residual significant impact that requires a Statement of Overriding Consideration. Specifically, CEQA Guidelines Section 15091 requires lead agencies to make one or more of the following written findings:

1. Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the findings. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, social or other considerations make infeasible the mitigation measure or project alternative identified in the Final EIR.

These Findings accomplish the following: a) they address the significant environmental effects identified in the EIR for the approved project; b) they incorporate all mitigation measures associated with these significant impacts identified in the EIR; c) they indicate whether a significant effect is avoided or reduced by the adopted mitigation measures to a less-than-significant level, or remain significant and unavoidable, either because there are not feasible mitigation measures or because, even with implementation of mitigation measures, a significant impact will occur; and, d) they address the feasibility of all project alternatives identified in the EIR. For any effects that will remain significant and unavoidable, a "Statement of Overriding Considerations" is presented. The conclusions presented in these Findings are based on the EIR and other evidence in the administrative record.

To the extent that these Findings conclude that various proposed mitigation measures outlined in the EIR are feasible and have not been modified, superseded, or withdrawn, the County of Yuba hereby binds itself to implement these measures. These Findings are not merely informational, but constitute a binding set of obligations that will come into effect when the County of Yuba approves the construction and operation of the Magnolia Ranch Specific Plan Project (Public Resources Code, Section 21081.6[b]). The mitigation measures identified as feasible and within the County's authority to implement for the approved project become express conditions of approval which the County binds itself to upon project approval. The County of Yuba, upon review of the Final EIR, which includes the Draft EIR, and based on all the information and evidence in the administrative record, hereby makes the Findings set forth herein.

## CEQA Process Overview

In accordance with Section 15082 of the State CEQA Guidelines, the County of Yuba prepared a Notice of Preparation (NOP) of an EIR on February 7, 2013. (SCH# 2013022017). The County of Yuba was identified as the lead agency for the proposed project. The purpose of the notice was to solicit comments on the proposed project and was it circulated to interested parties and public, local, state, and federal agencies. The Draft EIR was released for public and agency review on May 18, 2015 with the review period initially set to end on July 2, 2015. On June 16, 2015, the County Board of Supervisors extended the review period until July 15, 2015, notice of which was announced at a public hearing on June 16 and posted to the County's website. On July 15, 2015, the County Board of Supervisors held a public hearing and received public testimony on the DEIR, and extended the review period to July 17, 2015, notice of which was announced at said public hearing.

During the public review period, the County received 21 individual comment letters from agencies, interest groups and the public regarding the Draft EIR. The Final EIR (FEIR) responds to the written comments received as required by CEQA. The FEIR document also contains edits made to the Draft EIR. The FEIR was completed in October, 2015 and made available to the public for review.

## Administrative Record

The environmental analysis provided in the DEIR, Final EIR and the Findings provided herein are based on and are supported by the following documents, materials and other evidence, which constitute the Administrative Record for the Magnolia Ranch Specific Plan Project:

1. The NOP, comments received on the NOP and all other public notices issued by the County in relation to the EIR (e.g., Notice of Availability).
2. The Draft EIR, associated appendices to the Draft EIR and technical materials cited in the Draft EIR.
3. The FEIR, including comment letters, oral testimony and technical materials cited in the document.
4. All non-draft and/or non-confidential reports and memoranda prepared by the County of Yuba and consultants.
5. Minutes and transcripts of the discussions regarding the project and/or project components at public hearings or scoping meetings held by the County.
6. Staff reports associated with County Planning Commission and Board of Supervisors meetings on the project.
7. Reports, memoranda, and other materials expressly cited in these findings which can be found and reviewed in the County's project files.
8. Other materials as specifically mandated by CEQA.

The CDSA: Planning Department is the custodian of the Administrative Record. The documents and materials that constitute the administrative record are available for review at the CDSA: Planning Department located at 915 8th Street, Suite 123; Marysville, CA 95901 during regular office hours: Monday through Friday from 8 a.m. to noon and 1:00 p.m. to 4:30 p.m. (except holidays and noticed office closures).

## Document Organization

The findings are organized into the following sections:

1. Findings Associated with Less Than Significant Impacts (or No Impacts) Identified in the EIR
2. Findings Associated with Significant, Potentially Significant, and Cumulative Significant Impacts which can be Mitigated to a Less Than Significant Level
3. Findings Associated with Significant and Cumulative Significant Impacts which Cannot Feasibly be Mitigated to a Less Than Significant Level
4. Findings Associated with Project Alternatives
5. Statement of Overriding Considerations for Significant and Unavoidable Impacts
6. Mitigation Monitoring and Reporting Program

**Note: A Mitigation Monitoring Plan, as required by CEQA (Cal. Pub. Res. Code Section 21000, et seq.) and CEQA Guidelines, is attached as Exhibit 1 to these findings and is incorporated herein by reference. The Program identifies impacts of the Project, corresponding mitigation, and designation of responsibility for mitigation implementation and the monitoring action(s)**

### 1. Findings Associated With Less Than Significant Impacts (or No Impacts).

As authorized by Public Resources Code section 21081 and CEQA Guidelines 15091, 15092, and 15093, the County finds that the Proposed Project as it is currently constituted would avoid significant or potentially significant environmental impacts for the issue areas listed below without mitigation. These Findings of Fact regarding the less than significant or no impact determination for the issues below are supported by substantial evidence in the record of proceedings before the County. Therefore, the Board of Supervisors finds that, in accordance with CEQA, no mitigation measures are required for impacts that are less than significant (PRC 21002; CEQA Guidelines 15091). These impacts are listed below:

- 1.1 Agriculture. Based on the evidence and analysis contained in the DEIR, the FEIR, the Yuba County 2030 General Plan, the certified Yuba County 2030 General Plan Environmental Impact Report (General Plan EIR), and the administrative record, Project impacts associated with the loss of Important Farmland, conversion of agricultural land to nonagricultural use, and changing from agricultural to non-agricultural zoning were addressed as significant effects in the EIR for the 2030 General Plan, which addressed the conversion of over 50,000 acres of land from agricultural to non-agricultural use within the Valley Growth Boundary, including 3,900 acres of Prime Farmland, 170 acres of Farmland of Statewide Importance, 1,600 acres of Unique Farmland and 45,000 acres of other agricultural land. There are not impacts associated with the conversion of agricultural land to non-agricultural use within the Specific Plan which differ from the analysis of the impact in the EIR for the General Plan, or which are peculiar to the Project. Because the Specific Plan is consistent with the General Plan and the impact associated with the loss of farmland within the Specific Plan was addressed in the General Plan EIR, and that effect is not peculiar to the Project, CEQA no longer applies pursuant to Public Resources Code section 21083.3. All generally-applicable mitigations identified in the General Plan EIR have been implemented and those specifically applicable to the Project have been imposed in connection with EIR Impact 4.2-1.
- 1.2 No Impacts. The Project will have no significant or cumulative significant impact upon the following:
  - 4.4-4: Interference with Wildlife Nursery Sites or Migratory Routes

- Cumulative Impacts to Hazards and Hazardous Materials;
- Cumulative Impacts to Land Use and Planning/Population Housing;
- Cumulative Impacts to Construction Noise;
- Cumulative Impacts to Railroad Noise;
- Cumulative Impacts to Public Services and Recreation;
- Cumulative Impacts to Water Supply;
- Cumulative Impacts to Water Storage and Conveyance Facilities;
- Cumulative Impacts to Wastewater Conveyance Facilities;
- Cumulative Impacts to Wastewater Treatment Facilities;
- Cumulative Impacts to Solid Waste;
- Cumulative Impacts to Utility Services and Infrastructure;

**1.3 Less Than Significant Impacts.** The Project will have a less than significant impact on the following:

- 4.3-3: Generation of Local Mobile Source CO Concentrations.
- 4.6-6: Potential Damage to Structures and Infrastructure from Construction in Corrosive Soils.
- 4.6-7: Potential Loss of Mineral Resources- Construction Aggregate.
- 4.8-1: Routine Transport, Use, or Disposal of Hazardous Materials during Construction and Operation that Could Create Hazards to the Public or Physical Environment.
- 4.8-4: Safety Hazard for People Residing or Working Near Beale AFB.
- 4.8-5: Safety of Project Residents and Workers Proximate to UPRR Rail Line.
- 4.10-1: Potential Inconsistency with Yuba County General Plan.
- 4.10-2: Potential Inconsistency with Other Adopted Plans or Agency Regulations. (Mitigation Measure Included for Planning Purposes Only)
- 4.10-4: Potential Displacement of One On-site Residential Structure.
- 4.11-4: Exposure to Transportation-Related Noise.
- 4.12-1: Increased Demand for Fire Protection Facilities, Systems, Equipment, and Services. (Mitigation Measure Included for Planning Purposes Only)
- 4.12-2: Increased Demand for Law Enforcement Facilities, Services, and Equipment. (Mitigation Measure Included for Planning Purposes Only)
- 4.12-3: Increased Demand for Public Elementary and Middle School Facilities and Services.
- 4.12-4: Increased Demand for Public High School Facilities and Services.
- 4.12-5: Increased Demand for Parks and Recreation Facilities.
- 4.12-6: Increased Demand for Other Public Services.
- 4.13-4: Inconsistency with the Yuba County Bikeway Master Plan.
- 4.13-5: Changes to Air Traffic Patterns.
- 4.13-6: Increase in Hazards due to a Design Feature of Incompatible Use.
- 4.14-1: Increased Demand for Water Supplies.
- 4.14-4: Increased Demand for OPUD WWTP Facilities.
- 4.14-5: Increased Generation of Solid Waste and Compliance with Solid Waste Regulations.
- Cumulative Impacts to Mineral Resources.

**2. Findings Associated with Significant, Potentially Significant, and Cumulative Significant Impacts which can be Mitigated to a Less Than Significant Level**

CEQA contains a general statutory command that public agencies should not approve projects that would cause significant environmental effects when there are feasible mitigation measures or feasible alternatives that can substantially lessen such effects. (Cal. Pub. Res. Code § 21002.) CEQA requires that, after certifying a final EIR, the

decision-makers of a lead agency must adopt findings describing the disposition of each significant effect identified in the EIR. One possible finding is that proposed mitigation measures or alternatives are infeasible. (Pub. Res. Code § 21081, subd. (a)). "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors. (CEQA Guidelines Section 15364).

"Feasibility" under CEQA encompasses "desirability" to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors. *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417. Thus, an agency's decision-makers are free to reject an alternative that they consider undesirable from a policy standpoint, provided that any such decision reflects this balance of these factors.

Having received, reviewed, and considered the entire record, relating to the construction and operation of the Magnolia Ranch Specific Plan Project and associated Draft and Final Environmental Impact Report, the County makes the following findings associated with significant, potentially significant, and cumulative significant impacts which can be mitigated to a less than significant level through implementation of mitigation measures identified in the Final EIR:

- The mitigation measures identified in the Final EIR and Mitigation Monitoring Plan will be effective to reduce or avoid the potentially significant impact as described in the EIR;
- These mitigation measures are feasible to implement and are within the responsibility and jurisdiction of Yuba County to implement or enforce completely; and,
- These Findings of Fact are supported by substantial evidence in the record of proceedings before the County

## 2.1 Temporary Disruption to Agricultural Operations (Impact 4.2-1).

Implementation of the Project could affect existing agricultural operations and result in a temporary, short-term loss in agricultural productivity where preconstruction and construction activities occur on active farmland. This impact is considered potentially significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.2-11 through 4.2-12, the EIR considered effects of the Project on agricultural operations, and that those effects are addressed in the EIR and in these Findings.)

### Mitigation Measure:

#### **4.2-1: Avoid Disruption of Existing Agricultural Operations to the Extent Feasible and Coordinate Construction Activities with Affected Agricultural Landowners.**

The project applicant(s) shall undertake all construction activities in an expedient fashion, and associated construction equipment storage and staging areas shall be located outside of the agricultural fields to the extent possible.

If it is necessary to locate staging areas on active farmland, the construction contractor(s) shall coordinate with the agricultural landowners in the areas that has already been or will be temporarily disturbed to determine a location and time where construction should occur to minimize damage to agricultural operations. This includes avoiding construction during peak planting, growing, and harvest seasons.

If damage or destruction does occur to active farmland, these areas shall be returned to preconstruction conditions. This could include activities such as soil preparation, regrading, and reseeding.

The project applicant(s) shall submit improvement plans that identify construction equipment storage and staging areas to the Yuba County Community Development and Services Agency for review and approval before the issuance of building permits. After construction is complete, the project applicant(s) shall provide proof to the Yuba County Community Development and Services Agency that disturbed areas within active farmland have been returned to pre-project conditions through the submittal of a signed agreement between an individual property owner and the project applicant(s).

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the significant effects on the environment to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated by the imposition of Mitigation Measure 4.2-1. Incorporation of this mitigation measure would insure that impacts associated with agricultural operations are less than significant.

**Reference:**

DEIR pages 4.2-11 through 4.2-12.

**2.2 Potential Conflicts with On-Site and Off-Site Agricultural Operations (Impact 4.2-2).**

Implementation of the proposed Project would locate urban land uses adjacent to existing on- and off-site agricultural lands, which could impair adjacent agricultural activities, result in land use compatibility conflicts, and potentially result in the ultimate conversion of this land to nonagricultural land uses. This impact is considered potentially significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.2-12 through 4.2-17 and FEIR pages 2-39 through 2-45, 2-139 through 2-140, 2-156 through 2-158, 3-2 through 3-4, and 3-14 through 3-17, the EIR considered effects of the Project on agricultural operations, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measures:**

**4.2-2a: Ensure Adequate Buffer Zones between Proposed Land Uses and Ongoing Adjacent Agricultural Operations within Undeveloped Portions of the Specific Plan Area.**

Before approval of final maps for residential projects, the project applicant(s) shall:

- Include as a condition of approval that no farming activities shall be conducted within the boundaries of the Specific Plan within 100 feet of occupied structures developed within the Specific Plan Area.
- Aerial spraying activities shall not be conducted within the boundaries of the Specific Plan within 300 feet of occupied structures constructed within the Specific Plan Area. Agricultural activities conducted within the boundaries of the Specific Plan shall be limited to rice growing, cultivation of hay or row crops, and dry-land grazing.

#### **4.2-2b: Ensure Adequate Buffer Zones between Proposed Land Uses and Ongoing Adjacent Off-Site Agricultural Operations.**

Before approval of final maps for residential projects within 1/4 mile of ongoing agricultural operations north of the Specific Plan Area, the project applicant(s) shall:

- Coordinate with the adjacent property owner north of Ostrom Road to reroute crop dusting operations. If an agreement is reached between the project applicant(s) and property owner, the project applicant(s) shall provide proof to the Yuba County Community Development and Services Agency that the adjacent property owner shall reroute crop dusting operations through the submittal of a signed agreement between an individual property owner and the project applicant(s).
- Finalize the design and ongoing maintenance mechanism for a permanent agricultural buffer along the south side of Ostrom Road. Allowable uses within the agricultural buffer shall include landscaping, passive recreation, drainage facilities and other open space uses, as well as parking for the area designated "Business Park." The buffer shall be at least 250 feet to any residential property line and to any occupied non-residential building, as measured from the northern edge of the Ostrom Road right-of-way. Adjacent to residential areas, an 8-foot-high wrought-iron style steel fence, or a 6-foot-high wrought-iron style steel fence above a 2-foot earthen berm, shall be constructed along the southern edge of the buffer. Adjacent to residential areas, a staggered, double row of trees shall be established and maintained within the buffer, each row of which shall be planted no less than 50 feet on center. The majority of trees must be an evergreen species. The agricultural buffer improvements shall be completed contemporaneously with the adjacent subdivision improvements. A similar setback distance is required for the portion of the proposed Specific Plan Area adjacent to South Beale Road.
- The applicant shall include in the Specific Plan a maintenance plan and ongoing financing mechanism for agricultural buffers, including a mechanism that ensures ongoing vegetation in the buffer area, subject to the approval of the Yuba County Community Development and Services Agency.
- Before issuance building permits, the Yuba County Community Development and Services Agency shall make a determination on review of final maps that agreed upon agricultural buffers, other required measures, and any Yuba County Agricultural Commissioner-approved strategies are identified in the Specific Plan. Agricultural buffers shall be maintained according to standards approved by the County.

The foregoing mitigation measures are incorporated into the project approval as condition of approval #7.

#### **Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the significant effects on the environment to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated by the imposition of Mitigation Measures 4.2-2a and 4.2-2b. Incorporation of these mitigation measures would insure that impacts associated with development and operation of the Project on adjacent agricultural operations are less than significant.

**Reference:**

DEIR pages 4.2-12 through 4.2-17; FEIR pages 2-39 through 2-45, 2-139 through 2-140, 2-156 through 2-158, 3-2 through 3-4, and 3-14 through 3-17.

### **2.3 Exposure of Sensitive Receptors to Emissions of Toxic Air Contaminants (Impact 4.3-4).**

Development of the proposed Project would increase the potential for exposure of sensitive land uses to substantial concentrations of TACs. This impact is considered potentially significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.3-33 through 4.3-40 and FEIR page 2-132, the EIR considered effects of the Project on sensitive land uses, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

#### **4.3-4: Conduct Project-Level Analysis and Implement Mitigation for Sources of TACs.**

Projects with the potential to generate substantial TAC emissions require a project-level analysis with appropriate mitigation, as necessary, to ensure that sensitive receptors are not exposed to substantial pollutant concentrations. In communication with the Feather River Air Quality Management District, the County will require, if necessary, a site-specific analysis for construction and/or operational activities to determine whether health risks attributable to future proposed projects 1 in relation to proposed, planned, and/or existing sensitive receptors would exceed applicable health risk thresholds of significance. Site-specific analysis may include screen level analysis, dispersion modeling, and/or a health risk assessment, consistent with applicable guidance from the Feather River Air Quality Management District. Analyses shall take into account regulatory requirements for proposed uses.

The County will require the project applicant(s) to identify and implement feasible mitigation measures to reduce any potentially significant effect and communicate with the Feather River Air Quality Management District to identify measures to reduce exposure of sensitive receptors to substantial pollutant concentrations to levels consistent with thresholds recommended by the Feather River Air Quality Management District applicable at the time the project is proposed. If the Feather River Air Quality Management District does not have applicable thresholds at the time of this analysis, the thresholds will be an increased cancer risk of 10.0 in a million or more attributable to the project, an increased non-cancer risk of 1.0 Hazard Index (chronic or acute) or more attributable to the project, and increased ambient  $PM_{2.5}$  increase of 0.3  $\mu g/m^3$  annual average or more attributable to the project. If the project would exceed applicable thresholds recommended by the Feather River Air Quality Management District or the substitute thresholds outlined above, mitigation will be required to reduce the impact to a less-than-significant level.

If the results of analysis for the operational activities of any component of the Specific Plan determine that the performance standard for this mitigation would be exceeded, actions shall be taken to reduce potential operational impacts including, but not necessarily limited to:

- locating air intakes and designing windows to reduce particulate matter exposure by, for example, not allowing windows facing the source to open;
- posting signs at all loading docks and truck loading areas which indicate that diesel-powered delivery trucks must be shut off when not in use for longer than five (5) minutes on the premises in order to reduce idling emissions (consistent with the ATCM to Limit Diesel-Fueled Commercial Motor Vehicle Idling);

- providing electrification hook-ups for TRUs to avoid diesel-fueled TRUs continuing to operate at loading docks during loading and unloading operations;
- requiring the TAC-generating activity (e.g., loading docks) be located away from sensitive receptors;
- incorporating exhaust emission controls on mobile and/or stationary sources (e.g., filters, oxidizers);
- evaluate the potential to consolidate delivery or haul truck trips to increase the load and decrease vehicle trips;
- provide building air filtration units with a Minimum Efficiency Reporting Value (MERV) that is adequate to address adjacent sensitive land uses according to performance standards of this mitigation measure. For example, MERV 16 filters have been found to remove up to 90% of PM<sub>2.5</sub>, when used in combination with heating ventilation and air conditioning (HVAC) units;
- dry cleaning operations using perchloroethylene shall not be located within 300 feet of any existing or planned sensitive land use. For operations with two or more machines, sensitive uses and dry-cleaning operation using perchloroethylene shall be separated by at least 500 feet.
- Ensure adequate distance between existing and planned sensitive receptors and gasoline dispensing facilities, based on the proposed size and design of any gasoline-dispensing facilities, consistent with guidance from ARB and in consultation with the Feather River Air Quality Management District.

If analysis demonstrates that construction activities associated with development of on-site Specific Plan land uses or off-site improvement components would exceed the performance standards identified in this mitigation measure, actions shall be taken to reduce potential construction-related impacts including, but not necessarily limited to:

- installing diesel particulate filters or implementing other ARB-verified diesel emission control strategies on all construction equipment to further reduce diesel PM emissions beyond the 45% reduction required by the District's Best Available Mitigation Measures for Construction Phase;
- using equipment during time when receptors are not present (e.g., when school is not in session or during non-school hours, or when office buildings are unoccupied);
- establishing staging areas for the construction equipment that are as far as possible from sensitive receptors;
- establishing an electrical supply to the construction site and use electric-powered equipment instead of diesel-powered equipment or generators, where feasible;
- using haul trucks with on-road engines instead of off-road engines;
- equipping nearby buildings with High Efficiency Particle Arresting (HEPA) filters systems at all mechanical air intake points to the building to reduce the levels of diesel PM that enter buildings;
- temporarily relocating sensitive receptors during construction activities;
- planning construction phasing to be linear so that future construction activities continue to move further away from occupied land uses; and
- planning construction phasing to complete mass site grading, which generates the largest portion of diesel PM emissions, prior to occupancy of the project site.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the significant effects on the environment to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated by the imposition of Mitigation Measure 4.3-4. Incorporation of this mitigation measure would insure that impacts associated with development and operation of the Project related to the increasing potential for exposure of sensitive land uses to substantial concentrations of TACs would be less than significant.

**Reference:**

DEIR pages 4.3-33 through 4.3-40; FEIR page 2-132.

**2.4 Potential Loss and Degradation of Jurisdictional Wetlands and Other Waters of the United States, and Waters of the State (Impact 4.4-1).**

Implementation of the Specific Plan and off-site improvements could result in the placement of fill material into jurisdictional waters of the United States, including wetlands subject to USACE jurisdiction under the federal CWA. Implementation of the Specific Plan also has the potential to result in loss and degradation of wetland habitats protected under state and local regulations. The impact is considered potentially significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.4-38 through 4.4-43 and FEIR pages 2-89, 3-6 through 3-8, and 3-22 through 3-24, the EIR considered effects of the Project on jurisdictional wetlands and other Waters of the United States and Waters of the State and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

**Mitigation Measure 4.4-1: Secure CWA Section 404 and 401 Permits and California Fish and Game Code Streambed Alteration Agreements; Implement All Permit Conditions, and Ensure No Net Loss of Wetlands, Other Waters of the United States, Riparian Habitats, and Associated Functions.**

The following measures shall be implemented by the Specific Plan applicant, as required and all project applicant(s) of all project phases under the Specific plan to reduce significant impacts on wetlands and other waters of the United States, riparian habitats, and waters of the state:

- For projects within the Specific Plan Area and off-site improvement areas, including both the sewer line and off-site transportation improvements, a delineation of waters of the United States shall be delineated according to methods established in the USACE wetlands delineation manual (Environmental Laboratories 1987) and Arid West Supplement (Environmental Laboratories 2008). The delineation shall map and quantify the acreage of all jurisdictional habitats on the project site(s) and shall be submitted to USACE for verification.
- Impacts on waters of the United States and waters of the state shall be avoided to the extent feasible, as specified by Yuba County General Plan Policies NR5.8, NR5.9, and NR5.15, and Actions NR 5.1 and NR 5.3.
- New private developments adjacent to riparian areas shall provide a buffer designed and maintained to preserve existing wildlife habitat; provide habitat conditions favorable to native local wildlife; restrict activities that may adversely affect wildlife habitat quality; and restore degraded habitat, where feasible, as specified by Yuba County General Plan Policy NR5.8.

- New developments shall be designed to avoid the loss of jurisdictional wetlands. If loss is unavoidable, the County will require applicants to mitigate the loss on a "no net loss" basis through a combination of avoidance, minimization, restoration, and/or constructed wetlands, in accordance with federal and state law, as specified by Yuba County General Plan Policy NR5.9.
- Roads, water lines, sewer lines, drainage facilities, and other public facilities constructed to serve unincorporated County development shall be located and designed to avoid substantial impacts to stream courses, associated riparian areas, and wetlands, to the greatest extent feasible, as specified by Yuba County General Plan Policy NR5.15.
- For projects that would affect the function and value of river, stream, lake, pond, or wetland features, each of these features shall be delineated. For wetlands, the delineation shall be conducted in accordance with the USACE Wetland Delineation Manual and verified by USACE. The standard mitigation and survey requirements will be consistent with applicable guidance from trustee and responsible agencies, such as CDFW, USACE, and the USFWS. Mitigation monitoring shall be conducted to ensure performance criteria are met, as specific by Yuba County General Plan Action NR5.1.
- Through review of the proposed private and public projects near wetlands and riparian areas, the County will require buffering to protect these important habitats. Setbacks are expected to range from 33 to 150 feet in width. Where stream courses are contained within levees, as in the case of the Bear, Feather, and Yuba Rivers, required setbacks shall be measured from the outside toe of the levee. Where levees are not present, the buffer shall be measured from the edge of the active floodway. Setbacks will be included as part of conditions of approval for proposed projects. The depth of the setback shall be determined based upon site-specific conditions and communication with appropriate trustee and responsible agencies, such as CDFW, USACE, and USFWS. Depending on the vegetation type, ongoing management of buffers may be necessary to address invasive species, human disturbance, and to sustain habitat and water quality functions, as specific by Yuba County General Plan Action NR5.3: Wetlands and Riparian Buffers.
- The fresh emergent wetlands habitat in the northwest portion of the Specific Plan Area adjacent to Bradshaw Road shall be retained and designated as open space in the Specific Plan and in all plans and maps needed to implement the Specific Plan in this location. Setbacks will be included as part of conditions of approval of the Specific Plan and off-site improvements to comply with Yuba County General Plan Action NR5.3 and to reduce impacts to retain wetland and riparian habitat. Generally, larger buffers are required in riparian areas known to provide habitat for special-status species. In areas where special-status species and riparian vegetation are not present, only the minimum buffer shall be required. The wetland habitat in the northwest portion of the Specific Plan Area does not support riparian vegetation and but provides only marginally suitable aquatic habitat for western pond turtle. However, the surrounding upland habitat is currently not suitable for pond turtle nesting due to routine disturbances, including traffic, mowing, and plowing. Because the wetland habitat does not currently provide suitable breeding habitat for western pond turtle and is not expected to support other special-status species, the minimum setback of 33 feet identified by the General Plan is anticipated to be appropriate at this time.
- In compliance with Yuba County General Plan Policy NR5.15, off-site improvement projects shall be designed to avoid direct loss or substantial degradation of wetlands, streams, and riparian habitats. The avoidance measures shall include relocating sewer and transportation improvement components, as necessary and where practicable alternatives are available, to prevent direct fill of wetlands and other waters of the United States.
- Where impacts on aquatic resources cannot be fully avoided, the County shall determine, based on the verified wetland delineation and Specific Plan exhibits, the acreage of impacts on waters of the United States and waters of the state that would result from project implementation.

- A Department of the Army 404 CWA permit from the USACE will be required for any activity resulting in impacts from “fill” of wetlands and other waters of the United States. Project applicant(s) shall obtain this permit prior to project initiation and shall abide by the conditions of the permit, including all mitigation requirements, and implement all requirements of the permits in the timeframes required therein. A wetland mitigation and monitoring plan that satisfies USACE requirements will be needed as part of the permit application. All project applicant(s) shall be required to provide proof to the County that they have obtained, as necessary, a USACE Section 404 permit and Central Valley RWQCB Section 401 certification, CDFW Section 1602 streambed alteration agreement, and met waste discharge requirements before approval of grading and improvement plans.
- Project applicant(s) shall replace, restore, or enhance on a “no net loss” basis (in accordance with USACE and the Central Valley RWQCB and Yuba County General Plan Policy NR5.8) the acreage of all wetlands and other waters of the United States, riparian habitat, and waters of the state that would be removed and/or degraded with implementation of project plans. Wetland habitat shall be restored, enhanced, and/or replaced at an acreage and location agreeable to USACE, the Central Valley RWQCB, CDFW, and the County, as appropriate depending on agency jurisdiction. Methods for designing and implementing restored, rehabilitated, and replacement wetlands shall be determined by qualified restoration ecologists and geomorphologists to ensure that the desired results are achievable. The design shall include features to maximize the long-term maintenance of functions and success criteria. A minimum of 5 years of monitoring shall be required for all restored, rehabilitated, and replacement wetlands. A monitoring plan shall be developed that includes remedial actions to be taken if the success criteria are not met. Before the mitigation design and monitoring plan are finalized, the project applicant(s) shall obtain approval from USACE, Central Valley RWQCB, and CDFW, as appropriate, indicating the planned features are sufficient to replace lost habitat values at equivalent or higher levels.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

#### **Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the significant effects on the environment to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated by the imposition of Mitigation Measure 4.4-1. Incorporation of this mitigation measure would insure that impacts associated with development and operation of the Project on jurisdictional wetlands and other Waters of the United States and Waters of the State are less than significant.

#### **Reference:**

DEIR pages 4.4-38 through 4.4-43; FEIR pages 2-89, 3-6 through 3-8, and 3-22 through 3-24.

## **2.5 Potential Loss and Degradation of Habitat for Special-Status Wildlife and Fish Species and Potential Direct Take of Individuals (Impact 4.4-2).**

Implementation of the Specific Plan and off-site improvements could result in the loss and degradation of habitat for a number of special-status wildlife species. The impact is considered potentially significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.4-43 through 4.4-53 and FEIR pages 2-88 through 2-89, 3-8 through 3-10, and 3-24 through 3-26, the EIR considered effects of the Project on habitat for special-status wildlife species, and that those effects are addressed in the EIR and in these Findings.)

#### **Mitigation Measures:**

##### **4.4-2a: Implement Measures to Mitigate Impacts to Western Pond Turtle.**

The project applicant(s) of all project phases shall implement the following measures to avoid, minimize, and reduce impacts to western pond turtle, as specified in the Yuba County General Plan:

- Policy NR5.1: New developments that could adversely affect special-status species habitat shall conduct a biological resources assessment and identify design solutions that avoid such adverse effects. If, after examining all feasible means to avoid impacts to special-status species habitat through project design, adverse effects cannot be avoided, then impacts shall be mitigated in accordance with guidance from the appropriate state or federal agency charged with the protection of the subject species, including pre-construction surveys conducted according to applicable standards and protocols, where necessary.
- Policy NR5.8: New private developments adjacent to riparian areas shall provide a buffer designed and maintained to preserve existing wildlife habitat; provide habitat conditions favorable to native local wildlife; restrict activities that may adversely affect wildlife habitat quality; and restore degraded habitat, where feasible.

The Specific Plan applicant and/or project applicant(s) of all project phases will also be required to implement the following specific measures to avoid, minimize, or minimize impacts to western pond turtle:

- A preconstruction survey for western pond turtle shall be conducted by a qualified biologist prior to work in suitable aquatic habitat. If no pond turtles are observed, no further mitigation is necessary.
- If pond turtles are found, they shall be relocated by a qualified biologist to the nearest area with suitable aquatic habitat that will not be disturbed by project-related construction activities.

##### **4.4-2b: Avoid and Minimize Potential Impacts to Swainson's Hawk and Other Raptors.**

The project applicant(s) of all project phases shall implement the following measures to avoid, minimize, and reduce impacts to Swainson's hawk and other raptors, as specified in the Yuba County General Plan:

- Policy NR5.1: New developments that could adversely affect special-status species habitat shall conduct a biological resources assessment and identify design solutions that avoid such adverse effects. If, after examining all feasible means to avoid impacts to special-status species habitat through project design, adverse effects cannot be avoided, then impacts shall be mitigated in accordance with guidance from the appropriate state or federal agency charged with the protection of the subject species, including pre-construction surveys conducted according to applicable standards and protocols, where necessary.
- Action NR5.3: Wetlands and Riparian Buffers. Through review of the proposed private and public projects near wetlands and riparian areas, the County will require buffering to protect these important habitats. Setbacks are expected to range from 33 to 150 feet in width. Where levees are not present, the buffer shall be measured from the edge of the active floodway. Setbacks will be included as part of conditions of approval for proposed projects. The depth of the setback shall be

determined based upon site-specific conditions and communication with appropriate trustee and responsible agencies, such as CDFW, USACE, and USFWS. Depending on the vegetation type, ongoing management of buffers may be necessary to address invasive species, human disturbance, and to sustain habitat and water quality functions. The Specific Plan applicant and/or project applicant(s) of all project phases will also be required to implement the following specific measures related to avoid direct loss of Swainson's hawk and other raptors:

- To avoid, minimize, and mitigate potential impacts on Swainson's hawk and other raptors (not including burrowing owl), a qualified biologist shall be retained to conduct preconstruction surveys and to identify active nests on and within 0.5 mile of the project site(s). The surveys shall be conducted before the approval of grading and/or improvement plans (as applicable) and no less than 14 days and no more than 30 days before the beginning of construction for all project phases. To the extent feasible, guidelines provided in Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley (DFG 2000) shall be followed for surveys for Swainson's hawk. If no nests are found, no further mitigation is required.
- Impacts on nesting Swainson's hawks and other raptors shall be avoided by establishing appropriate buffers around active nest sites identified during preconstruction raptor surveys. No project activity shall commence within the buffer areas until a qualified biologist has determined in consultation with CDFW that the young have fledged, the nest is no longer active, or that reducing the buffer would not result in nest abandonment. CDFW guidelines recommend implementation of 0.25- or 0.5-mile-wide buffers, but the size of the buffer may be adjusted if a qualified biologist and the County, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist during and after construction activities will be required if the activity has potential to adversely affect the nest.
- To avoid, minimize, and mitigate potential impacts on burrowing owl, a qualified biologist shall be retained to conduct preconstruction surveys within 30 days prior to the start of construction activities to ensure that burrowing owls will not be affected by project activities.

To avoid loss of burrowing owl, the project applicant(s) shall:

- 1) To avoid, minimize, and mitigate potential impacts on burrowing owl, a qualified biologist shall be retained to conduct focused breeding and nonbreeding season surveys for burrowing owls in areas of suitable habitat on and within 1,500 feet of the project site(s). Surveys shall be conducted prior to the start of construction activities and in accordance with Appendix D of CDFW's Staff Report on Burrowing Owl Mitigation (DFG 2012). A minimum of four survey visits shall be conducted as specified in Appendix D of the staff report (DFG 2012) in areas not proposed for site preparation or construction in 2016. If areas are proposed for site preparation, construction or any type of disturbance, a pre-construction survey is still required, along with the appropriate activities outlined below, based on the findings of the pre-construction survey.
- 2) If no occupied burrows are found, a letter report documenting the survey methods and results shall be submitted to CDFW and no further mitigation will be required.
- 3) If an active burrow is found during the nonbreeding season (September 1 through January 31), the project applicant(s) shall consult with CDFW regarding protection buffers to be established around the occupied burrow and maintained throughout construction. If occupied burrows are present that cannot be avoided or adequately protected with a no-disturbance buffer, a burrowing owl exclusion and relocation plan shall be developed in consultation with CDFW. Owls shall be relocated outside of the impact area using passive or active methodologies developed in consultation with CDFW and may include active relocation to preserve areas if

approved by CDFW. No burrowing owls shall be excluded from occupied burrows until the burrowing owl exclusion and relocation plan is approved by CDFW.

- 4) If an active burrow is found during the breeding season (February 1 through August 31), occupied burrows shall not be disturbed and will be provided with a 150- to 1,500-foot protective buffer unless a qualified biologist verifies through noninvasive means that either: (1) the birds have not begun egg laying, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. The size of the buffer shall depend on the time of year and level of disturbance as outlined in the CDFW Staff Report (DFG 2012:9). The size of the buffer may be reduced if a broad-scale, long-term, scientifically rigorous monitoring program is implemented to ensure burrowing owls are not detrimentally affected. Once the fledglings are capable of independent survival, the owls will be relocated outside the impact area following a burrowing owl exclusion and relocation plan developed in consultation with CDFW and the burrow shall be destroyed to prevent owls from reoccupying it. No burrowing owls shall be excluded from occupied burrows until the burrowing owl exclusion and relocation plan is approved by CDFW.
- 5) If active burrowing owl nests are found in the Specific Plan Area or off-site improvement areas and these nest sites are lost as a result of implementing the project, then the project applicant(s) shall mitigate the loss through preservation of other known nest sites at a ratio of 1:1.
- 6) All burrowing owl mitigation lands shall be preserved in perpetuity and incompatible land uses shall be prohibited in habitat conservation areas.

#### **4.4-2c: Avoid and Minimize Potential Impacts to Valley Elderberry Longhorn Beetle.**

The project applicant(s) of all project phases shall implement the following measures to avoid, minimize, and reduce impacts to Valley Elderberry Longhorn Beetle (VELB), as specified in the Yuba County General Plan:

- Policy NR5.1: New developments that could adversely affect special-status species habitat shall conduct a biological resources assessment and identify design solutions that avoid such adverse effects. If, after examining all feasible means to avoid impacts to special-status species habitat through project design, adverse effects cannot be avoided, then impacts shall be mitigated in accordance with guidance from the appropriate state or federal agency charged with the protection of the subject species, including pre-construction surveys conducted according to applicable standards and protocols, where necessary.
- Policy NR5.4: New developments shall be located and designed to preserve and incorporate existing native vegetation to the maximum extent feasible. Fire safety standards may override consideration of retaining existing vegetation in certain circumstances.
- Policy NR5.13: New developments that could adversely affect wildlife movement corridors shall conduct a biological assessment and avoid placing any temporary or permanent barriers within such corridors, if they are determined to exist on-site. Avoiding barriers to wildlife movement may be accomplished at the project or community plan level.
- Policy NR5.15: Roads, water lines, sewer lines, drainage facilities, and other public facilities constructed to serve unincorporated County development shall be located and designed to avoid substantial impacts to stream courses, associated riparian areas, and wetlands, to the greatest extent feasible.
- Action NR5.3: Wetlands and Riparian Buffers. Through review of the proposed private and public projects near wetlands and riparian areas, the County will require buffering to protect these

important habitats. Setbacks are expected to range from 33 to 150 feet in width. Where levees are not present, the buffer shall be measured from the edge of the active floodway. Setbacks will be included as part of conditions of approval for proposed projects. The depth of the setback shall be determined based upon site-specific conditions and communication with appropriate trustee and responsible agencies, such as DFW, USACE, and USFWS. Depending on the vegetation type, ongoing management of buffers may be necessary to address invasive species, human disturbance, and to sustain habitat and water quality functions.

The Specific Plan applicant and/or project applicant(s) of all project phases will also be required to implement the following specific measures related to mitigate impacts to VELB:

- To avoid and minimize potential impacts to VELB, a preconstruction survey shall be conducted by a qualified biologist in the riparian habitat within the off-site improvement areas prior to any construction activity.
- If elderberry shrubs are not present, no further mitigation is necessary.
- If elderberry shrubs are present, prior to initiating any ground-disturbing activities within 100 feet of elderberry shrubs, a qualified biologist shall map all shrubs with stems measuring 1 inch or greater in diameter at ground level and install orange protective fencing delimiting a 100-foot no-disturbance buffer around such shrubs. The 100-foot no-disturbance buffer shall be maintained for the duration of construction activities.

**4.4-2d: Implement Measures 4.4-2a through 4.4-2c to Avoid and Minimize Impacts to Western Pond Turtle, Swainson's Hawk, Western Burrowing Owl, and other Raptors.**

The project applicant(s) of all project phases shall implement Mitigation Measures 4.4-2a through 4.4-2c to avoid, minimize, and reduce impacts to Valley Elderberry Longhorn Beetle (VELB).

**4.4-2e: Avoid and Minimize Potential Impacts to Tricolored Blackbird.**

The project applicant(s) of all project phases shall implement the following measures to avoid and minimize impacts to tricolored blackbird:

- A preconstruction survey shall be conducted by a qualified biologist during the species' nesting season (March 1–August 31) prior to any construction activity. The preconstruction survey shall be conducted within 500 feet of suitable nesting habitat, including fresh emergent wetland and areas of riparian scrub vegetation. The survey shall be conducted within 14 days before project activity begins.
- If no tricolored blackbird colony is present, no further mitigation is required. If a tricolored blackbird colony is found, the qualified biologist shall establish a buffer around the nesting population. No project activity shall commence within the buffer area until a qualified biologist confirms that the population is no longer active. The size of the buffer shall be determined in consultation with CDFW. Buffer size is anticipated to range from 100 to 500 feet, depending on the nature of the project activity, the extent of existing disturbance in the area, and other relevant circumstances as determined by a qualified biologist in consultation with CDFW. Monitoring of the nesting colony by a qualified biologist shall be required during construction activities if the activity has the potential to adversely affect nests. If construction activities cause nesting birds to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the no-disturbance shall be increased until the agitated behavior ceases. The exclusionary buffer will remain in place until the chicks have fledged or as otherwise determined by a qualified biologist.

- In addition, Mitigation Measure 4.4-1 shall be implemented to reduce significant impacts on vernal pool habitat.

**4.4-2f: Avoid Vernal Pool Habitat through Design and Siting and Implementation of Yuba County General Plan Policies NR5.8, NR5.9, NR5.15, and Action NR5.3.**

The project applicant(s) of all project phases shall implement the following measures to avoid and minimize impacts to vernal pool fairy shrimp and vernal pool tadpole shrimp:

- Policy NR5.8: New private developments adjacent to riparian areas shall provide a buffer designed and maintained to preserve existing wildlife habitat; provide habitat conditions favorable to native local wildlife; restrict activities that may adversely affect wildlife habitat quality; and restore degraded habitat, where feasible.
- Policy NR5.9: New developments shall be designed to avoid the loss of jurisdictional wetlands. If loss is unavoidable, the County will require applicants to mitigate the loss on a "no net loss" basis through a combination of avoidance, minimization, restoration, and/or constructed wetlands, in accordance with federal and state law.
- Policy NR5.15: Roads, water lines, sewer lines, drainage facilities, and other public facilities constructed to serve unincorporated County development shall be located and designed to avoid substantial impacts to stream courses, associated riparian areas, and wetlands, to the greatest extent feasible.
- Action NR5.3: Wetlands and Riparian Buffers. Through review of the proposed private and public projects near wetlands and riparian areas, the County will require buffering to protect these important habitats. Setbacks are expected to range from 33 to 150 feet in width. Where levees are not present, the buffer shall be measured from the edge of the active floodway. Setbacks will be included as part of conditions of approval for proposed projects. The depth of the setback shall be determined based upon site-specific conditions and communication with appropriate trustee and responsible agencies, such as DFW, USACE, and USFWS. Depending on the vegetation type, ongoing management of buffers may be necessary to address invasive species, human disturbance, and to sustain habitat and water quality functions.
- In addition, Mitigation Measure 4.4-1 shall be implemented to reduce significant impacts on vernal pool habitat.

The foregoing mitigation measures are incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the significant effects on the environment to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated by the imposition of Mitigation Measures 4.4-2a, 4.4-2b, 4.4-2c, 4.4-2d, 4.4-2e and 4.4-2f. Incorporation of these mitigation measures would insure that impacts associated with development and operation of the Project on habitat for special-status wildlife species are less than significant.

**Reference:**

DEIR pages 4.4-43 through 4.4-53 and FEIR pages 2-88 through 2-89, 3-8 through 3-10, and 3-24 through 3-26.

## 2.6 Potential Loss of Special-Status Plants and Loss and Degradation of Habitat for Special-Status Plants (Impact 4.4-3).

Implementation of the Specific Plan and off-site improvements could result in the loss and degradation of habitat for special-status plants. The impact is considered potentially significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.4-53 through 4.4-55, the EIR considered effects of the Project on habitat for special-status plants, and that those effects are addressed in the EIR and in these Findings.)

### Mitigation Measure:

#### **4.4-3: Conduct Protocol-Level Preconstruction Plant Surveys and Implement Avoidance and Mitigation Measures or Compensatory Mitigation.**

The project applicant(s) of all project phases shall implement the following measures to avoid, minimize, and reduce impacts to special-status plant species, as specified in the Yuba County General Plan:

- Policy NR5.1: New developments that could adversely affect special-status species habitat shall conduct a biological resources assessment and identify design solutions that avoid such adverse effects. If, after examining all feasible means to avoid impacts to special-status species habitat through project design, adverse effects cannot be avoided, then impacts shall be mitigated in accordance with guidance from the appropriate state or federal agency charged with the protection of the subject species, including pre-construction surveys conducted according to applicable standards and protocols, where necessary.
- Policy NR5.4: New developments shall be located and designed to preserve and incorporate existing native vegetation to the maximum extent feasible. Fire safety standards may override consideration of retaining existing vegetation in certain circumstances.
- Policy NR5.9: New developments shall be designed to avoid the loss of jurisdictional wetlands. If loss is unavoidable, the County will require applicants to mitigate the loss on a "no net loss" basis through a combination of avoidance, minimization, restoration, and/or constructed wetlands, in accordance with federal and state law.
- Policy NR5.15: Roads, water lines, sewer lines, drainage facilities, and other public facilities constructed to serve unincorporated County development shall be located and designed to avoid substantial impacts to stream courses, associated riparian areas, and wetlands, to the greatest extent feasible.
- Action NR5.3: Wetlands and Riparian Buffers. Through review of the proposed private and public projects near wetlands and riparian areas, the County will require buffering to protect these important habitats. Setbacks are expected to range from 33 to 150 feet in width. Where levees are not present, the buffer shall be measured from the edge of the active floodway. Setbacks will be included as part of conditions of approval for proposed projects. The depth of the setback shall be determined based upon site-specific conditions and communication with appropriate trustee and responsible agencies, such as CDFW, USACE, and USFWS. Depending on the vegetation type, ongoing management of buffers may be necessary to address invasive species, human disturbance, and to sustain habitat and water quality functions.

The Specific Plan applicant and/or project applicant(s) of all project phases will also be required to implement the following specific measures related to special-status plants:

- A qualified botanist shall be retained to conduct protocol-level preconstruction special-status plant surveys for all potentially occurring plant species in the Specific Plan Area and off-site improvements areas, including both the sewer line extension and off-site transportation improvement areas. If no special-status plants are found during focused surveys, the botanist shall document the findings in a letter report to USFWS, CDFW, and Yuba County, and no further mitigation shall be required.
- If special-status plant populations are found, the County, CDFW, and USFWS shall be consulted, as appropriate depending on species status, to determine the mitigation measures for direct and indirect impacts on any special-status plant population that could occur as a result of project implementation. Mitigation measures may include preserving and enhancing existing populations, creation of off-site populations on project mitigation sites through seed collection or transplantation, and/or restoring or creating suitable habitat in sufficient quantities to achieve no net loss of occupied habitat or individuals.
- If potential impacts on special-status plant species are likely, a mitigation and monitoring plan shall be developed before the approval of grading plans or any ground-breaking activity within 250 feet of a special-status plant population. The mitigation plan shall be submitted to the County for review and approval. It shall be submitted concurrently to CDFW or USFWS, as appropriate, depending on species status, for review and comment. The plan shall require maintaining viable plant populations on-site and shall identify avoidance measures for any existing population(s) to be retained and compensatory measures for any populations directly affected. Possible avoidance measures include fencing populations before construction and exclusion of project activities from the fenced-off areas, and construction monitoring by a qualified botanist to keep construction crews away from the population. The mitigation plan shall also include monitoring and reporting requirements for populations to be preserved on site or protected or enhanced off-site.
- If relocation efforts are part of the mitigation plan, the plan shall include details on the methods to be used, including collection, storage, propagation, receptor site preparation, installation, long-term protection and management, monitoring and reporting requirements, and remedial action responsibilities should the initial effort fail to meet long-term monitoring requirements.
- If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures shall be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, and other details, as appropriate to target the preservation of long-term viable populations.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

#### **Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the significant effects on the environment to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated by the imposition of Mitigation Measure 4.4-3. Incorporation of this mitigation measure would insure that impacts associated with development and operation of the Project on special-status plant species are less than significant.

#### **Reference:**

DEIR pages 4.4-53 through 4.4-55.

**2.7 Potential to cause a substantial adverse change in the significance of an archaeological resource or a historical resource as defined in Section 21083.2 of CEQA and Section 15065.5 of the State CEQA Guidelines (Impact 4.5-1).**

No evidence of cultural resources has been encountered. However, previously unidentified cultural resources could be adversely affected by Specific Plan implementation. Specific Plan impacts on previously unidentified cultural resources are therefore considered potentially significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.5-6 through 4.5-8, the EIR considered effects of the Project on cultural resources, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measures:**

**4.5-1a: Implement Procedures to Avoid or Reduce Impacts on Cultural Resources for Specific Plan Areas outside Phase 1 and Off-Site Improvement Areas.**

Projects and subdivision maps for areas within the Specific Plan outside Phase 1 and off-site improvement areas shall comply with Action NR6.1 of the Yuba County General Plan, which requires an environmental assessment and mitigation to reduce or avoid impacts to significant cultural resources, as feasible, per state and federal legislation and regulations. The environmental assessment shall be conducted by a qualified cultural resource specialist and shall include, at minimum, a review of the records search and Native American consultation conducted for the Magnolia Ranch Specific Plan EIR to determine if an updated records search and/or Native American consultation is warranted and a pedestrian survey of the project area by a qualified cultural resource specialist to determine the presence or potential presence of cultural resources that could be adversely affected by project implementation. Mitigation shall include avoidance of cultural resources where possible and feasible.

**4.5-1b: Implement Procedures to Avoid or Reduce Impacts on Cultural Resources for the Entire Specific Plan and Off-Site Improvement Areas.**

In the event that any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, are discovered during construction related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the Yuba County Community Development and Services Agency shall be notified.

The County shall consult with a qualified archeologist retained at the project applicant(s)' expense to assess the significance of the find. If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either an historical resource or a unique archaeological resource), representatives of the County and the qualified archaeologist shall meet to determine the appropriate course of action, with the County making the final decision. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report shall be prepared by the qualified archaeologist according to current professional standards.

If the archaeologist determines that some or all of the affected property qualifies as a Native American Cultural Place, including a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine (California Public Resources Code Section 5097.9) or a Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register of Historical

Resources pursuant to California Public Resources Code Section 5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site (California Public Resources Code Section 5097.993), the archaeologist shall recommend to the County potentially feasible mitigation measures that would preserve the integrity of the site or minimize impacts on it, including any or a combination of the following:

- avoidance, preservation, and/or enhancement of all or a portion of the Native American Cultural Place as open space or habitat, with a conservation easement dedicated to the most interested and appropriate tribal organization. If such an organization is willing to accept and maintain such an easement, or alternatively, a cultural resource organization that holds conservation easements;
- an agreement with any such tribal or cultural resource organization to maintain the confidentiality of the location of the site so as to minimize the danger of vandalism to the site or other damage to its integrity; or
- Other measures, short of full or partial avoidance or preservation, intended to minimize impacts on the Native American Cultural Place consistent with land use assumptions and the proposed design and footprint of the development project for which the requested grading permit has been approved.

After receiving such recommendations, the County shall assess the feasibility of the recommendations and impose the most protective mitigation feasible in light of land use assumptions and the proposed design and footprint of the development project. The County shall, in reaching conclusions with respect to these recommendations, consult with both the project applicant(s) and the most appropriate and interested tribal organization.

The foregoing mitigation measures are incorporated into the project approval as condition of approval #7.

#### **Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the significant effects on the environment to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated by the imposition of Mitigation Measures 4.5-1a and 4.5-1b. Incorporation of these mitigation measures would insure that impacts associated with development and operation of the Project on cultural resources are less than significant.

#### **Reference:**

DEIR pages 4.5-6 through 4.5-8.

### **2.8 Potential Disturbance of and Damage to Human Remains During Project Construction (Impact 4.5-2).**

No evidence of human remains has been encountered in the Phase 1 area. However, previously undocumented human remains could be inadvertently encountered and damaged during project construction. Specific Plan impacts on previously undocumented human remains in the Phase 1 Area are therefore considered potentially significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.5-8 through 4.5-9, the EIR considered effects of the Project on human remains, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measures:****4.5-2a: Implement Mitigation Measure 4.5-1a.**

The project applicant(s) of all project phases outside of Phase 1 and off-site improvement areas shall implement Mitigation Measure 4.5-1a to avoid, minimize, and reduce impacts to human remains.

**4.5-2b: Halt Construction if Human Remains are Discovered and Implement Appropriate Actions.**

This mitigation applies to all portions of the Specific Plan and off-site improvement areas. If human remains are discovered at any project construction sites during any phase of construction, all ground-disturbing activity within 50 feet of the remains shall be halted immediately, and the Yuba County Community Development and Services Agency and the County coroner shall be notified immediately. If the remains are determined by the County Coroner to be Native American, NAHC shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project applicant(s) shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The County shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of state law, as set forth in CEQA Guidelines CCR Section 15064.5(e) and California Public Resources Code section 5097.98. The project applicant(s) shall implement approved mitigation, to be verified by the County, before the resumption of ground-disturbing activities within 50 feet of where the remains were discovered.

The foregoing mitigation measures are incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the significant effects on the environment to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated by the imposition of Mitigation Measures 4.5-2a and 4.5-2b. Incorporation of these mitigation measures would insure that impacts associated with development and operation of the Project on adjacent agricultural operations are less than significant.

**Reference:**

DEIR pages 4.5-8 through 4.5-9.

**2.9 Possible Risks to People and Structures Caused by Strong Seismic Ground Shaking (Impact 4.6-1).**

The Specific Plan Area and off-site improvement areas are located near faults with evidence of displacement during relatively recent geologic time; therefore, the impact from strong seismic ground shaking is considered potentially significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.6-20 through

4.6-21, the EIR considered effects of the Project on people and structures from strong seismic ground shaking, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

**4.6-1: Prepare Site-Specific Final Geotechnical Report per CBC Requirements and Implement Appropriate Recommendations and Monitor Earthwork during Ground-Disturbing Activities.**

Before building permits are issued and construction activities begin and before improvement plans are approved for any off-site improvements, the project applicant(s) shall hire a licensed geotechnical engineer to prepare a final geotechnical subsurface investigation report for the proposed facilities, which shall be submitted for review and approval to the Yuba County Community Development and Services Agency. The final geotechnical engineering report shall address and make recommendations on the following:

- site preparation;
- soil bearing capacity;
- appropriate sources and types of fill;
- potential need for soil amendments;
- structural foundations, including retaining-wall design;
- grading practices;
- soil corrosion of concrete and steel;
- erosion/winterization;
- seismic ground shaking;
- liquefaction;
- subsidence; and
- expansive/unstable soils.

In addition to the recommendations for the conditions listed above, the geotechnical investigation shall include subsurface testing of soil and groundwater conditions, and shall determine appropriate foundation designs that are consistent with the version of the CBC that is applicable at the time of the building and grading permit applications. All recommendations contained in the final geotechnical engineering report shall be implemented by the project applicant(s). Special recommendations contained in the geotechnical engineering report shall be noted on the grading and improvement plans and implemented, as appropriate, before construction begins. Design and construction of all new project development shall be in accordance with the CBC.

All earthwork shall be monitored by a qualified geotechnical or soils engineer retained by the project applicant(s) for each project developed under the Specific Plan and off-site improvements. The geotechnical or soils engineer shall provide oversight during all excavation, placement of fill, and disposal of materials removed from and deposited on both on- and off-site construction areas.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the significant effects on the environment to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated by the imposition of Mitigation Measure 4.6-1. Incorporation of this mitigation measure would insure that impacts associated with development and operation of the Project on people and structures from strong seismic ground shaking are less than significant.

**Reference:**

DEIR pages 4.6-20 through 4.6-21.

**2.10 Possible Seismically-Induced Risks to People and Structures Caused by Liquefaction (Impact 4.6-2).**

Specific Plan development and off-site improvements could occur in areas subject to liquefaction. This impact is considered potentially significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.6-21 through 4.6-22, the EIR considered effects of the Project on people and structures caused by liquefaction, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

**4.6-2: Implement Mitigation Measure 4.6-1.**

The project applicant(s) of all project phases shall implement Mitigation Measure 4.6-1 to avoid, minimize, and reduce impacts on people and structures caused by liquefaction.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the significant effects on the environment to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated by the imposition of Mitigation Measure 4.6-2. Incorporation of this mitigation measure would insure that impacts associated with development and operation of the Project on people and structures caused by liquefaction are less than significant.

**Reference:**

DEIR pages 4.6-21 through 4.6-22.

**2.11 Possible Temporary and Short-Term Construction-Related Erosion (Impact 4.6-3).**

Construction activities during Specific Plan implementation, including off-site improvement areas, would involve grading and movement of earth over large areas in soils subject to wind and water erosion hazard. This impact is

considered potentially significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.6-22 through 4.6-23, the EIR considered effects of the Project on erosion, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

**4.6-3: Prepare and Implement a Grading and Erosion Control Plan.**

Before any grading permit is issued and before any improvement plan is approved, the project applicant(s) shall retain a California Registered Civil Engineer to prepare a grading and erosion control plan for both on-site development and off-site improvements. The grading and erosion control plan shall be submitted to the Yuba County Community Development and Services Agency before issuance of grading permits and before approval of improvement plans for off-site improvements. The plan shall be consistent with Yuba County's Grading, Drainage, and Erosion Control Ordinance and the state's NPDES permit, and shall include the site-specific grading associated with development for all project phases.

The plan referenced above shall include the location, implementation schedule, and maintenance schedule of all erosion and sediment control measures, a description of measures designed to control dust and stabilize the construction-site road and entrance, and a description of the location and methods of storage and disposal of construction materials. Erosion and sediment control measures could include the use of detention basins, berms, swales, wattles, and silt fencing, and covering or watering of stockpiled soils to reduce wind erosion. Stabilization on steep slopes could include construction of retaining walls and reseeding with vegetation after construction. Stabilization of construction entrances to minimize trackout (control dust) is commonly achieved by installing filter fabric and crushed rock to a depth of approximately 1 foot. Project applicant(s) shall ensure that the construction contractor is responsible for securing a source of transportation and deposition of excavated materials.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the significant effects on the environment to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated by the imposition of Mitigation Measure 4.6-3. Incorporation of this mitigation measure would insure that impacts associated with construction of the Project on erosion are less than significant.

**Reference:**

DEIR pages 4.6-22 through 4.6-23.

**2.12 Potential Geologic Hazards Related to Construction in Unstable Soils (Impact 4.6-4).**

Project elements could be constructed in areas that contain unstable soils. This impact is considered potentially significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.6-23 through 4.6-24, the

EIR considered effects of the Project from geologic hazards related to construction in unstable soils, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

**4.6-4: Implement Mitigation Measure 4.6-1.**

The project applicant(s) of all project phases shall implement Mitigation Measure 4.6-1 to avoid, minimize, and reduce impacts from geologic hazards related to construction in unstable soils.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the significant effects on the environment to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated by the imposition of Mitigation Measures 4.6-4. Incorporation of this mitigation measure would insure that impacts associated with development and operation of the Project from geologic hazards related to construction in unstable soils are less than significant.

**Reference:**

DEIR pages 4.6-23 through 4.6-24.

**2.13 Potential Damage to Structures and Infrastructure from Development in Expansive Soils (Impact 4.6-5).**

The Specific Plan Area and off-site improvement areas are underlain by soils that have a moderate to high potential for expansion when wet and may result damage to structures and infrastructure. This impact is considered potentially significant. (The Board of Supervisors specifically finds that, as set forth on DEIR page 4.6-24, the EIR considered effects of the Project on structures and infrastructure from development in expansive soils, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

**4.6-5: Implement Mitigation Measure 4.6-1.**

The project applicant(s) of all project phases shall implement Mitigation Measure 4.6-1 to avoid, minimize, and reduce impacts from geologic hazards related to construction in unstable soils.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the significant effects on the environment to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated by the imposition of Mitigation Measure 4.6-5. Incorporation of this mitigation measure would insure that impacts associated with development and operation of the Project on structures and infrastructure from development in expansive soils are less than significant.

**Reference:**

DEIR page 4.6-24.

**2.14 Potential Disturbance of Previously Unknown Paleontological resources During Earthmoving Activities (Impact 4.6-8).**

Previously undiscovered paleontological resources could be present in sediments of the Modesto and Riverbank Formations that underlie the Specific Plan Area and off-site improvement areas. Therefore, construction activities could potentially disturb unknown subsurface paleontological resources. Destruction of "unique" paleontological resources would be considered a potentially significant impact. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.6-26 through 4.6-27, the EIR considered effects of the Project on paleontological resources, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

**4.6-8: Conduct Construction Personnel Education, Stop Work if Paleontological Resources are Discovered, Assess the Significance of the Find, and Prepare and Implement a Recovery Plan, as Required.**

To minimize potential adverse impacts on previously unknown potentially unique, scientifically important paleontological resources, the project applicant(s) for projects within the Specific Plan Area and the project applicant(s)/contractor(s) for off-site improvement areas shall do the following:

- Before the start of any earthmoving activities in the Modesto or Riverbank Formations (as shown in Exhibit 4.6-1), the project applicants/contractors shall retain a qualified paleontologist to train all construction personnel involved with earthmoving activities, including the site superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures should fossils be encountered.
- If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work in the vicinity of the find and notify the appropriate lead agency (identified below). The project applicants/contractors shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines (1995, 1996). The recovery plan may include, but is not limited to, a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by the lead agency to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the significant effects on the environment to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated by the imposition of Mitigation Measure 4.6-8. Incorporation of this mitigation measure would insure that impacts associated with development and operation of the Project on paleontological resources are less than significant.

**Reference:**

DEIR pages 4.6-26 through 4.6-27.

**2.15 Potential Human Health Hazards from Exposure to Existing On-Site Hazardous Material (Impact 4.8-2).**

The Specific Plan Area contains several pole-mounted transformers, water wells, septic systems, and other features that could pose a human health hazard. Construction workers could be exposed to hazardous materials present on-site during construction and demolition activities and hazardous materials on-site could create an environmental or health hazard for later residents or occupants, if left in place. This impact is considered potentially significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.8-19 through 4.8-21 and FEIR pages 2-13, and 2-167 through 2-168, the EIR considered effects of the Project on human health from existing on-site hazardous materials, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

**4.8-2: Retain a Licensed Professional to Investigate Known or Unknown Hazards and Hazardous Materials and Implement Required Measures, as Necessary.**

To reduce health hazards associated with potential exposure to hazardous substances, the project applicant(s) for all project phases shall implement the following measures before the start of ground-disturbing or demolition activities within each phase of project development:

- Notify the appropriate federal, state, regional, and local agencies if evidence of previously undiscovered soil or groundwater contamination (e.g., stained soil, odorous groundwater) is encountered during construction activities. Any contaminated areas shall be remediated in accordance with recommendations made by the Yuba County Department of Environmental Health, Central Valley RWQCB, DTSC, or other appropriate federal, state, or local regulatory agencies.
- Retain a licensed contractor to remove all septic systems and irrigation wells in accordance with applicable local, state, and federal regulations, including the Yuba County Department of Environmental Health regulations.
- Prepare a Limited Phase II ESA to determine the presence and extent of any residual herbicides, pesticides, and fumigants on historically-farmed land in agricultural areas that would be disturbed during construction of the Specific Plan. The soil sampling and analysis shall be conducted by a licensed contractor. The Limited Phase II ESA shall document the areas proposed for sampling; the

procedures for sample collection; the laboratory analytical methods to be used; and the pertinent regulatory threshold levels for determining proper excavation, handling, and, if necessary, treatment, or disposal of any contaminated soils. The Limited Phase II ESA shall be submitted to the Yuba County Community Development and Services Agency and Yuba County Department of Environmental Health for review and approval before the start of ground-disturbing activities. Any pesticide concentrations that exceed federal or state regulatory thresholds shall be disposed of in an appropriate facility in accordance with federal and state regulations.

- Retain a Cal-OSHA-certified Asbestos Consultant and Lead Based Paint Inspector/Assessor before demolition of any on-site buildings to investigate whether any asbestos-containing materials or lead-based paints are present. If any materials containing asbestos or lead are found, they shall be removed by an accredited contractor in accordance with CCR 17 Section 36000 and 36100 (lead based paint) and Section 39658(b)(1) of the Health and Safety Code (asbestos). In addition, all activities (construction or demolition) in the vicinity of these materials shall comply with Cal-OSHA asbestos and lead worker construction standards. The materials containing asbestos and lead shall be disposed of properly at an appropriately permitted off-site disposal facility.
- Obtain an assessment conducted by PG&E pertaining to the contents of the existing pole-mounted transformers located on the project site. The assessment shall determine whether existing on-site electrical transformers contain PCBs and whether there are any records of spills from such equipment. If equipment containing PCB is identified, the maintenance and/or disposal of the transformer shall be subject to the regulations of the Toxic Substances Control Act under the authority of the Yuba County Environmental Health Division.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

#### **Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the significant effects on the environment to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated by the imposition of Mitigation Measure 4.8-2. Incorporation of this mitigation measure would insure that impacts associated with development and operation of the Project on human health from existing on-site hazardous materials are less than significant.

#### **Reference:**

DEIR pages 4.8-19 through 4.8-21; FEIR pages 2-13, and 2-167 through 2-168.

#### **2.16 Emission or Handling of Hazardous or Acutely Hazardous Materials, Substances, or Waste within 1/4-Quarter Mile of an Existing or Proposed School (Impact 4.8-3).**

The Specific Plan would provide approximately 25 acres of land for an elementary school and a middle school to be operated by the Plumas Lakes Elementary School District. The proposed locations would be more than 1/4-mile from areas proposed for commercial, office, and light industrial uses that could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste. In addition, enforcement of CDE school

siting regulations and permitting requirements for individual hazardous material handlers and emitters would prevent future conflicts between hazardous materials handling and emissions and schools. Given that the majority of the Specific Plan Area has been used for rice cultivation and the age of this agricultural development in the past, persistent compounds could have been used on the Specific Plan Area. Conversion of areas historically or currently used for rice cultivation to developed land uses could potentially expose occupants of the Specific Plan Area to hazardous concentrations of pesticides, if left in place. This impact is considered potentially significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.8-22 through 4.8-23, the EIR considered effects of the Project from hazardous or acutely hazardous materials, substances, or waste within quarter mile of an existing or proposed school, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

**4.8-3: Implement Mitigation Measure 4.8-2.**

The project applicant(s) of all project phases shall implement Mitigation Measure 4.8-2 to avoid, minimize, and reduce impacts from hazardous or acutely hazardous materials, substances, or waste within 1/4-quarter mile of an existing or proposed school.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the significant effects on the environment to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated by the imposition of Mitigation Measure 4.8-3. Incorporation of this mitigation measure would insure that impacts associated with development and operation of the Project from hazardous or acutely hazardous materials, substances, or waste within 1/4-quarter mile of an existing or proposed school are less than significant.

**Reference:**

DEIR pages 4.8-22 through 4.8-23.

**2.17 Interference with an Adopted Emergency-Response or Emergency Evacuation Plan (Impact 4.8-6).**

Implementation of the Specific Plan would not result in interference with adopted emergency-response or emergency evacuation plans. However, nearby roadways in the vicinity of the off-site improvements would likely be affected intermittently during construction activities resulting in decreased emergency response times. Impacts associated with off-site improvements are considered potentially significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.8-24 through 4.8-25, the EIR considered effects of the Project on emergency response times during construction activities, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

**4.8-6: Prepare and Implement a Construction Traffic Control Plan.**

The project applicant(s) and/or construction contractor(s) shall prepare and implement traffic control plans for construction activities that may affect road rights-of-way during construction of off-site improvements. The traffic control plans must follow any applicable standards and must be approved and signed by a professional engineer. Measures typically used in traffic control plans include advertising of planned lane closures, warning signage, a flagperson to direct traffic flows when needed, and methods to ensure continued access by emergency vehicles. During project construction, access to existing land uses shall be maintained at all times, with detours used as necessary during road closures. Traffic control plans shall be submitted to Yuba County Community Development and Services Agency, Public Works Department for review and approval before approval of improvement plans, where off-site improvements may cause impacts on traffic.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the significant effects on the environment to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated by the imposition of Mitigation Measure 4.8-6. Incorporation of this mitigation measure would insure that impacts associated with development and operation of the Project on emergency response times during construction activities are less than significant.

**Reference:**

DEIR pages 4.8-24 through 4.8-25.

**2.18 Temporary and Short-term Construction-Related Water Quality Impacts (Impact 4.9-1).**

Construction and grading activities associated with implementation of the Specific Plan and associated off-site improvements would cause temporary and short-term increased erosion and sedimentation. Construction-related chemicals, dust, and suspended solids could potentially contribute to pollutant loads in storm water runoff. Additionally, project-related grading could redistribute contaminants associated with historical uses of the property, such as DDT or sewage waste, if additional assessment and contaminant removal practices were not implemented. Project construction activities that are implemented without mitigation could violate water quality standards or cause direct harm to aquatic organisms. The impact is considered potentially significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.9-38 through 4.9-42 and FEIR pages 2-50 through 2-51, 2-68 through 2-69, and 2-180, the EIR considered effects of the Project on water quality, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measures:**

**4.9-1a: Acquire Appropriate Regulatory Permits and Implement SWPPP and BMPs.**

- During development of grading permits and improvement plans, project applicant(s) within the Specific Plan Area and off-site improvement areas shall consult with Yuba County and the Central Valley RWQCB to acquire the appropriate regulatory approvals that may be necessary to obtain coverage under the SWRCB statewide NPDES storm water permit for general construction activity, and any other necessary site-specific WDRs or waivers under the Porter-Cologne Act. The project applicant(s) shall either obtain an individual permit or apply for coverage under the statewide general permit.
- The project applicant(s) shall prepare and submit the appropriate NOI and prepare the SWPPP and any other necessary engineering plans and specifications for pollution prevention and control and to minimize and control runoff and erosion. After completion of construction and issuance of a Notice of Completion, the project applicant(s) shall prepare and submit the appropriate Notice of Termination (NOT) of the NOI.
- The SWPPP and BMPs therein shall identify and specify:
  - the use of erosion and sediment-control BMPs, including construction techniques that will reduce the potential for runoff, as well as other measures to be implemented during construction. These may include but not be limited to sedimentation ponds, inlet protection, perforated riser pipes, check dams and silt fences;
  - the means of waste disposal;
  - the implementation of approved design plans, nonstormwater-management controls, permanent post-construction BMPs, and inspection and maintenance responsibilities;
  - the pollutants that are likely to be used during construction that could be present in stormwater drainage and non-stormwater discharges, and other types of materials used for equipment operation;
  - spill prevention and contingency measures, including measures to prevent or clean up spills of hazardous waste and of hazardous materials used for equipment operation, and emergency procedures for responding to spills;
  - personnel training requirements and procedures that will be used to ensure that workers are aware of permit requirements and proper installation methods for BMPs specified in the SWPPP; and
  - the appropriate personnel responsible for supervisory duties related to implementation of the SWPPP.
- Where applicable, BMPs identified in the SWPPP shall be maintained in good working condition, with sufficient backup stock on-site during all site work, and construction and shall be used in all subsequent site development activities. BMPs shall include the following measures:
  - Implement temporary erosion-control measures in disturbed areas to minimize discharge of sediment into nearby drainage conveyances. These measures may include silt fences, staked straw bales or wattles, sediment/silt basins and traps, geofabric, sandbag dikes, and temporary vegetation.
  - Establish permanent vegetative cover to reduce erosion in areas disturbed by construction by slowing runoff velocities, trapping sediment, and enhancing filtration and transpiration.
  - Use drainage swales, ditches, and earth dikes to control erosion and runoff by conveying surface runoff down sloping land, intercepting and diverting runoff to a watercourse or channel, preventing sheet flow over sloped surfaces, preventing runoff accumulation at the base of a grade, and avoiding flood damage along roadways and facility infrastructure.

- All construction contractors shall retain a copy of the approved SWPPP on the construction site. Approved Qualified SWPPP Developer may modify the SWPPP to suit specific site conditions through amendments approved by the Central Valley RWQCB.
- The SWPPP shall identify potential contaminate sources and their expected locations (including pesticides, septic tank, leach field information, adjacent pipelines). It shall include proper clean-up and disposal procedures and any monitoring and reporting requirements.

**4.9-1b: Prepare and Implement a Soil and Groundwater Sampling and Remediation Plan and Acquire Appropriate Regulatory Approvals.**

The project applicant(s) of all project phases shall implement the following measures:

- Prior to development, a hazardous material specialist shall prepare and implement a soil and groundwater sampling and remediation plan for the Specific Plan Area.
- The plan shall identify potential contaminants of concern (COCs) and locations for proposed sampling of soil and groundwater, including but not limited to the former storage areas, AST locations, and septic leach field locations. Since flood irrigation can redistribute COCs, sampling locations shall be located throughout irrigated areas as well.
- Upon implementation of soil and groundwater sampling and analysis, findings shall be developed into a remediation plan to include specific cleanup actions. If contaminant residues are encountered at hazardous levels, a site remediation plan shall be prepared that identifies any necessary remediation activities identified by the hazardous materials specialist, including excavation and removal of on-site contaminated soils on the project site(s). The plan shall include measures that provide for the safe transport, use, and disposal of contaminated soil and debris removed from the site(s) (e.g., compliance with Caltrans transport regulations, and disposal at facilities permitted by EPA and/or the California Department of Toxic Substances Control [DTSC] to accept hazardous wastes). Project applicant(s) shall consult with Yuba County and the Central Valley RWQCB to acquire the appropriate regulatory approvals and follow conditions of approval for site remediation.

The foregoing mitigation measures are incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the significant effects on the environment to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated by the imposition of Mitigation Measures 4.9-1a and 4.9-1b. Incorporation of these mitigation measures would insure that impacts associated with development and operation of the Project on water quality are less than significant.

**Reference:**

DEIR pages 4.9-38 through 4.9-42; FEIR pages 2-50 through 2-51, 2-68 through 2-69, and 2-180.

**2.19 Potential Increased Risk of Flooding from Increased Stormwater Runoff and Placement of Structures within the 100-year Flood Zone, as defined by FEMA (Impact 4.9-2).**

Specific Plan implementation could increase the total volume and peak discharge rate of storm water runoff, and therefore could result in greater potential for on- and off-site flooding. The Specific Plan proposed land use map shows residential development within the 100-year floodplain. If not properly designed to convey the 100-year flood, development within these areas could impede or redirect flood flows. This impact is considered potentially significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.9-42 through 4.9-49 and FEIR pages 2-50 through 2-51, 2-68 through 2-69, and 2-180, the EIR considered effects of the Project on increased risks from flooding, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

**4.9-2: Prepare and Submit Final Drainage Plans to the County and Implement Requirements.**

Before the approval of any large lot subdivision map, the Specific Plan applicant, or project applicant(s) of any projects under the Specific plan shall prepare and submit a drainage plan to Yuba County. The drainage plan shall:

- Demonstrate that off-site upstream runoff would be appropriately conveyed, that project-related on- and off-site runoff would be appropriately contained in detention basins or other drainage features to reduce flooding impacts, and that residential improvements within the Specific Plan Area meet requirements of County policies described above, including assurance that finished floor space is not located within the 100-year floodplain. If necessary, a Conditional Letter of Map Revision based on Fill (CLOMR-F) or a Letter of Map Revision based on Fill (LOMR-F) application could be used to remove the Zone A from those areas.
- Include, but not be limited to, the following items:
  - an accurate calculation of pre-project and post-project runoff scenarios, obtained using appropriate engineering methods approved by the County, that accurately evaluates potential changes to runoff, including increased surface runoff; and
  - establishment of ongoing maintenance plans for a self-perpetuating drainage system maintenance program for each grading and drainage plan that includes annual inspections of detention basins, sedimentation basins, drainage ditches, and drainage inlets and proper clean out procedures.
- Demonstrate to the satisfaction of Yuba County, that 100-year flood flows would be appropriately channeled and contained, such that the risk to people or damage to structures within or down gradient of the Specific Plan Area and associated off-site improvements would not increase as a result of development of the Specific Plan. The final drainage plan shall demonstrate that storm water facilities would appropriately convey off-site runoff and would appropriately contain project-related runoff.
- The final drainage plan shall provide for access to facilities in order to ensure ongoing maintenance.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the significant effects on the environment to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated by the imposition of Mitigation Measure 4.9-2. Incorporation of this mitigation measure would insure that impacts associated with development and operation of the Project on increased risks from flooding are less than significant.

**Reference:**

DEIR pages 4.9-42 through 4.9-49 and FEIR pages 2-50 through 2-51, 2-68 through 2-69, and 2-180.

**2.20 Potential for Failure of a Dam (Impact 4.9-3).**

The Yuba County Multi-Hazard Mitigation Plan has identified five dams in or outside the County where dam inundation has the potential to result in major loss of life and property in Yuba County in the unlikely event of dam failure, and three dams that would result in major damage on a smaller scale. The Specific Plan Area is located within the inundation area for New Bullards Bar Reservoir and adjacent to inundation areas associated with Lake Englebright and Camp Far West Reservoir. However, the Specific Plan calls for open space, low-density residential development, and very low-density development within these areas. Low- and very low-density development would not create substantial concentrations of people that could be exposed to death in the event of a dam failure within inundation areas. Furthermore, the County OES works to prepare businesses and residents for emergencies or disasters that could significantly affect the greater community. In this capacity, OES provides training and public information with respect to natural disasters, such as flooding or wildfire, and human-made disasters, such as hazardous material releases or acts of terrorism. Off-site roadway improvements proposed under the Specific Plan will also assist with potential evacuation needs from within the Specific Plan Area. However, because a small portion of the Specific Plan Area is located within an identified dam inundation area that would require buildout information to be incorporated into the OES emergency plan. This impact is considered potentially significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.9-49 through 4.9-50, the EIR considered effects of the Project related to dam inundation, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

**4.9-3: Notify the Yuba County Office of Emergency Services to Include the Specific Plan Area and Off-site Roadways in Relevant Evacuation Plans.**

As a condition of approval, the Specific Plan applicant shall notify the OES of the Specific Plan for inclusion in the evacuation plan for each relevant dam and reservoir. Information required by the OES is currently anticipated to include planned roadways, assessor parcel numbers for public and private infrastructure, public facility and infrastructure information, maximum population at any given time, and 24-hour emergency telephone numbers for public facilities. The Specific Plan applicant and project applicant(s) of all project phases shall develop and maintain emergency evacuation plans that allow for efficient evacuation, to the satisfaction of the County OES. The evacuation plan shall be submitted to the OES for inclusion in the overall dam evacuation plan.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the significant effects on the environment to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated by the imposition of Mitigation Measure 4.9-3. Incorporation of these mitigation measures would insure that impacts associated with development and operation of the Project related to dam inundation are less than significant.

**Reference:**

DEIR pages 4.9-49 through 4.9-50.

**2.21 Violation of Water Quality Standards (Impact 4.9-4).**

Civic, commercial, industrial, and related land use changes anticipated under the Specific Plan could result in additional discharges of pollutants to receiving water bodies from nonpoint sources. Such pollutants could result in adverse changes to the water quality of the Specific Plan Area and off-site receiving waters. This impact is considered potentially significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.9-51 through 4.9-53 and FEIR page 2-180, the EIR considered effects of the Project on meeting water quality standards, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:****4.9-4: Prepare and Submit a Storm Water Quality Control Plan to the County and Implement Requirements.**

The project applicant(s) and contractor(s) of all project phases shall:

- Retain a qualified engineer to prepare and submit to the County for review and approval a detailed water quality control plan.
- Prepare a water quality control plan in compliance with the Yuba Storm Water Management Plan and the Yuba County General Plan. The plan shall finalize the water quality improvements and further detail the structural and nonstructural BMPs and Low Impact Development (LID) features proposed for the project and shall include a quantitative analysis of proposed conditions incorporating these features.
- Prepare a water quality control plan that demonstrates, based on accepted engineering methodology, that the proposed water quality BMPs meet or exceed applicable requirements established by the Central Valley RWQCB.
- Design the project drainage features to reduce the potential adverse impacts from urban storm water runoff in conformance with County standards. This would be accomplished by way of water quality BMPs and storm water basins, which would serve to detain peak flows. In addition to these basins, LID features would also be built into the Specific Plan Area. The drainage patterns of the developed watershed after development of the project and off-site roadways shall remain as close as possible to the existing drainage patterns.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the significant effects on the environment to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated by the imposition of Mitigation Measure 4.9-4. Incorporation of this mitigation measure would insure that impacts associated with development and operation of the Project on meeting water quality standards are less than significant.

**Reference:**

DEIR pages 4.9-51 through 4.9-53; FEIR page 2-180.

**2.22 Depletion of Groundwater Supplies and Interference with Groundwater Recharge (Impact 4.9-6).**

The Specific Plan proposes development that would result in installation of multiple domestic water supply wells. Implementation of the Specific Plan could result an increase in groundwater pumping associated with proposed wells could potentially affect groundwater flow direction and rates that alter the extent of the groundwater plume located at Beale AFB, potentially affecting nearby wells and proposed wells within the Specific Plan Area. This impact is considered potentially significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.9-57 through 4.9-58, the EIR considered effects of the Project on groundwater supplies, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measures:****4.9-6: Implement Mitigation Measures 4.9-2, 4.9-5a, and 4.9-5b.****4.9-2: Prepare and Submit Final Drainage Plans to the County and Implement Requirements.**

Before the approval of any large lot subdivision map, the Specific Plan applicant, or project applicant(s) of any projects under the Specific plan shall prepare and submit a drainage plan to Yuba County. The drainage plan shall:

- Demonstrate that off-site upstream runoff would be appropriately conveyed, that project-related on- and off-site runoff would be appropriately contained in detention basins or other drainage features to reduce flooding impacts, and that residential improvements within the Specific Plan Area meet requirements of County policies described above, including assurance that finished floor space is not located within the 100-year floodplain. If necessary, a Conditional Letter of Map Revision based on Fill (CLOMR-F) or a Letter of Map Revision based on Fill (LOMR-F) application could be used to remove the Zone A from those areas.
- Include, but not be limited to, the following items:
  - an accurate calculation of pre-project and post-project runoff scenarios, obtained using appropriate engineering methods approved by the County, that accurately evaluates potential changes to runoff, including increased surface runoff; and
  - establishment of ongoing maintenance plans for a self-perpetuating drainage system maintenance program for each grading and drainage plan that includes annual inspections of

detention basins, sedimentation basins, drainage ditches, and drainage inlets and proper clean out procedures.

- Demonstrate to the satisfaction of Yuba County, that 100-year flood flows would be appropriately channeled and contained, such that the risk to people or damage to structures within or down gradient of the Specific Plan Area and associated off-site improvements would not increase as a result of development of the Specific Plan. The final drainage plan shall demonstrate that storm water facilities would appropriately convey off-site runoff and would appropriately contain project-related runoff.
- The final drainage plan shall provide for access to facilities in order to ensure ongoing maintenance.

**4.9-5a: Implement Mitigation Measure 4.9-1b: Prepare and Implement a Soil and Groundwater Sampling and Remediation Plan and Acquire Appropriate Regulatory Approvals.**

The project applicant(s) of all project phases shall implement Mitigation Measure 4.9-1b to avoid, minimize, and reduce impacts on groundwater supplies.

**4.9-5b: Implement Groundwater Supply and Water Quality Assessment and Monitoring Plan.**

To ensure consistency with YCWA Groundwater Management Plan, through consultation with a registered hydrogeologist and/or engineer, and in coordination with the YCWA, local, state, and federal agencies, including the Central Valley RWQCB, Beale AFB, OPUD, nearby water districts, and other interested agricultural and municipal water purveyors, the Specific Plan applicant and project applicant(s) of all project phases under the Specific Plan shall develop a programmatic groundwater supply and water quality assessment and monitoring plan that contains the following components:

- The plan shall evaluate proposed land use and water supplies for current and future conditions. Including groundwater pumpage in the groundwater basin, total cumulative future groundwater pumping to meet demands in the basin, including the proposed project demand at full buildout, and other necessary use and supply information to ensure that implementation of the Specific Plan won't deplete groundwater supplies that would substantially lower the local groundwater table such that flow direction of the groundwater plumes associated with Beale AFB are not affected.
- Based on the evaluation described above, the plan shall evaluate well locations identified in the Specific Plan Area, identifying for each well, pump rates, area of influence under normal conditions, and drought periods, and localized groundwater flow and rate information. The plan shall identify nearby wells that could be affected by the proposed project, and in coordination with parties described above, evaluate necessary operation restrictions and design modifications to prevent modifying the plume extent at Site LF013 and any potential impacts on other plumes (such as Site OT017). Design and operation changes that may be considered, but not limited to include relocation of proposed well sites to areas further away from Beale AFB, additional storage requirements, limited pumping during drought periods, and/or alternative water sources. The plan shall consider the transfer program that is occasionally implemented by local water districts to ensure coordination of groundwater pumping that would not affect the extent of nearby groundwater plumes.
- The plan shall develop pre- and post-project groundwater quality monitoring to demonstrate, based on accepted engineering methodology, that the proposed uses can provide a safe yield that would not have an undesirable effect on groundwater quality within the Specific Plan Area or to nearby users. Monitoring shall be completed on a biannual basis, taking into account periods of high groundwater use and modifying monitoring, as needed. It may be necessary to include

additional off-site monitoring wells to assess water quality and assure contaminants are not migrating. Contaminants of concern shall include:

- 1,1,1,2-TECA;
  - 1,1,2,2-TECA;
  - 1,1,2-TCA;
  - 1,1-DCE;
  - cis-1,2-DCE;
  - PCE;
  - TCE;
  - trans-1,2-DCE; and
  - other pollutants, including pesticides, such as DDT, as necessary.
- If monitoring concludes that the groundwater quality exceeds maximum contaminant level requirements as established by CalEPA and the Central Valley RWQCB Basin Plan, groundwater pumping shall cease, property owners shall be notified by the water service provider, and an alternative domestic water supply shall be provided by the water service provider until groundwater quality meets or exceeds water quality standards.
  - Monitoring reports shall be submitted to YCWA, Beale AFB, Central Valley RWQCB, and others identified in the plan until identified sites at Beale AFB receive closure and as such are considered not to pose a risk of contaminant exposure to adjacent properties.
  - The Specific Plan applicant shall provide ongoing funding for activities described in this mitigation measure in amounts adequate to ensure successful implementation of this mitigation measure.
  - The County does not anticipate, and cannot determine at this time whether alternative water sources may be required for the Specific Plan. If this is necessary, the County will require appropriate CEQA analysis and implementation of feasible mitigation consistent with the comprehensive direction in the 2030 General Plan, to address potentially significant effects associated with alternative water supply.

The foregoing mitigation measures are incorporated into the project approval as condition of approval #7.

#### **Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the significant effects on the environment to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated by the imposition of Mitigation Measures 4.9-2, 4.9-5a, and 4.9-5b. Incorporation of these mitigation measures would insure that impacts associated with development and operation of the Project on groundwater supplies are less than significant.

#### **Reference:**

DEIR pages 4.9-57 through 4.9-58.

**2.23 Long-Term Exposure of On-site Sensitive Receptors to On- and Off-site Non-transportation Noise Sources (Impact 4.11-5).**

Specific Plan implementation would result in development of on-site, noise-sensitive and noise-producing uses. Noise levels at sensitive receivers could exceed levels required by applicable noise policies. This impact is considered potentially significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.11-37 through 4.11-40, the EIR considered effects of the Project on sensitive receptors from non-transportation noise, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

**4.11-5: Review and Condition Development to Prepare and Implement a Site-Specific Acoustical Analysis, Where Necessary.**

The County will review and condition development projects accommodated under the Specific Plan to be consistent with the following, based on findings of site-specific acoustical analysis to be prepared by the project applicant(s) of all project phases under the Specific Plan, where necessary.

- Noise generating mechanical equipment (e.g., HVAC units, compressors, and generators) and area-source operations (e.g., loading docks, parking lots, and recreational-use areas) shall be shielded or located at a distance that would reduce noise levels at any existing or planned noise-sensitive outdoor activity areas to acceptable levels, as directed by the Yuba County General Plan.
- Residential air conditioning units shall be located a minimum of 10 feet from adjacent residential dwellings, including outdoor activity areas, or shall be shielded or design to reduce operational noise levels at adjacent dwellings. Shielding may include the use of fences or partial equipment enclosures. To provide effectiveness, fences or barriers shall be continuous or solid, with no gaps, and shall block the line of sight to windows of neighboring dwellings (achievable noise reductions from fences or barriers can vary, but typically range from approximately 5-10 dB, depending on construction characteristics, height, and location).
- Residences located within 280 feet of any loading docks associated with commercial and light manufacturing uses shall be shielded from the line of sight of these facilities by construction of a noise barrier adjacent to the loading dock. To provide effectiveness, noise barriers shall be continuous or solid, with no gaps, and shall block the line of sight to windows of neighboring dwellings (achievable noise reductions from barriers can vary, but typically range from approximately 5-10 dB, depending on construction characteristics, height, and location).
- Appropriate mechanical systems (air conditioning) shall be included for all noise-sensitive (e.g., residential, school) structures so that exterior doors and windows may remain closed, when needed, for acoustical insulation.
- Routine testing and preventive maintenance of emergency electrical generators shall be conducted during the less sensitive daytime hours (i.e., 7:00 a.m.-10:00 p.m.). All electrical generators shall be equipped with noise control (e.g., muffler) devices in accordance with manufacturers' specifications.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the significant effects on the environment to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated by the imposition of Mitigation Measure 4.11-5. Incorporation of this mitigation measure would insure that impacts associated with development and operation of the Project on sensitive receptors from non-transportation noise are less than significant.

**Reference:**

DEIR pages 4.11-37 through 4.11-40.

**2.24 Adverse Effects on Emergency Access (Impact 4.13-7).**

Implementation of the Specific Plan would not result in inadequate emergency access since the Specific Plan roadway network and intersection design would provide adequate traffic flow and roadway connectivity based on County standards. However, nearby roadways in the vicinity of the off-site improvements would likely be affected intermittently during construction activities, potentially resulting in decreased emergency access. This impact is considered potentially significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.13-30 through 4.13-31, the EIR considered effects of the Project on emergency access during construction, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

**4.13-7: Implement Mitigation Measure 4.8-6 (Prepare and Implement a Construction Traffic Control Plan).**

**4.8-6: Prepare and Implement a Construction Traffic Control Plan.**

The project applicant(s) and/or construction contractor(s) shall prepare and implement traffic control plans for construction activities that may affect road rights-of-way during construction of off-site improvements. The traffic control plans must follow any applicable standards and must be approved and signed by a professional engineer. Measures typically used in traffic control plans include advertising of planned lane closures, warning signage, a flagperson to direct traffic flows when needed, and methods to ensure continued access by emergency vehicles. During project construction, access to existing land uses shall be maintained at all times, with detours used as necessary during road closures. Traffic control plans shall be submitted to Yuba County Community Development and Services Agency, Public Works Department for review and approval before approval of improvement plans, where off-site improvements may cause impacts on traffic.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the significant effects on the environment to a less than

significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated by the imposition of Mitigation Measure 4.13-7. Incorporation of this mitigation measure would insure that impacts associated with development and operation of the Project on emergency access during construction are less than significant.

**Reference:**

DEIR pages 4.13-30 through 4.13-31.

**2.25 Increased Demand for Water Supply Storage and Conveyance Facilities (Impact 4.14-2).**

Implementation of the Specific Plan would require construction of water supply storage and conveyance facilities. Sufficient on-site water supply facilities necessary to serve Specific Plan development have not been constructed, nor have final water supply infrastructure plans and specifications been submitted to OPUD or Yuba County. This is considered a potentially significant impact. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.14-16 through 4.14-17, the EIR considered effects of the Project on demand for water supply storage and conveyance facilities, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

**4.14-2: Design Water Supply Infrastructure in Compliance with Applicable OPUD and County Standards and Phase Development to Ensure that all Required Infrastructure is in Place Prior to Occupancy.**

Water supply and conveyance infrastructure shall be designed by the project applicant(s) consistent with all applicable OPUD and County standards. Specific Plan development shall be phased such that all required infrastructure is in place prior to occupancy of development anticipated under the Specific Plan. Project applicant(s) for all projects proposed under the Specific Plan shall provide evidence of a detailed water supply infrastructure plan in conjunction with other site-specific improvements shown in tentative small-lot maps. Proposed on-site water supply facilities shall be sized to distribute the water to individual customers and to provide fire flows, based on OPUD design and construction standards. Approved water supply facility improvement plans and specifications shall be signed by OPUD and approved by the Yuba County Community Development and Services Agency.

Before the approval the final subdivision maps for all projects proposed under the Specific Plan, the project applicant(s) shall submit written verification that on-site water supply conveyance infrastructure sufficient to provide adequate service to the project site(s) within the Specific Plan Area shall be in place for the amount of development identified in the tentative small-lot map before approval of the final map by the Yuba County Community Development and Services Agency for all project phases, or their financing shall be secured and proof of such financing be provided to the satisfaction of the County.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the significant effects on the environment to a less than

significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated by the imposition of Mitigation Measure 4.14-2. Incorporation of this mitigation measure would insure that impacts associated with development and operation of the Project on demand for water supply storage and conveyance facilities are less than significant.

**Reference:**

DEIR pages 4.14-16 through 4.14-17.

**2.26 Increased Demand for Wastewater Collection and Conveyance Facilities (Impact 4.14-3).**

Implementation of the Specific Plan would require construction of wastewater collection and conveyance facilities. Sufficient on-site wastewater collection and conveyance infrastructure and the off-site improvements necessary to serve the Specific Plan Area have not been constructed, nor have final sewer plans and specifications been submitted. This impact is considered potentially significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.14-17 through 4.14-19, the EIR considered effects of the Project on demand for wastewater collection and conveyance facilities, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

**4.14-3: Design On- and Off-Sites Wastewater Infrastructure in Compliance with Applicable OPUD and County Standards and Phase Development to Ensure that all Required Infrastructure is in Place Prior to Occupancy.**

Wastewater infrastructure shall be designed by the project applicant(s) consistent with all applicable OPUD and County standards. Specific Plan development shall be phased such that all required infrastructure is in place prior to occupancy of development anticipated under the Specific Plan. New development under the Specific Plan shall provide wastewater infrastructure consistent with wastewater plans, which shall depict the locations and appropriate sizes of all required conveyance infrastructure. Project applicant(s) for all projects proposed under the Specific Plan shall provide evidence of a detailed wastewater infrastructure plan in conjunction with other site-specific improvement plans. Proposed wastewater facilities shall be sized based on OPUD design and construction standards. Approved wastewater facility improvement plans and specifications shall be signed by OPUD and approved by the Yuba County Community Development and Services Agency.

Before the approval the final subdivision maps for all projects proposed under the Specific Plan, the project applicant(s) shall submit written verification that on- and off-site wastewater collection and conveyance infrastructure sufficient to provide adequate service to the project site(s) in the Specific Plan Area shall be in place for the amount of development identified in the tentative map before approval of the final map and issuance of building permits by the Yuba County Community Development and Services Agency for all project phases, or their financing shall be secured and proof of such financing be provided to the satisfaction of the County.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the significant effects on the environment to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated by the imposition of Mitigation Measure 4.14-3. Incorporation of this mitigation measure would insure that impacts associated with development and operation of the Project on demand for wastewater collection and conveyance facilities are less than significant.

**Reference:**

DEIR pages 4.14-17 through 4.14-19.

**2.27 Increased Demand for Electricity, Natural Gas, and Communications Services and Required Extension of Related Infrastructure (Impact 4.14-7).**

Implementation of the Specific Plan would increase demand for electricity, natural gas, and communications services and require the development of new utility infrastructure to deliver services to the Specific Plan Area. The electrical and natural gas supplies and because the size, location, and types of electrical, natural gas, and communications facilities required to serve individual development projects proposed pursuant to the Specific Plan is not known at this time. Therefore, this impact is considered potentially significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.14-24 through 4.14-26, the EIR considered effects of the Project on demand for utility services and infrastructure, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

**4.14-7: Collaborate with Utility Providers to Prepare Utility Service Plans for Electrical, Natural Gas, and Communications Services and Submit Written Verification to the County that Adequate Supplies and Infrastructure is Available Before Issuance of Building Permits.**

Before approval of final maps, the project applicant(s) of all project phases shall:

- Propose a utility service plan that identifies the projected electrical and natural gas demands and appropriate infrastructure sizing and locations to serve proposed development.
- Propose a utility service plan that identifies appropriate telecommunications facilities, as required, to serve proposed development.
- The project applicant(s) shall submit to the County written verification that PG&E has adequate electrical and natural gas supplies and infrastructure and that AT&T has adequate communication infrastructure available for the amount of proposed development before issuance of building permits.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the

Project as conditions of approval which mitigate or avoid the significant effects on the environment to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated by the imposition of Mitigation Measure 4.14-7. Incorporation of this mitigation measure would insure that impacts associated with development and operation of the Project on demand for utility services and infrastructure are less than significant.

**Reference:**

DEIR pages 4.14-24 through 4.14-26.

**2.28 Cumulative Impacts to Cultural Resources.**

The proposed Specific Plan has the potential to adversely affect significant cultural resources that are unique and non-renewable members of finite classes. Because cultural resources are non-renewable any significant impacts to cultural resources have a cumulative effect on resources in the region. However, there are no known resources that will be impacted by the Specific Plan. Therefore, this impact is considered potentially significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 6-7 through 6-8, the EIR considered cumulative effects of the Project on cultural resources, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measures:**

**4.5-1a: Implement Procedures to Avoid or Reduce Impacts on Cultural Resources for Specific Plan Areas outside Phase 1 and Off-Site Improvement Areas.**

Projects and subdivision maps for areas within the Specific Plan outside Phase 1 and off-site improvement areas shall comply with Action NR6.1 of the Yuba County General Plan, which requires an environmental assessment and mitigation to reduce or avoid impacts to significant cultural resources, as feasible, per state and federal legislation and regulations. The environmental assessment shall be conducted by a qualified cultural resource specialist and shall include, at minimum, a review of the records search and Native American consultation conducted for the Magnolia Ranch Specific Plan EIR to determine if an updated records search and/or Native American consultation is warranted and a pedestrian survey of the project area by a qualified cultural resource specialist to determine the presence or potential presence of cultural resources that could be adversely affected by project implementation. Mitigation shall include avoidance of cultural resources where possible and feasible.

**4.5-1b: Implement Procedures to Avoid or Reduce Impacts on Cultural Resources for the Entire Specific Plan and Off-Site Improvement Areas.**

In the event that any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, are discovered during construction related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the Yuba County Community Development and Services Agency shall be notified.

The County shall consult with a qualified archeologist retained at the project applicant(s)' expense to assess the significance of the find. If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either an historical resource or a unique archaeological resource), representatives of the County and the qualified archaeologist shall meet to determine the appropriate course of action, with the County making the final decision. All significant cultural materials

recovered shall be subject to scientific analysis, professional museum curation, and a report shall be prepared by the qualified archaeologist according to current professional standards.

If the archaeologist determines that some or all of the affected property qualifies as a Native American Cultural Place, including a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine (California Public Resources Code Section 5097.9) or a Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register of Historical Resources pursuant to California Public Resources Code Section 5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site (California Public Resources Code Section 5097.993), the archaeologist shall recommend to the County potentially feasible mitigation measures that would preserve the integrity of the site or minimize impacts on it, including any or a combination of the following:

- avoidance, preservation, and/or enhancement of all or a portion of the Native American Cultural Place as open space or habitat, with a conservation easement dedicated to the most interested and appropriate tribal organization. If such an organization is willing to accept and maintain such an easement, or alternatively, a cultural resource organization that holds conservation easements;
- an agreement with any such tribal or cultural resource organization to maintain the confidentiality of the location of the site so as to minimize the danger of vandalism to the site or other damage to its integrity; or
- Other measures, short of full or partial avoidance or preservation, intended to minimize impacts on the Native American Cultural Place consistent with land use assumptions and the proposed design and footprint of the development project for which the requested grading permit has been approved.

After receiving such recommendations, the County shall assess the feasibility of the recommendations and impose the most protective mitigation feasible in light of land use assumptions and the proposed design and footprint of the development project. The County shall, in reaching conclusions with respect to these recommendations, consult with both the project applicant(s) and the most appropriate and interested tribal organization.

#### **4.5-2a: Implement Mitigation Measure 4.5-1a.**

The project applicant(s) of all project phases outside of Phase 1 and off-site improvement areas shall implement Mitigation Measure 4.5-1a to avoid, minimize, and reduce impacts to human remains.

#### **4.5-2b: Halt Construction if Human Remains are Discovered and Implement Appropriate Actions.**

This mitigation applies to all portions of the Specific Plan and off-site improvement areas. If human remains are discovered at any project construction sites during any phase of construction, all ground-disturbing activity within 50 feet of the remains shall be halted immediately, and the Yuba County Community Development and Services Agency and the County coroner shall be notified immediately. If the remains are determined by the County Coroner to be Native American, NAHC shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project applicant(s) shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The County shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of state law, as set forth in CEQA Guidelines CCR Section 15064.5(e) and California Public Resources Code section 5097.98. The project applicant(s) shall implement approved

mitigation, to be verified by the County, before the resumption of ground-disturbing activities within 50 feet of where the remains were discovered.

The foregoing mitigation measures are incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the cumulatively significant effects on the environment to a less than significant level. As provided by CEQA and the CEQA Guidelines, this cumulative impact is mitigated by the imposition of Mitigation Measures 4.5-1a, 4-5.1b, 4.5-2a, and 4.5-2b. Incorporation of these mitigation measures would insure that the Project's general and incremental contribution to any cumulative impact associated with cultural resources is less than significant.

**Reference:**

DEIR pages 6-7 through 6-8.

**2.29 Cumulative Impacts to Geology and Soils.**

There are known faults in the vicinity of the Specific Plan Area that could result in surface fault rupture and seismic ground shaking. The Specific Plan Area is subject to these hazards and, depending on the location of the related projects, damage to structures and/or pipelines could result from construction across a known active fault and strong seismic ground shaking. In addition, the Specific Plan Area and off-site improvement areas are underlain by expansive soils and with other constraints for development. The Specific Plan Area also contains soil types that are corrosive to steel and concrete. Depending on the location of the related projects, damage to roads and buildings from these same geologic and soils hazards could also occur. Furthermore, Development and construction within Yuba County, surrounding counties, and the balance of the Sacramento Valley would involve grading and construction activities for infrastructure and building and road foundations, including vegetation removal, grading, staging, trenching, excavation, and other activities that would result in the temporary and short-term disturbance of soil and would expose disturbed areas to storm events. In addition, soil disturbance during the summer as a result of construction activities could result in soil loss due to wind erosion. Therefore, this impact is considered cumulatively significant. (The Board of Supervisors specifically finds that, as set forth on DEIR page 6-8, the EIR considered cumulative effects of the Project on geology and soils, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measures:**

**4.6-1: Prepare Site-Specific Final Geotechnical Report per CBC Requirements and Implement Appropriate Recommendations and Monitor Earthwork during Ground-Disturbing Activities.**

Before building permits are issued and construction activities begin and before improvement plans are approved for any off-site improvements, the project applicant(s) shall hire a licensed geotechnical engineer to prepare a final geotechnical subsurface investigation report for the proposed facilities, which shall be submitted for review and approval to the Yuba County Community Development and Services

Agency. The final geotechnical engineering report shall address and make recommendations on the following:

- site preparation;
- soil bearing capacity;
- appropriate sources and types of fill;
- potential need for soil amendments;
- structural foundations, including retaining-wall design;
- grading practices;
- soil corrosion of concrete and steel;
- erosion/winterization;
- seismic ground shaking;
- liquefaction;
- subsidence; and
- expansive/unstable soils.

In addition to the recommendations for the conditions listed above, the geotechnical investigation shall include subsurface testing of soil and groundwater conditions, and shall determine appropriate foundation designs that are consistent with the version of the CBC that is applicable at the time of the building and grading permit applications. All recommendations contained in the final geotechnical engineering report shall be implemented by the project applicant(s). Special recommendations contained in the geotechnical engineering report shall be noted on the grading and improvement plans and implemented, as appropriate, before construction begins. Design and construction of all new project development shall be in accordance with the CBC.

All earthwork shall be monitored by a qualified geotechnical or soils engineer retained by the project applicant(s) for each project developed under the Specific Plan and off-site improvements. The geotechnical or soils engineer shall provide oversight during all excavation, placement of fill, and disposal of materials removed from and deposited on both on- and off-site construction areas.

#### **4.6-3: Prepare and Implement a Grading and Erosion Control Plan.**

Before any grading permit is issued and before any improvement plan is approved, the project applicant(s) shall retain a California Registered Civil Engineer to prepare a grading and erosion control plan for both on-site development and off-site improvements. The grading and erosion control plan shall be submitted to the Yuba County Community Development and Services Agency before issuance of grading permits and before approval of improvement plans for off-site improvements. The plan shall be consistent with Yuba County's Grading, Drainage, and Erosion Control Ordinance and the state's NPDES permit, and shall include the site-specific grading associated with development for all project phases.

The plan referenced above shall include the location, implementation schedule, and maintenance schedule of all erosion and sediment control measures, a description of measures designed to control dust and stabilize the construction-site road and entrance, and a description of the location and methods of storage and disposal of construction materials. Erosion and sediment control measures could include the use of detention basins, berms, swales, wattles, and silt fencing, and covering or watering of stockpiled soils to reduce wind erosion. Stabilization on steep slopes could include construction of

retaining walls and reseeding with vegetation after construction. Stabilization of construction entrances to minimize trackout (control dust) is commonly achieved by installing filter fabric and crushed rock to a depth of approximately 1 foot. Project applicant(s) shall ensure that the construction contractor is responsible for securing a source of transportation and deposition of excavated materials.

The foregoing mitigation measures are incorporated into the project approval as condition of approval #7.

#### **Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the cumulatively significant effects on the environment to a less than significant level. As provided by CEQA and the CEQA Guidelines, this cumulative impact is mitigated by the imposition of Mitigation Measures 4.6-1 and 4.6-3. Incorporation of these mitigation measures would insure that the Project's general and incremental contribution to any cumulative impact associated with geology and soils is less than significant.

#### **Reference:**

DEIR page 6-8.

### **2.30 Cumulative Impacts to Paleontological Resources.**

Fossil discoveries resulting from excavation and earth-moving activities associated with development are occurring throughout the state. The value or importance of different fossil groups varies depending on the age and depositional environment of the rock unit that contains the fossils, their rarity, the extent to which they have already been identified and documented, and the ability to recover similar materials under more controlled conditions (such as for a research project). Unique, scientifically-important fossil discoveries are relatively rare, and the likelihood of encountering them is site-specific and is based on the type of specific geologic rock formations found underground. It is possible that development of the Specific Plan and off-site improvement areas could affect some of the same paleontological resources affected by the related projects. Therefore, this impact is considered cumulatively significant. (The Board of Supervisors specifically finds that, as set forth on DEIR page 6-9, the EIR considered cumulative effects of the Project on paleontological resources, and that those effects are addressed in the EIR and in these Findings.)

#### **Mitigation Measure:**

#### **4.6-8: Conduct Construction Personnel Education, Stop Work if Paleontological Resources are Discovered, Assess the Significance of the Find, and Prepare and Implement a Recovery Plan, as Required.**

To minimize potential adverse impacts on previously unknown potentially unique, scientifically important paleontological resources, the project applicant(s) for projects within the Specific Plan Area and the project applicant(s)/contractor(s) for off-site improvement areas shall do the following:

- Before the start of any earthmoving activities in the Modesto or Riverbank Formations (as shown in Exhibit 4.6-1), the project applicants/contractors shall retain a qualified paleontologist to train all

construction personnel involved with earthmoving activities, including the site superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures should fossils be encountered.

- If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work in the vicinity of the find and notify the appropriate lead agency (identified below). The project applicants/contractors shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines (1995, 1996). The recovery plan may include, but is not limited to, a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by the lead agency to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

#### **Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that changes or alterations have been required in, or incorporated into, the Project as conditions of approval which mitigate or avoid the cumulatively significant effects on the environment to a less than significant level. As provided by CEQA and the CEQA Guidelines, this cumulative impact is mitigated by the imposition of Mitigation Measure 4.6-8. Incorporation of this mitigation measure would insure that the Project's general and incremental contribution to any cumulative impact associated with paleontological resources is less than significant.

#### **Reference:**

DEIR page 6-8.

### **3. Findings Associated with Significant and Cumulative Significant Impacts which Cannot Feasibly be Mitigated to a Less Than Significant Level**

Based on the evidence and analysis contained in the Draft EIR, the Final EIR, and the administrative record, the Project will result in a significant and unavoidable environmental impact even after the adoption and implementation of all feasible mitigation measures, if any, prescribed for each impact below. However, as set forth in the Statement of Overriding Considerations contained in Section 5, these effects are considered to be acceptable because they are substantially outweighed by the specific economic, legal, social, technological and other benefits of the Project.

#### **3.1 Adverse Changes to Scenic Vistas (Impact 4.1-1).**

Development of the Specific Plan would result in changes to scenic vistas of the valley floor and expansive agricultural lands. This impact is considered significant. (The Board of Supervisors specifically finds that, as set forth

on DEIR page 4.1-8, the EIR considered effects of the Project on scenic vistas, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

No mitigation measures are available.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that this impact would remain significant under the circumstances described, and there are no feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Impacts associated with development and operation of the Project on scenic vistas would remain significant and unavoidable. Pursuant to Public Resources Code section 21081, subdivision (a) and CEQA Guidelines section 15091, subdivision (a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the Project outweigh this significant impact, as set forth in the Statement of Overriding Considerations in Section 5.

**Reference:**

DEIR page 4.1-8.

**3.2 Degradation of Scenic Resources and Visual Character (Impact 4.1-2).**

Development of the Specific Plan would substantially alter the visual character of the Specific Plan Area through conversion from an open agricultural landscape to an urbanized landscape. This impact is considered significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.1-8 through 4.1-10, the EIR considered effects of the Project on scenic resources and visual character, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

**4.1-2: Implement Design Measures Consistent with the Yuba County General Plan.**

The County will review and, as necessary, condition projects proposed under the Specific Plan to be consistent with the following community design requirements:

- for the knoll portion of the Specific Plan Area approximately 1,000 feet east of Bradshaw Road and approximately 2,000 feet south of Ostrom Road, roads shall be oriented and homes shall be constructed in a way that is demonstrated to the satisfaction of the County to reduce the need for grading by, for example, using stem wall construction or other technique;
- use climate-appropriate (drought resistant) plant materials;
- incorporate architectural styles that complement local historic styles including, but not limited to gold rush, agrarian, craftsman, bungalow, American cottage, mountain or rustic styles, and other appropriate styles;
- screen, design, and locate service, utility, loading areas, and roof-mounted equipment to reduce visibility from surrounding properties and pedestrian areas; and

- place new utilities underground.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that even with the changes or alterations required in, or incorporated into, the Project as conditions of approval to mitigate or avoid the significant effects on the environment, this impact would remain significant under the circumstances described, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated to the extent feasible by the imposition of Mitigation Measure 4.1-2. Even though incorporation of this mitigation measure would reduce impacts associated with development and operation of the Project on scenic resources and visual character, this impact would still remain significant and unavoidable. Pursuant to Public Resources Code section 21081, subdivision (a) and CEQA Guidelines section 15091, subdivision (a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the Project outweigh this significant impact, as set forth in the Statement of Overriding Considerations in Section 5.

**Reference:**

DEIR pages 4.1-8 through 4.1-10.

**3.3 Increase in Nighttime Lighting and Daytime Glare and Skyglow Effects (Impact 4.1-3).**

Implementation of the Specific Plan would result in increased nighttime lighting and could include construction of buildings with reflective surfaces that inadvertently cast light and glare toward motorists on adjacent roadways. Development would increase the amount of daytime and nighttime light and glare and would introduce a new source of nighttime lighting in an existing rural area. This impact is considered significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.1-10 through 4.1-12, the EIR considered effects of the Project on daytime and nighttime light and glare, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

**4.1-3: Reduce Light and Glare Effects.**

The County will review and condition projects proposed under the Specific Plan to reduce adverse light and glare effects on roads within and in the vicinity of the Specific Plan Area, neighboring properties, pedestrian areas, and pilots flying through the airspace of Beale AFB, consistent with the following requirements:

- On-site lighting shall be of the lowest intensity that would serve the intended purpose and shall be located and screened or shielded to direct light to the intended location and avoid spillage onto adjacent properties.
- Non-reflective paint and building materials shall be used.
- Timing devices or sound/motion-controlled lighting shall be used, where appropriate, to reduce the amount of time where lighting is used.

- Public sidewalks, parks, and open spaces that require lighting shall be illuminated with low source lighting, including bollard lighting and pole lighting not to exceed 16 feet in height.
- Walkways, stairs, and drives may only be illuminated with down-lighting, low voltage lighting, or light sources with directional shields that prevent light spill onto adjacent properties. Up-lighting is prohibited except for low-voltage lighting applications and flagpoles at civic uses.
- Active portions of parks that may generate light and noise should be located and designed to promote compatibility with the surrounding neighborhood.
- Sports lighting shall be located and designed to direct lighting to playfields and avoid light spillage outside of the park or school property. Lighting shall only be used when the fields are in use.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that even with the changes or alterations required in, or incorporated into, the Project as conditions of approval to mitigate or avoid the significant effects on the environment, this impact would remain significant under the circumstances described, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated to the extent feasible by the imposition of Mitigation Measure 4.1-3. Even though incorporation of this mitigation measure would reduce impacts associated with development and operation of the Project on daytime and nighttime light and glare, this impact would still remain significant and unavoidable. Pursuant to Public Resources Code section 21081, subdivision (a) and CEQA Guidelines section 15091, subdivision (a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the Project outweigh this significant impact, as set forth in the Statement of Overriding Considerations in Section 5.

**Reference:**

DEIR pages 4.1-10 through 4.1-12.

**3.4 Generation of Long-Term Operational, Regional Emissions of Criteria Air Pollutants and Precursors and Consistency with Air Quality Planning Efforts (Impact 4.3-1).**

Development of Specific Plan would generate long-term operational emissions of criteria air pollutants (PM10 and PM2.5) and ozone precursors (ROG and NOX) that would affect regional air quality planning efforts. The Specific Plan's operational (mobile- and area-source) emissions would exceed allowable FRAQMD thresholds. This impact is considered significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.3-25 through 4.3-28 and FEIR pages 2-74 through 2-82, 3-4 through 3-6, and 3-19 through 3-21, the EIR considered effects of the Project on emissions of criteria air pollutants and precursors, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

#### 4.3-1: Implement Operational Mitigation Measures.

The project applicant(s) for tentative subdivision maps and development projects proposed under the Specific Plan shall implement the mitigation measures, as applicable to the proposed subdivision map or development project. At the time entitlements are sought, the County will evaluate measures below, determine which measures are applicable, and include those measures as conditions of approval or some other enforceable mechanism. For each project mitigation measure listed below, the corresponding FRAQMD's Best Available Mitigation Measures-Operational Phase number is provided to demonstrate the measure's consistency with FRAQMD-recommended design measures. Mitigation measures listed below would satisfy the requirements for various Best Available Mitigation Measures categories including Bicycle/Pedestrian/Transit, Parking, Commercial Building Design, Mixed Use, Building Component, and TDM and Miscellaneous Measures.

- Subdivision maps and development projects located in areas designated Neighborhood Commercial and Business Park shall be developed in coordination with local transit provider/s to ensure proper placement and design of transit stops and accommodate public transit for both employees and patrons. If the local transit provider does not provide direction, the placement and design of transit stops shall be approved by the Yuba County Planning Department based on generally accepted transit planning principles. (FRAQMD BAMM 9, 10)
- Subdivision maps and improvement plans shall be designed to provide convenient and safe bicycle, pedestrian, and transit access between neighborhoods and areas designated Neighborhood Commercial and Business Park, as well as parks, trails, and other destinations. (FRAQMD BAMM 6, 24, 25, 32)
- Subdivision maps and development projects within Neighborhood Commercial areas shall distribute proposed parking and not concentrate parking exclusively between the front building façade and the primary abutting street. (FRAQMD BAMM 33)
- Cul-de-sacs are allowed only where they would not create a barrier for pedestrian and bicycle access or circulation between homes and destinations. (FRAQMD BAMM 6)
- Employment generating projects that anticipate more than 50 full-time equivalent employees shall comply with applicable provisions of the County's Travel Demand Management Ordinance if it is in effect. If a County Ordinance is not in effect, such projects shall participate in the Yuba-Sutter Transportation Management Association. (FRAQMD BAMM 51, 57)
- Subdivision maps and improvement plans shall be designed to accommodate safe and frequent pedestrian crosswalks, with more frequent crossings in areas expected to have higher pedestrian traffic, such as schools, parks, trail connections, higher-density residential areas, and areas with retail, services, office uses, and other non-residential uses. (FRAQMD BAMM 6, 24, 25, 32)
- Subdivision maps and improvement plans shall be designed to discourage concentration of traffic at a few intersections. Multiple points of access shall be provided whenever feasible. Roads shall be arranged in an interconnected block pattern. The maximum average block length in subdivisions is 450 feet unless unusual existing physical conditions warrant an exception to this standard, but shorter block lengths should be used around areas designated Neighborhood Commercial.
- Subdivision maps and improvement plans shall be designed to connect with adjacent roadways and stubbed roads and shall provide frequent stubbed roadways in coordination with future planned development areas.
- Subdivision maps and development projects within Neighborhood Commercial areas shall be designed to minimize the amount of on-site land required to meet parking, internal circulation, and delivery/loading needs. (FRAQMD BAMM 33)

- Subdivision maps and development projects within Neighborhood Commercial areas shall be designed to break up any proposed surface parking with landscaping and provide pedestrian routes from parking areas to building entrances. (FRAQMD BAMB 6, 21, 32, 33)
- The County will reduce the amount of off-street parking required for projects that propose housing units restricted to lower-, very low-, or extremely low-income households and that record a minimum affordability period of 25 years. (FRAQMD BAMB 12)
- Residential subdivision maps shall orient the majority of single-family residential structures so that the longer axis of the building, also known as the ridge line, is oriented within 30 degrees of east-to-west, in order to maximize the potential for passive solar heating in the winter and to minimize heat gain from the afternoon summer sun or provide equally effective energy efficiency measure, which may include, but is not limited to exceeding current building code energy efficiency requirements by the same percentage required to achieve the benefits of proper solar orientation, use of renewable energy generation facilities, planting larger and/or faster growing trees in strategic locations, or other strategies. (FRAQMD BAMB 23 [for residential land uses], 50)
- Subdivision maps and development projects proposing off-street surface parking lots shall incorporate shade trees or shade structures to provide a minimum of 50 percent shading (at maturity, where trees are used).
- Subdivision maps and development projects shall use climate-appropriate landscaping in parks and open space, landscaping within new rights of way, yards, and other appropriate spaces.
- Provide secure, covered bicycle parking for employees of projects located in areas designated Neighborhood Commercial and Business Park. This may consist of a separate secure, covered bicycle parking area at each employment location or larger shared bicycle parking area/s located and designed to serve multiple locations. (FRAQMD BAMB 1, 4)
- Shower and locker facilities shall be provided for employees of projects located in areas designated Neighborhood Commercial and Business Park, as required by the Yuba County Code (Zoning, Bikeway Master Plan, Transit Reduction Plan Ordinance, and other applicable sections). This may be achieved by incorporating a shower and locker facility into the design of each proposed use, or facilities located and designed to serve multiple locations. (FRAQMD BAMB 1, 3)
- Residential development that proposes fireplaces shall only install natural gas or electric fireplaces. (FRAQMD BAMB 41)
- Provide utility service and conduit for the future installation of electric vehicle charging facilities and provide priority parking at non-residential uses for electric and carpool/vanpool vehicles. (FRAQMD BAMB 16)

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

#### **Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that even with the changes or alterations required in, or incorporated into, the Project as conditions of approval to mitigate or avoid the significant effects on the environment, this impact would remain significant under the circumstances described, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated to the extent feasible by the imposition of Mitigation Measure 4.3-1. Even though incorporation of this mitigation measure would reduce impacts associated with development and

operation of the Project on emissions of criteria air pollutants and precursors, this impact would still remain significant and unavoidable. Pursuant to Public Resources Code section 21081, subdivision (a) and CEQA Guidelines section 15091, subdivision (a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the Project outweigh this significant impact, as set forth in the Statement of Overriding Considerations in Section 5.

**Reference:**

DEIR pages 4.3-25 through 4.3-28; FEIR pages 2-74 through 2-82, 3-4 through 3-6, and 3-19 through 3-21.

**3.5 Generation of Temporary and Short-Term Construction-Related Emissions of Criteria Air Pollutants and Precursors and Violation of an Ambient Air Quality Standard (Impact 4.3-2).**

Emissions of criteria air pollutants and precursors resulting from construction activities for the Specific Plan would exceed FRAQMD's significance thresholds of 25 lbs./day for ROG and NOX and 80 lbs./day for PM10. The Specific Plan could result in construction-generated emissions of criteria air pollutants and precursors, and could violate an ambient air quality standard, contribute substantially to an existing or predicted air quality violation, and/or expose sensitive receptors to substantial pollutant concentrations. As a result, this temporary and short-term impact is considered significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.3-29 through 4.3-32 and FEIR pages 3-21 through 3-22, the EIR considered effects of the Project on emissions of criteria air pollutants and precursors from temporary and construction-related activities, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

**4.3-2: Implement Construction Mitigation Measures.**

Subdivision maps and development projects proposed within the Specific Plan Area and off-site improvements will be evaluated and conditioned, as necessary, for compliance with the following:

- Submit a Fugitive Dust Control Plan for review, revision, and approval by Feather River Air Quality Management District.
- Control construction equipment exhaust emissions so that they shall not exceed Feather River Air Quality Management District Regulation III, Rule 3.0, Visible Emissions Limitations (40 percent opacity or Ringelmann 2.0).
- Ensure that all construction equipment is properly tuned and maintained prior to and for the duration of on-site operation.
- Limit idling time to a maximum of 5 minutes.
- Use power poles or clean fuel generators rather than temporary power generation, wherever feasible.
- Develop for review, revision, and approval by Feather River Air Quality Management District a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.

- Register portable engines and portable engine-driven equipment units used at the same project work site, with the exception of on-road and off-road motor vehicles, as required by the California Air Resources Board Portable Equipment Registration Program.
- Suspend all grading operations when winds exceed 20 miles per hour or when winds carry dust beyond the property line despite implementation of all feasible dust control measures.
- Water construction sites as directed by the Community Development and Services Agency or Feather River Air Quality Management District and as necessary to prevent fugitive dust violations.
- An operational water truck shall be available at all times. Apply water to control dust, as needed, to prevent visible emissions violations and offsite dust impacts.
- Cover on-site dirt piles or other stockpiled particulate matter, install wind breaks, and employ water and/or soil stabilizers to reduce windblown dust emissions. Incorporate the use of approved non-toxic soil stabilizers according to manufacturer's specifications to all inactive construction areas.
- Minimize free fall distance and fugitive dust emissions for any transfer processes involving a free fall of soil or other particulate matter.
- Apply approved chemical soil stabilizers according to the manufacturer's specifications, to all inactive construction areas (previously graded areas that remain inactive for 96 hours) including unpaved roads and employee/equipment parking areas.
- Install wheel washers where project vehicles and/or equipment exit onto paved streets from unpaved roads to prevent track-out. Wash vehicles and/or equipment prior to each trip. Alternatively, a gravel bed may be installed as appropriate at vehicle/equipment site exit points to effectively remove soil buildup on tires and tracks to prevent/diminish track-out.
- Sweep paved streets frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the project site.
- Limit traffic speeds on all unpaved surfaces to 15 miles per hour or less and reduce unnecessary vehicle traffic by restricting access. Provide appropriate training, onsite enforcement, and signage.
- Reestablish ground cover on the construction site as soon as possible and prior to final occupancy, through seeding and watering.
- Open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (trash, demolition debris, etc.) is prohibited. Vegetative wastes should be chipped or delivered to waste-to-energy facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials offsite for disposal by open burning.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

#### **Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that even with the changes or alterations required in, or incorporated into, the Project as conditions of approval to mitigate or avoid the significant effects on the environment, this impact would remain significant under the circumstances described, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated to the extent feasible by the imposition of Mitigation Measure 4.3-2. Even though incorporation of this mitigation measure would reduce impacts associated with development and

operation of the Project on emissions of criteria air pollutants and precursors from temporary and construction-related activities, this impact would still remain significant and unavoidable. Pursuant to Public Resources Code section 21081, subdivision (a) and CEQA Guidelines section 15091, subdivision (a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the Project outweigh this significant impact, as set forth in the Statement of Overriding Considerations in Section 5.

**Reference:**

DEIR pages 4.3-29 through 4.3-32; FEIR pages 3-21 through 3-22.

**3.6 Exposure of Sensitive Receptors to Emissions of Odors (Impact 4.3-5).**

Development of the Specific Plan could result in the exposure of sensitive receptors to emissions of objectionable odors. As a result, this impact is considered significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.3-40 through 4.3-42, the EIR considered effects of the Project on sensitive receptors from odors, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

**4.3-5: Disclose Odors from Existing Agricultural Operations.**

The project applicant(s) shall include a disclosure clause advising buyers and tenants of the potential adverse odor impacts in the deeds to all residential properties. Residential subdivisions shall provide notification to buyers in writing of odors associated with existing dairies, agricultural burning, and decay of agricultural waste. This notification shall indicate that the County does not consider agricultural odors to be a nuisance for residential development within the Specific Plan and requesting that residents not contact the County, FRAQMD, or other public agencies regarding odors associated with ongoing dairy operations west of the Specific Plan Area and existing rice operations in the vicinity of the Specific Plan Area.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that even with the changes or alterations required in, or incorporated into, the Project as conditions of approval to mitigate or avoid the significant effects on the environment, this impact would remain significant under the circumstances described, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated to the extent feasible by the imposition of Mitigation Measures 4.3-5. Even though incorporation of this mitigation measure would reduce impacts associated with development and operation of the Project on sensitive receptors from odors, this impact would still remain significant and unavoidable. Pursuant to Public Resources Code section 21081, subdivision (a) and CEQA Guidelines section 15091, subdivision (a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the Project outweigh this significant impact, as set forth in the Statement of Overriding Considerations in Section 5.

**Reference:**

DEIR pages 4.3-40 through 4.3-42.

**3.7 Increase in Greenhouse Gas Emissions and Consistency with Relevant Plans (Impact 4.7-1).**

The proposed Specific Plan would result in GHG emissions associated with construction and operational activities. The proposed Specific Plan would generate GHG emissions that are considered a substantial contribution to climate change. There is a significant cumulative impact and the Specific Plan contribution is cumulatively considerable. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.7-19 through 4.7-25, the EIR considered effects of the Project on increases of greenhouse gas emissions, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measures:****4.7-1: Implement All Exhaust-Related FRAQMD Construction Standard Mitigation Measures and Best Available Mitigation Measures.**

To reduce GHG emissions from construction-related activities, the project applicant(s) contractor(s) of all project phases shall implement all exhaust-related Feather River Air Quality Management District Standard Mitigation Measures and Best Available Mitigation Measures from Mitigation Measure 4.3-2.

**4.7-2: Implement Operational Mitigation Measures to Reduce GHG Emissions from Long-Term Operations.**

A combination of the following mitigation measures shall be implemented by the project applicant(s) of all project phases to reduce GHG emissions. The combination of measures shall be demonstrated to achieve a performance standard for each.

The performance standard is a fair share of statewide emission reduction targets for the Specific Plan. More specifically, the performance standard for this mitigation measure is a level of emissions per service population per year that would be consistent with AB 32 for 2020 and also with Executive Order S-3-05, which calls for emissions reductions of 80% below the 1990 level by 2050. Service population is the total estimated residential population plus the total number of (full-time equivalent) employees. The performance standard can be calculated by extrapolating the per-service population 2020 AB 32 emissions level and the per-service population 2050 S-3-05 emissions level to the buildout year. If the subdivision map were to build out in 2030, for example, the performance standard would be expected to be closer to the 2020 AB 32 per-service population target. The performance standard for a 2035 buildout is currently estimated to be 2.4 MT CO<sub>2</sub>e, but this estimate is subject to revision in the future with updated statewide demographic and economic forecasts. If the federal governments, the State, or SACOG adopts a different reduction target for 2050 or other year beyond 2020, this reduction target – if applicable to GHG emissions sectors included in the Specific Plan and demonstrated to avoid cumulatively considerable impacts – may be substituted for Executive Order S-3-05:

- Implement Mitigation Measure 4.3-1 from Section 4.3, "Air Quality;"
- Implement applicable reduction measures from Yuba County's Resource Efficiency Plan;
- Install "smart meters" in all proposed residential and commercial land uses to best manage energy consumption and allow for future energy-related audits and retrofits;

- Install cool roofs and/or photovoltaic (PV) energy on residential structures to the maximum extent feasible and on all commercial buildings to use unused roof space. Heating ventilation and air conditioning (HVAC) systems on all commercial buildings shall be planned to maximize roof space for PV installation; and
- After feasible measures listed above to reduce construction and operation emissions are incorporated, if per-service population emissions would still exceed the performance standard, the County may allow the use of verified carbon reduction credits (also known as offsets) at a level necessary for the Specific Plan to comply with the performance standard identified in this mitigation measure. The offsets may be local, regional, or state programs, subject to County approval. The emission credit must be in addition to any GHG reduction otherwise required by law or regulation, and any GHG emission reduction that otherwise would occur. The required amount of credits shall be calculated on an annual basis for the lifetime of the proposed Specific Plan at building, including amortized construction emissions. If offsets are required to achieve the performance standard established in this mitigation measure, the offset requirement shall be tracked through the entire entitlement approval process, including Specific Plan approval, approval of subdivision maps, approval of improvement plans, approval of use permits, and other applicable entitlements required to implement the Specific Plan. Offsets (which are one of several options outlined in this section to reduce emissions) used for mitigation should have a mechanism to monitor the effectiveness over time to ensure that they will fully account for the needed level of mitigation to meet the performance standard established in this mitigation measure for the lifetime of the Specific Plan.

The foregoing mitigation measures are incorporated into the project approval as condition of approval #7.

#### **Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that even with the changes or alterations required in, or incorporated into, the Project as conditions of approval to mitigate or avoid the significant effects on the environment, this impact would remain significant under the circumstances described, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated to the extent feasible by the imposition of Mitigation Measures 4.7-1 and 4.7-2. Even though incorporation of these mitigation measures would reduce impacts associated with development and operation of the Project on increases of greenhouse gas emissions, this impact would still remain significant and unavoidable. Pursuant to Public Resources Code section 21081, subdivision (a) and CEQA Guidelines section 15091, subdivision (a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the Project outweigh this significant impact, as set forth in the Statement of Overriding Considerations in Section 5.

#### **Reference:**

DEIR pages 4.7-19 through 4.7-25.

### **3.8 Water Quality Impacts from Off-site Sources (Impact 4.9-5).**

The Specific Plan proposes development that would result in installation of multiple domestic water supply wells. Implementation of the Specific Plan could result an increase in groundwater pumping associated with proposed

wells could potentially affect groundwater flow direction and rates that alter the extent of the groundwater plume located at Beale AFB, potentially affecting nearby wells and proposed wells within the Specific Plan Area. This impact is considered potentially significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.9-53 through 4.9-57, the EIR considered effects of the Project on water quality from off-site sources, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measures:**

**4.9-5a: Implement Mitigation Measure 4.9-1b: Prepare and Implement a Soil and Groundwater Sampling and Remediation Plan and Acquire Appropriate Regulatory Approvals.**

The project applicant(s) of all project phases shall implement Mitigation Measure 4.9-1b to reduce impacts on water quality from off-site sources.

**4.9-5b: Implement Groundwater Supply and Water Quality Assessment and Monitoring Plan.**

To ensure consistency with YCWA Groundwater Management Plan, through consultation with a registered hydrogeologist and/or engineer, and in coordination with the YCWA, local, state, and federal agencies, including the Central Valley RWQCB, Beale AFB, OPUD, nearby water districts, and other interested agricultural and municipal water purveyors, the Specific Plan applicant and project applicant(s) of all project phases under the Specific Plan shall develop a programmatic groundwater supply and water quality assessment and monitoring plan that contains the following components:

- The plan shall evaluate proposed land use and water supplies for current and future conditions. Including groundwater pumpage in the groundwater basin, total cumulative future groundwater pumping to meet demands in the basin, including the proposed project demand at full buildout, and other necessary use and supply information to ensure that implementation of the Specific Plan won't deplete groundwater supplies that would substantially lower the local groundwater table such that flow direction of the groundwater plumes associated with Beale AFB are not affected.
- Based on the evaluation described above, the plan shall evaluate well locations identified in the Specific Plan Area, identifying for each well, pump rates, area of influence under normal conditions, and drought periods, and localized groundwater flow and rate information. The plan shall identify nearby wells that could be affected by the proposed project, and in coordination with parties described above, evaluate necessary operation restrictions and design modifications to prevent modifying the plume extent at Site LF013 and any potential impacts on other plumes (such as Site OT017). Design and operation changes that may be considered, but not limited to include relocation of proposed well sites to areas further away from Beale AFB, additional storage requirements, limited pumping during drought periods, and/or alternative water sources. The plan shall consider the transfer program that is occasionally implemented by local water districts to ensure coordination of groundwater pumping that would not affect the extent of nearby groundwater plumes.
- The plan shall develop pre- and post-project groundwater quality monitoring to demonstrate, based on accepted engineering methodology, that the proposed uses can provide a safe yield that would not have an undesirable effect on groundwater quality within the Specific Plan Area or to nearby users. Monitoring shall be completed on a biannual basis, taking into account periods of high groundwater use and modifying monitoring, as needed. It may be necessary to include additional off-site monitoring wells to assess water quality and assure contaminants are not migrating. Contaminants of concern shall include:
  - 1,1,1,2-TECA;

- 1,1,2,2-TECA;
  - 1,1,2-TCA;
  - 1,1-DCE;
  - cis-1,2-DCE;
  - PCE;
  - TCE;
  - trans-1,2-DCE; and
  - other pollutants, including pesticides, such as DDT, as necessary.
- If monitoring concludes that the groundwater quality exceeds maximum contaminant level requirements as established by CalEPA and the Central Valley RWQCB Basin Plan, groundwater pumping shall cease, property owners shall be notified by the water service provider, and an alternative domestic water supply shall be provided by the water service provider until groundwater quality meets or exceeds water quality standards.
  - Monitoring reports shall be submitted to YCWA, Beale AFB, Central Valley RWQCB, and others identified in the plan until identified sites at Beale AFB receive closure and as such are considered not to pose a risk of contaminant exposure to adjacent properties.
  - The Specific Plan applicant shall provide ongoing funding for activities described in this mitigation measure in amounts adequate to ensure successful implementation of this mitigation measure.
  - The County does not anticipate, and cannot determine at this time whether alternative water sources may be required for the Specific Plan. If this is necessary, the County will require appropriate CEQA analysis and implementation of feasible mitigation consistent with the comprehensive direction in the 2030 General Plan, to address potentially significant effects associated with alternative water supply.

The foregoing mitigation measures are incorporated into the project approval as condition of approval #7.

#### **Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that even with the changes or alterations required in, or incorporated into, the Project as conditions of approval to mitigate or avoid the significant effects on the environment, this impact would remain significant under the circumstances described, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated to the extent feasible by the imposition of Mitigation Measures 4.9-5a and 4.9-5b. Even though incorporation of these mitigation measures would reduce impacts associated with development and operation of the Project on water quality from off-site sources, this impact would still remain significant and unavoidable. Pursuant to Public Resources Code section 21081, subdivision (a) and CEQA Guidelines section 15091, subdivision (a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the Project outweigh this significant impact, as set forth in the Statement of Overriding Considerations in Section 5.

#### **Reference:**

4.9-53 through 4.9-57.

### **3.9 Induce Population Growth (Impact 4.10-3).**

Implementation of the Specific Plan could induce population growth in unincorporated Yuba County. This impact is considered significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.10-21 through 4.2-22, the EIR considered effects of the Project on population growth, and that those effects are addressed in the EIR and in these Findings.)

#### **Mitigation Measure:**

No mitigation measures are available.

#### **Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that this impact would remain significant under the circumstances described, and there are no feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Impacts associated with development and operation of the Project on population growth would remain significant and unavoidable. Pursuant to Public Resources Code section 21081, subdivision (a) and CEQA Guidelines section 15091, subdivision (a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the Project outweigh this significant impact, as set forth in the Statement of Overriding Considerations in Section 5.

#### **Reference:**

DEIR pages 4.10-21 through 4.2-22.

### **3.10 Potential for Temporary, Short-Term Exposure of Sensitive Receptors to Construction Noise (Impact 4.11-1).**

Specific Plan implementation would result in temporary, short-term construction activities. Specific Plan-related construction activities could expose existing off- and future on-site sensitive receptors to elevated noise levels. This impact is considered significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.11-25 through 4.11-30, the EIR considered effects of the Project on sensitive receptors from temporary construction noise, and that those effects are addressed in the EIR and in these Findings.)

#### **Mitigation Measure:**

#### **4.11-1: Reduce Construction Noise Impacts by Implementing Noise-Reducing Measures and Condition Development under the Specific Plan to Ensure that Measures are Implemented.**

The project applicant(s) and contractor(s) of all project phases shall implement the following measures to minimize noise impacts for all on- and off-site construction within 500 feet of any noise-sensitive land use. The County will review each development application and shall condition development accommodated under the Specific Plan to be consistent with the following measures:

- Limit noise-generating construction operations to the hours of 7 a.m.-10 p.m. (daytime). If construction operations extend beyond the hours of 7 a.m.-10 p.m., construction shall not occur within 500 feet of any occupied residential property.
- Locate fixed/stationary equipment (e.g., generators, compressors) as far as possible from noise-sensitive receptors. Shroud or shield all impact tools, and muffle or shield all in-take and exhaust ports on powered construction equipment.
- Store and maintain equipment as far as possible from noise-sensitive receptors.
- Properly maintain and equip all construction equipment with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.
- Shut down all motorized construction equipment when not in use to prevent excessive idling noise.
- Construct acoustic barriers (e.g., plywood, sound attenuation blankets) to reduce construction-generated noise levels at affected noise-sensitive land uses. The barriers shall be designed to obstruct the line of sight between the noise-sensitive land use and construction equipment.
- Where feasible, construction traffic shall avoid routes directly adjacent to noise-sensitive land uses, including Lindhurst Avenue between North Beale Road and south of Erle Road.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

#### **Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that even with the changes or alterations required in, or incorporated into, the Project as conditions of approval to mitigate or avoid the significant effects on the environment to, this impact would remain significant under the circumstances described, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated to the extent feasible by the imposition of Mitigation Measure 4.11-1. Even though incorporation of this mitigation measure would reduce impacts associated with development and operation of the Project on sensitive receptors from temporary construction noise, this impact would still remain significant and unavoidable. Pursuant to Public Resources Code section 21081, subdivision (a) and CEQA Guidelines section 15091, subdivision (a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the Project outweigh this significant impact, as set forth in the Statement of Overriding Considerations in Section 5.

#### **Reference:**

DEIR pages 4.11-25 through 4.11-30.

### **3.11 Temporary Exposure of Sensitive Receptors to Beale AFB Overflights (Impact 4.11-2).**

The Specific Plan proposes noise-sensitive land uses adjacent to a known source of noise. This impact is considered significant. (The Board of Supervisors specifically finds that, as set forth on DEIR page 4.11-30 and FEIR pages 2-140 through 2-142, the EIR considered effects of the Project on sensitive receptors from noise related to Beale AFB overflights, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measures:****4.11-2: Homebuyer/Renter Notification of Beale AFB Noise Exposure.**

The project applicant(s) shall provide residential developments under the Specific Plan with homebuyer/renter notification of the presence of Beale AFB noise exposure.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that even with the changes or alterations required in, or incorporated into, the Project as conditions of approval to mitigate or avoid the significant effects on the environment, this impact would remain significant under the circumstances described, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated to the extent feasible by the imposition of Mitigation Measure 4.11-2. Even though incorporation of this mitigation measure would reduce impacts associated with development and operation of the Project on sensitive receptors from noise related to Beale AFB overflights, this impact would still remain significant and unavoidable. Pursuant to Public Resources Code section 21081, subdivision (a) and CEQA Guidelines section 15091, subdivision (a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the Project outweigh this significant impact, as set forth in the Statement of Overriding Considerations in Section 5.

**Reference:**

DEIR page 4.11-30; FEIR pages 2-140 through 2-142.

**3.12 Increase in Traffic Noise Levels at Existing Noise-Sensitive Receptors (Impact 4.11-3).**

Implementation of the proposed Specific Plan would add additional traffic to the roadway network, increasing traffic noise levels along roadways affected by Specific Plan. The impact is considered significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.11-30 through 4.11-34, the EIR considered effects of the Project on existing sensitive receptors from increased traffic noise, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

No mitigation measures are available.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that this impact would remain significant under the circumstances described, and there are no feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Impacts associated with development and operation of the Project on existing sensitive

receptors from increased traffic noise would remain significant and unavoidable. Pursuant to Public Resources Code section 21081, subdivision (a) and CEQA Guidelines section 15091, subdivision (a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the Project outweigh this significant impact, as set forth in the Statement of Overriding Considerations in Section 5.

**Reference:**

DEIR pages 4.11-30 through 4.11-34.

**3.13 Potential Exposure of On- and Off-site Sensitive Receptors to Groundborne Noise and Vibration (Impact 4.11-6).**

Implementation of the Specific Plan could result in exposure of on- and off-site sensitive noise receptors to groundborne noise and vibration. This impact is considered potentially significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.11-40 through 4.11-42, the EIR considered effects of the Project on on- and off-site sensitive receptors from groundborne noise and vibration, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

**4.11-6: Implement Measures to Reduce Impacts Associated with Groundborne Noise and Vibration.**

The project applicant(s) and contractor(s) of all development phases under the Specific Plan shall implement the following measures to reduce impacts associated with groundborne noise and vibration:

- Vibration-generating construction operations shall occur greater than 100 feet from occupied vibration-sensitive receptors (e.g., residences, schools) or as far as feasible from sensitive receptors.
- All construction equipment and equipment staging areas shall be located as far as possible from nearby vibration-sensitive land uses.
- Uses that anticipate the need for heavy duty trucks shall locate access points such that the minimum distance between any residential structure or other structure with a vibration-sensitive land use and the operation of heavy duty trucks is greater than 25 feet.
- Uses that anticipate operational vibration through the operation of heavy equipment or other operational characteristics shall incorporate site planning to ensure that the distance between vibration-generating activities and any residential structure or other structure with a vibration-sensitive land use would be sufficient to reduce vibration levels as experienced at the vibration-sensitive structure to less than 80 VdB and 0.2 PPV. The County may require project applicant(s) to prepare a technical study to demonstrate the effectiveness of required site planning strategies.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that even with the changes or alterations required in, or incorporated into,

the Project as conditions of approval to mitigate or avoid the significant effects on the environment, this impact would remain significant under the circumstances described, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated to the extent feasible by the imposition of Mitigation Measures 4.11-6. Even though incorporation of this mitigation measure would reduce impacts associated with development and operation of the Project on on- and off-site sensitive receptors from groundborne noise and vibration, this impact would still remain significant and unavoidable. Pursuant to Public Resources Code section 21081, subdivision (a) and CEQA Guidelines section 15091, subdivision (a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the Project outweigh this significant impact, as set forth in the Statement of Overriding Considerations in Section 5.

**Reference:**

DEIR pages 4.11-40 through 4.11-42.

**3.14 Increases to Peak-Hour Traffic Volumes, Resulting in Unacceptable LOS on Roadway Segments under Existing Plus Project Conditions (Impact 4.13-1).**

Implementation of the Specific Plan would cause an increase in AM and PM peak-hour traffic volumes along three roadway segments resulting in an unacceptable LOS. This impact is considered significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.13-18 through 4.13-20 and FEIR pages 2-134 and 2-169 through 2-170, the EIR considered effects of the Project on existing roadway segment operations from increased traffic, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measures:**

**4.13-1a: Pay Fair Share Costs to Widen Ostrom Road between Rancho Road and the UPRR Tracks.**

The Specific Plan applicant shall pay its fair share of the costs to widen Ostrom Road to a four-lane divided (median to be determined) arterial from west of Rancho Road, easterly across the UPRR railroad tracks. The at-grade railroad crossing would need to be widened from a two-lane to a five-lane crossing. Alternatively, a four-lane grade-separation of Ostrom Road from Rancho Road and the UPRR tracks could instead be implemented.

**4.13-1b: Pay Fair Share Costs to Widen Ostrom Road from east of the UPRR railroad tracks to the First Major Specific Plan Access Point.**

The Specific Plan applicant shall pay its fair share of the costs to widen Ostrom Road to a four-lane divided arterial from east of the UPRR railroad tracks to the first major project access east of Bradshaw Road.

The foregoing mitigation measures are incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that even with the changes or alterations required in, or incorporated into, the Project as conditions of approval to mitigate or avoid the significant effects on the environment, this impact

would remain significant under the circumstances described, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated to the extent feasible by the imposition of Mitigation Measures 4.13-1a and 4.13-1b. Even though incorporation of these mitigation measures would reduce impacts associated with development and operation of the Project on existing roadway segment operations from increased traffic, this impact would still remain significant and unavoidable. Pursuant to Public Resources Code section 21081, subdivision (a) and CEQA Guidelines section 15091, subdivision (a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the Project outweigh this significant impact, as set forth in the Statement of Overriding Considerations in Section 5.

**Reference:**

DEIR pages 4.13-18 through 4.13-20; FEIR pages 2-134 and 2-169 through 2-170.

**3.15 Increases to Peak-Hour Traffic Volumes, Resulting in Unacceptable LOS at Intersections under Existing Plus Specific Plan Conditions (Impact 4.13-2).**

Implementation of the Specific Plan would cause in increases in AM and PM peak-hour traffic volumes at 16 intersections, resulting in an unacceptable LOS. This impact is considered significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.13-20 through 4.13-28 and FEIR pages 2-66 through 2-70, 2-134 through 2-137, 2-169 through 2-170, 3-11, 3-31, and 3-36, the EIR considered effects of the Project on existing intersection operations from increased traffic, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measures:**

**4.13-1a: Pay Fair Share Costs to Widen Ostrom Road between Rancho Road and the UPRR Tracks.**

The Specific Plan applicant shall pay its fair share of the costs to widen Ostrom Road to a four-lane divided (median to be determined) arterial from west of Rancho Road, easterly across the UPRR railroad tracks. The at-grade railroad crossing would need to be widened from a two-lane to a five-lane crossing. Alternatively, a four-lane grade-separation of Ostrom Road from Rancho Road and the UPRR tracks could instead be implemented.

**4.13-1b: Pay Fair Share Costs to Widen Ostrom Road from east of the UPRR railroad tracks to the First Major Specific Plan Access Point.**

The Specific Plan applicant shall pay its fair share of the costs to widen Ostrom Road to a four-lane divided arterial from east of the UPRR railroad tracks to the first major project access east of Bradshaw Road.

**4.13-2a: Pay Fair Share Costs for Reconstruction of the SR 70/Erle Road Interchange.**

The Specific Plan applicant shall pay its fair share of the costs to construct operational improvements to the SR 70/Erle Road interchange. This can be accomplished through payment of the applicable Yuba County Countywide Development Impact Fees (CDIF) in place at the time of building permit issuance.

**4.13-2b: Pay Fair Share Costs for Improvements to the SR 65/McGowan Parkway Interchange.**

The Specific Plan applicant shall pay its fair share of the costs of the operational improvements at the SR 65/McGowan Parkway interchange. This can be accomplished through payment of the applicable Yuba County Countywide Development Impact Fees (CDIF) in place at the time of building permit issuance.

**4.13-2c: Improve SR 65/Forty Mile Road Interchange.**

The Specific Plan applicant shall pay its fair share of the costs to upgrade the SR 65/Forty Mile Road interchange to include: signalization of both ramps and widening of the overcrossing to have a five-lane cross-section.

**4.13-2d: Install a New Traffic Signal and Construct Additional Turn Lanes at the Rancho Road/Ostrom Road Intersection.**

The Specific Plan applicant shall pay its fair share of the costs to construct a new traffic signal and additional turn lanes (see Figure 10 of Appendix C) at the Rancho Road/Ostrom Road intersection.

**4.13-2e: Install a New Traffic Signal and Construct Additional Turn Lanes at the Ostrom Road/Virginia Road Intersection.**

The Specific Plan applicant shall pay its fair share of the costs to construct a new traffic signal and additional turn lanes (see Figure 10 of Appendix C) at the Virginia Road/Ostrom Road intersection.

**4.13-2f: Install a New Traffic Signal and Construct Additional Turn Lanes at the Bradshaw Road/Ostrom Road Intersection.**

The Specific Plan applicant shall pay its fair share of the costs to construct a new traffic signal and additional turn lanes (see Figure 10 of Appendix C) at the Bradshaw Road/Ostrom Road intersection.

**4.13-2g: Install a New Traffic Signal and Construct Additional Turn Lanes at the Ostrom Road/South Beale Road Intersection.**

The Specific Plan applicant shall pay its fair share of the costs to construct a new traffic signal and additional turn lanes (see Figure 10 of Appendix C) at the Ostrom Road/South Beale Road intersection.

**4.13-2h: Upgrade the SR 65/South Beale Road Intersection.**

The Specific Plan applicant shall pay its fair share of the costs to upgrade the SR 65/South Beale Road intersection. The upgrade improvements necessary would occur in two or more phases and include:

- Realignment/reconstruction of South Beale Road to a new four-lane arterial from its current alignment westerly through the southern portion of the project site including a grade separation of Rancho Road and the UPRR tracks, terminating at SR 65.
- Installation of an interim traffic signal and ultimately an interchange at the realigned South Beale Road/SR 65 intersection.
- Installation of interim traffic signal and/or rail intersection improvements at the existing South Beale Road/SR 65 intersection to improve the functionality of the intersection and crossing prior to the realigned South Beale Road becoming operational.
- Restrict movements at the existing South Beale Road/SR 65 intersection to right-turns once the realigned intersection is operational.

**4.13-2i: Install a Traffic Signal and Widen the Bradshaw Road/South Beale Road Intersection.**

The Specific Plan applicant shall pay its fair share of the costs to construct a traffic signal and widen the Bradshaw Road/South Beale Road intersection to include dedicated turn lanes on all approaches (see Figure 10 of Appendix C).

**4.13-2j: Restrict Left Turns at the SR 65/Oakley Lane Intersection and Install a New Traffic Signal at SR 65/Dairy Lane Intersection.**

The project applicant shall pay its fair share of the costs to construct restrictions for the left turns from Oakley Lane onto northbound SR 65 and installing a traffic signal at SR 65/Dairy Lane intersection.

**4.13-2k: Re-optimize Signal Timing at the SR 65/Main Street and SR 65/1st Street Intersections.**

The Specific Plan applicant shall pay its fair share of the costs to re-optimize signal timing at the SR 65/1st Street and SR 65/Main Street intersections.

The foregoing mitigation measures are incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

The “Existing plus Project” conditions would add over 51,000 external daily trips at buildout of the Specific Plan, approximately 30% of which is anticipated to travel on SR 65 between South Beale Road and the City of Wheatland. This increased level of traffic is anticipated to degrade traffic operations at the SR 65/Main Street and SR 65/1st Street intersections from an acceptable LOS B during AM and PM peak hours to unacceptable LOS F during AM and PM peak hours. The Draft EIR considered whether to include the Wheatland Bypass as possible mitigation due to its identification in the SR 65 Corridor System Management Plan (CSMP) as a key corridor improvement project. However, due to its status as a Tier II improvement in the Sacramento Area Council of Governments (SACOG) Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS), and its uncertainty over funding, timing, and implementation found that the improvement was too speculative to rely on in the analysis. The Draft EIR includes Mitigation Measure 4.13-2k which would reduce the significant impact associated with unacceptable traffic operations: (1) at the SR 65/1st Street intersection by improving operations at this intersection to a less-than significant level during both AM and PM peak hours; and (2) at the SR 65/Main Street intersection by improving operations at this intersection to an acceptable LOS D during AM peak hours, though PM peak hour traffic would remain at an unacceptable LOS F.

In its comment letter on the Draft EIR (FEIR pgs. 2-128 to 2-131), the City of Wheatland proposed that the project include the Wheatland Bypass in the County’s proposed sub-regional traffic impact fee program to address traffic impacts within the City. The Draft EIR includes mitigation for a number of traffic system infrastructure improvements through payment of the sub-regional traffic impact fee which is proposed for adoption together with the Specific Plan, including re-optimizing signal timing at the SR 65/Main Street and SR 65/1st Street Intersections (MM 4.13-2k). Unlike the proposed Wheatland Bypass fee, however, the sub-regional traffic impact fee is based upon a Traffic Fee Nexus Study to establish the timing, construction cost estimates, and fair-share fee calculations necessary to support its adoption. While the Wheatland Bypass is included in concept in Wheatland planning documents and the County’s General Plan, this mitigation is infeasible because: (1) the bypass is only currently listed in SACOG’s MTP/SCS as a Tier II improvement which includes only projects in the planning stages and contingent upon funding availability; (2) the bypass is not otherwise funded through any fee program; (3)

there is no adopted project alignment or roadway design; and (4) timing for construction of the bypass, if at all, is entirely unknown. (*See Tracy First v. City of Tracy* (2009) 177 Cal. App. 4th 912, 937-38.) At such time as there is sufficient documentation to support the adoption of a regional fee program to fund the Wheatland Bypass, proposed projects within the Specific Plan would be subject to that fee for their fair-share contribution. Furthermore, the proposed Wheatland Bypass is anticipated to be a regional improvement benefitting jurisdictions beyond Yuba County and into Sutter and Placer Counties. This is beyond the scope of the limited geographic area of benefit used to ensure the sub-regional impact fee's adoption under the County's authority without the uncertainty of negotiating and adopting Memoranda of Understanding with all affected jurisdictions. For these reasons, requiring a Wheatland Bypass fee as mitigation is premature at this time, and therefore this mitigation is infeasible.

The City of Wheatland also proposed additional mitigation options, including (1) lengthening left turn pockets on SR 65 within the City; (2) construction of additional turn lanes and auxiliary lanes along SR 65; (3) improving/widening side-street approaches; (4) upgrading traffic signal controllers; and (5) expanding transit services. Lengthened left-turn lanes within the City was found to be unnecessary, because the Draft EIR traffic study (Appendix C) demonstrates that the current length of the turn lanes is already capable of serving the projected 100 vehicles per hour or less during peak hour Existing plus Project conditions. Construction of additional turn lanes and auxiliary lanes is also infeasible, because the current right-of-way limits an opportunities to add additional lanes without acquiring private properties adjacent to SR 65. Improvements/widening of side-street approaches at First Street and Main Street are also infeasible for similar right-of-way acquisition constraints. Although re-striping may be possible, because the City's own project EIRs for Johnson Rancho and the Hop Farm Annexation do not require any improvements at these intersections, there are no current plans by the City, nor is there a funding mechanism in place, these improvements are also infeasible. Traffic signal controller improvements are also rejected, because Mitigation Measure 4.13-2k already achieves the desired result. It is not the controller itself that creates capacity improving effects; rather, it is the programming of these controllers that is used to achieve the desired optimization. Should the current controllers be unable to implement the re-optimization required in Mitigation Measure 4.13-2k, then the controllers would need to be updated in order to implement the required mitigation. While Yuba-Sutter Transit services are expected to extend to the area as the Specific Plan builds out, it is the traffic demand to and from Placer County that generates the bulk of the vehicle trips through Wheatland on SR 65. Expanded transit services is also infeasible, because there is currently no bus or other transit program that exists between Yuba-Sutter Transit and Placer County Transit to investigate, fund, and implement an inter-county bus route.

Based on the analysis above and the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that even with the changes or alterations required in, or incorporated into, the Project as conditions of approval to mitigate or avoid the significant effects on the environment, this impact would remain significant under the circumstances described, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated to the extent feasible by the imposition of Mitigation Measures 4.13-1a, 4.13-1b, 4.13-2a, 4.13-2b, 4.13-2c, 4.13-2d, 4.13-2e, 4.13-2f, 4.13-2g, 4.13-2h, 4.13-2i, 4.13-2j and 4.13-2k. Even though incorporation of these mitigation measures would reduce impacts associated with development and operation of the Project on existing intersection operations from increased traffic, this impact would still remain significant and unavoidable. Pursuant to Public Resources Code section 21081, subdivision (a) and CEQA Guidelines section 15091, subdivision (a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the Project outweigh this significant impact, as set forth in the Statement of Overriding Considerations in Section 5.

**Reference:**

DEIR pages 4.13-20 through 4.13-28 and FEIR pages 2-66 through 2-70, 2-134 through 2-137, 2-169 through 2-170, 3-11, 3-31, and 3-36; AECOM Memorandum from Matthew Gerken to Wendy Hartman dated October 12, 2015, regarding "Late Comment Letters on Magnolia Ranch Specific Plan."

**3.16 Unacceptable LOS on SR 65 between South Beale Road and Wheatland under Existing Plus Specific Plan Conditions (Impact 4.13-3).**

Implementation of the Specific Plan would cause traffic operations on SR 65 between South Beale Road and the city of Wheatland to degrade from existing LOS E to LOS F during PM peak hours. This impact is considered significant. (The Board of Supervisors specifically finds that, as set forth on DEIR page 4.13-29 and FEIR pages 2-66 through 2-67, 2-134, 2-169 through 2-170, 3-31 and 3-36, the EIR considered effects of the Project on SR 65 operations between the Project and the City of Wheatland from increased traffic, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

No mitigation measures are available.

**Finding and Rationale:**

The "Existing plus Project" conditions would add over 51,000 external daily trips at buildout of the Specific Plan, approximately 30% of which is anticipated to travel on SR 65 between South Beale Road and the City of Wheatland. This increased level of traffic is anticipated to degrade traffic operations at this highway segment from LOS E during the AM and PM peak hours to an unacceptable LOS F during the AM and PM peak hours. The Draft EIR looked to the Wheatland Bypass as possible mitigation due to its identification in the SR 65 Corridor System Management Plan (CSMP) as a key corridor improvement project. However, due to its status as a Tier II improvement in the Sacramento Area Council of Governments (SACOG) Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS), and its uncertainty over funding, timing, and implementation found that the improvement was too speculative to rely on in the analysis and found that no other mitigation measures were available to reduce or eliminate the impact.

In its comment letter on the Draft EIR (FEIR pgs. 2-128 to 2-131), the City of Wheatland proposed that the project include the Wheatland Bypass in the County's proposed sub-regional traffic impact fee program to address traffic impacts within the City. The Draft EIR includes mitigation for a number of traffic system infrastructure improvements through payment of the sub-regional traffic impact fee which is proposed for adoption together with the Specific Plan, including re-optimizing signal timing at the SR 65/Main Street and SR 65/1st Street Intersections (MM 4.13-2k). Unlike the proposed Wheatland Bypass fee, however, the sub-regional traffic impact fee is based upon a Traffic Fee Nexus Study to establish the timing, construction cost estimates, and fair-share fee calculations necessary to support its adoption. While the Wheatland Bypass is included in concept in Wheatland planning documents and the County's General Plan, this mitigation is infeasible because: (1) the bypass is only currently listed in SACOG's MTP/SCS as a Tier II improvement which includes only projects in the planning stages and contingent upon funding availability; (2) the bypass is not otherwise funded through any fee program; (3) there is no adopted project alignment or roadway design; and (4) timing for construction of the bypass, if at all, is entirely unknown. (See *Tracy First v. City of Tracy* (2009) 177 Cal. App. 4th 912, 937-38.) At such time as there is

sufficient documentation to support the adoption of a regional fee program to fund the Wheatland Bypass, proposed projects within the Specific Plan would be subject to that fee for their fair-share contribution. Furthermore, the proposed Wheatland Bypass is anticipated to be a regional improvement benefitting jurisdictions beyond Yuba County and into Sutter and Placer Counties. This is beyond the scope of the limited geographic area of benefit used to ensure the sub-regional impact fee's adoption under the County's authority without the uncertainty of negotiating and adopting Memoranda of Understanding with all affected jurisdictions. For these reasons, requiring a Wheatland Bypass fee as mitigation is premature at this time, and therefore this mitigation is infeasible.

The City of Wheatland also proposed additional mitigation options, including (1) lengthening left turn pockets on SR 65 within the City; (2) construction of additional turn lanes and auxiliary lanes along SR 65; (3) improving/widening side-street approaches; (4) upgrading traffic signal controllers; and (5) expanding transit services. Lengthened left-turn lanes within the City was found to be unnecessary, because the Draft EIR traffic study (Appendix C) demonstrates that the current length of the turn lanes is already capable of serving the projected 100 vehicles per hour or less during peak hour Existing plus Project conditions. Construction of additional turn lanes and auxiliary lanes is also infeasible, because the current right-of-way limits an opportunities to add additional lanes without acquiring private properties adjacent to SR 65. Improvements/widening of side-street approaches at First Street and Main Street are also infeasible for similar right-of-way acquisition constraints. Although re-striping may be possible, because the City's own project EIRs for Johnson Rancho and the Hop Farm Annexation do not require any improvements at these intersections, there are no current plans by the City, nor is there a funding mechanism in place, these improvements are also infeasible. Traffic signal controller improvements are also rejected, because Mitigation Measure 4.13-2k already achieves the desired result. It is not the controller itself that creates capacity improving effects; rather, it is the programming of these controllers that is used to achieve the desired optimization. Should the current controllers be unable to implement the re-optimization required in Mitigation Measure 4.13-2k, then the controllers would need to be updated in order to implement the required mitigation. While Yuba-Sutter Transit services are expected to extend to the area as the Specific Plan builds out, it is the traffic demand to and from Placer County that generates the bulk of the vehicle trips through Wheatland on SR 65. Expanded transit services is also infeasible, because there is currently no bus or other transit program that exists between Yuba-Sutter Transit and Placer County Transit to investigate, fund, and implement an inter-county bus route.

Based on the analysis above and the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that this impact would remain significant under the circumstances described, and there are no feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. Impacts associated with development and operation of the Project on SR 65 operations between the Project and the City of Wheatland from increased traffic would remain significant and unavoidable. Pursuant to Public Resources Code section 21081, subdivision (a) and CEQA Guidelines section 15091, subdivision (a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the Project outweigh this significant impact, as set forth in the Statement of Overriding Considerations in Section 5.

#### **Reference:**

DEIR page 4.13-29; FEIR pages 2-66 through 2-67, 2-134 through 2-137, 2-169 through 2-170, 3-31 and 3-36; AECOM Memorandum from Matthew Gerken to Wendy Hartman dated October 12, 2015, regarding "Late Comment Letters on Magnolia Ranch Specific Plan."

**3.17 Effect Related to Energy Consumption during Construction and Operation (Impact 4.14-6).**

The proposed Specific Plan would result in an increased demand for energy. With implementation of Title 24 standards, the wasteful, inefficient, excessive, and unnecessary consumption of building energy associated with Specific Plan land uses would be prevented. The Specific Plan Area is located in an undeveloped portion of unincorporated area of Yuba County where no transit routes are currently available to the Specific Plan Area. Travel demand in the vicinity of the Specific Plan Area would increase substantially as a result of implementation of the Specific Plan. Since transportation is the biggest single end user of energy in California, the Specific Plan could be considered to result in an inefficient consumption of energy related to travel demand. The impact is considered significant. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.14-21 through 4.14-24, the EIR considered effects of the Project on increased energy demand, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:****4.14-6: Implement Mitigation Measure 4.3-1: Implement Operational Mitigation Measures.**

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

- Subdivision maps and development projects located in areas designated Neighborhood Commercial and Business Park shall be developed in coordination with local transit provider/s to ensure proper placement and design of transit stops and accommodate public transit for both employees and patrons. If the local transit provider does not provide direction, the placement and design of transit stops shall be approved by the Yuba County Planning Department based on generally accepted transit planning principles.
- Subdivision maps and improvement plans shall be designed to provide convenient and safe bicycle, pedestrian, and transit access between neighborhoods and areas designated Neighborhood Commercial and Business Park, as well as parks, trails, and other destinations.
- Subdivision maps and development projects within Neighborhood Commercial areas shall distribute proposed parking and not concentrate parking exclusively between the front building façade and the primary abutting street.
- Cul-de-sacs are allowed only where they would not create a barrier for pedestrian and bicycle access or circulation between homes and destinations.
- Employment generating projects that anticipate more than 50 full-time equivalent employees shall comply with applicable provisions of the County's Travel Demand Management Ordinance if it is in effect. If a County Ordinance is not in effect, such projects shall participate in the Yuba-Sutter Transportation Management Association.
- Subdivision maps and improvement plans shall be designed to accommodate safe and frequent pedestrian crosswalks, with more frequent crossings in areas expected to have higher pedestrian traffic, such as schools, parks, trail connections, higher-density residential areas, and areas with retail, services, office uses, and other non-residential uses.
- Subdivision maps and improvement plans shall be designed to discourage concentration of traffic at a few intersections. Multiple points of access shall be provided whenever feasible. Roads shall be

arranged in an interconnected block pattern. The maximum average block length in subdivisions is 450 feet unless unusual existing physical conditions warrant an exception to this standard, but shorter block lengths should be used around areas designated Neighborhood Commercial.

- Subdivision maps and improvement plans shall be designed to connect with adjacent roadways and stubbed roads and shall provide frequent stubbed roadways in coordination with future planned development areas.
- Subdivision maps and development projects within Neighborhood Commercial areas shall be designed to minimize the amount of on-site land required to meet parking, internal circulation, and delivery/loading needs.
- Subdivision maps and development projects within Neighborhood Commercial areas shall be designed to break up any proposed surface parking with landscaping and provide pedestrian routes from parking areas to building entrances.
- The County will reduce the amount of off-street parking required for projects that propose housing units restricted to lower-, very low-, or extremely low-income households and that record a minimum affordability period of 25 years.
- Residential subdivision maps shall orient the majority of single-family residential structures so that the longer axis of the building, also known as the ridge line, is oriented within 30 degrees of east-to-west, in order to maximize the potential for passive solar heating in the winter and to minimize heat gain from the afternoon summer sun or provide equally effective energy efficiency measure, which may include, but is not limited to exceeding current building code energy efficiency requirements by the same percentage required to achieve the benefits of proper solar orientation, use of renewable energy generation facilities, planting larger and/or faster growing trees in strategic locations, or other strategies.
- Subdivision maps and development projects proposing off-street surface parking lots shall incorporate shade trees or shade structures to provide a minimum of 50 percent shading (at maturity, where trees are used).
- Subdivision maps and development projects shall use climate-appropriate landscaping in parks and open space, landscaping within new rights of way, yards, and other appropriate spaces.
- Provide secure, covered bicycle parking for employees of projects located in areas designated Neighborhood Commercial and Business Park. This may consist of a separate secure, covered bicycle parking area at each employment location or larger shared bicycle parking area/s located and designed to serve multiple locations.
- Shower and locker facilities shall be provided for employees of projects located in areas designated Neighborhood Commercial and Business Park, as required by the Yuba County Code (Zoning, Bikeway Master Plan, Transit Reduction Plan Ordinance, and other applicable sections). This may be achieved by incorporating a shower and locker facility into the design of each proposed use, or facilities located and designed to serve multiple locations.
- Residential development that proposes fireplaces shall use U.S. EPA Phase 2 Qualified fireplaces.
- Provide utility service and conduit for the future installation of electric vehicle charging facilities and provide priority parking at non-residential uses for electric and carpool/vanpool vehicles.

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

#### **Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that even with the changes or alterations required in, or incorporated into, the Project as conditions of approval to mitigate or avoid the significant effects on the environment, this impact would remain significant under the circumstances described, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. As provided by CEQA and the CEQA Guidelines, this impact is mitigated to the extent feasible by the imposition of Mitigation Measure 4.14-6. Even though incorporation of this mitigation measure would reduce impacts associated with development and operation of the Project on increased energy demand, this impact would still remain significant and unavoidable. Pursuant to Public Resources Code section 21081, subdivision (a) and CEQA Guidelines section 15091, subdivision (a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the Project outweigh this significant impact, as set forth in the Statement of Overriding Considerations in Section 5.

**Reference:**

DEIR pages 4.14-21 through 4.14-24.

**3.18 Cumulative Impacts to Aesthetics.**

Important visual resources present in Yuba County (agricultural lands, views of the Sutter Buttes and the Sierra Nevada, waterways, etc.) would be affected by land use change anticipated under Yuba County's 2030 General Plan, in addition to development anticipated for the city of Wheatland, and in surrounding cities and counties. As development occurs in the County and surrounding areas, substantial changes in visual conditions would continue as open viewsheds are replaced by urban development. The Specific Plan will alter the visual character by converting agricultural lands to developed urban uses. Implementation of the Specific Plan would include development of residential, commercial, office, and light industrial land uses, as well as supportive public facilities, such as schools and parks. While mitigation can address impacts related to light and glare, there is no feasible mitigation that would fully preserve existing nighttime views while at the same time allowing urban development of the Specific Plan Area. Although Specific Plan design direction is included to ensure that development remains within certain aesthetic guidelines, there is no mechanism to allow implementation of the Specific Plan and the related cumulative projects while avoiding the conversion of open space and agricultural use to urban development. The effect of these changes, when considering past, present, and future development in the County and surrounding counties, on aesthetic resources is a cumulatively significant impact. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 6-3 through 6-4, the EIR considered cumulative effects of the Project on aesthetics, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measures:**

No mitigation measures are available.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that this cumulative impact would remain significant under the circumstances described, and there are no feasible mitigation measures or alternatives that would reduce this

impact to a less than significant level. The Project's general and incremental contribution to any cumulative impact associated with increases of greenhouse gas emissions would remain significant and unavoidable. Pursuant to Public Resources Code section 21081, subdivision (a) and CEQA Guidelines section 15091, subdivision (a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the Project outweigh this significant impact, as set forth in the Statement of Overriding Considerations in Section 5.

**Reference:**

DEIR pages 6-3 through 6-4.

**3.19 Cumulative Impacts to Air Quality.**

The Specific Plan would contribute short-term construction and long-term operational criteria air pollutant (e.g., PM10 and PM2.5) and ozone precursor (e.g., ROG and NOX) emissions to the region's cumulative emission profile. The Specific Plan would generate operational and construction emissions at levels that would exceed the Feather River Air Quality Management District (FRAQMD) thresholds of significance. Construction-related activities would result in temporary and short-term emissions of diesel PM from the exhaust of off-road heavy-duty diesel equipment for site preparation (e.g., excavation, grading, and clearing), trenching for utilities, asphalt paving for roads, and building construction among other miscellaneous activities. Construction-related diesel particulate matter (PM) emissions would vary throughout the buildout of the Specific Plan, depending on both market conditions and construction phases. Mobile source emissions associated with freeways and major roadways could have concentrations of TACs that expose sensitive receptors. The SR 65 segment that is the closest to the Specific Plan Area carries approximately 18,400 annual average daily trips. This is the segment of SR 65 that is most influenced by Specific Plan-related traffic. At the intersection of South Beale Road and SR 65, under cumulative conditions without the Specific Plan, peak-hour volumes are estimated to be approximately 5,100-5,500 trips per day (dependent upon whether in the morning or afternoon peak hour). With the Specific Plan, peak-hour volumes are estimated to be approximately 5,800-6,100. At 100 feet, the incremental cancer risk for a roadway with this volume is estimated to be approximately 111 to 219 cases in one million downwind of the roadway with peak-hour traffic volumes between 4,000 and 8,000. This is considered a significant cumulative impact. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 6-5 through 6-6 and FEIR pages 2-134 and 2-169 through 2-170, the EIR considered cumulative effects of the Project on air quality, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measures:**

**4.3-1: Implement Operational Mitigation Measures.**

The project applicant(s) for tentative subdivision maps and development projects proposed under the Specific Plan shall implement the mitigation measures, as applicable to the proposed subdivision map or development project. At the time entitlements are sought, the County will evaluate measures below, determine which measures are applicable, and include those measures as conditions of approval or some other enforceable mechanism. For each project mitigation measure listed below, the corresponding FRAQMD's Best Available Mitigation Measures-Operational Phase number is provided to demonstrate the measure's consistency with FRAQMD-recommended design measures. Mitigation measures listed below would satisfy the requirements for various Best Available Mitigation Measures categories including Bicycle/Pedestrian/Transit, Parking, Commercial Building Design, Mixed Use, Building Component, and TDM and Miscellaneous Measures.

- Subdivision maps and development projects located in areas designated Neighborhood Commercial and Business Park shall be developed in coordination with local transit provider/s to ensure proper placement and design of transit stops and accommodate public transit for both employees and patrons. If the local transit provider does not provide direction, the placement and design of transit stops shall be approved by the Yuba County Planning Department based on generally accepted transit planning principles. (FRAQMD BAMM 9, 10)
- Subdivision maps and improvement plans shall be designed to provide convenient and safe bicycle, pedestrian, and transit access between neighborhoods and areas designated Neighborhood Commercial and Business Park, as well as parks, trails, and other destinations. (FRAQMD BAMM 6, 24, 25, 32)
- Subdivision maps and development projects within Neighborhood Commercial areas shall distribute proposed parking and not concentrate parking exclusively between the front building façade and the primary abutting street. (FRAQMD BAMM 33)
- Cul-de-sacs are allowed only where they would not create a barrier for pedestrian and bicycle access or circulation between homes and destinations. (FRAQMD BAMM 6)
- Employment generating projects that anticipate more than 50 full-time equivalent employees shall comply with applicable provisions of the County's Travel Demand Management Ordinance if it is in effect. If a County Ordinance is not in effect, such projects shall participate in the Yuba-Sutter Transportation Management Association. (FRAQMD BAMM 51, 57)
- Subdivision maps and improvement plans shall be designed to accommodate safe and frequent pedestrian crosswalks, with more frequent crossings in areas expected to have higher pedestrian traffic, such as schools, parks, trail connections, higher-density residential areas, and areas with retail, services, office uses, and other non-residential uses. (FRAQMD BAMM 6, 24, 25, 32)
- Subdivision maps and improvement plans shall be designed to discourage concentration of traffic at a few intersections. Multiple points of access shall be provided whenever feasible. Roads shall be arranged in an interconnected block pattern. The maximum average block length in subdivisions is 450 feet unless unusual existing physical conditions warrant an exception to this standard, but shorter block lengths should be used around areas designated Neighborhood Commercial.
- Subdivision maps and improvement plans shall be designed to connect with adjacent roadways and stubbed roads and shall provide frequent stubbed roadways in coordination with future planned development areas.
- Subdivision maps and development projects within Neighborhood Commercial areas shall be designed to minimize the amount of on-site land required to meet parking, internal circulation, and delivery/loading needs. (FRAQMD BAMM 33)
- Subdivision maps and development projects within Neighborhood Commercial areas shall be designed to break up any proposed surface parking with landscaping and provide pedestrian routes from parking areas to building entrances. (FRAQMD BAMM 6, 21, 32, 33)
- The County will reduce the amount of off-street parking required for projects that propose housing units restricted to lower-, very low-, or extremely low-income households and that record a minimum affordability period of 25 years. (FRAQMD BAMM 12)
- Residential subdivision maps shall orient the majority of single-family residential structures so that the longer axis of the building, also known as the ridge line, is oriented within 30 degrees of east-to-west, in order to maximize the potential for passive solar heating in the winter and to minimize heat gain from the afternoon summer sun or provide equally effective energy efficiency measure, which may include, but is not limited to exceeding current building code energy efficiency

requirements by the same percentage required to achieve the benefits of proper solar orientation, use of renewable energy generation facilities, planting larger and/or faster growing trees in strategic locations, or other strategies. (FRAQMD BAMB 23 [for residential land uses], 50)

- Subdivision maps and development projects proposing off-street surface parking lots shall incorporate shade trees or shade structures to provide a minimum of 50 percent shading (at maturity, where trees are used).
- Subdivision maps and development projects shall use climate-appropriate landscaping in parks and open space, landscaping within new rights of way, yards, and other appropriate spaces.
- Provide secure, covered bicycle parking for employees of projects located in areas designated Neighborhood Commercial and Business Park. This may consist of a separate secure, covered bicycle parking area at each employment location or larger shared bicycle parking area/s located and designed to serve multiple locations. (FRAQMD BAMB 1, 4)
- Shower and locker facilities shall be provided for employees of projects located in areas designated Neighborhood Commercial and Business Park, as required by the Yuba County Code (Zoning, Bikeway Master Plan, Transit Reduction Plan Ordinance, and other applicable sections). This may be achieved by incorporating a shower and locker facility into the design of each proposed use, or facilities located and designed to serve multiple locations. (FRAQMD BAMB 1, 3)
- Residential development that proposes fireplaces shall only install natural gas or electric fireplaces. (FRAQMD BAMB 41)
- Provide utility service and conduit for the future installation of electric vehicle charging facilities and provide priority parking at non-residential uses for electric and carpool/vanpool vehicles. (FRAQMD BAMB 16)

#### **4.3-2: Implement Construction Mitigation Measures.**

Subdivision maps and development projects proposed within the Specific Plan Area and off-site improvements will be evaluated and conditioned, as necessary, for compliance with the following:

- Submit a Fugitive Dust Control Plan for review, revision, and approval by Feather River Air Quality Management District.
- Control construction equipment exhaust emissions so that they shall not exceed Feather River Air Quality Management District Regulation III, Rule 3.0, Visible Emissions Limitations (40 percent opacity or Ringelmann 2.0).
- Ensure that all construction equipment is properly tuned and maintained prior to and for the duration of on-site operation.
- Limit idling time to a maximum of 5 minutes.
- Use power poles or clean fuel generators rather than temporary power generation, wherever feasible.
- Develop for review, revision, and approval by Feather River Air Quality Management District a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.

- Register portable engines and portable engine-driven equipment units used at the same project work site, with the exception of on-road and off-road motor vehicles, as required by the California Air Resources Board Portable Equipment Registration Program.
- Suspend all grading operations when winds exceed 20 miles per hour or when winds carry dust beyond the property line despite implementation of all feasible dust control measures.
- Water construction sites as directed by the Community Development and Services Agency or Feather River Air Quality Management District and as necessary to prevent fugitive dust violations.
- An operational water truck shall be available at all times. Apply water to control dust, as needed, to prevent visible emissions violations and offsite dust impacts.
- Cover on-site dirt piles or other stockpiled particulate matter, install wind breaks, and employ water and/or soil stabilizers to reduce windblown dust emissions. Incorporate the use of approved non-toxic soil stabilizers according to manufacturer's specifications to all inactive construction areas.
- Minimize free fall distance and fugitive dust emissions for any transfer processes involving a free fall of soil or other particulate matter.
- Apply approved chemical soil stabilizers according to the manufacturer's specifications, to all inactive construction areas (previously graded areas that remain inactive for 96 hours) including unpaved roads and employee/equipment parking areas.
- Install wheel washers where project vehicles and/or equipment exit onto paved streets from unpaved roads to prevent track-out. Wash vehicles and/or equipment prior to each trip. Alternatively, a gravel bed may be installed as appropriate at vehicle/equipment site exit points to effectively remove soil buildup on tires and tracks to prevent/diminish track-out.
- Sweep paved streets frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the project site.
- Limit traffic speeds on all unpaved surfaces to 15 miles per hour or less and reduce unnecessary vehicle traffic by restricting access. Provide appropriate training, onsite enforcement, and signage.
- Reestablish ground cover on the construction site as soon as possible and prior to final occupancy, through seeding and watering.
- Open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (trash, demolition debris, etc.) is prohibited. Vegetative wastes should be chipped or delivered to waste-to-energy facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials offsite for disposal by open burning.

The foregoing mitigation measures are incorporated into the project approval as condition of approval #7.

#### **Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that even with the changes or alterations required in, or incorporated into, the Project as conditions of approval to mitigate or avoid the cumulatively significant effects on the environment, this impact would remain significant under the circumstances described, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. As provided by CEQA and the CEQA Guidelines, this cumulative impact is mitigated to the extent feasible by the imposition of Mitigation Measures 4.3-1 and 4.3-2. Even though incorporation of these mitigation measures would reduce the Project's

general and incremental contribution to any cumulative impact associated with increases of air pollutant emissions, this impact would still remain significant and unavoidable. Pursuant to Public Resources Code section 21081, subdivision (a) and CEQA Guidelines section 15091, subdivision (a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the Project outweigh this significant impact, as set forth in the Statement of Overriding Considerations in Section 5.

**Reference:**

DEIR pages 6-5 through 6-6.

**3.20 Cumulative Impacts to Biological Resources.**

Past development in Yuba and Sutter counties, ranging from conversions of land to agricultural production more than 100 years ago, to recent development projects, has resulted in substantial conversions of native habitat to other uses. Although future projects would be expected to mitigate for impacts on threatened and endangered species and other sensitive biological resources that are provided with regulatory protections, many types of habitats and species are provided no protection and it can be expected that a net loss of native habitat for plants and wildlife, agricultural lands, and open space areas that provide value to biological resources will continue on a regional scale. Implementing the Specific Plan would result in significant impacts related to (1) wetlands and other waters of the United States, (2) potential loss and degradation of habitat for nesting Swainson's hawks and other raptors, (3) potential loss and degradation of habitat for burrowing owls from loss of burrow habitat, (4) potential loss and degradation of habitat for special-status wildlife, including vernal pool invertebrates, and valley elderberry longhorn beetle, and special-status plants, including dwarf downingia, woolly hibiscus, Greene's legenere, and Sanford's arrowhead. This is a significant cumulative impact. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 6-6 through 6-7, the EIR considered cumulative effects of the Project on biological resources, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measures:**

**Mitigation Measure 4.4-1: Secure CWA Section 404 and 401 Permits and California Fish and Game Code Streambed Alternation Agreements; Implement All Permit Conditions, and Ensure No Net Loss of Wetlands, Other Waters of the United States, Riparian Habitats, and Associated Functions.**

The following measures shall be implemented by the Specific Plan applicant, as required and all project applicant(s) of all project phases under the Specific plan to reduce significant impacts on wetlands and other waters of the United States, riparian habitats, and waters of the state:

- For projects within the Specific Plan Area and off-site improvement areas, including both the sewer line and off-site transportation improvements, a delineation of waters of the United States shall be delineated according to methods established in the USACE wetlands delineation manual (Environmental Laboratories 1987) and Arid West Supplement (Environmental Laboratories 2008). The delineation shall map and quantify the acreage of all jurisdictional habitats on the project site(s) and shall be submitted to USACE for verification.
- Impacts on waters of the United States and waters of the state shall be avoided to the extent feasible, as specified by Yuba County General Plan Policies NR5.8, NR5.9, and NR5.15, and Actions NR 5.1 and NR 5.3.
- New private developments adjacent to riparian areas shall provide a buffer designed and maintained to preserve existing wildlife habitat; provide habitat conditions favorable to native local

- wildlife; restrict activities that may adversely affect wildlife habitat quality; and restore degraded habitat, where feasible, as specified by Yuba County General Plan Policy NR5.8.
- New developments shall be designed to avoid the loss of jurisdictional wetlands. If loss is unavoidable, the County will require applicants to mitigate the loss on a “no net loss” basis through a combination of avoidance, minimization, restoration, and/or constructed wetlands, in accordance with federal and state law, as specified by Yuba County General Plan Policy NR5.9.
  - Roads, water lines, sewer lines, drainage facilities, and other public facilities constructed to serve unincorporated County development shall be located and designed to avoid substantial impacts to stream courses, associated riparian areas, and wetlands, to the greatest extent feasible, as specified by Yuba County General Plan Policy NR5.15.
  - For projects that would affect the function and value of river, stream, lake, pond, or wetland features, each of these features shall be delineated. For wetlands, the delineation shall be conducted in accordance with the USACE Wetland Delineation Manual and verified by USACE. The standard mitigation and survey requirements will be consistent with applicable guidance from trustee and responsible agencies, such as CDFW, USACE, and the USFWS. Mitigation monitoring shall be conducted to ensure performance criteria are met, as specific by Yuba County General Plan Action NR5.1.
  - Through review of the proposed private and public projects near wetlands and riparian areas, the County will require buffering to protect these important habitats. Setbacks are expected to range from 33 to 150 feet in width. Where stream courses are contained within levees, as in the case of the Bear, Feather, and Yuba Rivers, required setbacks shall be measured from the outside toe of the levee. Where levees are not present, the buffer shall be measured from the edge of the active floodway. Setbacks will be included as part of conditions of approval for proposed projects. The depth of the setback shall be determined based upon site-specific conditions and communication with appropriate trustee and responsible agencies, such as CDFW, USACE, and USFWS. Depending on the vegetation type, ongoing management of buffers may be necessary to address invasive species, human disturbance, and to sustain habitat and water quality functions, as specific by Yuba County General Plan Action NR5.3: Wetlands and Riparian Buffers.
  - The fresh emergent wetlands habitat in the northwest portion of the Specific Plan Area adjacent to Bradshaw Road shall be retained and designated as open space in the Specific Plan and in all plans and maps needed to implement the Specific Plan in this location. Setbacks will be included as part of conditions of approval of the Specific Plan and off-site improvements to comply with Yuba County General Plan Action NR5.3 and to reduce impacts to retain wetland and riparian habitat. Generally, larger buffers are required in riparian areas known to provide habitat for special-status species. In areas where special-status species and riparian vegetation are not present, only the minimum buffer shall be required. The wetland habitat in the northwest portion of the Specific Plan Area does not support riparian vegetation and but provides only marginally suitable aquatic habitat for western pond turtle. However, the surrounding upland habitat is currently not suitable for pond turtle nesting due to routine disturbances, including traffic, mowing, and plowing. Because the wetland habitat does not currently provide suitable breeding habitat for western pond turtle and is not expected to support other special-status species, the minimum setback of 33 feet identified by the General Plan is anticipated to be appropriate at this time.
  - In compliance with Yuba County General Plan Policy NR5.15, off-site improvement projects shall be designed to avoid direct loss or substantial degradation of wetlands, streams, and riparian habitats. The avoidance measures shall include relocating sewer and transportation improvement components, as necessary and where practicable alternatives are available, to prevent direct fill of wetlands and other waters of the United States.

- Where impacts on aquatic resources cannot be fully avoided, the County shall determine, based on the verified wetland delineation and Specific Plan exhibits, the acreage of impacts on waters of the United States and waters of the state that would result from project implementation.
- A Department of the Army 404 CWA permit from the USACE will be required for any activity resulting in impacts from “fill” of wetlands and other waters of the United States. Project applicant(s) shall obtain this permit prior to project initiation and shall abide by the conditions of the permit, including all mitigation requirements, and implement all requirements of the permits in the timeframes required therein. A wetland mitigation and monitoring plan that satisfies USACE requirements will be needed as part of the permit application. All project applicant(s) shall be required to provide proof to the County that they have obtained, as necessary, a USACE Section 404 permit and Central Valley RWQCB Section 401 certification, CDFW Section 1602 streambed alteration agreement, and met waste discharge requirements before approval of grading and improvement plans.
- Project applicant(s) shall replace, restore, or enhance on a “no net loss” basis (in accordance with USACE and the Central Valley RWQCB and Yuba County General Plan Policy NR5.8) the acreage of all wetlands and other waters of the United States, riparian habitat, and waters of the state that would be removed and/or degraded with implementation of project plans. Wetland habitat shall be restored, enhanced, and/or replaced at an acreage and location agreeable to USACE, the Central Valley RWQCB, CDFW, and the County, as appropriate depending on agency jurisdiction. Methods for designing and implementing restored, rehabilitated, and replacement wetlands shall be determined by qualified restoration ecologists and geomorphologists to ensure that the desired results are achievable. The design shall include features to maximize the long-term maintenance of functions and success criteria. A minimum of 5 years of monitoring shall be required for all restored, rehabilitated, and replacement wetlands. A monitoring plan shall be developed that includes remedial actions to be taken if the success criteria are not met. Before the mitigation design and monitoring plan are finalized, the project applicant(s) shall obtain approval from USACE, Central Valley RWQCB, and CDFW, as appropriate, indicating the planned features are sufficient to replace lost habitat values at equivalent or higher levels.

#### **4.4-2a: Implement Measures to Mitigate Impacts to Western Pond Turtle.**

The project applicant(s) of all project phases shall implement the following measures to avoid, minimize, and reduce impacts to western pond turtle, as specified in the Yuba County General Plan:

- Policy NR5.1: New developments that could adversely affect special-status species habitat shall conduct a biological resources assessment and identify design solutions that avoid such adverse effects. If, after examining all feasible means to avoid impacts to special-status species habitat through project design, adverse effects cannot be avoided, then impacts shall be mitigated in accordance with guidance from the appropriate state or federal agency charged with the protection of the subject species, including pre-construction surveys conducted according to applicable standards and protocols, where necessary.
- Policy NR5.8: New private developments adjacent to riparian areas shall provide a buffer designed and maintained to preserve existing wildlife habitat; provide habitat conditions favorable to native local wildlife; restrict activities that may adversely affect wildlife habitat quality; and restore degraded habitat, where feasible.

The Specific Plan applicant and/or project applicant(s) of all project phases will also be required to implement the following specific measures to avoid, minimize, or minimize impacts to western pond turtle:

- A preconstruction survey for western pond turtle shall be conducted by a qualified biologist prior to work in suitable aquatic habitat. If no pond turtles are observed, no further mitigation is necessary.
- If pond turtles are found, they shall be relocated by a qualified biologist to the nearest area with suitable aquatic habitat that will not be disturbed by project-related construction activities.

#### **4.4-2b: Avoid and Minimize Potential Impacts to Swainson's Hawk and Other Raptors.**

The project applicant(s) of all project phases shall implement the following measures to avoid, minimize, and reduce impacts to Swainson's hawk and other raptors, as specified in the Yuba County General Plan:

- Policy NR5.1: New developments that could adversely affect special-status species habitat shall conduct a biological resources assessment and identify design solutions that avoid such adverse effects. If, after examining all feasible means to avoid impacts to special-status species habitat through project design, adverse effects cannot be avoided, then impacts shall be mitigated in accordance with guidance from the appropriate state or federal agency charged with the protection of the subject species, including pre-construction surveys conducted according to applicable standards and protocols, where necessary.
- Action NR5.3: Wetlands and Riparian Buffers. Through review of the proposed private and public projects near wetlands and riparian areas, the County will require buffering to protect these important habitats. Setbacks are expected to range from 33 to 150 feet in width. Where levees are not present, the buffer shall be measured from the edge of the active floodway. Setbacks will be included as part of conditions of approval for proposed projects. The depth of the setback shall be determined based upon site-specific conditions and communication with appropriate trustee and responsible agencies, such as CDFW, USACE, and USFWS. Depending on the vegetation type, ongoing management of buffers may be necessary to address invasive species, human disturbance, and to sustain habitat and water quality functions. The Specific Plan applicant and/or project applicant(s) of all project phases will also be required to implement the following specific measures related to avoid direct loss of Swainson's hawk and other raptors:
  - To avoid, minimize, and mitigate potential impacts on Swainson's hawk and other raptors (not including burrowing owl), a qualified biologist shall be retained to conduct preconstruction surveys and to identify active nests on and within 0.5 mile of the project site(s). The surveys shall be conducted before the approval of grading and/or improvement plans (as applicable) and no less than 14 days and no more than 30 days before the beginning of construction for all project phases. To the extent feasible, guidelines provided in Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley (DFG 2000) shall be followed for surveys for Swainson's hawk. If no nests are found, no further mitigation is required.
  - Impacts on nesting Swainson's hawks and other raptors shall be avoided by establishing appropriate buffers around active nest sites identified during preconstruction raptor surveys. No project activity shall commence within the buffer areas until a qualified biologist has determined in consultation with CDFW that the young have fledged, the nest is no longer active, or that reducing the buffer would not result in nest abandonment. CDFW guidelines recommend implementation of 0.25- or 0.5-mile-wide buffers, but the size of the buffer may be adjusted if a qualified biologist and the County, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist during and after construction activities will be required if the activity has potential to adversely affect the nest.
  - To avoid, minimize, and mitigate potential impacts on burrowing owl, a qualified biologist shall be retained to conduct preconstruction surveys within 30 days prior to the start of construction activities to ensure that burrowing owls will not be affected by project activities.

To avoid loss of burrowing owl, the project applicant(s) shall:

- 1) To avoid, minimize, and mitigate potential impacts on burrowing owl, a qualified biologist shall be retained to conduct focused breeding and nonbreeding season surveys for burrowing owls in areas of suitable habitat on and within 1,500 feet of the project site(s). Surveys shall be conducted prior to the start of construction activities and in accordance with Appendix D of CDFW's Staff Report on Burrowing Owl Mitigation (DFG 2012). A minimum of four survey visits shall be conducted as specified in Appendix D of the staff report (DFG 2012) in areas not proposed for site preparation or construction in 2016. If areas are proposed for site preparation, construction or any type of disturbance, a pre-construction survey is still required, along with the appropriate activities outlined below, based on the findings of the pre-construction survey.
- 2) If no occupied burrows are found, a letter report documenting the survey methods and results shall be submitted to CDFW and no further mitigation will be required.
- 3) If an active burrow is found during the nonbreeding season (September 1 through January 31), the project applicant(s) shall consult with CDFW regarding protection buffers to be established around the occupied burrow and maintained throughout construction. If occupied burrows are present that cannot be avoided or adequately protected with a no-disturbance buffer, a burrowing owl exclusion and relocation plan shall be developed in consultation with CDFW. Owls shall be relocated outside of the impact area using passive or active methodologies developed in consultation with CDFW and may include active relocation to preserve areas if approved by CDFW. No burrowing owls shall be excluded from occupied burrows until the burrowing owl exclusion and relocation plan is approved by CDFW.
- 4) If an active burrow is found during the breeding season (February 1 through August 31), occupied burrows shall not be disturbed and will be provided with a 150- to 1,500-foot protective buffer unless a qualified biologist verifies through noninvasive means that either: (1) the birds have not begun egg laying, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. The size of the buffer shall depend on the time of year and level of disturbance as outlined in the CDFW Staff Report (DFG 2012:9). The size of the buffer may be reduced if a broad-scale, long-term, scientifically rigorous monitoring program is implemented to ensure burrowing owls are not detrimentally affected. Once the fledglings are capable of independent survival, the owls will be relocated outside the impact area following a burrowing owl exclusion and relocation plan developed in consultation with CDFW and the burrow shall be destroyed to prevent owls from reoccupying it. No burrowing owls shall be excluded from occupied burrows until the burrowing owl exclusion and relocation plan is approved by CDFW.
- 5) If active burrowing owl nests are found in the Specific Plan Area or off-site improvement areas and these nest sites are lost as a result of implementing the project, then the project applicant(s) shall mitigate the loss through preservation of other known nest sites at a ratio of 1:1.
- 6) All burrowing owl mitigation lands shall be preserved in perpetuity and incompatible land uses shall be prohibited in habitat conservation areas.

#### **4.4-2c: Avoid and Minimize Potential Impacts to Valley Elderberry Longhorn Beetle.**

The project applicant(s) of all project phases shall implement the following measures to avoid, minimize, and reduce impacts to Valley Elderberry Longhorn Beetle (VELB), as specified in the Yuba County General Plan:

- Policy NR5.1: New developments that could adversely affect special-status species habitat shall conduct a biological resources assessment and identify design solutions that avoid such adverse effects. If, after examining all feasible means to avoid impacts to special-status species habitat through project design, adverse effects cannot be avoided, then impacts shall be mitigated in accordance with guidance from the appropriate state or federal agency charged with the protection of the subject species, including pre-construction surveys conducted according to applicable standards and protocols, where necessary.
- Policy NR5.4: New developments shall be located and designed to preserve and incorporate existing native vegetation to the maximum extent feasible. Fire safety standards may override consideration of retaining existing vegetation in certain circumstances.
- Policy NR5.13: New developments that could adversely affect wildlife movement corridors shall conduct a biological assessment and avoid placing any temporary or permanent barriers within such corridors, if they are determined to exist on-site. Avoiding barriers to wildlife movement may be accomplished at the project or community plan level.
- Policy NR5.15: Roads, water lines, sewer lines, drainage facilities, and other public facilities constructed to serve unincorporated County development shall be located and designed to avoid substantial impacts to stream courses, associated riparian areas, and wetlands, to the greatest extent feasible.
- Action NR5.3: Wetlands and Riparian Buffers. Through review of the proposed private and public projects near wetlands and riparian areas, the County will require buffering to protect these important habitats. Setbacks are expected to range from 33 to 150 feet in width. Where levees are not present, the buffer shall be measured from the edge of the active floodway. Setbacks will be included as part of conditions of approval for proposed projects. The depth of the setback shall be determined based upon site-specific conditions and communication with appropriate trustee and responsible agencies, such as DFW, USACE, and USFWS. Depending on the vegetation type, ongoing management of buffers may be necessary to address invasive species, human disturbance, and to sustain habitat and water quality functions.

The Specific Plan applicant and/or project applicant(s) of all project phases will also be required to implement the following specific measures related to mitigate impacts to VELB:

- To avoid and minimize potential impacts to VELB, a preconstruction survey shall be conducted by a qualified biologist in the riparian habitat within the off-site improvement areas prior to any construction activity.
- If elderberry shrubs are not present, no further mitigation is necessary.
- If elderberry shrubs are present, prior to initiating any ground-disturbing activities within 100 feet of elderberry shrubs, a qualified biologist shall map all shrubs with stems measuring 1 inch or greater in diameter at ground level and install orange protective fencing delimiting a 100-foot no-disturbance buffer around such shrubs. The 100-foot no-disturbance buffer shall be maintained for the duration of construction activities.

**4.4-2d: Implement Measures 4.4-2a through 4.4-2c to Avoid and Minimize Impacts to Western Pond Turtle, Swainson's Hawk, Western Burrowing Owl, and other Raptors.**

The project applicant(s) of all project phases shall implement Mitigation Measures 4.4-2a through 4.4-2c to avoid, minimize, and reduce impacts to Valley Elderberry Longhorn Beetle (VELB).

**4.4-2e: Avoid and Minimize Potential Impacts to Tricolored Blackbird.**

The project applicant(s) of all project phases shall implement the following measures to avoid and minimize impacts to tricolored blackbird:

- A preconstruction survey shall be conducted by a qualified biologist during the species' nesting season (March 1–August 31) prior to any construction activity. The preconstruction survey shall be conducted within 500 feet of suitable nesting habitat, including fresh emergent wetland and areas of riparian scrub vegetation. The survey shall be conducted within 14 days before project activity begins.
- If no tricolored blackbird colony is present, no further mitigation is required. If a tricolored blackbird colony is found, the qualified biologist shall establish a buffer around the nesting population. No project activity shall commence within the buffer area until a qualified biologist confirms that the population is no longer active. The size of the buffer shall be determined in consultation with CDFW. Buffer size is anticipated to range from 100 to 500 feet, depending on the nature of the project activity, the extent of existing disturbance in the area, and other relevant circumstances as determined by a qualified biologist in consultation with CDFW. Monitoring of the nesting colony by a qualified biologist shall be required during construction activities if the activity has the potential to adversely affect nests. If construction activities cause nesting birds to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the no-disturbance shall be increased until the agitated behavior ceases. The exclusionary buffer will remain in place until the chicks have fledged or as otherwise determined by a qualified biologist.
- In addition, Mitigation Measure 4.4-1 shall be implemented to reduce significant impacts on vernal pool habitat.

**4.4-2f: Avoid Vernal Pool Habitat through Design and Siting and Implementation of Yuba County General Plan Policies NR5.8, NR5.9, NR5.15, and Action NR5.3.**

The project applicant(s) of all project phases shall implement the following measures to avoid and minimize impacts to vernal pool fairy shrimp and vernal pool tadpole shrimp:

- Policy NR5.8: New private developments adjacent to riparian areas shall provide a buffer designed and maintained to preserve existing wildlife habitat; provide habitat conditions favorable to native local wildlife; restrict activities that may adversely affect wildlife habitat quality; and restore degraded habitat, where feasible.
- Policy NR5.9: New developments shall be designed to avoid the loss of jurisdictional wetlands. If loss is unavoidable, the County will require applicants to mitigate the loss on a "no net loss" basis through a combination of avoidance, minimization, restoration, and/or constructed wetlands, in accordance with federal and state law.
- Policy NR5.15: Roads, water lines, sewer lines, drainage facilities, and other public facilities constructed to serve unincorporated County development shall be located and designed to avoid substantial impacts to stream courses, associated riparian areas, and wetlands, to the greatest extent feasible.
- Action NR5.3: Wetlands and Riparian Buffers. Through review of the proposed private and public projects near wetlands and riparian areas, the County will require buffering to protect these important habitats. Setbacks are expected to range from 33 to 150 feet in width. Where levees are not present, the buffer shall be measured from the edge of the active floodway. Setbacks will be included as part of conditions of approval for proposed projects. The depth of the setback shall be determined based upon site-specific conditions and communication with appropriate trustee and responsible agencies, such as DFW, USACE, and USFWS. Depending on the vegetation type, ongoing

management of buffers may be necessary to address invasive species, human disturbance, and to sustain habitat and water quality functions.

- In addition, Mitigation Measure 4.4-1 shall be implemented to reduce significant impacts on vernal pool habitat.

**4.4-3: Conduct Protocol-Level Preconstruction Plant Surveys and Implement Avoidance and Mitigation Measures or Compensatory Mitigation.**

The project applicant(s) of all project phases shall implement the following measures to avoid, minimize, and reduce impacts to special-status plant species, as specified in the Yuba County General Plan:

- Policy NR5.1: New developments that could adversely affect special-status species habitat shall conduct a biological resources assessment and identify design solutions that avoid such adverse effects. If, after examining all feasible means to avoid impacts to special-status species habitat through project design, adverse effects cannot be avoided, then impacts shall be mitigated in accordance with guidance from the appropriate state or federal agency charged with the protection of the subject species, including pre-construction surveys conducted according to applicable standards and protocols, where necessary.
- Policy NR5.4: New developments shall be located and designed to preserve and incorporate existing native vegetation to the maximum extent feasible. Fire safety standards may override consideration of retaining existing vegetation in certain circumstances.
- Policy NR5.9: New developments shall be designed to avoid the loss of jurisdictional wetlands. If loss is unavoidable, the County will require applicants to mitigate the loss on a "no net loss" basis through a combination of avoidance, minimization, restoration, and/or constructed wetlands, in accordance with federal and state law.
- Policy NR5.15: Roads, water lines, sewer lines, drainage facilities, and other public facilities constructed to serve unincorporated County development shall be located and designed to avoid substantial impacts to stream courses, associated riparian areas, and wetlands, to the greatest extent feasible.
- Action NR5.3: Wetlands and Riparian Buffers. Through review of the proposed private and public projects near wetlands and riparian areas, the County will require buffering to protect these important habitats. Setbacks are expected to range from 33 to 150 feet in width. Where levees are not present, the buffer shall be measured from the edge of the active floodway. Setbacks will be included as part of conditions of approval for proposed projects. The depth of the setback shall be determined based upon site-specific conditions and communication with appropriate trustee and responsible agencies, such as CDFW, USACE, and USFWS. Depending on the vegetation type, ongoing management of buffers may be necessary to address invasive species, human disturbance, and to sustain habitat and water quality functions.

The Specific Plan applicant and/or project applicant(s) of all project phases will also be required to implement the following specific measures related to special-status plants:

- A qualified botanist shall be retained to conduct protocol-level preconstruction special-status plant surveys for all potentially occurring plant species in the Specific Plan Area and off-site improvements areas, including both the sewer line extension and off-site transportation improvement areas. If no special-status plants are found during focused surveys, the botanist shall document the findings in a letter report to USFWS, CDFW, and Yuba County, and no further mitigation shall be required.

- If special-status plant populations are found, the County, CDFW, and USFWS shall be consulted, as appropriate depending on species status, to determine the mitigation measures for direct and indirect impacts on any special-status plant population that could occur as a result of project implementation. Mitigation measures may include preserving and enhancing existing populations, creation of off-site populations on project mitigation sites through seed collection or transplantation, and/or restoring or creating suitable habitat in sufficient quantities to achieve no net loss of occupied habitat or individuals.
- If potential impacts on special-status plant species are likely, a mitigation and monitoring plan shall be developed before the approval of grading plans or any ground-breaking activity within 250 feet of a special-status plant population. The mitigation plan shall be submitted to the County for review and approval. It shall be submitted concurrently to CDFW or USFWS, as appropriate, depending on species status, for review and comment. The plan shall require maintaining viable plant populations on-site and shall identify avoidance measures for any existing population(s) to be retained and compensatory measures for any populations directly affected. Possible avoidance measures include fencing populations before construction and exclusion of project activities from the fenced-off areas, and construction monitoring by a qualified botanist to keep construction crews away from the population. The mitigation plan shall also include monitoring and reporting requirements for populations to be preserved on site or protected or enhanced off-site.
- If relocation efforts are part of the mitigation plan, the plan shall include details on the methods to be used, including collection, storage, propagation, receptor site preparation, installation, long-term protection and management, monitoring and reporting requirements, and remedial action responsibilities should the initial effort fail to meet long-term monitoring requirements.
- If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures shall be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, and other details, as appropriate to target the preservation of long-term viable populations.

The foregoing mitigation measures are incorporated into the project approval as condition of approval #7.

#### **Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that even with the changes or alterations required in, or incorporated into, the Project as conditions of approval to mitigate or avoid the cumulatively significant effects on the environment, this impact would remain significant under the circumstances described, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. As provided by CEQA and the CEQA Guidelines, this cumulative impact is mitigated to the extent feasible by the imposition of Mitigation Measures 4.4-1, 4.4-2a, 4.4-2b, 4.4-2c, 4.4-2d, 4.4-2e, 4.4-2f, and 4.4-3. Even though incorporation of these mitigation measures would reduce the Project's general and incremental contribution to any cumulative impact associated with biological resources, this impact would still remain significant and unavoidable. Pursuant to Public Resources Code section 21081, subdivision (a) and CEQA Guidelines section 15091, subdivision (a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the Project outweigh this significant impact, as set forth in the Statement of Overriding Considerations in Section 5.

#### **Reference:**

DEIR pages 6-6 through 6-7.

### 3.21 Cumulative Impacts to Greenhouse Gas Emissions.

Implementation of the proposed Project would generate GHG emissions as a result of its temporary and short-term construction emissions, as well as long-term operational activities. Temporary and short-term construction-related GHG emissions would be generated by a variety of emissions sources, including heavy-duty construction equipment, material delivery trucks, haul trucks, and construction worker vehicles. Long-term operational GHG emissions would be generated from day-to-day activities associated with the proposed land uses and supporting on- and off-site improvements. Operational GHG emissions are described as direct or indirect emissions. Direct GHG emissions are those emissions that are generated at the location of consumption or use. Conversely, indirect emissions are those emissions that occur at a different time or location from the point of consumption or use. There is a significant cumulative impact and the Specific Plan contribution is cumulatively considerable. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 4.7-19 through 4.7-25, the EIR considered cumulative effects of the Project on increases of greenhouse gas emissions, and that those effects are addressed in the EIR and in these Findings.)

#### Mitigation Measures:

#### **4.7-1: Implement All Exhaust-Related FRAQMD Construction Standard Mitigation Measures and Best Available Mitigation Measures.**

To reduce GHG emissions from construction-related activities, the project applicant(s) contractor(s) of all project phases shall implement all exhaust-related Feather River Air Quality Management District Standard Mitigation Measures and Best Available Mitigation Measures from Mitigation Measure 4.3-2.

#### **4.7-2: Implement Operational Mitigation Measures to Reduce GHG Emissions from Long-Term Operations.**

A combination of the following mitigation measures shall be implemented by the project applicant(s) of all project phases to reduce GHG emissions. The combination of measures shall be demonstrated to achieve a performance standard for each.

The performance standard is a fair share of statewide emission reduction targets for the Specific Plan. More specifically, the performance standard for this mitigation measure is a level of emissions per service population per year that would be consistent with AB 32 for 2020 and also with Executive Order S-3-05, which calls for emissions reductions of 80% below the 1990 level by 2050. Service population is the total estimated residential population plus the total number of (full-time equivalent) employees. The performance standard can be calculated by extrapolating the per-service population 2020 AB 32 emissions level and the per-service population 2050 S-3-05 emissions level to the buildout year. If the subdivision map were to build out in 2030, for example, the performance standard would be expected to be closer to the 2020 AB 32 per-service population target. The performance standard for a 2035 buildout is currently estimated to be 2.4 MT CO<sub>2</sub>e, but this estimate is subject to revision in the future with updated statewide demographic and economic forecasts. If the federal governments, the State, or SACOG adopts a different reduction target for 2050 or other year beyond 2020, this reduction target – if applicable to GHG emissions sectors included in the Specific Plan and demonstrated to avoid cumulatively considerable impacts – may be substituted for Executive Order S-3-05:

- Implement Mitigation Measure 4.3-1 from Section 4.3, "Air Quality;"

- Implement applicable reduction measures from Yuba County's Resource Efficiency Plan;
- Install "smart meters" in all proposed residential and commercial land uses to best manage energy consumption and allow for future energy-related audits and retrofits;
- Install cool roofs and/or photovoltaic (PV) energy on residential structures to the maximum extent feasible and on all commercial buildings to use unused roof space. Heating ventilation and air conditioning (HVAC) systems on all commercial buildings shall be planned to maximize roof space for PV installation; and
- After feasible measures listed above to reduce construction and operation emissions are incorporated, if per-service population emissions would still exceed the performance standard, the County may allow the use of verified carbon reduction credits (also known as offsets) at a level necessary for the Specific Plan to comply with the performance standard identified in this mitigation measure. The offsets may be local, regional, or state programs, subject to County approval. The emission credit must be in addition to any GHG reduction otherwise required by law or regulation, and any GHG emission reduction that otherwise would occur. The required amount of credits shall be calculated on an annual basis for the lifetime of the proposed Specific Plan at building, including amortized construction emissions. If offsets are required to achieve the performance standard established in this mitigation measure, the offset requirement shall be tracked through the entire entitlement approval process, including Specific Plan approval, approval of subdivision maps, approval of improvement plans, approval of use permits, and other applicable entitlements required to implement the Specific Plan. Offsets (which are one of several options outlined in this section to reduce emissions) used for mitigation should have a mechanism to monitor the effectiveness over time to ensure that they will fully account for the needed level of mitigation to meet the performance standard established in this mitigation measure for the lifetime of the Specific Plan.

The foregoing mitigation measures are incorporated into the project approval as condition of approval #7.

#### **Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that even with the changes or alterations required in, or incorporated into, the Project as conditions of approval to mitigate or avoid the cumulatively significant effects on the environment, this impact would remain significant under the circumstances described, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. As provided by CEQA and the CEQA Guidelines, this cumulative impact is mitigated to the extent feasible by the imposition of Mitigation Measures 4.7-1 and 4.7-2. Even though incorporation of these mitigation measures would reduce the Project's general and incremental contribution to any cumulative impact associated with increases of greenhouse gas emissions, this impact would still remain significant and unavoidable. Pursuant to Public Resources Code section 21081, subdivision (a) and CEQA Guidelines section 15091, subdivision (a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the Project outweigh this significant impact, as set forth in the Statement of Overriding Considerations in Section 5.

#### **Reference:**

DEIR pages 4.7-19 through 4.7-25.

### 3.22 Cumulative Impacts to Hydrology and Water Quality.

Development proposed under the Specific Plan, in combination with current uses by nearby water districts, agricultural uses, Beale Air Force Base, and utility districts could cause an undesirable result related to groundwater quality impacts where proposed groundwater use would no longer provide a safe yield, especially during drought periods. Groundwater pumping could affect groundwater flow direction and rates that alter the extent of the groundwater plume located at Beale Air Force Base, potentially affecting nearby wells and proposed wells within the Specific Plan Area. This is a cumulatively considerable contribution to this potentially significant cumulative impact. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 6-10 through 6-12, the EIR considered cumulative effects of the Project on hydrology and water quality, and that those effects are addressed in the EIR and in these Findings.)

#### Mitigation Measures:

#### **4.9-1a: Acquire Appropriate Regulatory Permits and Implement SWPPP and BMPs.**

- During development of grading permits and improvement plans, project applicant(s) within the Specific Plan Area and off-site improvement areas shall consult with Yuba County and the Central Valley RWQCB to acquire the appropriate regulatory approvals that may be necessary to obtain coverage under the SWRCB statewide NPDES storm water permit for general construction activity, and any other necessary site-specific WDRs or waivers under the Porter-Cologne Act. The project applicant(s) shall either obtain an individual permit or apply for coverage under the statewide general permit.
- The project applicant(s) shall prepare and submit the appropriate NOI and prepare the SWPPP and any other necessary engineering plans and specifications for pollution prevention and control and to minimize and control runoff and erosion. After completion of construction and issuance of a Notice of Completion, the project applicant(s) shall prepare and submit the appropriate Notice of Termination (NOT) of the NOI.
- The SWPPP and BMPs therein shall identify and specify:
  - the use of erosion and sediment-control BMPs, including construction techniques that will reduce the potential for runoff, as well as other measures to be implemented during construction. These may include but not be limited to sedimentation ponds, inlet protection, perforated riser pipes, check dams and silt fences;
  - the means of waste disposal;
  - the implementation of approved design plans, non-stormwater-management controls, permanent post-construction BMPs, and inspection and maintenance responsibilities;
  - the pollutants that are likely to be used during construction that could be present in stormwater drainage and non-stormwater discharges, and other types of materials used for equipment operation;
  - spill prevention and contingency measures, including measures to prevent or clean up spills of hazardous waste and of hazardous materials used for equipment operation, and emergency procedures for responding to spills;
  - personnel training requirements and procedures that will be used to ensure that workers are aware of permit requirements and proper installation methods for BMPs specified in the SWPPP; and

- the appropriate personnel responsible for supervisory duties related to implementation of the SWPPP.
- Where applicable, BMPs identified in the SWPPP shall be maintained in good working condition, with sufficient backup stock on-site during all site work, and construction and shall be used in all subsequent site development activities. BMPs shall include the following measures:
  - Implement temporary erosion-control measures in disturbed areas to minimize discharge of sediment into nearby drainage conveyances. These measures may include silt fences, staked straw bales or wattles, sediment/silt basins and traps, geo-fabric, sandbag dikes, and temporary vegetation.
  - Establish permanent vegetative cover to reduce erosion in areas disturbed by construction by slowing runoff velocities, trapping sediment, and enhancing filtration and transpiration.
  - Use drainage swales, ditches, and earth dikes to control erosion and runoff by conveying surface runoff down sloping land, intercepting and diverting runoff to a watercourse or channel, preventing sheet flow over sloped surfaces, preventing runoff accumulation at the base of a grade, and avoiding flood damage along roadways and facility infrastructure.
- All construction contractors shall retain a copy of the approved SWPPP on the construction site. Approved Qualified SWPPP Developer may modify the SWPPP to suit specific site conditions through amendments approved by the Central Valley RWQCB.
- The SWPPP shall identify potential contaminate sources and their expected locations (including pesticides, septic tank, leach field information, adjacent pipelines). It shall include proper clean-up and disposal procedures and any monitoring and reporting requirements.

**4.9-1b: Prepare and Implement a Soil and Groundwater Sampling and Remediation Plan and Acquire Appropriate Regulatory Approvals.**

The project applicant(s) of all project phases shall implement the following measures:

- Prior to development, a hazardous material specialist shall prepare and implement a soil and groundwater sampling and remediation plan for the Specific Plan Area.
- The plan shall identify potential contaminants of concern (COCs) and locations for proposed sampling of soil and groundwater, including but not limited to the former storage areas, AST locations, and septic leech field locations. Since flood irrigation can redistribute COCs, sampling locations shall be located throughout irrigated areas as well.
- Upon implementation of soil and groundwater sampling and analysis, findings shall be developed into a remediation plan to include specific cleanup actions. If contaminant residues are encountered at hazardous levels, a site remediation plan shall be prepared that identifies any necessary remediation activities identified by the hazardous materials specialist, including excavation and removal of on-site contaminated soils on the project site(s). The plan shall include measures that provide for the safe transport, use, and disposal of contaminated soil and debris removed from the site(s) (e.g., compliance with Caltrans transport regulations, and disposal at facilities permitted by EPA and/or the California Department of Toxic Substances Control [DTSC] to accept hazardous wastes). Project applicant(s) shall consult with Yuba County and the Central Valley RWQCB to acquire the appropriate regulatory approvals and follow conditions of approval for site remediation.

**4.9-2: Prepare and Submit Final Drainage Plans to the County and Implement Requirements.**

Before the approval of any large lot subdivision map, the Specific Plan applicant, or project applicant(s) of any projects under the Specific plan shall prepare and submit a drainage plan to Yuba County. The drainage plan shall:

- Demonstrate that off-site upstream runoff would be appropriately conveyed, that project-related on- and off-site runoff would be appropriately contained in detention basins or other drainage features to reduce flooding impacts, and that residential improvements within the Specific Plan Area meet requirements of County policies described above, including assurance that finished floor space is not located within the 100-year floodplain. If necessary, a Conditional Letter of Map Revision based on Fill (CLOMR-F) or a Letter of Map Revision based on Fill (LOMR-F) application could be used to remove the Zone A from those areas.
- Include, but not be limited to, the following items:
  - an accurate calculation of pre-project and post-project runoff scenarios, obtained using appropriate engineering methods approved by the County, that accurately evaluates potential changes to runoff, including increased surface runoff; and
  - establishment of ongoing maintenance plans for a self-perpetuating drainage system maintenance program for each grading and drainage plan that includes annual inspections of detention basins, sedimentation basins, drainage ditches, and drainage inlets and proper clean out procedures.
- Demonstrate to the satisfaction of Yuba County, that 100-year flood flows would be appropriately channeled and contained, such that the risk to people or damage to structures within or down gradient of the Specific Plan Area and associated off-site improvements would not increase as a result of development of the Specific Plan. The final drainage plan shall demonstrate that storm water facilities would appropriately convey off-site runoff and would appropriately contain project-related runoff.
- The final drainage plan shall provide for access to facilities in order to ensure ongoing maintenance.

**4.9-4: Prepare and Submit a Storm Water Quality Control Plan to the County and Implement Requirements.**

The project applicant(s) and contractor(s) of all project phases shall:

- Retain a qualified engineer to prepare and submit to the County for review and approval a detailed water quality control plan.
- Prepare a water quality control plan in compliance with the Yuba Storm Water Management Plan and the Yuba County General Plan. The plan shall finalize the water quality improvements and further detail the structural and nonstructural BMPs and Low Impact Development (LID) features proposed for the project and shall include a quantitative analysis of proposed conditions incorporating these features.
- Prepare a water quality control plan that demonstrates, based on accepted engineering methodology, that the proposed water quality BMPs meet or exceed applicable requirements established by the Central Valley RWQCB.
- Design the project drainage features to reduce the potential adverse impacts from urban storm water runoff in conformance with County standards. This would be accomplished by way of water quality BMPs and storm water basins, which would serve to detain peak flows. In addition to these basins, LID features would also be built into the Specific Plan Area. The drainage patterns of the

developed watershed after development of the project and off-site roadways shall remain as close as possible to the existing drainage patterns.

**4.9-5a: Implement Mitigation Measure 4.9-1b: Prepare and Implement a Soil and Groundwater Sampling and Remediation Plan and Acquire Appropriate Regulatory Approvals.**

The project applicant(s) of all project phases shall implement Mitigation Measure 4.9-1b to reduce impacts on water quality from off-site sources.

**4.9-5b: Implement Groundwater Supply and Water Quality Assessment and Monitoring Plan.**

To ensure consistency with YCWA Groundwater Management Plan, through consultation with a registered hydrogeologist and/or engineer, and in coordination with the YCWA, local, state, and federal agencies, including the Central Valley RWQCB, Beale AFB, OPUD, nearby water districts, and other interested agricultural and municipal water purveyors, the Specific Plan applicant and project applicant(s) of all project phases under the Specific Plan shall develop a programmatic groundwater supply and water quality assessment and monitoring plan that contains the following components:

- The plan shall evaluate proposed land use and water supplies for current and future conditions. Including groundwater pumpage in the groundwater basin, total cumulative future groundwater pumping to meet demands in the basin, including the proposed project demand at full buildout, and other necessary use and supply information to ensure that implementation of the Specific Plan won't deplete groundwater supplies that would substantially lower the local groundwater table such that flow direction of the groundwater plumes associated with Beale AFB are not affected.
- Based on the evaluation described above, the plan shall evaluate well locations identified in the Specific Plan Area, identifying for each well, pump rates, area of influence under normal conditions, and drought periods, and localized groundwater flow and rate information. The plan shall identify nearby wells that could be affected by the proposed project, and in coordination with parties described above, evaluate necessary operation restrictions and design modifications to prevent modifying the plume extent at Site LF013 and any potential impacts on other plumes (such as Site OT017). Design and operation changes that may be considered, but not limited to include relocation of proposed well sites to areas further away from Beale AFB, additional storage requirements, limited pumping during drought periods, and/or alternative water sources. The plan shall consider the transfer program that is occasionally implemented by local water districts to ensure coordination of groundwater pumping that would not affect the extent of nearby groundwater plumes.
- The plan shall develop pre- and post-project groundwater quality monitoring to demonstrate, based on accepted engineering methodology, that the proposed uses can provide a safe yield that would not have an undesirable effect on groundwater quality within the Specific Plan Area or to nearby users. Monitoring shall be completed on a biannual basis, taking into account periods of high groundwater use and modifying monitoring, as needed. It may be necessary to include additional off-site monitoring wells to assess water quality and assure contaminants are not migrating. Contaminants of concern shall include:
  - 1,1,1,2-TECA;
  - 1,1,2,2-TECA;
  - 1,1,2-TCA;
  - 1,1-DCE;
  - cis-1,2-DCE;

- PCE;
- TCE;
- trans-1,2-DCE; and
- other pollutants, including pesticides, such as DDT, as necessary.
- If monitoring concludes that the groundwater quality exceeds maximum contaminant level requirements as established by CalEPA and the Central Valley RWQCB Basin Plan, groundwater pumping shall cease, property owners shall be notified by the water service provider, and an alternative domestic water supply shall be provided by the water service provider until groundwater quality meets or exceeds water quality standards.
- Monitoring reports shall be submitted to YCWA, Beale AFB, Central Valley RWQCB, and others identified in the plan until identified sites at Beale AFB receive closure and as such are considered not to pose a risk of contaminant exposure to adjacent properties.
- The Specific Plan applicant shall provide ongoing funding for activities described in this mitigation measure in amounts adequate to ensure successful implementation of this mitigation measure.
- The County does not anticipate, and cannot determine at this time whether alternative water sources may be required for the Specific Plan. If this is necessary, the County will require appropriate CEQA analysis and implementation of feasible mitigation consistent with the comprehensive direction in the 2030 General Plan, to address potentially significant effects associated with alternative water supply.

The foregoing mitigation measures are incorporated into the project approval as condition of approval #7.

#### **Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that even with the changes or alterations required in, or incorporated into, the Project as conditions of approval to mitigate or avoid the cumulatively significant effects on the environment, this impact would remain significant under the circumstances described, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. As provided by CEQA and the CEQA Guidelines, this cumulative impact is mitigated to the extent feasible by the imposition of Mitigation Measures 4.4-1a, 4.4-1b, 4.4-2, 4.4-4, 4.4-5a, and 4.4-5b. Even though incorporation of these mitigation measures would reduce the Project's general and incremental contribution to any cumulative impact associated with hydrology and water quality, this impact would still remain significant and unavoidable. Pursuant to Public Resources Code section 21081, subdivision (a) and CEQA Guidelines section 15091, subdivision (a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the Project outweigh this significant impact, as set forth in the Statement of Overriding Considerations in Section 5.

#### **Reference:**

DEIR pages 6-10 through 6-12.

### **3.23 Cumulative Impacts from Roadway Traffic Noise.**

Implementation of the Specific Plan would generate traffic, which would increase ambient noise levels along roadways. DEIR Table 6-1 summarizes modeled Ldn noise levels at 100 feet from the roadway centerline for affected roadway segments in the vicinity of the Specific Plan under cumulative conditions with and without Specific Plan implementation. The traffic noise levels presented represent an application of conservative traffic noise modeling methodologies which assume no natural or artificial shielding from existing or proposed structures or topography. Actual traffic noise exposure levels at noise sensitive receptors in the vicinity of the Specific Plan Area would vary depending on a combination of factors, such as variations in daily traffic volumes, shielding provided by existing and proposed structures, and meteorological conditions. There are several affected roadways where, even without development of the Specific Plan, noise-sensitive receptors would be adversely affected – including locations where the noise level is estimated to exceed 60 dB Ldn/CNEL. This includes Lindhurst Avenue and Erle Road in the community of Linda and SR 65 in Wheatland. Implementation of the proposed Specific Plan would result in a net change in traffic noise levels ranging from 0.1 dB to +8.1 dB above cumulative condition without implementation of the Specific Plan. Since the Specific Plan Area is not near existing development, many of the roadway segments affected do not have nearby noise-sensitive land uses. However, the Specific Plan would have a cumulatively considerable contribution to cumulative noise impacts along Ostrom Road, Bradshaw Road, South Beale Road, Spenceville Road, and Main Street. This is a significant cumulative impact. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 6-13 through 6-16 and FEIR page 2-134, the EIR considered cumulative effects of the Project from roadway traffic noise, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

No mitigation measures are available.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that this cumulative impact would remain significant under the circumstances described, and there are no feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. The Project's general and incremental contribution to any cumulative impact associated with increases of roadway traffic noise would remain significant and unavoidable. Pursuant to Public Resources Code section 21081, subdivision (a) and CEQA Guidelines section 15091, subdivision (a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the Project outweigh this significant impact, as set forth in the Statement of Overriding Considerations in Section 5.

**Reference:**

DEIR pages 6-13 through 6-16.

**3.24 Cumulative Impacts to Transportation and Traffic.**

Implementation of the Specific Plan, along with past, present, and future developments would generate vehicular trips on roadways in Yuba County and the surrounding region. The environmental effects associated with the increase in travel demand include criteria air pollutants and toxic air contaminants associated with vehicle trips, GHG emissions associated with increases in VMT, and transportation noise along local and regional roadways. As with population growth, increase in travel demand in and of itself is not an adverse physical environmental impact. The environmental impacts are associated with the burning of fossil fuels necessary to power vehicles, the noise

made by engines and interaction with the roadway, and other physical outcomes of an increase in travel demand – both during construction and operational phases. The Specific Plan would result in vehicle trips occurring during operation and construction on the same roadways used by vehicles visiting other project and plan areas and construction traffic from other projects. Traffic attributable to the Specific Plan would affect 14 intersections that would operate at unacceptable levels of service without implementation of the Specific Plan and another 4 intersections that are anticipated to operate at acceptable levels without the Specific Plan during cumulative conditions, but unacceptable levels with implementation of the Specific Plan. To the extent that delay caused by traffic congestion itself is considered an adverse environmental impact, this is considered a significant cumulative impact. Finally, Specific Plan traffic is expected to use SR 65 and SR 70, which would operate at an unacceptable level of service with cumulative conditions – with or without the Specific Plan. Impacts related to traffic congestion are cumulatively considerable. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 6-19 through 6-25 and FEIR pages 2-134 and 2-169 through 2-170, the EIR considered effects of the Project on cumulative increases in traffic demand, and that those effects are addressed in the EIR and in these Findings.)

#### **Mitigation Measures:**

##### **6-1: Construct Traffic Improvements in Coordination with Yuba County and Other Relevant Agencies.**

- The Specific Plan applicant shall provide fair-share funding for the construction of the SR 65/South Beale Road interchange, which the County anticipates will be included in the sub-regional fee program.
- Either:
  - Alternative 1: Yuba County shall condition new land development that is accessed from Forty Mile Road to provide dedicated left-turn lanes at all access points; or
  - Alternative 2: The Specific Plan applicant shall provide fair-share funding for the construction of the Plumas-Arboga Road/South Beale Road extension that would connect existing Forty Mile Road and the proposed SR 65/South Beale Road interchange, in coordination with Caltrans and Yuba County. This improvement is anticipated to be included in the sub-regional fee program.
- The Specific Plan applicant shall provide fair-share funding for the widening of Lindhurst Avenue from two to four lanes between Erle Road and the SR 70 NB Ramps intersections.
- The Specific Plan applicant shall provide fair share funding for the widening of Plumas-Arboga Road from two to four lanes between Forty Mile Road and SR 70. This improvement is anticipated to be included in the sub-regional fee program.
- Implement Mitigation Measure 4.13-2a: Pay Fair Share Costs for Reconstruction of the SR 70/Erle Road Interchange.
- Implement Mitigation Measure 4.13-2b: Pay Fair Share Costs for Improvements to the SR 65/McGowan Parkway Interchange.
- Implement Mitigation Measure 4.13-2c: Improve SR 65/Forty Mile Road Interchange.
- Implement Mitigation Measure 4.13-1a: Pay Fair Share Cost to Widen Ostrom Road between Rancho Road and the UPRR Tracks.
- Implement Mitigation Measure 4.13-2d: Install a New Traffic Signal and Construct Additional Turn Lanes at the Rancho Road/Ostrom Road Intersection.
- Implement Mitigation Measure 4.13-1b: Pay Fair Share Cost to Widen Ostrom Road from east of the UPRR railroad tracks to the First Major Specific Plan Access Point.

- Implement Mitigation Measure 4.13-2e: Install a New Traffic Signal and Construct Additional Turn Lanes at the Ostrom Road/Virginia Road Intersection.
- Implement Mitigation Measure 4.13-2f: Install a New Traffic Signal and Construct Additional Turn Lanes at the Bradshaw Road/Ostrom Road Intersection.
- Implement Mitigation Measure 4.13-2g: Install a New Traffic Signal and Construct Additional Turn Lanes at the Ostrom Road/South Beale Road Intersection.
- Implement Mitigation Measure 4.13-2h: Upgrade the SR 65/South Beale Road intersection.
- The Specific Plan applicant shall provide fair-share funding for the installation of a traffic signal at the Forty Mile Road/Plumas-Arboga Road intersection.
- Implement Mitigation Measure 4.13-2i: Install a Traffic Signal and Widen the Bradshaw Road/South Beale Road Intersection.

**4.13-2j: Restrict Left Turns at the SR 65/Oakley Lane Intersection and Install a New Traffic Signal at SR 65/Dairy Lane Intersection.**

The project applicant shall pay its fair share of the costs to construct restrictions for the left turns from Oakley Lane onto northbound SR 65 and installing a traffic signal at SR 65/Dairy Lane intersection.

**4.13-2k: Re-optimize Signal Timing at the SR 65/Main Street and SR 65/1st Street Intersections.**

The Specific Plan applicant shall pay its fair share of the costs to re-optimize signal timing at the SR 65/1st Street and SR 65/Main Street intersections.

The foregoing mitigation measures are incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that even with the changes or alterations required in, or incorporated into, the Project as conditions of approval to mitigate or avoid the cumulatively significant effects on the environment, this impact would remain significant under the circumstances described, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. As provided by CEQA and the CEQA Guidelines, this cumulative impact is mitigated to the extent feasible by the imposition of Mitigation Measures 6-1, 4.13-2j, and 4.13-2k. Even though incorporation of these mitigation measures would reduce the Project's general and incremental contribution to any cumulative impact associated with increases in travel demand, this impact would still remain significant and unavoidable. Pursuant to Public Resources Code section 21081, subdivision (a) and CEQA Guidelines section 15091, subdivision (a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the Project outweigh this significant impact, as set forth in the Statement of Overriding Considerations in Section 5.

**Reference:**

DEIR pages 6-19 through 6-25; FEIR pages 2-134 and 2-169 through 2-170.

**3.25 Cumulative Impacts to Energy.**

Increased demand for electrical and natural gas supplies and infrastructure is a byproduct of development in Yuba County and the region. The location, density, mix of land uses, and quality of the multi-modal transportation system is directly related to the amount of travel and transportation-related energy demands. The Specific Plan Area is located in an undeveloped portion of unincorporated area of Yuba County where no transit routes are currently available to the Specific Plan Area. Transit improvements that could reduce transportation-related energy demands would be constructed by Yuba County and the Specific Plan applicant would have no control over their approval, timing, or implementation of these improvements. In addition, it is not known whether Specific Plan residents would obtain goods and services within the Specific Plan Area or commute to jobs outside the County after buildout of the Specific Plan. Implementing the Specific Plan would result in the wasteful, inefficient, excessive, and unnecessary consumption of energy. The collective energy demands of past, present, and future development plans and projects in California is assumed to produce a significant cumulative impact. (The Board of Supervisors specifically finds that, as set forth on DEIR pages 6-28 through 6-29, the EIR considered cumulative effects of the Project on inefficient energy use, and that those effects are addressed in the EIR and in these Findings.)

**Mitigation Measure:**

**4.3-1: Implement Operational Mitigation Measures.**

The project applicant(s) for tentative subdivision maps and development projects proposed under the Specific Plan shall implement the mitigation measures, as applicable to the proposed subdivision map or development project. At the time entitlements are sought, the County will evaluate measures below, determine which measures are applicable, and include those measures as conditions of approval or some other enforceable mechanism. For each project mitigation measure listed below, the corresponding FRAQMD's Best Available Mitigation Measures-Operational Phase number is provided to demonstrate the measure's consistency with FRAQMD-recommended design measures. Mitigation measures listed below would satisfy the requirements for various Best Available Mitigation Measures categories including Bicycle/Pedestrian/Transit, Parking, Commercial Building Design, Mixed Use, Building Component, and TDM and Miscellaneous Measures.

- Subdivision maps and development projects located in areas designated Neighborhood Commercial and Business Park shall be developed in coordination with local transit provider/s to ensure proper placement and design of transit stops and accommodate public transit for both employees and patrons. If the local transit provider does not provide direction, the placement and design of transit stops shall be approved by the Yuba County Planning Department based on generally accepted transit planning principles. (FRAQMD BAMM 9, 10)
- Subdivision maps and improvement plans shall be designed to provide convenient and safe bicycle, pedestrian, and transit access between neighborhoods and areas designated Neighborhood Commercial and Business Park, as well as parks, trails, and other destinations. (FRAQMD BAMM 6, 24, 25, 32)
- Subdivision maps and development projects within Neighborhood Commercial areas shall distribute proposed parking and not concentrate parking exclusively between the front building façade and the primary abutting street. (FRAQMD BAMM 33)
- Cul-de-sacs are allowed only where they would not create a barrier for pedestrian and bicycle access or circulation between homes and destinations. (FRAQMD BAMM 6)
- Employment generating projects that anticipate more than 50 full-time equivalent employees shall comply with applicable provisions of the County's Travel Demand Management Ordinance if it is in effect. If a County Ordinance is not in effect, such projects shall participate in the Yuba-Sutter Transportation Management Association. (FRAQMD BAMM 51, 57)

- Subdivision maps and improvement plans shall be designed to accommodate safe and frequent pedestrian crosswalks, with more frequent crossings in areas expected to have higher pedestrian traffic, such as schools, parks, trail connections, higher-density residential areas, and areas with retail, services, office uses, and other non-residential uses. (FRAQMD BAMM 6, 24, 25, 32)
- Subdivision maps and improvement plans shall be designed to discourage concentration of traffic at a few intersections. Multiple points of access shall be provided whenever feasible. Roads shall be arranged in an interconnected block pattern. The maximum average block length in subdivisions is 450 feet unless unusual existing physical conditions warrant an exception to this standard, but shorter block lengths should be used around areas designated Neighborhood Commercial.
- Subdivision maps and improvement plans shall be designed to connect with adjacent roadways and stubbed roads and shall provide frequent stubbed roadways in coordination with future planned development areas.
- Subdivision maps and development projects within Neighborhood Commercial areas shall be designed to minimize the amount of on-site land required to meet parking, internal circulation, and delivery/loading needs. (FRAQMD BAMM 33)
- Subdivision maps and development projects within Neighborhood Commercial areas shall be designed to break up any proposed surface parking with landscaping and provide pedestrian routes from parking areas to building entrances. (FRAQMD BAMM 6, 21, 32, 33)
- The County will reduce the amount of off-street parking required for projects that propose housing units restricted to lower-, very low-, or extremely low-income households and that record a minimum affordability period of 25 years. (FRAQMD BAMM 12)
- Residential subdivision maps shall orient the majority of single-family residential structures so that the longer axis of the building, also known as the ridge line, is oriented within 30 degrees of east-to-west, in order to maximize the potential for passive solar heating in the winter and to minimize heat gain from the afternoon summer sun or provide equally effective energy efficiency measure, which may include, but is not limited to exceeding current building code energy efficiency requirements by the same percentage required to achieve the benefits of proper solar orientation, use of renewable energy generation facilities, planting larger and/or faster growing trees in strategic locations, or other strategies. (FRAQMD BAMM 23 [for residential land uses], 50)
- Subdivision maps and development projects proposing off-street surface parking lots shall incorporate shade trees or shade structures to provide a minimum of 50 percent shading (at maturity, where trees are used).
- Subdivision maps and development projects shall use climate-appropriate landscaping in parks and open space, landscaping within new rights of way, yards, and other appropriate spaces.
- Provide secure, covered bicycle parking for employees of projects located in areas designated Neighborhood Commercial and Business Park. This may consist of a separate secure, covered bicycle parking area at each employment location or larger shared bicycle parking area/s located and designed to serve multiple locations. (FRAQMD BAMM 1, 4)
- Shower and locker facilities shall be provided for employees of projects located in areas designated Neighborhood Commercial and Business Park, as required by the Yuba County Code (Zoning, Bikeway Master Plan, Transit Reduction Plan Ordinance, and other applicable sections). This may be achieved by incorporating a shower and locker facility into the design of each proposed use, or facilities located and designed to serve multiple locations. (FRAQMD BAMM 1, 3)
- Residential development that proposes fireplaces shall only install natural gas or electric fireplaces. (FRAQMD BAMM 41)
- Provide utility service and conduit for the future installation of electric vehicle charging facilities and provide priority parking at non-residential uses for electric and carpool/vanpool vehicles. (FRAQMD BAMM 16)

The foregoing mitigation measure is incorporated into the project approval as condition of approval #7.

**Finding and Rationale:**

Based on the analysis and information contained in the Draft and Final Environmental Impact Report and the administrative record, the Board finds that even with the changes or alterations required in, or incorporated into, the Project as conditions of approval to mitigate or avoid the cumulatively significant effects on the environment, this impact would remain significant under the circumstances described, and there are no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. As provided by CEQA and the CEQA Guidelines, this cumulative impact is mitigated to the extent feasible by the imposition of Mitigation Measure 4.3-1. Even though incorporation of this mitigation measure would reduce the Project's general and incremental contribution to any cumulative impact associated with inefficient energy use, this impact would still remain significant and unavoidable. Pursuant to Public Resources Code section 21081, subdivision (a) and CEQA Guidelines section 15091, subdivision (a), the Board hereby finds that specific economic, legal, social, technological and other benefits of the Project outweigh this significant impact, as set forth in the Statement of Overriding Considerations in Section 5.

**Reference:**

DEIR pages 6-28 through 6-29.

**4. Findings Associated with Project Alternatives**

CEQA Guidelines require that an EIR "describe a range of reasonable alternatives to the Project, or to the location of the Project, which could feasibly obtain the basic objectives of the Project..." (CEQA Guidelines 15126.6[a]). Where a significant impact can be avoided or substantially lessened (i.e., mitigated to an "acceptable level") solely by the adoption of mitigation measures, the lead agency has no obligation to consider the feasibility of alternatives with respect to that impact, even if the alternative would mitigate the impact to a greater degree than the Project. (Pub. Resources Code, § 21002; *Laurel Hills Homeowners Association*, supra, 83 Cal.App.3d at p. 521; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 691, 730-731; and *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403.) However, where a significant impact cannot be avoided or substantially lessened solely by the mitigation measures, the lead agency must consider the feasibility of alternatives. (Public Resources Code, § 21002; *Laurel Hills Homeowners Association*, supra, 83 Cal.App.3d at p. 521.)

If any alternatives are environmentally superior with respect to the significant unavoidable impacts of the Project, then the Board is to determine whether the alternatives are feasible and meet most of the Project objectives. The Board may reject an alternative if it determines that an alternative is either infeasible, not environmentally superior with respect to the unavoidable significant impacts of the Project, or fails to attain the basic Project objectives. The Board may then approve the Project as mitigated, after adopting a Statement of Overriding Considerations.

The Board has used the Project Objectives identified below, as the basis for comparing Project alternatives and determining the extent that the objectives would be achieved relative to the Project.

1. Promote the harmonious existence of a range of land uses and diversity in population.

2. Locate a master-planned community of approximately 9,000 residents with recreational and educational amenities and employment and retail opportunities in the vicinity of Beale Air Force Base (AFB) and future job centers along SR 65.
3. Through quality design, encourage healthy lifestyles by incorporation of recreational opportunities throughout the project site.
4. Provide housing opportunities affordable to a wide range of income levels and with a broad range of housing types, including mixed commercial/residential, attached, small-lot attached, traditional single-family, and executive.
5. Designate land for the development of light-industrial, research and development, and office uses in a campus setting within the Yuba-Enterprise Zone and in close proximity to Beale AFB. Promote a jobs-housing balance goal of approximately and equal number of jobs and households.
6. Provide an interconnecting network of distinctive common elements, such as parks and open space, landscaping, street furniture, signage, lighting, and trails that will provide visual and physical continuity to bind the diverse land uses in the Specific Plan Area.
7. Preparation of an infrastructure master plan for the introduction of urban services to the Employment Village, including the Specific Plan Area.
8. Build a well-planned community with features that are attractive to homebuyers, particularly families with young children, such as safe and quiet neighborhoods, convenient school sites, multiple recreational opportunities, and enhanced mobility.
9. Arrange the community around a walkable "Village Downtown" area within the Specific Plan to serve as a vibrant center for public and private interaction and services, including public, quasi-public and retail services.
10. Develop a circulation plan with transit stops, complete streets, bike, and pedestrian routes that promote connectivity both internally within the Specific Plan Area and externally with surrounding land uses.
11. Dedicate rights-of-way to implement the General Plan Circulation Element, which calls for a new alignment of South Beale Road connecting a new interchange on SR 65 with the planned Wheatland Bypass.
12. Implement feasible "smart growth" and "green building" practices, including:
  - a. Design compact and efficient development to maximize efficiency in land as a resource as well as minimize energy consumption, minimize air quality impacts and reduce greenhouse gas (GHG) emissions.
  - b. Locate principal commercial land uses central to the plan with higher- density housing, in a range of densities and types, to promote walking and cycling and minimize auto use for short daily trips.
  - c. Design passive energy- efficient features and design such as proper building and street orientation.
  - d. Incorporate green stormwater infrastructure and low- impact design strategies.

- e. Promote cool roofs and/or photovoltaic energy production.
- f. Promote “smart grid” technology.
- g. Encourage community bus service that would allow connections to Beale AFB, the amphitheater, another sports and entertainment venues.

The following alternatives to the proposed project are analyzed in the discussion below:

- 1) Alternative 1 – No Project Alternative;
- 2) Alternative 2 – Alternative Site Design;
- 3) Alternative 3 – Increased Employment; and
- 4) Alternative 4 – Lower Density.

The environmental effects of each of these alternatives were identified and compared with those environmental impacts resulting from the proposed project, identified in environmental issue areas in Sections 1-3. **DEIR Table 5-4** located at the end of this section provides a comparison of the environmental benefits and detriments of each alternative with the proposed project.

The Board finds that a good faith effort was made to evaluate in the DEIR all reasonable alternatives to the Project that could feasibly obtain the basic objectives of the Project, even when the alternatives might impede the attainment of the Project objectives or might be more costly. The Board also finds that all reasonable alternatives were reviewed, analyzed, and discussed in the review process of the DEIR and the ultimate decision on the Project. The Board further finds that the DEIR and FEIR provide sufficient information to allow a meaningful comparison of those alternatives and the proposed project, and to allow informed decision-making. The alternatives identified above were analyzed in the EIR for the proposed Project as follows:

#### **4.1 Alternative 1 – No Project Alternative**

**Alternative Description:** State CEQA Guidelines CCR Section 15126.6(e)(2) states that a discussion of the “No Project” alternative must consider “what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans.” Although the Specific Plan Area is included in an area designated for development under the 2030 General Plan, the project applicant has indicated that on-site rice cultivation would continue if the Specific Plan is not approved. Therefore, this alternative would be consistent with existing site, or “baseline” conditions. Other alternatives examine on-site development scenarios.

**Finding and Rationale:** Having received, reviewed, and considered the entire record, both written and oral, relating to the Project, and associated Draft and Final Environmental Impact Report, and having weighed the pros and cons, the Board of Supervisors hereby rejects Alternative 1 (No Project Alternative) and finds that specific economic, legal, social, technological, or other considerations, as set forth in the Statement of Overriding Considerations in Section 5, make Alternative 1 infeasible and undesirable for each of the following separate, independent, and severable reasons:

- The No Project Alternative (Alternative 1) is inconsistent with the County’s planning and development goals and policies. The Specific Plan Area has been designated as an Employment

Village in the County's 2030 General Plan. The intent of that designation is to facilitate the development of job-producing uses along State Route 65 in a mixed-use setting. The No Project Alternative does not advance this goal nor does it advance the overarching goals and policies embodied in the Employment Village designation, the Valley Growth Boundary, and the comprehensive 2030 General Plan, which the Project is designed to implement. The purpose of the Employment Village designation is to promote and implement the economic development strategy of Yuba County by designating land for urban development and ultimately promoting sites where new industrial and manufacturing uses can locate. The Board finds that Alternative 1 is infeasible because it would not promote such development, and is therefore inconsistent with the County's 2030 General Plan.

- The No Project Alternative (Alternative 1) does not meet the Project's objectives as set forth in EIR section 5.1.1. The Project envisions a new community that is built around and complements a new job center. Alternative 1 would not allow any urban development to occur. Therefore, Alternative 1 is found to be infeasible.

**Reference:** DEIR pages 5-5, and 5-13 through 5-34.

#### 4.2 **Alternative 2 – Alternative Site Design**

**Alternative Description:** Alternative 2, which is an alternative site planning approach, would have similar mix of uses and a similar amount of development as the proposed Specific Plan. This alternative would make some adjustments to the mix and density of land uses to reduce vehicle trips and allow a greater number of trips to occur on foot, by bicycle, or via transit. This alternative may have a more prominent central core area with the more compact housing types focused around this central core. In the central core, there would be a variety of retail and commercial service opportunities, including shops, restaurants, daycare facilities, banks, and gyms, along with space for small offices, including medical offices. The presence of these complementary uses within the central portion of the Specific Plan Area would help to make walking, biking, and transit more feasible, as well as reduce the length of vehicular trips to these destination uses.

Alternative 2 would accommodate approximately 1,680 low-density residential units (44% of the unit total), 1,160 medium-density units (30% of the unit total), and 1,000 higher-density units at different densities (26% of the unit total). This alternative includes 25 acres for commercial mixed-use development and 125 acres for employment uses, which could include a mix of agricultural processing, light industrial, warehousing, research and development, professional offices, and related uses. The alternative also includes 50 acres for parkland and 75 acres for multi-purpose open space.

**Finding and Rationale:** Having received, reviewed, and considered the entire record, both written and oral, relating to the Project, and associated Draft and Final Environmental Impact Report, and having weighed the pros and cons, the Board of Supervisors hereby rejects Alternative 2 (Alternative Site Design) and finds that specific economic, legal, social, technological, or other considerations, as set forth in the Statement of Overriding Considerations in Section 5, make Alternative 2 infeasible and undesirable for each of the following separate, independent, and severable reasons:

- The housing density and mix of residential housing types within the Project, as proposed, were selected based upon market research conducted by John Schleimer of Market Perspectives. Mr. Schleimer has advised homebuilders across the nation in the design of new housing projects with respect to lot sizes, site planning, floor plans and house designs. In advising on the Magnolia

Ranch Specific Plan, Mr. Schleimer reviewed the land plan and residential-density proposal for the project in 2010 and recommended the inclusion of a large percentage of low-density residential land and a relatively small percentage of land devoted to small-lot and compact housing types. Mr. Schleimer updated and confirmed his conclusions in his subsequent report dated August 14, 2013.

- According to Mr. Schleimer, buyers in Yuba County desire traditional lot sizes (6,000 square feet and larger) and many projects currently selling within the county offer larger lot sizes (9,000 square feet and larger). Therefore, to be competitive with these other projects, the Specific Plan proposes housing that is market-acceptable. Alternative 2 calls for 1,160 dwelling units on lot sizes smaller than 6,000 square feet, a home product that has no sales track record in Yuba County, which shows that 30% of the project would not be market-acceptable. (Market Perspectives (September 3, 2015) EIR Alternative 2 Letter Report.)
- The higher-density residential housing types that are prominent in Alternative 2, including both rental apartments and particularly the “for sale” attached and compact housing, would not be successful in the Employment Village because of the current and foreseeable lack of cultural and social amenities typically found in more urban settings where such housing is successful. The housing mix proposed in Alternative 2 would not be market-acceptable to new-home buyers, based upon known market preferences of the most likely demographic cohorts. (Market Perspectives (2015).)
- The purported environmental benefits of the mix of land uses proposed in Alternative 2 are unlikely to be realized in the rural setting where the proposed project would be located. (Wood Rodgers (September 10, 2015) EIR Alternatives Analysis.)
- The Alternative Site Design Alternative (Alternative 2) does not adequately meet the Project’s objectives as set forth in EIR section 5.1.1. The mix and character of the land uses contained in Alternative 2 are not market-acceptable, which jeopardizes the project’s economic viability—Alternative 2 presents an unacceptable risk of a “failed project,” which is clearly inconsistent with the Project’s objectives. Moreover, increasing the number of residential units by 16 percent is inconsistent with the population objective of the Project. Therefore, Alternative 2 is found to be infeasible.
- The Alternative Site Design Alternative (Alternative 2) is unlikely to result in any significantly reduced environmental impacts because full buildout of employment uses proposed in Alternative 2 is unlikely given the amount of Employment Center uses proposed in the Employment Village in the 2030 General Plan, which is likely to increase automobile use versus the Project as proposed. (Wood Rodgers (2015).) Therefore, coupled with the risks Alternative 2 presents to the viability of the Specific Plan as articulated above, Alternative 2 is found to be infeasible.

**Reference:** DEIR pages 5-5 through 5-7, and 5-13 through 5-34.

#### **4.3 Alternative 3 – Increased Employment**

**Alternative Description:** Alternative 3 is an alternative site planning approach with a similar mix of uses as the proposed Specific Plan, but an increase in the amount of potential industrial, light industrial office, and other employment-generating uses. This alternative would increase the amount of non-residential,

basic employment-generating land use and focus non-residential uses in areas with constraints for residential development (e.g., transportation noise, ongoing rice cultivation) and areas with relatively better transportation access (near SR 65). Low-lying areas on-site and the “knoll” on the western side of the Specific Plan Area would be proposed for open space.

Alternative 3 would accommodate approximately 1,160 low-density residential units (43% of the unit total), 720 medium-density units (27% of the unit total), and 800 higher-density units (30% of the unit total). This alternative includes 15 acres for commercial mixed-use development and 370 acres for employment uses, which could include a mix of agricultural processing, light industrial, warehousing, research and development, professional offices, and related uses. The alternative includes 35 acres for parkland and 65 acres for multi-purpose open space.

**Finding and Rationale:** Having received, reviewed, and considered the entire record, both written and oral, relating to the Project, and associated Draft and Final Environmental Impact Report, and having weighed the pros and cons, the Board of Supervisors hereby rejects Alternative 3 (Increased Employment) and finds that specific economic, legal, social, technological, or other considerations, as set forth in the Statement of Overriding Considerations in Section 5, make Alternative 3 infeasible and undesirable for each of the following separate, independent, and severable reasons:

- The Increased Employment Alternative (Alternative 3) does not adequately meet the Project’s objectives as set forth in EIR section 5.1.1 and as analyzed in EIR section 5.3.3. The Project would accommodate approximately 25% fewer residents than called for in Project Objective 2. Alternative 3 also accounts for a much higher percentage of Medium and Higher-Density housing which would not include features to attract homebuyers with young children (Project Objective 8) to the same extent as the Project. Therefore, Alternative 3 is found to be infeasible.
- Like Alternative 2, the mix of residential densities is too heavily skewed toward higher density units that are not likely to be market acceptable. The reduced number of residential units overall and the sharp reduction in low-density residential units renders the Increased Employment Alternative (Alternative 3) infeasible, because it does not provide for sufficient marketable residential units necessary to catalyze the construction of the infrastructure necessary to support the desired employment uses in the Employment Village in the 2030 General Plan. (New Economics & Advisory (November 4, 2015) EIR Alternatives Analysis; 2030 General Plan Policy CD13.5.) When compared to the Project as proposed, Alternative 3 unacceptably jeopardizes that policy. Therefore, Alternative 3 is found to be infeasible.

**Reference:** DEIR pages 5-8 through 5-10, and 5-13 through 5-34.

#### 4.4 Alternative 4 – Lower Density

**Alternative Description:** Alternative 4 increases the amount of land available for employment-generating uses and substantially reduces the density of residential development on-site compared to the proposed Specific Plan. This alternative would include very low-density residential development with large amounts of integrated open space to address compatibility issues with surrounding agricultural development, including both cultivated crops and dairies. Housing under this alternative would be at an overall substantially reduced density compared to the proposed Specific Plan, but could involve a mix of lot sizes. Some of the lots could be larger (perhaps an acre or more) and others could be smaller, but with integrated open space that gives the “feeling” of large lots without having the private lots be as large. This alternative would propose wetlands, low-lying areas, and the knoll on the western side of the Specific

Plan Area for open space. Open space areas could accommodate habitat conservation areas or generate revenue by serving as mitigation banks for wetlands or other habitat types in association with the Yuba Sutter Regional Conservation Plan.

Alternative 4 would accommodate approximately 1,000-2,000 very low-density dwelling units. This alternative also includes 200 acres for employment uses, which could include a mix of agricultural processing, light industrial, warehousing, research and development, professional offices, and related uses. The alternative includes 30 acres for parkland and could provide 85+ acres for multi-purpose open space and/or agricultural uses that are compatible with residential use.

**Finding and Rationale:** Having received, reviewed, and considered the entire record, both written and oral, relating to the Project, and associated Draft and Final Environmental Impact Report, and having weighed the pros and cons, the Board of Supervisors hereby rejects Alternative 4 (Lower Density) and finds that specific economic, legal, social, technological, or other considerations, as set forth in the Statement of Overriding Considerations in Section 5, make Alternative 4 infeasible and undesirable for each of the following separate, independent, and severable reasons:

- The Lower Density Alternative (Alternative 4) is inconsistent with the County's planning and development goals and policies. For example, new neighborhoods within the Valley Growth Boundary are required to have a commercial center where residents can shop and obtain personal services without having to drive to other locations. (2030 General Plan Goals CD4-CD6.) The Lower Density Alternative does not advance the goals and policies embodied in the 2030 General Plan designed to reduce vehicle miles travelled (VMT). Moreover, the reduction in residential units by as much as two-thirds does not provide for sufficient marketable residential units necessary to catalyze the construction of the infrastructure necessary to support the desired employment uses in the Employment Village in the 2030 General Plan. (New Economics & Advisory (2015); 2030 General Plan Policy CD13.5.) Because Alternative 4 is inconsistent with the County's 2030 General Plan, it is found to be infeasible.
- The Lower Density Alternative (Alternative 4) does not adequately meet the Project's objectives. Alternative 4 does not meet the project-specific objectives as set forth in DEIR section 5.1.1 as analyzed in DEIR section 5.3.4. Therefore, Alternative 4 is found to be infeasible.

**Reference:** DEIR pages 5-10 through 5-12, and 5-13 through 5-34.

# The County of Yuba

## Community Development & Services Agency

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**To:** Yuba County Board of Supervisors

**From:** Kevin Mallen, CDSA Director 

**Date:** November 19, 2015

**Subject:** Magnolia Ranch Specific Plan Traffic Impact Fees

### Recommendation:

Adopt the attached resolution adopting the Magnolia Ranch Specific Plan Regional Traffic Fee Nexus Study and Traffic Fee.

### Background:

As part of the environmental review process for the Magnolia Ranch Specific Plan (MRSP), a traffic study was performed to analyze the current traffic volumes and level of operation at roads and intersections that may possibly be affected by the Specific Plan. The traffic study also analyzed how these roads and intersections would operate with and without the Specific Plan currently and in the future. With the results of the traffic study, a series of traffic improvements were identified as being needed in order to mitigate the traffic impacts associated with the Specific Plan and these projects were incorporated as mitigation measures contained in the Specific Plan's Environmental Impact Report (EIR).

Nearly all of the road and intersection improvements identified occurred on County roads and/or at County road intersections with a State Highway outside the boundary of the Specific Plan. Therefore, it is being proposed that all of the traffic mitigation measures identified in the Specific Plan's EIR become the responsibility of the County to construct with the fair share cost of these traffic improvement projects being paid by the Specific Plan through traffic impact fees.

### Discussion:

The Magnolia Ranch Specific Plan Regional Traffic Fee Nexus Study was prepared to take the traffic improvement projects identified in the Specific Plan's EIR, along with an estimated cost for each of the transportation projects and create a fair share cost to be paid by each residential and non-residential building within the Specific Plan. The Nexus Study, using the data from the traffic study, determined for each of the thirteen traffic improvement projects which portion of the project should be the responsibility of existing development, responsibility of the Specific Plan, or responsibility of Countywide future development. Of the thirteen

projects, three were identified as being partially the responsibility of existing development, eleven were identified as wholly or partially the responsibility of the Specific Plan, and two being partially the responsibility of Countywide future development that requires increasing the current Countywide fee. The breakdown in dollars is as follows:

Existing Development (Gas Tax, Grants)	\$30,878,251
Magnolia Ranch Specific Plan Fee	\$53,190,488
Countywide Impact Fee (Increase)	\$12,199,100

In order to construct the thirteen transportation projects identified in the Specific Plan's EIR traffic mitigation measures, based on the Nexus Study, there will need to be \$30,878,251 found in future gas tax generated funds (or some other local, state or federal source), a per building unit fee in the Specific Plan that at build out of the Specific Plan generates \$53,190,488, and increasing the Countywide Impact Fee by \$12,199,100.

Subsequent to the action today on the MRSP Traffic Fee, an update of the Countywide Impact Fee Nexus Study will need to be performed in order to include two new projects (South Beale Road Interchange, and Dairy Road Traffic Signal) that were identified as needed by the Specific Plan EIR but partially the funding responsibility of other future development, and adding the \$12,199,100 to the Countywide Impact Fee total. This addition will increase the traffic portion of the current Countywide Impact Fee by approximately 20%, resulting in a per home fee increase of approximately \$540.

#### **Committee Action:**

This item is part of the Magnolia Ranch Specific Plan project.

#### **Fiscal Impact:**

None to the General Fund, however future gas tax funding obligations associated with transportation projects triggered as part of the Magnolia Ranch Specific Plan.

#### **Attachments:**

Resolution adopting MRSP Traffic Nexus Study and Fee  
MRSP Traffic Nexus Study  
MRSP Final EIR (submitted under separate cover)

**BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA**

**RESOLUTION ADOPTING THE )  
MAGNOLIA RANCH SPECIFIC PLAN )  
REGIONAL TRAFFIC FEE NEXUS )  
STUDY AND ESTABLISHING THE )  
MAGNOLIA RANCH SPECIFIC PLAN )  
REGIONAL TRAFFIC FEE )**

**RESOLUTION NO. \_\_\_\_\_**

**WHEREAS**, the County of Yuba has previously adopted the Magnolia Ranch Specific Plan (MRSP) and associated EIR (“Plan Area”);

**WHEREAS**, the Plan Area calls for the adoption of impact fees necessary to implement various goals, policies, objectives and mitigation measures;

**WHEREAS**, the Board of Supervisors has also considered the report entitled “MRSP Regional Traffic Fee Nexus Study” dated October 14, 2015 (“Nexus Study”, Exhibit A) as authored by New Economics & Advisory;

**WHEREAS**, the Nexus Study sets forth in detail the types and general location of the facilities that will be required to be constructed to service anticipated growth in the Plan Area;

**WHEREAS**, the Board of Supervisors, prior to adopting new fees, conducted a public meeting at which oral and written presentations were permitted;

**WHEREAS**, the Board of Supervisors held a public hearing prior to adoption of this Resolution; and

**WHEREAS**, costs of construction will continue to escalate and annual adjustments to development impact fees are necessary to keep pace with such construction cost increases. Such annual adjustments for construction cost escalation do not represent a relative increase in the amount of any development fee but rather a method of retaining parity between the amount of the fee and the costs of construction.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Yuba:

**Section 1      Purpose and Findings**

A.     Purpose: In order to implement the goals and objectives of the Plan Area and comply with the requirements of the Mitigation Fee Act (Gov. Code, § 66000 et seq.) the County has caused to be prepared the Nexus Study, a copy of which is on file with the Clerk of the Board of Supervisors. This report sets forth the public facilities and equipment that would likely be required to be constructed/acquired in order to meet the needs caused by new development. The Board of Supervisors does hereby accept the Nexus Study and in so doing determines that development impact fees are needed to be imposed upon persons obtaining building permits for new structures within the Plan Area (herein “Developer”) in order to finance these public facilities and equipment, and to pay for new development’s proportionate share of the acquisition/construction cost of these improvements.

B.     Findings: The Board of Supervisors finds and determines:

1.     The facilities set forth in the Nexus Study are representative of the facilities required to implement the circulation elements of the Plan Area.
2.     The Nexus Study and related information, including the basis upon which the fees are calculated, has been available to the public at the Public Works Department for a minimum of 14 days.
3.     In establishing the fees described in the following Sections, the Board of Supervisors has found the fees to be consistent with the Specific Plan, and Pursuant to Government Code section 65913.2, has considered the effects of the fee with respect to the County’s housing needs as established in the Housing Element of the General Plan.
4.     The Nexus Study includes various required determinations including:
  - a.     it identifies the purpose of the fee;
  - b.     it identifies the use to which the fee will be put;
  - c.     it shows a reasonable relationship between the fee’s use and the types of development projects on which the fee is imposed;
  - d.     it shows a reasonable relationship between the need for the public facilities and types of development projects on which the fee is imposed; and

- e. it shows a reasonable relationship between the amount of the fee and the cost.

These determinations are incorporated by reference into this resolution.

## **Section 2      Levy of Fee**

- A. Regional Traffic Fee: MRSP Regional Traffic Fees are calculated at the time of issuance of the building permit triggering their collection and due prior to final inspection of said building permit for development in the Plan Area, for the purpose of paying for regional roadway and circulation improvements. The revenues raised from MRSP Regional Traffic Improvement Fees, shall be held, maintained, used and accounted for by the County as required in section 66013 of the Fee Mitigation Act. The initial amount of the fee shall be as set forth below:

i. Single Family	per unit	\$14,486
ii. Multifamily	per unit	\$8,692
iii. Business Park	per bldg sq ft	\$8.69
iv. Commercial	per bldg sq ft	\$8.69

The County reserves the right to use the proceeds on other circulation improvements within the Plan Area boundaries as long as the expenditures are consistent with the goals, intent and purposes of the Plan Area and the circulation objectives identified in the Nexus Study.

- B. Calculation/Classification of Uses: For purposes of calculating the applicable fee, the County adopts the use tables contained in the Nexus Study, which is incorporated herein by reference. For uses not listed on the tables, the Community Development and Services Agency Director shall make a determination as to the most similar use. For unique circumstances on uses listed on the table, the Community Development and Services Agency Director may make a determination as to an appropriate adjustment to the amount of use that is applicable.

## **Section 3      Collection of the Fee**

The fees shall be collected prior to scheduling final inspection required by the building permit triggering the fee.

## **Section 4      Credits**

A Developer may request a credit against the MRSP Regional Traffic Fee for improvements constructed by the Developer and accepted by the County. Credits will only be given for improvements which would have been constructed and accepted by the County. Any request for a credit shall be in writing on such forms as may be developed

by the Public Works Director. Administration of credits shall be consistent with the principles set forth in the Nexus Study.

In the event that a Developer is entitled to credits in excess of MRSP Regional Traffic Fees otherwise due, the Developer and the County may enter into a reimbursement agreement by which the Developer is reimbursed from future MRSP Regional Traffic Fees. Priority of reimbursement shall be consistent with the Nexus Study.

#### **Section 5      Interfund Borrowing**

The County may use the Fee proceeds for interfund borrowing, as long as the fees are used solely for improvements necessary to implement the Plan Area and the loans are accounted for in compliance with the Mitigation Fee Act.

#### **Section 6      Effective Date**

Any fee imposed pursuant to this Resolution shall not take effect until sixty (60) days after the date of adoption by the Board of Supervisors.

#### **Section 7      Annual Adjustment**

An annual adjustment to account for construction cost escalations shall be applied to all development impact fees in the manner and time specified herein:

- A. Prior to the end of each fiscal year, the Public Works Director shall report his or her finding on the annual escalation of construction costs for the prior twelve (12) months through May and the MRSP Regional Traffic Fee shall be adjusted accordingly.
- B. The basis for this annual adjustment shall be the percentage increase in the average of the San Francisco and 20-Cities Construction Cost Index (CCI) as published by Engineering News Record, for the period ending May of the previous fiscal year, or other similar construction cost index.
- C. The Department of Public Works shall post the annual adjustment in fees as specified in this section.

#### **Section 8      Referrals and Appeals**

The Public Works Director or Community Development and Services Agency Director may refer any determination or approval required by this Resolution to the Board of Supervisors.

Any person not satisfied with the decision of the Public Works or Community Development Director or their designees may within ten calendar days appeal in writing

to the Board of Supervisors in accordance with Chapter 2.25 of the Yuba County Code. The Board of Supervisors may adopt a fee schedule for considering appeals.

**Section 9**      **Severability**

If any provision, clause, sentence, or paragraph of this Resolution or the imposition of any fee authorized by this Resolution in its application to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Resolution which can be given effect without the invalid provisions or application of fees. To this end, the provisions of the Resolution are declared to be severable.

**Section 10**      **Adoption**

The foregoing Resolution was introduced at a regular meeting of the Board of Supervisors this \_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
County Counsel

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# MRSP Regional Traffic Fee Nexus Study

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## **REVISED FINAL DRAFT**

Prepared by New Economics & Advisory

October 14, 2015

*Exhibit A*

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## Chapter 1: Introduction and Findings

This Magnolia Ranch Specific Plan (MRSP) Regional Traffic Fee Program (MRSP Regional Traffic Fee) Nexus Study has been prepared for Yuba County (the County) pursuant to the "Mitigation Fee Act" or AB 1600 found in California Government Code 66000. The purpose of this Nexus Study is to establish the proportionate share of capital projects to be funded through the proposed fee program.

### Purpose and Requirements

The Fee Study is intended to comply with Section 66000 *et. seq.* of the Government Code, enacted by the State of California in 1987. The Fee Study identifies additional public facilities required by new development and determines the level of fees that may be imposed to pay the costs of the new development.

Section 66000 requires all public agencies to satisfy the following requirements when establishing a fee as a condition of new development:

1. Identify the purpose of the fee.
2. Identify the use to which the fee will be put.
3. Determine that there is a reasonable relationship between the fee's use and the type of development on which the fee is to be imposed.
4. Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is to be imposed.
5. Discuss how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

### Methodology

This report begins by describing the anticipated level of new development that generates the need for regional traffic improvements funded through the proposed MRSP Regional Traffic Fee. In following, the study presents a set of regional traffic mitigations identified in the MRSP Environmental Impact Report (EIR), accompanied by an estimated cost for each traffic mitigation improvement project (Chapter 2).

To the extent that mitigations are associated with improvement projects already identified in other existing development impact fee programs, or will be included in future updates to other existing development impact fee programs, the MRSP will mitigate its impact by participating in those fee programs. In addition, because a development impact fee cannot include costs attributable to existing deficiencies, the Fee Study also identifies mitigations designed to both cure existing deficiencies and serve the MRSP, and determines the proportionate share of cost to be borne by the MRSP versus existing development. Net of these outside funding sources, the Fee Study

establishes a Capital Improvement Program (CIP) for the proposed fee program (Chapter 3).

The CIP costs are then allocated to new development, including these land use types:

- Single-family residential units,
- Multifamily residential units,
- Business Park building square footage, and
- Commercial building square footage.

Costs are apportioned based on anticipated trips and trip rates assigned to each land use category (Chapter 4).

### Supporting Documents

The Fee Study references and/or relies upon a number of other documents produced for or by the City, including these:

- **MRSP Transportation Impact Study (Traffic Study)**, prepared by Fehr & Peers, February 6, 2014.
- **MRSP Draft Environmental Impact Report (DEIR)**, prepared by AECOM, May 2015.
- **Development Impact Fee (DIF) Justification Nexus Study, Yuba County**, prepared by David Taussig & Associates, Inc., March 2014 (hereafter referred to as the Countywide DIF)
- **County of Yuba Chapter 13.50 Consolidated Fee Ordinance.**
- **Estimated Traffic Impact Costs**, prepared by MHM Engineering, April 2015.
- **MRSP Specific Plan**, prepared by AECOM, August 2014.

### Proposed Fee Program and Fees

The MRSP Regional Traffic Fee Program and Countywide DIF will fund all regional roadway projects determined necessary to accommodate the MRSP. Regional traffic improvement projects include traffic signals, intersection modifications, road widening, construction of new roads, and freeway interchange upgrades. The Fee Program will not be utilized to fund construction of identified existing roadway deficiencies but rather to serve the additional demand resulting from new development.

Costs include all improvements associated with each improvement project, such as mobilization/demobilization, clearing and grubbing, excavation, road aggregate base and concrete, signs and monumentation, trench restoration, pavement delineation, medians, streetlights, and signalization. In addition, 40% was added to improvement costs to account for contingency and soft costs. Other frontage costs, including curbs and gutter, sidewalk, landscaping, irrigation, or masonry block walls, are anticipated to be constructed by the developer/builder of the adjacent parcel(s). **Figure 1.1** summarizes the proposed fees for the MRSP Regional Traffic Fee Program.

## **1.1** *Projected Fee Rates (2015\$)* *MRSP Regional Traffic Fee Program*

Category	Metric	Proposed Fee
Single-Family	per unit	\$14,486
Multifamily	per unit	\$8,692
Business Park [1]	per building sq. ft.	\$8.69
Commercial [1]	per building sq. ft.	\$8.69

[1] New development within this land use category may be exempt from the fee if it falls within the the initial development thresshold identified in the County General Plan and MRSP Traffic Study. See Chapter 5 of the Nexus Study for additional information.

*Prepared by New Economics & Advisory, July 2015.*

## Chapter 2: Projected Growth and New Facilities

The MRSP Regional Traffic Fee will fund facilities designed to serve new development through 2030. This chapter briefly describes the scale of development anticipated to occur between 2015 and 2030.

### Anticipated Development and DUEs within the Fee Program Area

The Employment Village (EV) is a triangle-shaped area north of Highway 65 between the South Beale Road and Ostrom Road interchanges and is envisioned by Yuba County as an employment hub. The EV comprises 3,040 acres southwest of Beale Air Force Base and is bounded by Ostrom Road to the north, Rancho Road (which runs parallel to Highway 65), and South Beale Road (which connects Highway 65 to Beale Air Force Base).

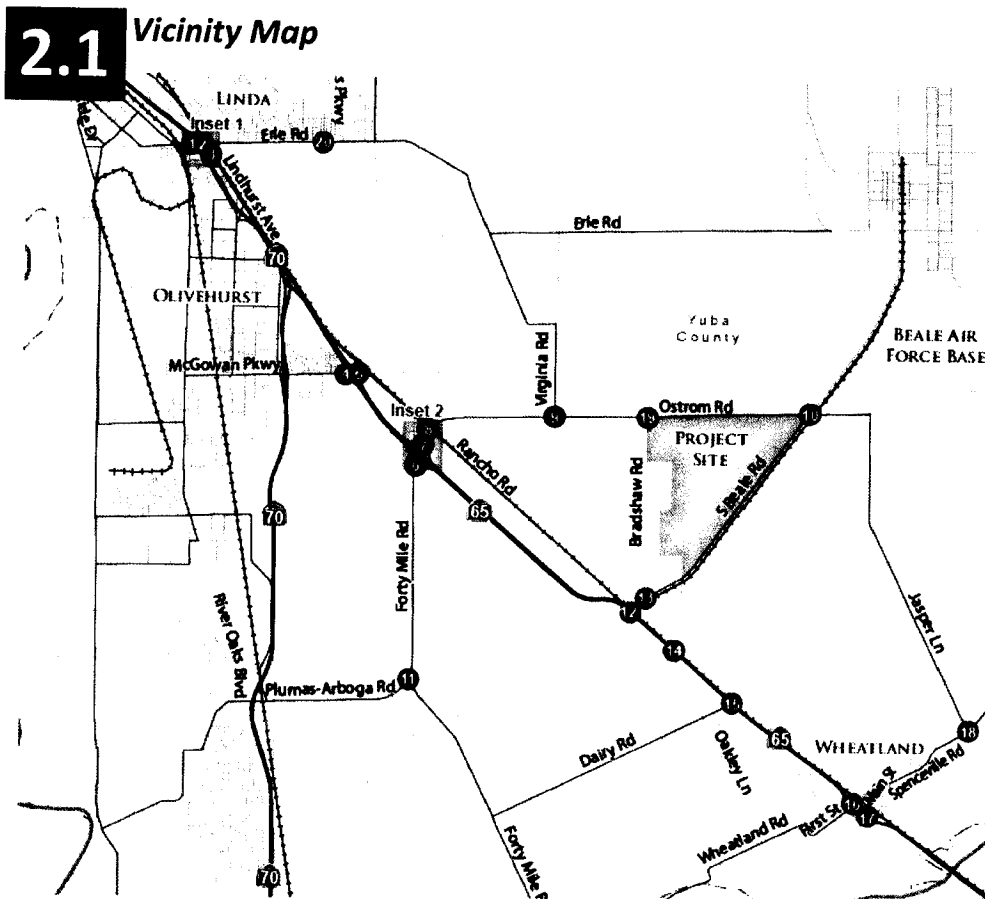
The MRSP, located within the eastern half of the EV, constitutes a major component of the EV. The MRSP, shown in **Figure 2.1**, is planned to contain roughly 3,300 residential units and nearly 1 million square feet of Business Park and Commercial development. Non-residential building square feet were estimated by New Economics based on preliminary floor-area ratios of 0.35 for Commercial and 0.25 for Business Park development.

This scale of development is anticipated to create **3,782 dwelling unit equivalents (DUEs)** for purposes of deriving a traffic fee (**Figure 2.2**). The MRSP Traffic Study considered a Cumulative No Project Scenario (consistent with the County's General Plan environmental impact report [EIR]) that included a modest amount of employment generating land uses in the Employment Village:

- 90,000 Commercial building square feet
- 638,000 Manufacturing building square feet
- 1,564,000 Light Industrial building square feet

This initial amount of non-residential development within the Employment Village (including the MRSP), or an equivalent amount in terms of non-residential trip generation, is not subject to the MRSP Regional Traffic Fee.

Existing traffic DUE rates were established in the Yuba County DIF Justification Study, prepared in 2013. One DUE is equal to the average daily PM peak hour trips (PM PHTs) generated by a single-family unit. The Transportation Fee for a given land use will then be calculated by multiplying the fee per DUE by the number of PHTs generated by a particular land use.



### New Regional Traffic Facilities

The MRSP Traffic Impact Study considers regional traffic improvements needed to serve the MRSP through 2030 and studies multiple intersection and road segments surrounding the MRSP under Existing Conditions, Existing Plus Project, Cumulative No Project and Cumulative Plus Project (Existing Plus Project Plus General Plan Development through 2030).

## 2.2 Projected MRSP Development By 2030

Category	Magnolia Ranch Specific Plan (MRSP)			
	Units/Sq. Ft.	Acres	DUE Factor [1]	Total DUEs
	<u>units</u>		<u>per unit</u>	
Single-Family	2,973	715.3	1.00	2,973
Multifamily	350	17.5	0.60	210
<b>Subtotal</b>	<b>3,323</b>	<b>732.8</b>		<b>3,183</b>
	<u>sq. ft.</u>		<u>per 1,000 sq. ft.</u>	
Business Park	803,464 [2]	52.7	0.60	482
Commercial	194,931 [3]	17.9	0.60	117
<b>Subtotal</b>	<b>998,395</b>	<b>70.6</b>		<b>599</b>
<b>TOTAL</b>		<b>803.4</b>		<b>3,782</b>

Prepared by New Economics & Advisory, April 2015.

[1] DUE Factors are consistent with Yuba County DIF Study factors for roadway improvements.

[2] Building sq. ft. estimated by New Economics based on a floor-area-ratio (FAR) of 0.35. Subject to refinement.

[3] Building sq. ft. estimated by New Economics based on a floor-area-ratio (FAR) of 0.25. Subject to refinement.

Regional traffic improvements can be broadly divided into the following categories:

- Existing Facilities that are operating at an acceptable LOS of D or better (or "E" or worse for certain Highway 65 facilities) and will continue to do so even with the MRSP. No mitigation is required for these facilities, and, therefore, no costs are included in the MRSP Regional Traffic Fee Program.
- Existing Facilities that are operating at an acceptable LOS but will fall below acceptable LOS standards with the MRSP. These facility improvements, which could include upgrades to existing facilities as well as the construction of entirely new facilities, are assigned entirely to the MRSP and are funded by the Regional MRSP Traffic Fee program.
- Improvements to Existing Facilities that are operating at "D" or worse LOS (or "E" or worse for certain Highway 65 facilities) and will remain below an acceptable LOS after the MRSP develops will be funded in one of two ways:
  - To the extent that any improvement projects have already been identified as countywide facilities, they may be included in the Countywide DIF and the MRSP would fully mitigate its impacts by participating in the existing (or updated) Countywide DIF program.

Please note that “improvement” projects could include upgrades to existing facilities or construction of entirely new facilities.

- Other regional facility improvements would be allocated to the MRSP, existing development, and/or other new development on a proportionate basis according to PM peak hour trips. Please note that “improvement” projects could include upgrades to existing facilities or construction of entirely new facilities.

The MRSP EIR (2015) identifies traffic measures that the MRSP must undertake to mitigate the project’s impact on the traffic system. **Figure 2.3** identifies these mitigation measures, their mitigation trigger, and estimated cost. Estimated costs for regional traffic mitigation measures amounts to \$109.3 million.

Costs include all improvements associated with each improvement project, such as mobilization/demobilization, clearing and grubbing, excavation, road aggregate base and concrete, signs and monumentation, trench restoration, pavement delineation, medians, streetlights, and signalization. In addition, 40% was added to improvement costs to account for contingency and soft costs. Other frontage costs, including curbs and gutter, sidewalk, landscaping, irrigation, or masonry block walls, are anticipated to be constructed by the developer/builder of the adjacent parcel(s). **Appendix B** contains the estimated costs for each improvement; these costs were prepared by MHM Engineering, Inc.

## 2.3 MRSP Regional Traffic Mitigation Improvements 2015\$

MRSP Mitigation Measures [1]	Description [1]	Traffic Study Trigger Point	Estimated Cost [2]
4.13-1a	Pay Fair Share Costs to Widen Ostrom Road between Rancho Road and the UPRR Tracks.	Existing + Project	\$592,245
4.13-1b	Pay Fair Share Costs to Widen Ostrom Road from east of the UPRR railroad tracks to the First Major Specific Plan Access Point.	Existing + Project	\$8,839,024
4.13-2a	Pay Fair Share Costs for Reconstruction of the SR 70/Erle Road Interchange.	Existing + Project	\$27,000,000
4.13-2b	Pay Fair Share Costs for Improvements to the SR 65/McGowan Parkway Interchange.	Existing + Project	\$3,000,000
4.13-2c	Improve SR 65/ Forty Mile Road Interchange.	Existing + Project	\$14,980,000
4.13-2d	Install a New Traffic Signal and Construct Additional Turn Lanes at the Rancho Road/Ostrom Road Intersection.	Existing + Project	\$490,000
4.13-2e	Install a New Traffic Signal and Construct Additional Turn Lanes at the Ostrom Road/ Virginia Road Intersection.	Existing + Project	\$350,000
4.13-2f	Install a New Traffic Signal and Construct Additional Turn Lanes at the Bradshaw Road/ Ostrom Road Intersection.	Existing + Project	\$490,000
4.13-2g	Install a New Traffic Signal and Construct Additional Turn Lanes at the Ostrom Road/ South Beale Road Intersection.	Existing + Project	\$350,000
4.13-2h	Upgrade the SR 65/South Beale Road Intersection.	Existing + Project + Cumm	\$51,575,184
4.13-2i	Install a Traffic Signal and Widen the Bradshaw Road/South Beale Road Intersection.	Existing + Project	\$490,000
4.13-2j	Restrict Left Turns at the SR 65/ Oakley Lane Intersection and Install a New Traffic Signal at SR 65/Dairy Lane Intersection.	Existing + Project + Cumm (Dairy Ln) + E+P (Oakley Ln)	\$1,120,000
4.13-2k	Re-optimize Signal Timing at the SR 65/Main Street and SR 65/1st Street Intersections.	Existing + Project	\$14,000
<b>Total Mitigation Improvement Costs</b>			<b>\$109,290,453</b>

Prepared by New Economics & Advisory, April 2015.

[1] From Magnolia Ranch Specific Plan Admin Draft EIR, Chapter 4, Transportation and Circulation, AECOM, April 23, 2015.

[2] Includes 40% contingency and soft costs, per Yuba County staff, for all cost items not previously estimated through another fee program (i.e. Countywide DIF projects). New mitigation project cost estimated by MHM Engineering, April 23, 2015.

## Chapter 3: Development of Capital Improvement Program

MRSP Traffic Mitigation improvements will be funded by a variety of sources, including the Countywide DIF, other sources, and the new MRSP Regional Traffic Fee justified in this nexus study. This chapter identifies the costs of regional traffic improvements that will be funded by the MRSP Regional Traffic Fee Program, after accounting for other financing sources.

### Existing Deficiencies

New growth improvements are generally those that would not be required were it not for new development and associated traffic demand. As such, the full cost of the improvements for the mitigation of traffic impacts on the transportation system not otherwise required would be funded by new development only.

The Mitigation Fee Act prohibits a fee program from requiring new development to fund or remedy existing deficiencies. In Yuba County, an existing deficiency is a traffic facility that operates at a Level of Service (LOS) "D" or lower. Any facility found to be currently operating at or below LOS "D" is considered an existing deficiency. Along Highway 65, LOS "E" is acceptable for certain facilities.

Under the Existing Conditions scenario analyzed in the MRSP Traffic Impact Study, four intersections and two road segments are identified as having existing deficiencies (**Figure 3.1**). For each of these deficiencies, **Figure 3.1** also shows whether development of the MRSP also results in a traffic mitigation measure, and the scale of development that the measure is designed to serve. Funding for the portion of costs allocated to existing deficiencies will occur outside the MRSP Regional Traffic Fee Program, and could potentially include state or federal funding, sales tax overrides, private funding, the County's General Fund, or other sources.

### 3.1 Improvements Addressing Existing Deficiencies and New Development Existing Conditions

Intersection	PM Peak Hour LOS	MRSP Traffic Mitigation Measure		
		Number	Description	Trigger
Intersections with Existing Deficiencies				
Erle Rd / Lindhurst Ave	E	N/A	Addressed in Countywide Fee Program	N/A
SR 70 SB Ramps / Erle Rd	F	N/A	Addressed in Countywide Fee Program	N/A
SR 65 / Oakley Ln	F	4.13-2j	SR65 at Oakley Ln. Restrict LH Turn Lanes	Existing + Project
SR 65 / South Beale Rd	F	4.13-2h	SR65/Old South Beale Rd. Intersection Modification	Existing + Project
		4.13-2h	New South Beale Rd. at UPRR: Rancho Overcrossing/Traffic Signal	Existing + Project
		4.13-2h	SR65 at New South Beale Interchange	Cumulative + Project
Segments with Existing Deficiencies [1]				
Erle Rd east of Lindhurst Ave	D	N/A	Addressed in Countywide Fee Program	N/A
Lindhurst Ave south of Erle Rd	D	N/A	Addressed in Countywide Fee Program	N/A

Prepared by New Economics & Advisory, April 2015.

[1] Roadway segments were evaluated using the peak hour LOS thresholds from the Yuba County General Plan.

Source: Fehr & Peers, Final Transportation Impact Study for the Magnolia Ranch Specific Plan, March 16, 2015.

Of the six existing deficiencies identified in the MRSP Traffic Study under the Existing Conditions scenario, traffic improvements described in mitigation measures for four deficiencies were also identified in the County's existing development impact fee justification study<sup>1</sup>, or will be integrated into future updates. By participating in the Countywide DIF, MRSP development will mitigate its impact on these facilities.

#### *MRSP Improvements Curing Existing Deficiencies and Serving New Development*

The remaining two existing deficiencies will be cured through two mitigation measures identified in the Existing + Project scenario and one mitigation measure identified in the Project Plus Cumulative scenario analyzed in the Traffic Study. The following EIR measures are designed to serve the MRSP Plus Project or MRSP Plus Project Plus Cumulative development (see Figure 3.1):

- **4.13-2h: Modify Intersection at SR 65/South Beale Road Intersection, Realign South Beale Road including grade separation for UPRR/Rancho Rd Overcrossing, Traffic Signal, and new Interchange** will serve the MRSP and cure an existing deficiency, and/or serve new development.
- **4.13-2j: SR65 at Oakley Lane Restrict Left-Turn Lanes and Install a New Traffic Signal at SR 65 at Dairy Lane** will serve the MRSP and cure an existing deficiency, or serve the MRSP and other new development, respectively.

<sup>1</sup> DIF Justification Nexus Study, County of Yuba, March 2014, page 46.

Other EIR measures are designed to serve existing development, the MRSP, and other Cumulative development (see **Figure 3.1**). Because these mitigation measures are designed to cure an existing deficiency *and/or* serve new development, costs for these measures will be shared according to use. **Figure 3.2** shows the distribution of trips at key intersections:

- **Mitigation Measure 4.13-2j (triggered at Existing + Project) Restrict Left Turns** at the SR 65/ Oakley Lane Intersection. Traffic Study Point #14 analyzes the eastbound stop approach at the Oakley/SR 65 intersection. The distribution of trips—and therefore cost share—is 20% to existing development and 80% to the MRSP.
- **Mitigation Measure 4.13-2j Install New Traffic Signal at SR65/Dairy Lane (triggered at Project Plus Cumulative).** Traffic Study Point #15 analyzes travel through this intersection from all directions. For purposes of analysis, New Economics evaluated southbound PM peak trips. The distribution of trips—and therefore cost share—is approximately 20% to the MRSP and 80% to other new development. Please note that this intersection under Existing Conditions provides an acceptable LOS, so no cost burden is allocated to Existing Development.
- **Mitigation Measure 4.13-2h Upgrade the SR 65/South Beale Road Intersection (Modify Intersection to Right-In, Right-Out, Realign/Reconstruct South Beale Rd, and Install a Traffic Signal)—triggered at Existing + Project.** Traffic Study Point #12 analyzes southbound through travel at South Beale Road and SR 65. The distribution of trips between existing development and the MRSP results in a trip distribution—and therefore cost share—of 34.6% to existing development and 65.4% to the MRSP.
- **Mitigation Measures 4.13-2h Upgrade the SR 65/South Beale Road Intersection (New Interchange at SR65)—triggered at Existing + Project + Cumulative.** Traffic Study Point #12 analyzes southbound through travel at South Beale Road and SR 65. Because this Mitigation Measure is not triggered until the Project + Cumulative scenario, costs are shared between existing development, the MRSP, and other new development. The distribution of trips—and therefore cost share—is 22.2% to existing development, 42.1% to the MRSP, and 35.7% to other new development.

### 3.2 Allocation of Trips for Select Travel Patterns Allocation of Cost for Shared Improvements

MRSP MM	Item	Allocation of Cost/Funding Obligation			
		Existing Dev.	MRSP (Regional Fee)	Existing + MRSP	Cumulative (Future Countywide DIF) [1] Cumulative (+MRSP) Trips
4.13-2j	SR65 at Oakley Ln. Restrict LH Turn Lanes				
	TS #14. Oakley/ SR 65				
	Mitigation Trigger: Existing + Project				
	Eastbound Stop Approach	10	40	50	-
	% Allocation	20.0%	80.0%	100.0%	0.0%
	Allocation of Cost	\$42,000	\$168,000	\$210,000 [3]	0.0%
4.13-2j	SR65 at Dairy Ln. Traffic Signal				
	TS #15. Dairy/ SR 65				
	Mitigation Trigger: Existing + Project				
	Southbound Trips [4]	0	555	0	2,300
	% Allocation	0.0%	19.4%	0.0%	80.6%
	Allocation of Cost	\$0	\$176,900	\$176,900	\$733,100
					\$910,000 [5]
	Subtotal 4.13-2j	\$42,000	\$344,900		\$733,100
	Total 4.13-2j				\$1,120,000
4.13-2h	SR 65/Old South Beale Rd. Modify Intersection to Right-In, Right-Out. Realign/Reconstruct South Beale Rd. including grade separation for UPRR/ Rancho Overcrossing, and Traffic Signal (Alt 2)				
	TS #12. S. Beale Rd/ SR 65 Southbound Through Travel				
	Mitigation Trigger: Existing + Project				
	Westbound turning north	77	235	312	-
	Westbound turning south	263	409	672	-
	Total Westbound Trips	340	644	984	-
	% Allocation	34.6%	65.45%	100.0%	-
	Allocation of Cost	\$6,718,865	\$12,726,320	\$19,445,184 [6]	
4.13-2h	SR65 at New South Beale Interchange				
	TS #12. S. Beale Rd/ SR 65 Southbound through travel				
	Mitigation Trigger: Existing + Cum.				
	Westbound turning north	77	235	312	368
	Westbound turning south	263	409	672	178
	Total Westbound Trips	340	644	984	546
	% Allocation	22.2%	42.1%		35.7%
	Allocation of Cost	\$7,140,000	\$13,524,000	\$20,664,000	\$11,466,000
					\$32,130,000 [7]
	Subtotal 4.13-2h	\$13,858,865	\$26,250,320		\$11,466,000
	Total 4.13-2h				\$51,575,184

Prepared by New Economics & Advisory, April 2015.

[1] Includes additional development in EV as well as other development in Alternative 2 of the General Plan (e.g. full development of the PLSP, development in Wheatland, etc. but excluding the Woodbury Specific Plan).

[2] From Fehr & Peers, Final Transportation Impact Study for the Magnolia Ranch Specific Plan, March 16, 2015.

[3] This cost is a component of the EIR MM in Figure 2.2. Improvement Cost is \$150,000 plus 40% contingency and soft costs. See Technical Appendix A.

[4] Existing development generate 555 trips; however, existing development does produce an acceptable LOS, and is, therefore, excluded from the cost distribution for capital improvements.

[5] This cost is a component of the EIR MM in Figure 2.2. Improvement Cost is \$650,000 plus 40% contingency and soft costs. See Technical Appendix A.

[6] This cost is a sub-component of the EIR MM in Figure 2.2. Improvement Cost is \$950,000 (traffic signal), \$21.5 million (interchange), \$500,000 (RT restriction), amounting to \$22.95 million plus 40% contingency and soft costs. See Technical Appendix A.

[7] This cost is a sub-component of the EIR MM in Figure 2.2. Improvement Cost is \$367,567 (NSB UPRR-Virginia), \$1.1 million (NSB Virginia-Bradshaw), \$12.5 million (overcrossing), amounting to \$13.98 million plus 40% contingency and soft costs. See Technical Appendix A.

### Mitigation Measures Entirely Funded by Other Sources

#### *Mitigation Measures Funded Entirely By Countywide DIF and Other Sources*

Some mitigation measures were identified in the Countywide DIF:

- 4.13-2a: Reconstruction of the SR 70/Erle Road Interchange
- 4.13-2b: Interchange Upgrade at SR 65/McGowan Parkway

Approximately \$13.0 million in costs for these Traffic Mitigation improvements will be borne by these other sources and are, therefore, not included in the MRSP Regional Traffic Fee Program.

### Mitigation Measures Partially Funded by MRSP Regional Traffic Fee

As discussed previously, two mitigation measures will be funded by a combination of sources, including the new MRSP Regional Traffic Fee, future updates to the Countywide DIF, and other sources:

- 4.13-2h: SR 65/ Old South Beale Rd. Intersection Modification, SR 65 at New South Beale Rd Interchange, Overcrossing, and Traffic Signal
- 4.13-2j: SR 65 at Oakley Lane Intersection Modification and New Signal at Dairy Lane

The proportionate share of improvements allocated to the MRSP Regional Traffic Fee is based on PM peak hour trips, as explained in a prior section of this chapter.

To the extent that any portion of these mitigations is partially funded by the MRSP *and* Countywide DIF, development in the MRSP would be eligible for a credit against the Countywide DIF for the portion of the Countywide Fee that funds these particular improvements.

### Mitigation Measures Funded Entirely by MRSP Regional Traffic Fee

The majority of regional traffic improvements identified in the MRSP Traffic Impact Study are associated solely with the Project. The following improvements are, therefore, the responsibility of the MRSP:

- 4.13-1a Widen Ostrom Road between Rancho Road and the UPRR Tracks.
- 4.13-1b Widen Ostrom Road from UPRR to First Major Specific Plan Access Point.
- 4.13-2c: Improve Highway 65/Forty Mile Road Interchange
- 4.13-2d: New Traffic Signal and additional Turn Lanes at Rancho/Ostrom Rd Intersection.
- 4.13-2e: New Traffic Signal and additional Turn Lanes at Ostrom/Virginia Rd Intersection.
- 4.13-2f: New Traffic Signal and additional Turn Lanes at Bradshaw/Ostrom Rd Intersection.
- 4.13-2g: New Traffic Signal and additional Turn Lanes at Ostrom/South Beale Rd Intersection.

- 4.13-2i: Traffic Signal and widen Bradshaw/South Beale Rd Intersection.
- 4.13-2k: Re-optimization of traffic signals at the SR 65/Main St and SR 65/1<sup>st</sup> Street Intersections.

#### Final Costs Included in MRSP Regional Traffic Fee Program

**Figure 3.3** identifies the final list of capital improvement projects included in the MRSP Regional Traffic Fee Program and the portion of costs to be borne by fee program participants. The fee program is responsible for funding approximately \$53.2 million in regional traffic improvement project costs. **Figure 3.4** also summarizes these costs.

### 3.3 MRSP Traffic Mitigation Improvements 2015\$

MRSP MM [1]	Description	Estimated Cost [2]	Funding Source				MRSP Regional Traffic Fee
			Countywide DIF (Current)	Countywide DIF (Future)	Other (Existing Dev)	Subtotal Other Sources	
4.13-1a	Pay Fair Share Costs to Widen Ostrom Road between Rancho Road and the UPRR Tracks.	\$592,245				\$0	\$592,245
4.13-1b	Pay Fair Share Costs to Widen Ostrom Road from east of the UPRR railroad tracks to the First Major Specific Plan Access Point.	\$8,839,024				\$0	\$8,839,024
4.13-2a	Pay Fair Share Costs for Reconstruction of the SR 70/Erle Road Interchange.	\$27,000,000	\$10,022,614		\$16,977,386	\$27,000,000	\$0 [3]
4.13-2b	Pay Fair Share Costs for Improvements to the SR 65/McGowan Parkway Interchange.	\$3,000,000	\$3,000,000			\$3,000,000	\$0 [3]
4.13-2c	Improve SR 65/ Forty Mile Road Interchange.	\$14,980,000				\$0	\$14,980,000
4.13-2d	Install a New Traffic Signal and Construct Additional Turn Lanes at the Rancho Road/Ostrom Road Intersection.	\$490,000				\$0	\$490,000
4.13-2e	Install a New Traffic Signal and Construct Additional Turn Lanes at the Ostrom Road/ Virginia Road Intersection.	\$350,000				\$0	\$350,000
4.13-2f	Install a New Traffic Signal and Construct Additional Turn Lanes at the Bradshaw Road/ Ostrom Road Intersection.	\$490,000				\$0	\$490,000
4.13-2g	Install a New Traffic Signal and Construct Additional Turn Lanes at the Ostrom Road/ South Beale Road Intersection.	\$350,000				\$0	\$350,000
4.13-2h	Upgrade the SR 65/South Beale Road Intersection.	\$51,575,184 [4]		\$11,466,000	\$13,858,865	\$25,324,865	\$26,250,320 [5]
4.13-2i	Install a Traffic Signal and Widen the Bradshaw Road/South Beale Road Intersection.	\$490,000				\$0	\$490,000
4.13-2j	Restrict Left Turns at the SR 65/ Oakley Lane Intersection and Install a New Traffic Signal at SR 65/Dairy Lane Intersection.	\$1,120,000 [4]		\$733,100	\$42,000	\$775,100	\$344,900 [5] [6]
4.13-2k	Re-optimize Signal Timing at the SR 65/Main Street and SR 65/1st Street Intersections.	\$14,000				\$0	\$14,000
<b>Total Mitigation Improvement Costs</b>		<b>\$109,290,453</b>	<b>\$13,022,614</b>	<b>\$12,199,100</b>	<b>\$30,878,251</b>	<b>\$56,099,964</b>	<b>\$53,190,488</b>

Prepared by New Economics & Advisory, April 2015.

[1] From Magnolia Ranch Specific Plan Admin Draft EIR, Chapter 4, Transportation and Circulation, AECOM, April 23, 2015.

[2] Assumes 40% contingency, per Yuba County staff. Cost estimates from MHM Magnolia Ranch Specific Plan, Detailed Cost Estimates - April 23, 2015 - Phase 1 Offsite Costs.

[3] This improvement is required to serve existing development, the MRSP, and other development forecasted by the County's General Plan buildout Alternative 2; see Figure 3.2 for allocation of costs between existing development, the MRSP, and other new development.

[4] This improvement is required to serve existing development and the MRSP; see Figure 3.2 for allocation of costs between existing development and the MRSP.

[5] MRSP would receive a credit in the Countywide DIF for this cost once the facility has been added to the Countywide DIF.

[6] Includes \$150,000 (+40% contingency) for restricting the intersection and right turns only. See Appendix A for details.

### 3.4 MRSP Regional Traffic Fee Program CIP 2015\$

Description	MRSP Mitigation Measures [1]	MRSP Regional Traffic Fee Portion
Pay Fair Share Costs to Widen Ostrom Road between Rancho Road and the UPRR Tracks.	4.13-1a	\$592,245
Pay Fair Share Costs to Widen Ostrom Road from east of the UPRR railroad tracks to the First Major Specific Plan Access Point.	4.13-1b	\$8,839,024
Pay Fair Share Costs for Reconstruction of the SR 70/Erle Road Interchange.	4.13-2a	\$0
Pay Fair Share Costs for Improvements to the SR 65/McGowan Parkway Interchange.	4.13-2b	\$0
Improve SR 65/ Forty Mile Road Interchange.	4.13-2c	\$14,980,000
Install a New Traffic Signal and Construct Additional Turn Lanes at the Rancho Road/Ostrom Road Intersection.	4.13-2d	\$490,000
Install a New Traffic Signal and Construct Additional Turn Lanes at the Ostrom Road/ Virginia Road Intersection.	4.13-2e	\$350,000
Install a New Traffic Signal and Construct Additional Turn Lanes at the Bradshaw Road/ Ostrom Road Intersection.	4.13-2f	\$490,000
Install a New Traffic Signal and Construct Additional Turn Lanes at the Ostrom Road/ South Beale Road Intersection.	4.13-2g	\$350,000
Upgrade the SR 65/South Beale Road Intersection.	4.13-2h	\$26,250,320
Install a Traffic Signal and Widen the Bradshaw Road/South Beale Road Intersection.	4.13-2i	\$490,000
Restrict Left Turns at the SR 65/ Oakley Lane Intersection and Install a New Traffic Signal at SR 65/Dairy Lane Intersection.	4.13-2j	\$344,900
Re-optimize Signal Timing at the SR 65/Main Street and SR 65/1st Street Intersections.	4.13-2k	\$14,000
<b>Total Capital Improvement Costs</b>		<b>\$53,190,488</b>

Prepared by New Economics & Advisory, April 2015.

[1] From Magnolia Ranch Specific Plan Admin Draft EIR, Chapter 4, Transportation and Circulation, AECOM, April 23, 2015.

## Chapter 4: Nexus and Fee Calculation

In order to impose a Regional Traffic Impact Fee, this Nexus Study demonstrates that a reasonable relationship or “nexus” exists between new development that occurs within the fee program area and the need for additional regional traffic facilities as a result of new development. More specifically, this Nexus Study presents the necessary findings in order to meet the procedural requirements of the Mitigation Fee Act, also known as AB 1600. The requirements are as follows:

1. Identify the purpose of the fee;
2. Identify the use to which the fee is to be put;
3. Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed;
4. Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed;
5. Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

### Nexus

#### *Step 1: Purpose of the Fee*

New residential and non-residential development within the MRSP Regional Traffic Fee program area will generate additional residents and employees who will require additional public facilities. Land for these facilities will have to be acquired and public facilities and equipment will have to be expanded, constructed, or purchased to meet this increased demand.

The Fee Study has been prepared in response to the projected direct and cumulative effect of future development. Each new development will contribute to the need for new public facilities. Without future development, the new public facilities would not be necessary as the existing facilities are generally adequate to serve the existing population in the fee program area. In instances where facilities would be built regardless of new development, the costs of such facilities have been allocated to new and existing development based on their respective level of benefit.

The impact fees will be used for the acquisition, installation, and construction of public facilities identified and appropriate administrative costs to mitigate the direct and cumulative impacts of new development in the MRSP Regional Traffic Fee area.

#### *Step 2: Use to Which the Fee is to be Put*

The fee will be used for the acquisition, installation, and construction of the public facilities identified in **Figure 3.4 MRSP Regional Traffic Fee Program CIP in Chapter 3** to

mitigate the direct and cumulative impacts of new development in the MRSP Regional Traffic Fee Program area. The fee will provide a source of revenue to the County to allow for the acquisition, installation, and construction of public facilities, which in turn will both preserve the quality of life in Yuba County and protect the health, safety, and welfare of the existing and future residents and employees.

*Step 3: Reasonable Relationship Between Fee Use & Development*

The fees will be expended for the acquisition, installation, and construction of the public facilities identified and other authorized uses, as that is the purpose for which the fee is collected. As previously stated, all new development creates either a direct impact on public facilities or contributes to the cumulative impact on public facilities. Moreover, with the exception of the non-residential land uses assumed under the Cumulative No Project forecast, this impact is generally equalized among all types of development because it is the increased demands for public facilities created by the future residents and employees that create the impact upon existing facilities.

*Step 4: Reasonable Relationship Between Facility Need & Development*

As previously stated, all new development within MRSP Regional Traffic Fee Program area, irrespective of location, contributes to the direct and cumulative impacts of development on public facilities. Without future development, many of the facilities would not be necessary. For certain other facilities, the costs have been allocated to both existing and new development based on their level of benefit.

For the reasons presented herein, there is a reasonable relationship between the need for the public facilities and all new development within the MRSP Regional Traffic Program area. However, it must be noted that development of the non-residential land uses assumed to occur within the Employment Village by 2030 under the Cumulative No Project forecast is adequately served by existing facilities and is not subject to participation in the MRSP Regional Traffic Fee program.

*Step 5 Reasonable Relationship Between Fee Amount & Facility Cost*

New development impacts facilities directly and cumulatively. Transportation facilities include infrastructure necessary to provide safe and efficient vehicular access throughout the County. In order to meet the transportation demands of the MRSP through 2030, in addition to the demands of development forecasted in the Employment Village by 2030 under Cumulative No Project conditions, the MRSP EIR (May 2015) identifies the required traffic mitigation projects, shown in **Figure 2.3 in Chapter 2**. The proportionate share of costs allocated to the MRSP Regional Traffic Fee Program is identified in **Figure 3.3 in Chapter 3**.

New residential and non-residential development will generate additional residents and employees who will create additional vehicular and non-vehicular traffic in the unincorporated areas. Regional roads will have to be improved or extended to meet the

increasing demand, and traffic signals will have to be installed or upgraded to efficiently direct increased traffic flow. There is a relationship between new development and the need for new transportation facilities. Fees collected from new development will be used exclusively for roadway facilities in the CIP.

### Fee Amount

**Figure 4.1** shows the allocation of the MRSP Regional Traffic Fee Program CIP costs across projected DUEs, residential units, and Commercial building square feet in the fee program area. As described in Chapter 2, one DUE is equal to the average daily PM peak hour trips (PM PHTs) generated by a single-family unit. The cost per DUE is \$14,064.

### *Cost per Unit*

The fee for a given land use is then calculated by multiplying the fee per DUE by the DUE factor (or number of PHTs) generated by a particular land use. These costs are shown in **Figure 4.2**.

### *Administrative Component*

The Administrative Cost component is designed to cover the County's cost associated with the administration of the development impact fee program. Administrative costs include staff time associated with fee collection, maintenance of trust funds into which the fees are deposited, and preparation of the annual reports as required per the Government Code. Chapter 13.50 of the Yuba County Municipal Code requires that 3.00% of the fee be deposited to reimburse the Community Development and Service Agency for fee program administration.

### *Fee Amount*

The total proposed fee for FY 2015/16, including the administrative component, is \$14,486 per single-family unit, \$8,692 per multifamily unit, and \$8.69 per building square foot for Business Park and Commercial development (**Figure 4.1**). As described in **Chapter 2** of this Nexus Study, a certain amount of non-residential development is exempt from the MRSP Fee program. However, once the exemption levels have been reached, this Nexus Study will be updated and a fee rate will be calculated for additional non-residential development.

## 4.1 Calculation of Cost and Fee Per Unit/ Sq. Ft. (2015\$)

Category	DUEs		Proportionate Cost	Cost Allocation			Fee per Unit	
	Total	% of Total		Cost per DUE	DUE Factor [1]	Cost per Unit/ Sq. Ft.	Admin (3%)	Fee
<b>Residential</b>								
Single-Family	2,973	79%	\$41,812,207.84	<u>per DUE</u> \$14,064	1.00	<u>per unit</u> \$14,064	\$422	<u>per unit</u> \$14,486
Multifamily	210	6%	\$2,953,435.47	\$14,064	0.60	\$8,438	\$253	\$8,692
Subtotal	3,183	84%	\$44,765,643					
<b>Non-Residential</b>								
Business Park	482	13%	\$6,779,942	<u>per DUE</u> \$14,064	0.60	<u>per bldg. sq. ft.</u> \$8.44	\$0.25	<u>per bldg. sq. ft.</u> \$8.69
Commercial	117	3%	\$1,644,903	\$14,064	0.60	\$8.44	\$0.25	\$8.69
Subtotal	599	16%	\$8,424,845					
Total	3,782	100%	\$53,190,488					

Prepared by New Economics & Advisory, April 2015.

Note: Does not include Multi-Purpose Open Space, and internal project Roadways.

[1] Development Impact Fee Justification Study, County of Yuba, March 17, 2014, page 46.

[2] The first 638,000 building sq. ft. of manufacturing and 1,564,000 building sq. ft. of light industrial development in the Employment Village are exempt from the MRSP Regional Traffic Fee program. Thereafter, the Nexus Study will be updated.

## 4.2 EV Traffic Fee Derivation Summary 2015\$

Land Use Type	Fee per Unit/per Non-Res. Bldg SF	Cost Financed by Fees
Single-Family Residential	\$14,486	\$41,812,208
Multi-Family Residential	\$8,692	\$2,953,435
Business Park	\$8.69	\$6,779,942
Commercial	\$8.69	\$1,644,903
Initial Allocation to New Development:		\$53,190,488
Offsetting Revenues [1] :		\$0
Total Allocated to New Development:		\$53,190,488
Total Allocated to Existing Development:		\$30,878,251
Total Allocated to Other New Development (Countywide DIF):		\$25,221,714
Total Facilities Costs:		\$109,290,453

Prepared by New Economics & Advisory, April 2015.

[1] At this time, no other offsetting revenues have been identified. Should DART revenues be secured, it would be applied to offset the share of cost allocated to existing development.

## **Chapter 5: Implementation and Administration**

### **Resolution for Adoption and Authorization**

After review and consideration and having conducted a public hearing herein, the Board of Supervisors of Yuba County will consider adopting this MRSP Regional Traffic Fee Development Impact Fee Nexus Study.

The Board of Supervisors of Yuba County will also consider adopting a resolution establishing the fee and authorizing collection of the fee. Once adopted, the MRSP Regional Traffic Fee may be updated at any time by resolution of the Yuba County Board of Supervisors. The fee update will be effective 60 days following the Yuba County Board of Supervisors final action of the adoption of the Nexus Study, and all ordinances and/or resolutions establishing or authorizing the fee.

### **Establishment of Fees**

The proposed MRSP Regional Traffic Fee, by land use type, include these:

- \$14,486 per Single-family residential unit,
- \$8,692 per Multifamily residential unit,
- \$8.69 per Business Park building square foot, and
- \$8.69 per Commercial building square foot.

Subject to the exceptions provided in this chapter (e.g. for non-residential development within the Employment Village Cumulative No Project forecast), the MRSP Regional Traffic Fee shall be charged on all new buildings allowing occupancy or expanded square footage of existing buildings allowing occupancy, on the applicable portion of all new uses or expansion of existing uses that require a conditional use permit or administrative permit, and on the applicable portion of a building's or parcel's change in use that is a different Land Use Type category than what was in existence on at time of adoption of the MRSP, unless directed otherwise pursuant to this section, within the MRSP.

The MRSP Regional Traffic Fee shall be calculated at the time of issuance of the building permit of a building that triggers collection of the fee and shall be collected prior to the final inspection of said building permit. For shell buildings wherein occupancy is not allowed until tenant improvements are completed, the MRSP Regional Traffic Fee shall be calculated at the time of issuance of the tenant improvement permit and collected prior to final inspection. In instances where a new use or expansion of an existing use is triggering collection and no building permit is required, as outlined in Section 13.50.030(a)(11), then the Fee shall be calculated and collected prior to effectuating the applicable permit from the Community Development and Services Agency.

The MRSP Regional Traffic Fee shall be calculated based on use, with a best fit into one of the applicable Land Use Type fee categories. In instances where a determination on use category is needed, the Community Development and Services Agency Director will

determine which Land Use Type category is most appropriate and the applicable amount of square footage.

The MRSP Regional Traffic Fee shall be collected on all new single-family residences, and is based on the Single Family Residential Land Use Type per square foot fee multiplied by the conditioned square footage.

The MRSP Regional Traffic Fee shall be collected on each new multifamily unit, and is based on the Multi Family Residential Land Use Type fee per square foot multiplied by the conditioned square footage.

### Exemptions

The traffic model for the 2030 General Plan determined that certain non-residential development could be accommodated within the Employment Village without triggering the traffic mitigation required of the MRSP. This development is described under the land use assumptions for the Cumulative No Project forecast described in the MRSP Traffic Study, and includes 90,000 square feet of Commercial, 638,000 square feet of Manufacturing and 1,564,000 square feet of Light Industrial development, for a total of approximately 2.3 million square feet of job-generating development. As such, non-residential development that creates an equivalent amount of trips produced by the 2.3 million square feet modeled in the General Plan and MRSP Traffic Study, will be required to pay the Countywide DIF, but will not be required to pay the MRSP Regional Traffic fee. This development may occur anywhere within the Employment Village, including the MRSP. Therefore, only at such time as this scale of development has occurred within the Employment Village will such non-residential development within the MRSP be required to pay the MRSP Traffic fee.

Subject to the exemption of the first 90,000 square feet of Commercial development to occur in the Employment Village, the MRSP Regional Traffic Fee shall be collected on all new buildings determined to fall within the Commercial Land Use Type described in this Chapter and is based on the Commercial fee per square foot multiplied by the new enclosed square footage of building.

Subject to the exemption of the first 1,564,000 square feet of Light Industrial and 638,000 square feet of Manufacturing development to occur in the Employment Village, (or equivalent amount of trip generation), the MRSP Regional Traffic Fee shall be collected on all new buildings, and additional square footage to existing buildings, determined to fall within the Business Park Land Use Type described in this Chapter and is based on the Business Park fee per square foot multiplied by the new enclosed square footage of building.

The MRSP Regional Traffic Fee may not be collected on buildings accessory to a legally established residence, as determined by the Community Development and Services Agency's Planning Director.

All new residential, Commercial, and Business Park development in the MRSP shall pay the adopted MRSP Regional Traffic Fee (plus any adjustments for inflation), with the following exceptions:

- Initial land uses representing the expected level of non-residential development in the Employment Village by 2030 (90,000 sq. ft. of Commercial, 1,564,000 sq. ft. of Light Industrial, and 638,000 square feet of Manufacturing) or other non-residential land uses with an equivalent amount of trip generation. The County's General Plan and MRSP Traffic Study contemplated a certain amount of non-residential, job-generating development within the Employment Village that can occur within the existing transportation network. This development equates to a certain number of employment-generating traffic trips. As such, to the extent that Business Park development within the MRSP creates employment-generating trips, these uses would be eligible for the exemption.
- Governmental facilities.
- Cases in which the Yuba County Public Works Director determines, in writing, that a proposed project will not impact any facility for which the fee is collected. Partial or complete waivers would be at the discretion of the Yuba County Public Works Director.
- Temporary structures, such as a construction-related mobile home, may be waived from fee payment with written permission from the Yuba County Public Works Department.
- Yuba County reserves the right to reduce the MRSP Regional Traffic Fee under certain circumstances, if necessary. Any fee reduction or waiver would be based on the County's independent analysis and review of the particulars of the property in question.

### Administration

#### *Administrative Fee*

The Community Development and Services Agency shall be responsible for administration of the MRSP Regional Traffic Fee, including the calculation and collection of the fees, tracking of deposits, and preparation of required reports. As such, the Community Development and Services Agency will retain the 3% administrative cost portion of the Fee described in the Development Impact Fee Nexus Study for these purposes.

#### *Annual Inflation Adjustment*

An annual adjustment to account for cost escalations shall be applied to the MRSP Regional Traffic Fee in the manner and time specified herein:

1. Prior to the end of each fiscal year, the Community Development and Services Agency's Public Works Director shall report to the Board of Supervisors his or her finding on the annual escalation of construction costs for the prior twelve (12) months through May and the MRSP Regional Traffic Fee shall be adjusted

accordingly.

2. The basis for this annual adjustment shall be the percentage increase in the average of the San Francisco and 20-Cities Construction Cost Index (CCI) as published by Engineering News Record, for the period ending May of the previous fiscal year. The base month for application of this adjustment shall be May 2015 and the application shall be applied to the amounts shown in Section 13.50.030 and applicable on July 1<sup>st</sup> of each fiscal year. The lowest annual adjustment shall be 0.00%.
3. The Community Development & Services Agency shall post the annual adjustment in fees as specified in the County Code.

#### *Credits and Reimbursements*

It is anticipated that the County will construct the facilities described in the MRSP Regional Traffic CIP based on fee collection revenues. However, should it be determined any of these facilities are needed up-front and in advance of when adequate fee revenues have been collected, private funding may be utilized to finance construction. In such cases, developers or landowners who fund construction of MRSP Regional Traffic Fee CIP improvements will be eligible for credits applied to their obligation for MRSP Regional Traffic Fees.

Upon awarding a construction contract for a public facility or improvement included within the MRSP Regional Traffic Fee capital improvement program, the developer of said improvement shall receive credit against applicable MRSP Regional Traffic Fees, provided that the developer agrees to waive any credit for cost overruns or change orders that occur later. In addition, financial securities must be provided to the County ensuring completion of the improvements. Such credit shall be administered as follows:

1. The credit shall be calculated by the percentage such owner completes of the total public facility or improvement for which such fee is intended to pay multiplied by the lesser of the projected cost of the improvement identified in the Development Impact Fee Nexus Study with any applicable adjustments pursuant to Section 13.50.060(b). Credits would be based on the cost (including annual inflation adjustments described in the Annual Inflation Adjustment Section) included in the CIP, or actual costs if actual costs are less than the CIP estimated costs. Fee credits will be granted at the time the fee would have been paid.
2. Notwithstanding anything to the contrary herein, a credit may be applied only against the fee related to such credit.
3. When the owner has exhausted all credit, as determined by the Community Development and Services Agency Director, then the owner may elect to receive cash reimbursement from the County for the remaining credit. Such cash reimbursement shall only be made from the County trust fund containing that component of the Development Impact Fee that is related to such remaining credit to the extent such funds are available in such trust fund. Any such elected

cash reimbursement remaining unpaid 180 days after a written request has been made by the owner shall earn interest at the County's current pooled interest rate. Should costs exceed the amount included in the CIP, developers or landowners would be eligible for future reimbursement (from other developers or landowners paying the MRSP Regional Traffic Fee in the future) only if the Nexus Study is updated to include such additional costs.

Fee credits will be considered personal to the developer and will be freely transferable. The County shall prepare a fee credit agreement that will track the distribution of initial fee credits. Thereafter, the credit holder will enter into private agreements to transfer the value of such credits to future property owners; copies of any such agreements will be provided to the County in order to ensure that credits are properly assigned over time.

#### *Demolition or Destruction Offset*

Where a permit to construct a project is issued within two years after the final inspection of a demolition permit on the same parcel, or where new construction replaces within two years a structure on the same parcel which was damaged or destroyed by fire, earthquake or other causes similarly beyond the owner's control, the amount of new construction taken into account under this Chapter shall be reduced by the square footage of development which was demolished or destroyed, as determined by the Community Development and Services Agency Director. For purposes of determining square footage credit when use category of the new building differs from that of the demolished or destroyed building, the ratio of the existing to new use fee categories shall be applied to the square footage. Under circumstances wherein the credited square footage exceeds the replacement square footage, no reimbursement shall be paid to owner. In this instance, however, the owner has the option to pursue a Development Agreement with the County to preserve the remaining credit.

#### *Annual Findings*

The Community Development and Services Agency Director shall prepare once each fiscal year for the Board of Supervisors, a report of any portion of the Development Impact Fee remaining unexpended or uncommitted five or more years after deposit of the Fee, identifying the purpose to which the Fee is to be put, and demonstrating a reasonable relationship between the Fee and the purpose for which it was charged.

#### *Refund of Unexpended Revenues*

Except as provided by Section 13.50.060(g), the County shall refund to the then current record owner or owners of each unit of development on a prorated basis the unexpended or uncommitted portion of the Development Impact Fees, and any interest accrued thereon, for which need cannot be demonstrated under Section 13.50.060(e). Such refund of unexpended or uncommitted revenues may be made by direct payment from the applicable trust fund, by providing a temporary suspension of fees, or by any other means consistent with the intent of Government Code Section 66001.

### *Reallocation of Remaining Revenues*

If the administrative costs of refunding unexpended or uncommitted revenues under Section 13.50.060(f) exceed the amount to be refunded, the County, after a public hearing, notice of which has been published under Government Code Section 6061 and posted in three prominent places within the area of the development project, may determine that the revenues shall be allocated for some other purpose for which fees are collected subject to Section 66000 of the Government Code.

### *Other Periodic Reviews and 5-Year Updates*

Periodically, the real estate market undergoes more dramatic changes in land, construction materials, and/or construction labor costs, as well as the availability of other funding. The County may conduct additional periodic review at any time to determine if costs and/or fees require further adjustments. These periodic reviews could include making changes to the CIP facilities, administration, costs, participating land uses, and/or availability of other funding sources.

Beginning with the fifth fiscal year following the first deposit into the fee account or fund, and every five years thereafter, Yuba County is required to make certain findings pertaining to unexpended balances. The required findings include:

1. Identifying the purpose for which the fee is to be used.
2. Demonstrating a reasonable relationship between the fee and its purported purpose.
3. All sources and amounts of funding anticipated to complete financing in incomplete plan area improvements;
4. Designating approximate dates that each source of funding is expected to be deposited in the appropriate account or fund.
5. For any unexpended or uncommitted revenues Yuba County cannot demonstrate a need based on the four findings described above, Yuba County must refund such revenues, unless the administrative costs exceed the amount of the refund.

## **Appendix A: Technical Support**

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# A-1 MRSP Regional Traffic Mitigation Improvements Cost Detail 2015\$

EIR [1]		Source of Cost	
Mitigation Measure	Description	Estimated Cost	Description Document [2]
4.13-1a	Pay Fair Share Costs to Widen Ostrom Road between Rancho Road and the UPRR Tracks.	\$455,532	Bid Schedule G (Ostrom Road Improvements) (Interchange to east side of UPRR) (1200') MHM April 2015 Estimates, Phase 1 Offsite Costs Tab
	Less Non-Roadway Costs [3]	(\$32,500)	
		<del>\$423,032</del>	
		\$169,213	
		<del>\$592,245</del>	
4.13-1b	Pay Fair Share Costs to Widen Ostrom Road from east of the UPRR railroad tracks to the First Major Specific Plan Access Point.	\$2,376,238	Bid Schedule A (Ostrom Road Improvements) (Bradshaw to Hiram Johnson) (3630') MHM April 2015 Estimates, Phase 1 Offsite Costs Tab
	Less Non-Roadway Costs [3]	(\$493,250)	
		\$2,595,951	
	Less Non-Roadway Costs [3]	(\$112,500)	
		\$1,947,149	Bid Schedule I (Ostrom Road Improvements) (Virginia Road to Bradshaw Road) (5300') MHM April 2015 Estimates, Phase 1 Offsite Costs Tab
		<del>\$6,313,588</del>	
		\$2,525,435	
		<del>\$8,839,024</del>	

# **A-1** *MRSP Regional Traffic Mitigation Improvements Cost Detail* 2015\$

EIR [1]		Source of Cost	
Mitigation Measure	Description	Estimated Cost	Description Document [2]
4.13-2a	Pay Fair Share Costs for Reconstruction of the SR 70/Erle Road Interchange.	\$27,000,000	Erle Road/SR 70 Improvements David Taussig & Associates, Inc., Yuba County DIF Justification Study, March 17, 2014
		\$27,000,000 %	
		\$0	0% Already included in DIF
		\$27,000,000	
4.13-2b	Pay Fair Share Costs for Improvements to the SR 65/McGowan Parkway Interchange.	\$3,000,000	McGowan Pkwy/ SR 65 Interchange Improvements David Taussig & Associates, Inc., Yuba County DIF Justification Study, March 17, 2014
		\$3,000,000 %	
		\$0	0% Already included
		\$3,000,000	
4.13-2c	Improve SR 65/ Forty Mile Road Interchange.	\$10,000,000	Upgrade SR 65/Forty Mile Road Overcrossing to 5 lanes MHM April 2015 Estimates, Phase 1 Offsite Costs Tab

**A-1**

**MRSP Regional Traffic Mitigation Improvements Cost Detail**  
2015\$

Mitigation Measure	EIR [1]		Source of Cost	
	Description	Estimated Cost	Description	Document [2]
4.13-2d	Install a New Traffic Signal and Construct Additional Turn Lanes at the Rancho Road/Ostrom Road Intersection.	\$350,000	SR 65 NB Ramps at Forty Mile Road - Traffic Signal	MHM April 2015 Estimates, Phase 1 Offsite Costs Tab
		\$350,000	SR 65 SB Ramps at Forty Mile Road - Traffic Signal	MHM April 2015 Estimates, Phase 1 Offsite Costs Tab
		\$10,700,000		
		\$4,280,000		
		\$14,980,000		
4.13-2e	Install a New Traffic Signal and Construct Additional Turn Lanes at the Ostrom Road/Virginia Road Intersection.	\$350,000	Ostrom Road at Rancho Road - Traffic Signal	MHM April 2015 Estimates, Phase 1 Offsite Costs Tab
		\$140,000		
		\$490,000		
		\$250,000	Ostrom Road at Virginia Road - Traffic Signal	MHM April 2015 Estimates, Phase 1 Offsite Costs Tab
		\$100,000		
		\$350,000		

# A-1

	Cost	%
Initial and	\$250,000	
in Lanes at		
Beale		
	\$250,000	40%
	\$100,000	
	\$350,000	

# A-1 **MRSP Regional Traffic Mitigation Improvements Cost Detail** 2015\$

EIR [1]		Source of Cost	
Mitigation Measure	Description	Estimated Cost	Description [2]
	- Realignment/reconstruction of South Beale Road to a new four-lane arterial from its current alignment westerly through the southern portion of the project site including a grade separation of Rancho Road and the UPRR tracks, terminating at SR 65.	\$1,113,850	Schedule K (New South Beale Road Improvements) (Virginia Road to Bradshaw) (2740')
	Less Non-Roadway Costs [3]	(\$72,500)	
	- Installation of an interim traffic signal and ultimately an interchange at the realigned South Beale Road/SR 65 intersection.	\$12,500,000	New South Beale Road at UPRR/Rancho - Overcrossing
	<i>Subtotal</i>	<b>\$13,889,417</b>	
	- Installation of interim traffic signal and/or rail intersection improvements at the existing South Beale Road/SR 65 intersection to improve the functionality of the intersection and crossing prior to the realigned South Beale Road becoming operational.	\$950,000	SR 65/New South Beale Road - Traffic Signal
		\$21,500,000	SR 65 at New South Beale Road Interchange

**A-1**

Widen  
h Beale

10/14/2015

# **A-1** **MRSP Regional Traffic Mitigation Improvements Cost Detail** 2015\$

EIR [1]		Source of Cost	
Mitigation Measure	Description	Estimated Cost	Description Document [2]
4.13-2k	Re-optimize Signal Timing at the SR 65/Main Street and SR 65/1st Street Intersections.	\$5,000	SR 65 at Main Street - Re-optimize Traffic Signal Timing MHM April 2015 Estimates, Phase 1 Offsite Costs Tab
		\$5,000	SR 65 at Main Street - Re-optimize Traffic Signal Timing MHM April 2015 Estimates, Phase 1 Offsite Costs Tab
		\$10,000	%
		\$4,000	40%
		\$14,000	
Total Mitigation Improvement Costs		\$109,290,453	

Prepared by New Economics & Advisory, April 2015.

[1] From Magnolia Ranch Specific Plan Admin Draft EIR, Chapter 4, Transportation and Circulation, AECOM, April 23, 2015.  
[2] MHM Magnolia Ranch Specific Plan, Detailed Cost Estimates - April 23, 2015 - Phase 1 Offsite Costs; David Taussig & Associates, Inc., Development Impact Fee Justification Study, County of Yuba, March 17, 2014.

[3] Certain non-roadway infrastructure items (primarily related to sewer and water) have been omitted from these costs. See Appendix B for details on omitted items, which are highlighted in yellow.

**A-2** **4.13-2h Detail**  
2015\$

Estimated	Source of Cost
Description [1]	Document [2]
SR 65/Old South Beale Rd. Modify Intersection to Right-In, Right-Out. Realign/Reconstruct South Beale Rd. including grade separation for UPRR/ Rancho Overcrossing, and Traffic Signal (Alt 2)	
Upgrade the SR 65/South Beale Road Intersection.	Schedule J (New South Beale Road Improvements) (UPRR to Virginia Road) (900')
	MHM April 2015 Estimates, Phase 1 Offsite Costs Tab
Less Non-Roadway Costs [3]	
- Realignment/reconstruction of South Beale Road to a new four-lane arterial from its current alignment westerly through the southern portion of the project	Schedule K (New South Beale Road Improvements) (Virginia Road to Bradshaw) (2740')
	MHM April 2015 Estimates, Phase 1 Offsite Costs Tab
Less Non-Roadway Costs [3]	
- Installation of an interim traffic signal and ultimately an interchange at the realigned South Beale Road/SR 65	New South Beale Road at UPRR/Rancho - Overcrossing
	MHM April 2015 Estimates, Phase 1 Offsite Costs Tab
Subtotal	
\$13,889,417	%
\$5,555,767	40%
\$19,445,184	

# **A-2**

## **4.13-2h Detail**

2015\$

Estimated		Source of Cost	
Description [1]	Cost	Description	Document [2]
<b>SR65 at New South Beale Interchange</b>			
- Installation of interim traffic signal and/or rail intersection improvements at the existing South Beale Road/SR 65 intersection to improve the functionality of the intersection and crossing prior to the realigned South Beale Road	\$950,000	SR 65/New South Beale Road - Traffic Signal	MHM April 2015 Estimates, Phase 1 Offsite Costs Tab
- Restrict movements at the existing South Beale Road/SR 65 intersection to right-turns once the realigned intersection is operational.	\$21,500,000	SR 65 at New South Beale Road Interchange	MHM April 2015 Estimates, Phase 1 Offsite Costs Tab
	\$500,000	SR 65/Old South Beale Rd - Restrict to right turns only	MHM April 2015 Estimates, Phase 1 Offsite Costs Tab
<b>Subtotal</b>	<b>\$22,950,000</b>		
	<b>\$9,180,000</b>		
	<b>\$32,130,000</b>		

Prepared by New Economics & Advisory, April 2015.

[1] From Magnolia Ranch Specific Plan Admin Draft EIR, Chapter 4, Transportation and Circulation, AECOM, April 23, 2015.

[2] MHM Magnolia Ranch Specific Plan, Detailed Cost Estimates - April 23, 2015 - Phase 1 Offsite Costs; David Taussig & Associates, Inc., Development Impact Fee Justification Study, County of Yuba, March 17, 2014.

[3] Certain non-roadway infrastructure items (primarily related to sewer and water) have been omitted from these costs. See Appendix B for details on omitted items, which are highlighted in yellow.

## **Appendix B: Engineering Cost Estimates**

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### **Prepared by MHM, Inc. (July 2015)**

- Items highlighted in yellow are removed and excluded from fee program because they are not road improvements.
- Items highlighted in green are estimated cost for mitigation measures and are included in fee program.

MAGNOLIA RANCH SPECIFIC PLAN

DETAILED COST ESTIMATE - JUNE 2, 2015 - PHASE 1 OFFSITE COSTS

Project	CO.	RCVD. BY	DATE
Phase 1 Magnolia Ranch Offsite Improvements	Sutter	S.M. Minard	10-Jul-15
MHM PROJECT NO.	QTY. BY	IN	CONST. INDEX
13-144	J. Mallen	15-Nov-13	
ESTIMATE NO.	QTY. CHK.	OUT	BLDG. INDEX
1	S. Minard	10-Jul-15	

Item No.	Item Description	Estimated Quantity	Unit	Unit Price (\$/Unit)	Amount (\$)
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Bid Schedule A (Ostrom Rd Improvements) (Bradshaw to Hiram Johnson) (3630') (3' AB, 58' AC, 2.5' curb/gutter, 12' planter, 15' O&M road, 107' pond, 7' shoulder, 16' class 1 bike path/sidewalk, and 20' planter) (TR MM 1b and EIR MM 4.13-1b)

1	Mobilization/Demobilization	1	LS	\$46,592.90	\$ 46,592.90
2	Clearing and Grubbing	7.2	AC	400.00	2,880.00
3	Traffic Control		LS	8,500.00	0.00
4	Construction Area Signs		LS	3,500.00	0.00
5	Roadway Excavation (includes Subgrade Compaction)	15,010 (F)	CY	9.50	142,595.00
6	Roadway Excavation		CY	9.50	0.00
7	Class 2 Aggregate Base	22,790 (F)	TON	18.00	410,220.00
8	Class 2 Aggregate Base (1.65 - feet)	0 (F)	TON	18.00	0.00
9	Class 2 Aggregate Base (1.35 - feet)	0 (F)	TON	18.00	0.00
10	Class 2 Aggregate Base (1.17 - feet)	0 (F)	TON	18.00	0.00
11	Class 2 Aggregate Base (1.00 - feet)	0 (F)	TON	18.00	0.00
12	Asphalt Concrete (Type B)	7,110 (F)	TON	80.00	568,800.00
13	Asphalt Concrete (Type B) (0.45 - feet)	0 (F)	TON	80.00	0.00
14	Asphalt Concrete (Type B) (0.35 - feet)	0 (F)	TON	80.00	0.00
15	Asphalt Concrete (Type B) (0.25 - feet)	0 (F)	TON	80.00	0.00
16	Asphalt Concrete Overlay (Type B) (0.15 - feet)	0 (F)	TON	86.00	0.00
17	Minor Concrete (Barrier Curb and Gutter)	3,700	LF	20.00	74,000.00
18	Minor Concrete (Rolled Curb and Gutter)		LF	23.00	0.00
19	Minor Concrete (Sidewalks) (0.50 - feet)	58,100	SF	4.50	261,450.00
20	Minor Concrete (Bus Turnout - scope includes valley gutter, concrete, type A curb, and 6' x 16' concrete pad)		LS	12,500.00	0.00
21	Class 2 Aggregate Base (0.50 - feet) (under sidewalk)	2,180 (F)	TON	30.00	65,400.00
22	Minor Concrete (ADA Access Ramp)		EA	1,500.00	0.00
23	Cold Plane Asphalt Surfacing (0.10 feet)		SF	1.75	0.00
24	Remove Asphalt Concrete		SF	0.65	0.00
25	Signal Detector Loop Modifications		LS	3,500.00	0.00
26	Roadside Sign - One Post	4	EA	250.00	1,000.00
27	Survey Monument	6	EA	350.00	2,100.00
28	Minor Concrete (6 Inch Curb)		LF	21.00	0.00
29	Minor Concrete (Cobble)		SF	12.00	0.00
30	Minor Concrete (Island Flatwork)		SF	8.00	0.00
31	Roadway Excavation		CY	9.50	0.00
32	Class 2 Aggregate Base		TON	18.00	0.00
33	Asphalt Concrete (Type B)		TON	80.00	0.00
34	Landscape Planting (Landscape Island)		SF	2.10	0.00
35	Irrigation System (Landscape Island)		SF	0.80	0.00
36	Landscape Planting (10' Landscape Area behind Sidewalk)	116,200	SF	1.50	174,300.00
37	Irrigation System (10' Landscape Area behind Sidewalk)	116,200	SF	0.75	87,150.00
38	Landscape Planting (8' Parkway Area)	0	SF	1.50	0.00
39	Irrigation System (8' Parkway Area)	0	SF	0.75	0.00
40	Landscape Planting (6' Parkway Area)	0	SF	1.50	0.00
41	Irrigation System (6' Parkway Area)	0	SF	0.75	0.00
42	6 Inch Irrigation Ductile Iron or C-900 Pipe Sleeve		EA	1,500.00	0.00
51	24 Inch Class 3 RCP or 24 Inch Cast-in-Place Pipe		LF	80.00	0.00
52	18 Inch Class 4 Reinforced Concrete Pipe	1,040	LF	65.00	67,600.00
53	12 Inch Class 4 Reinforced Concrete Pipe		LF	50.00	0.00
54	60 Inch Storm Drainage Manhole		EA	7,100.00	0.00
55	Type DR 9 - Under Sidewalk Drain		EA	2,000.00	0.00
56	Type DR 8 - Storm Drain Junction Box (Pipes >= 30 in)		EA	15,000.00	0.00
57	Type DR 7 - Storm Drain Manhole (Pipes >= 30 in)		EA	10,000.00	0.00
58	Type DR 6 - Storm Drain Catch Basin		EA	5,500.00	0.00
59	Type DR 4 - Storm Drain Junction Inlet (Pipes < 30 in)	8	EA	8,500.00	68,000.00
60	Type DR 3 - Storm Drain Drop Inlet	8	EA	3,000.00	24,000.00
61	Type DR 1 - Storm Drain Manhole (Pipes < 30 in)	2	EA	4,500.00	9,000.00
62	Type 301 Storm Drainage Manhole		EA	15,000.00	0.00
63	Type 301 Storm Junction Manhole		EA	10,000.00	0.00
64	Type 305 Field Inlet		EA	3,250.00	0.00
65	Type 203 Storm Drainage Manhole		EA	5,000.00	0.00
66	Type 306 Storm Junction Manhole		EA	5,650.00	0.00
67	Type 305 Drop Inlet		EA	3,000.00	0.00
68	30 inch C-905 PVC Pipe		LF	100.00	0.00
69	24 inch C-905 PVC Pipe		LF	80.00	0.00
70	18 inch C-905 PVC Pipe		LF	70.00	0.00
71	16 inch C-905 PVC Pipe	3,630	LF	60.00	217,800.00
72	14 inch C-905 PVC Pipe		LF	50.00	0.00
73	12 inch C-900 PVC Pipe		LF	40.00	0.00
74	10 inch C-900 PVC Pipe		LF	35.00	0.00
75	8 inch C-900 PVC Pipe		LF	30.00	0.00
83	8 inch Class 350 Ductile Iron Pipe	50	LF	65.00	3,250.00
84	30 Inch Water Gate Valve		EA	9,000.00	0.00
85	24 Inch Water Gate Valve		EA	7,500.00	0.00
86	18 Inch Water Gate Valve		EA	6,000.00	0.00
87	16 Inch Water Gate Valve	2	EA	4,500.00	9,000.00
88	14 Inch Water Gate Valve		EA	3,500.00	0.00
89	12 Inch Water Gate Valve		EA	2,500.00	0.00
90	10 Inch Water Gate Valve		EA	2,000.00	0.00
91	8 Inch Water Gate Valve	2	EA	1,800.00	3,600.00
92	6 Inch Water Gate Valve		EA	1,800.00	0.00

**MAGNOLIA RANCH SPECIFIC PLAN**

**DETAILED COST ESTIMATE - JUNE 2, 2015 - PHASE 1 OFFSITE COSTS**

(512-1115) Publi... - 49 of 60

Project		CO.	RCVD. BY	DATE	
Phase 1 Magnolia Ranch Offsite Improvements		Sutter	S.M. Minard	10-Jul-15	
MHM PROJECT NO.		QTY. BY	IN	CONST. INDEX	
13-144		J. Mallen	15-Nov-13		
ESTIMATE NO.		QTY. CHK.	OUT	BLDG. INDEX	
1		S. Minard	10-Jul-15		
Item No.	Item Description	Estimated Quantity	Unit	Unit Price (\$/Unit)	Amount (\$)
93	Type W1 - Fire Hydrant Assembly	12	EA	6,000.00	72,000.00
94	Type W2 - Special Fire Hydrant Assembly		EA	7,500.00	0.00
95	Type W4 - Water Valve Box		EA	1,500.00	0.00
96	Type W6 - 1 Inch Water Service		EA	2,800.00	0.00
97	Type W7 - 1½ Inch Water Service	0	EA	3,200.00	0.00
98	Type W7 - 2 Inch Water Service	2	EA	4,000.00	8,000.00
99	Type W8 - Dead-End Water Main		EA	1,800.00	0.00
100	Type W9 - Blowoff Hydrant		EA	2,800.00	0.00
101	Type W12 - Testing Block and Bypass		EA	4,500.00	0.00
102	Type W14 - Double Combination Air Valve	2	EA	5,500.00	11,000.00
103	Type W15 - Single Combination Air Valve		EA	3,000.00	0.00
104	Type W17 - Fire Service Connection		EA	8,500.00	0.00
105	Type W20 - 1" Dual Water Service		EA	3,500.00	0.00
106	30 Inch ASTM F679 PS115 PVC Pipe		LF	150.00	0.00
107	24 Inch ASTM F679 PS115 PVC Pipe		LF	125.00	0.00
108	21 Inch ASTM F679 PS115 PVC Pipe		LF	100.00	0.00
109	18 Inch ASTM F679 PS115 PVC Pipe	0	LF	90.00	0.00
110	15 Inch ASTM D3034 SDR 26 PVC Pipe		LF	80.00	0.00
111	12 Inch ASTM D3034 SDR 26 PVC Pipe		LF	65.00	0.00
112	10 Inch ASTM D3034 SDR 26 PVC Pipe		LF	50.00	0.00
113	8 Inch ASTM D3034 SDR 26 PVC Pipe		LF	35.00	0.00
114	6 Inch ASTM D3034 SDR 26 PVC Pipe		LF	30.00	0.00
122	Type SS6 - Sanitary Sewer Special Manhole		EA	6,200.00	0.00
123	Type SS4 - Sanitary Sewer Cleanout		EA	2,200.00	0.00
124	Type SS3 - Sanitary Sewer Service	0	EA	1,500.00	0.00
125	Type SS1 - Sanitary Sewer Manhole	0	EA	6,500.00	0.00
126	Pavement Delineation	1	LS	4,500.00	4,500.00
127	Type TR2 - Type A Trench Restoration		LF	50.00	0.00
128	Type TR2 - Type B Trench Restoration		LF	40.00	0.00
129	Type TR2 - Type C Trench Restoration		LF	80.00	0.00
130	Street Lights (includes all work from point of connection to street light, except the joint trench conduit)	8	EA	5,250.00	42,000.00
131	6 Foot Masonry Block Wall (includes foundation)		LF	125.00	0.00
132	7 Foot Masonry Block Wall (includes foundation)		LF	150.00	0.00
133	8 Foot Masonry Block Wall (includes foundation)		LF	175.00	0.00
134	SWPPP - Temporary Silt Fence		LF	2.50	0.00
135	SWPPP - Temporary Storm Drain Inlet Filter Bags		EA	60.00	0.00
136	SWPPP - Temporary Fiber Rolls and Gravel Bags		LF	4.50	0.00
137	SWPPP - Temporary Stabilized Construction Site Access		EA	3,400.00	0.00
138	SWPPP - Construction Waste Management		LS	5,000.00	0.00
139	SWPPP - Erosion Control Seeding		AC	3,000.00	0.00
140	Rule 20 Underground Existing Overhead Dry Utilities (includes electric, gas, cable, street lights, fiber, etc)		LF	650.00	0.00
Total Bid Schedule A =					\$2,376,237.90

**DETAILED COST ESTIMATE - JUNE 2, 2015 - PHASE 1 OFFSITE COSTS**

Project	CO.	RCVD. BY	DATE
Phase 1 Magnolia Ranch Offsite Improvements	Sutter	S.M. Minard	10-Jul-15
MHM PROJECT NO.	QTY. BY	IN	CONST. INDEX
13-144	J. Mallen	15-Nov-13	
ESTIMATE NO.	QTY. CHK.	OUT	BLDG. INDEX
1	S. Minard	10-Jul-15	

Item No.	Item Description	Estimated Quantity	Unit	Unit Price (\$/Unit)	Amount (\$)
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**Bid Schedule G (Ostrom Road Improvements) (Interchange to east side of UPRR) (1200') (10' roadside ditch, 3' AB shoulder, 30' asphalt, 30' asphalt, 10' roadside ditch) (TR MM 18-1a and EIR MM 4.13-1a)**

1	Mobilization/Demobilization	1	LS	\$8,932.00	\$ 8,932.00
2	Clearing and Grubbing	2.8	AC	400.00	1,120.00
3	Land Cost	1.1	AC	20,000.00	22,000.00
4	Construction Area Signs		LS	3,500.00	0.00
5	Roadway Excavation (includes Subgrade Compaction)	5,120 (F)	CY	9.50	48,640.00
6	Roadway Excavation		CY	9.50	0.00
7	Class 2 Aggregate Base	7,780 (F)	TON	18.00	140,040.00
8	Class 2 Aggregate Base (1.65 - feet)	0 (F)	TON	18.00	0.00
9	Class 2 Aggregate Base (1.35 - feet)	0 (F)	TON	18.00	0.00
10	Class 2 Aggregate Base (1.17 - feet)	0 (F)	TON	18.00	0.00
11	Class 2 Aggregate Base (1.00 - feet)	0 (F)	TON	18.00	0.00
12	Asphalt Concrete (Type B)	2,430 (F)	TON	80.00	194,400.00
13	Asphalt Concrete (Type B) (0.45 - feet)	0 (F)	TON	80.00	0.00
14	Asphalt Concrete (Type B) (0.35 - feet)	0 (F)	TON	80.00	0.00
15	Asphalt Concrete (Type B) (0.25 - feet)	0 (F)	TON	80.00	0.00
16	Asphalt Concrete Overlay (Type B) (0.15 - feet)	0 (F)	TON	86.00	0.00
17	Minor Concrete (Barrier Curb and Gutter)	0	LF	20.00	0.00
18	Minor Concrete (Rolled Curb and Gutter)		LF	23.00	0.00
19	Minor Concrete (Sidewalks) (0.50 - feet)	0	SF	4.50	0.00
20	Minor Concrete (Bus Turnout - scope includes valley gutter, concrete, type A curb, and 6' x 16' concrete pad)		LS	12,500.00	0.00
21	Class 2 Aggregate Base (0.50 - feet) (under sidewalk)	0 (F)	TON	30.00	0.00
22	Minor Concrete (ADA Access Ramp)		EA	1,500.00	0.00
23	Cold Plane Asphalt Surfacing (0.10 feet)		SF	1.75	0.00
24	Remove Asphalt Concrete		SF	0.65	0.00
25	Signal Detector Loop Modifications		LS	3,500.00	0.00
26	Roadside Sign - One Post	8	EA	250.00	2,000.00
27	Survey Monument	4	EA	350.00	1,400.00
28	Minor Concrete (6 Inch Curb)		LF	21.00	0.00
29	Minor Concrete (Cobble)		SF	12.00	0.00
30	Minor Concrete (Island Flatwork)		SF	8.00	0.00
31	Roadway Excavation		CY	9.50	0.00
32	Class 2 Aggregate Base		TON	18.00	0.00
33	Asphalt Concrete (Type B)		TON	80.00	0.00
34	Landscape Planting (Landscape Island)		SF	2.10	0.00
35	Irrigation System (Landscape Island)		SF	0.80	0.00
36	Landscape Planting (10' Landscape Area behind Sidewalk)	0	SF	1.50	0.00
37	Irrigation System (10' Landscape Area behind Sidewalk)	0	SF	0.75	0.00
38	Landscape Planting (8' Parkway Area)	0	SF	1.50	0.00
39	Irrigation System (8' Parkway Area)	0	SF	0.75	0.00
40	Landscape Planting (6' Parkway Area)	0	SF	1.50	0.00
41	Irrigation System (6' Parkway Area)	0	SF	0.75	0.00

Revised Final Draft  
MAGNOLIA RANCH SPECIFIC PLAN

DETAILED COST ESTIMATE - JUNE 2, 2015 - PHASE 1 OFFSITE COSTS

(512-1115) Publi... - 51 of 60

Project		CO.	RCVD. BY	DATE	
Phase 1 Magnolia Ranch Offsite Improvements		Sutter	S.M. Minard	10-Jul-15	
MHM PROJECT NO.		QTY. BY	IN	CONST. INDEX	
13-144		J. Mallen	15-Nov-13		
ESTIMATE NO.		QTY. CHK.	OUT	BLDG. INDEX	
1		S. Minard	10-Jul-15		
Item No.	Item Description	Estimated Quantity	Unit	Unit Price (\$/Unit)	Amount (\$)
42	6 Inch Irrigation Ductile Iron or C-900 Pipe Sleeve		EA	1,500.00	0.00
43	72 Inch Class 3 RCP or 72 Inch Cast-in-Place Pipe		LF	350.00	0.00
44	66 Inch Class 3 RCP or 66 Inch Cast-in-Place Pipe		LF	300.00	0.00
45	60 Inch Class 3 RCP or 60 Inch Cast-in-Place Pipe		LF	270.00	0.00
46	54 Inch Class 3 RCP or 54 Inch Cast-in-Place Pipe		LF	230.00	0.00
47	48 Inch Class 3 RCP or 48 Inch Cast-in-Place Pipe		LF	185.00	0.00
48	42 Inch Class 3 RCP or 42 Inch Cast-in-Place Pipe		LF	170.00	0.00
49	36 Inch Class 3 RCP or 36 Inch Cast-in-Place Pipe		LF	125.00	0.00
50	30 Inch Class 3 RCP or 30 Inch Cast-in-Place Pipe		LF	100.00	0.00
51	24 Inch Class 3 RCP or 24 Inch Cast-in-Place Pipe		LF	80.00	0.00
52	18 Inch Class 4 Reinforced Concrete Pipe	500	LF	65.00	32,500.00
53	12 Inch Class 4 Reinforced Concrete Pipe		LF	50.00	0.00
54	60 Inch Storm Drainage Manhole		EA	7,100.00	0.00
55	Type DR 9 - Under Sidewalk Drain		EA	2,000.00	0.00
56	Type DR 8 - Storm Drain Junction Box (Pipes >= 30 in)		EA	15,000.00	0.00
57	Type DR 7 - Storm Drain Manhole (Pipes >= 30 in)		EA	10,000.00	0.00
58	Type DR 6 - Storm Drain Catch Basin		EA	5,500.00	0.00
59	Type DR 4 - Storm Drain Junction Inlet (Pipes < 30 in)	0	EA	8,500.00	0.00
60	Type DR 3 - Storm Drain Drop Inlet	0	EA	3,000.00	0.00
61	Type DR 1 - Storm Drain Manhole (Pipes < 30 in)	0	EA	4,500.00	0.00
62	Type 301 Storm Drainage Manhole		EA	15,000.00	0.00
63	Type 301 Storm Junction Manhole		EA	10,000.00	0.00
64	Type 305 Field Inlet		EA	3,250.00	0.00
65	Type 203 Storm Drainage Manhole		EA	5,000.00	0.00
66	Type 306 Storm Junction Manhole		EA	5,650.00	0.00
67	Type 305 Drop Inlet		EA	3,000.00	0.00
68	30 inch C-905 PVC Pipe		LF	100.00	0.00
69	24 inch C-905 PVC Pipe		LF	80.00	0.00
70	18 inch C-905 PVC Pipe		LF	70.00	0.00
71	16 inch C-905 PVC Pipe		LF	60.00	0.00
72	14 inch C-905 PVC Pipe		LF	50.00	0.00
73	12 inch C-900 PVC Pipe		LF	40.00	0.00
74	10 inch C-900 PVC Pipe		LF	35.00	0.00
75	8 inch C-900 PVC Pipe		LF	30.00	0.00
76	30 inch Class 350 Ductile Iron Pipe		LF	185.00	0.00
77	24 inch Class 350 Ductile Iron Pipe		LF	140.00	0.00
78	18 inch Class 350 Ductile Iron Pipe		LF	120.00	0.00
79	16 inch Class 350 Ductile Iron Pipe		LF	110.00	0.00
80	14 inch Class 350 Ductile Iron Pipe		LF	100.00	0.00
81	12 inch Class 350 Ductile Iron Pipe		LF	85.00	0.00
82	10 inch Class 350 Ductile Iron Pipe		LF	75.00	0.00
83	8 inch Class 350 Ductile Iron Pipe	0	LF	65.00	0.00
84	30 Inch Water Gate Valve		EA	9,000.00	0.00
85	24 Inch Water Gate Valve		EA	7,500.00	0.00
86	18 Inch Water Gate Valve		EA	6,000.00	0.00
87	16 Inch Water Gate Valve	0	EA	4,500.00	0.00
88	14 Inch Water Gate Valve		EA	3,500.00	0.00
89	12 Inch Water Gate Valve		EA	2,500.00	0.00
90	10 Inch Water Gate Valve		EA	2,000.00	0.00
91	8 Inch Water Gate Valve	0	EA	1,800.00	0.00
92	6 Inch Water Gate Valve		EA	1,800.00	0.00
93	Type W1 - Fire Hydrant Assembly	0	EA	6,000.00	0.00
94	Type W2 - Special Fire Hydrant Assembly		EA	7,500.00	0.00
95	Type W4 - Water Valve Box		EA	1,500.00	0.00
96	Type W6 - 1 Inch Water Service		EA	2,800.00	0.00
97	Type W7 - 1½ Inch Water Service	0	EA	3,200.00	0.00
98	Type W7 - 2 Inch Water Service	0	EA	4,000.00	0.00
99	Type W8 - Dead-End Water Main		EA	1,800.00	0.00
100	Type W9 - Blowoff Hydrant		EA	2,800.00	0.00
101	Type W12 - Testing Block and Bypass		EA	4,500.00	0.00
102	Type W14 - Double Combination Air Valve	0	EA	5,500.00	0.00
103	Type W15 - Single Combination Air Valve		EA	3,000.00	0.00
104	Type W17 - Fire Service Connection		EA	8,500.00	0.00
105	Type W20 - 1" Dual Water Service		EA	3,500.00	0.00
106	30 Inch ASTM F679 PS115 PVC Pipe		LF	150.00	0.00
107	24 Inch ASTM F679 PS115 PVC Pipe		LF	125.00	0.00
108	21 Inch ASTM F679 PS115 PVC Pipe		LF	100.00	0.00
109	18 Inch ASTM F679 PS115 PVC Pipe		LF	90.00	0.00
110	15 Inch ASTM D3034 SDR 26 PVC Pipe		LF	80.00	0.00
111	12 Inch ASTM D3034 SDR 26 PVC Pipe		LF	65.00	0.00
112	10 Inch ASTM D3034 SDR 26 PVC Pipe		LF	50.00	0.00
113	8 Inch ASTM D3034 SDR 26 PVC Pipe		LF	35.00	0.00
114	6 Inch ASTM D3034 SDR 26 PVC Pipe		LF	30.00	0.00
115	30 Inch Class 3 VCP or 30 Inch Exopy Ductile Iron Pipe		LF	225.00	0.00
116	24 Inch Class 3 VCP or 24 Inch Exopy Ductile Iron Pipe		LF	175.00	0.00
117	18 Inch Class 3 VCP or 18 Inch Exopy Ductile Iron Pipe		LF	125.00	0.00
118	16 Inch Class 3 VCP or 16 Inch Exopy Ductile Iron Pipe	0	LF	115.00	0.00
119	12 Inch Class 3 VCP or 12 Inch Exopy Ductile Iron Pipe		LF	80.00	0.00
120	10 Inch Class 3 VCP or 10 Inch Exopy Ductile Iron Pipe		LF	65.00	0.00
121	8 Inch Class 3 VCP or 8 Inch Exopy Ductile Iron Pipe		LF	55.00	0.00

MAGNOLIA RANCH SPECIFIC PLAN

DETAILED COST ESTIMATE - JUNE 2, 2015 - PHASE 1 OFFSITE COSTS

(512-1115) Publi... - 52 of 60

Project		CO.	RCVD. BY	DATE
Phase 1 Magnolia Ranch Offsite Improvements		Sutter	S.M. Minard	10-Jul-15
MHM PROJECT NO.		QTY. BY	IN	CONST. INDEX
13-144		J. Mallen	15-Nov-13	
ESTIMATE NO.		QTY. CHK.	OUT	BLDG. INDEX
1		S. Minard	10-Jul-15	

Item No.	Item Description	Estimated Quantity	Unit	Unit Price (\$/Unit)	Amount (\$)
122	6 Inch Class 3 VCP or 6 Inch Exopy Ductile Iron Pipe		LF	50.00	0.00
123	Bore & Jack 24" Steel casing for carrier pipe (under UPRR)	0	LF	600.00	0.00
124	Type SS6 - Sanitary Sewer Special Manhole		EA	6,200.00	0.00
125	Type SS4 - Sanitary Sewer Cleanout		EA	2,200.00	0.00
126	Type SS3 - Sanitary Sewer Service		EA	1,500.00	0.00
127	Type SS1 - Sanitary Sewer Manhole		EA	6,500.00	0.00
128	Pavement Delineation	1	LS	4,500.00	4,500.00
129	Type TR2 - Type A Trench Restoration		LF	50.00	0.00
130	Type TR2 - Type B Trench Restoration		LF	40.00	0.00
131	Type TR2 - Type C Trench Restoration		LF	80.00	0.00
132	Street Lights (includes all work from point of connection to street light, except the joint trench conduit)		EA	5,250.00	0.00
133	6 Foot Masonry Block Wall (includes foundation)		LF	125.00	0.00
134	7 Foot Masonry Block Wall (includes foundation)		LF	150.00	0.00
135	8 Foot Masonry Block Wall (includes foundation)		LF	175.00	0.00
136	SWPPP - Temporary Silt Fence		LF	2.50	0.00
137	SWPPP - Temporary Storm Drain Inlet Filter Bags		EA	60.00	0.00
138	SWPPP - Temporary Fiber Rolls and Gravel Bags		LF	4.50	0.00
139	SWPPP - Temporary Stabilized Construction Site Access		EA	3,400.00	0.00
140	SWPPP - Construction Waste Management		LS	5,000.00	0.00
141	SWPPP - Erosion Control Seeding		AC	3,000.00	0.00
142	Rule 20 Underground Existing Overhead Dry Utilities (includes electric, gas, cable, street lights, fiber, etc)		LF	650.00	0.00

Total Bid Schedule G = \$455,532.00

Bid Schedule H (Ostrom Road Improvements) (east side of UPRR to Virginia Road) (7100') (10' Roadside ditch, 3' AB shoulder, 30' asphalt, 30' asphalt, 3 foot AB shoulder, 10' roadside ditch) (TR MM TR-1b and EIR MM 4.13-1b)

1	Mobilization/Demobilization	1	LS	\$50,901.00	\$ 50,901.00
2	Clearing and Grubbing	16.3	AC	400.00	6,520.00
3	Land Cost	6.5	AC	20,000.00	130,000.00
4	Construction Area Signs		LS	3,500.00	0.00
5	Roadway Excavation (includes Subgrade Compaction)	30,300 (F)	CY	9.50	287,850.00
6	Roadway Excavation		CY	9.50	0.00
7	Class 2 Aggregate Base	46,010 (F)	TON	18.00	828,180.00
8	Class 2 Aggregate Base (1.65 - feet)	0 (F)	TON	18.00	0.00
9	Class 2 Aggregate Base (1.35 - feet)	0 (F)	TON	18.00	0.00
10	Class 2 Aggregate Base (1.17 - feet)	0 (F)	TON	18.00	0.00
11	Class 2 Aggregate Base (1.00 - feet)	0 (F)	TON	18.00	0.00
12	Asphalt Concrete (Type B)	14,380 (F)	TON	80.00	1,150,400.00
13	Asphalt Concrete (Type B) (0.45 - feet)	0 (F)	TON	80.00	0.00
14	Asphalt Concrete (Type B) (0.35 - feet)	0 (F)	TON	80.00	0.00
15	Asphalt Concrete (Type B) (0.25 - feet)	0 (F)	TON	80.00	0.00
16	Asphalt Concrete Overlay (Type B) (0.15 - feet)	0 (F)	TON	86.00	0.00
17	Minor Concrete (Barrier Curb and Gutter)	0	LF	20.00	0.00
18	Minor Concrete (Rolled Curb and Gutter)	0	LF	23.00	0.00
19	Minor Concrete (Sidewalks) (0.50 - feet)	0	SF	4.50	0.00
20	Minor Concrete (Bus Turnout - scope includes valley gutter, concrete, type A curb, and 6' x 16' concrete pad)		LS	12,500.00	0.00
21	Class 2 Aggregate Base (0.50 - feet) (under sidewalk)	0 (F)	TON	30.00	0.00
22	Minor Concrete (ADA Access Ramp)		EA	1,500.00	0.00
23	Cold Plane Asphalt Surfacing (0.10 feet)		SF	1.75	0.00
24	Remove Asphalt Concrete		SF	0.65	0.00
25	Signal Detector Loop Modifications		LS	3,500.00	0.00
26	Roadside Sign - One Post	8	EA	250.00	2,000.00
27	Survey Monument	6	EA	350.00	2,100.00
28	Minor Concrete (6 Inch Curb)		LF	21.00	0.00
29	Minor Concrete (Cobble)		SF	12.00	0.00
30	Minor Concrete (Island Flatwork)		SF	8.00	0.00
31	Roadway Excavation		CY	9.50	0.00
32	Class 2 Aggregate Base		TON	18.00	0.00
33	Asphalt Concrete (Type B)		TON	80.00	0.00
34	Landscape Planting (Landscape Island)		SF	2.10	0.00
35	Irrigation System (Landscape Island)		SF	0.80	0.00
36	Landscape Planting (10' Landscape Area behind Sidewalk)	0	SF	1.50	0.00
37	Irrigation System (10' Landscape Area behind Sidewalk)	0	SF	0.75	0.00
38	Landscape Planting (8' Parkway Area)	0	SF	1.50	0.00
39	Irrigation System (8' Parkway Area)	0	SF	0.75	0.00
40	Landscape Planting (6' Parkway Area)	0	SF	1.50	0.00
41	Irrigation System (6' Parkway Area)	0	SF	0.75	0.00
42	6 Inch Irrigation Ductile Iron or C-900 Pipe Sleeve		EA	1,500.00	0.00
43	72 Inch Class 3 RCP or 72 Inch Cast-in-Place Pipe		LF	350.00	0.00
44	66 Inch Class 3 RCP or 66 Inch Cast-in-Place Pipe		LF	300.00	0.00
45	60 Inch Class 3 RCP or 60 Inch Cast-in-Place Pipe		LF	270.00	0.00
46	54 Inch Class 3 RCP or 54 Inch Cast-in-Place Pipe		LF	230.00	0.00
47	48 Inch Class 3 RCP or 48 Inch Cast-in-Place Pipe		LF	185.00	0.00
48	42 Inch Class 3 RCP or 42 Inch Cast-in-Place Pipe		LF	170.00	0.00
49	36 Inch Class 3 RCP or 36 Inch Cast-in-Place Pipe		LF	125.00	0.00
50	30 Inch Class 3 RCP or 30 Inch Cast-in-Place Pipe		LF	100.00	0.00
51	24 Inch Class 3 RCP or 24 Inch Cast-in-Place Pipe	1,000	LF	80.00	80,000.00
52	18 Inch Class 4 Reinforced Concrete Pipe	500	LF	65.00	32,500.00
53	12 Inch Class 4 Reinforced Concrete Pipe		LF	50.00	0.00

MAGNOLIA RANCH SPECIFIC PLAN

DETAILED COST ESTIMATE - JUNE 2, 2015 - PHASE 1 OFFSITE COSTS

(512-1115) Publi... - 53 of 60

Project		CO.	RCVD. BY	DATE	
Phase 1 Magnolia Ranch Offsite Improvements		Sutter	S.M. Minard	10-Jul-15	
MHM PROJECT NO.		QTY. BY	IN	CONST. INDEX	
13-144		J. Mallen	15-Nov-13		
ESTIMATE NO.		QTY. CHK.	OUT	BLDG. INDEX	
1		S. Minard	10-Jul-15		
Item No.	Item Description	Estimated Quantity	Unit	Unit Price (\$/Unit)	Amount (\$)
54	60 Inch Storm Drainage Manhole		EA	7,100.00	0.00
55	Type DR 9 - Under Sidewalk Drain		EA	2,000.00	0.00
56	Type DR 8 - Storm Drain Junction Box (Pipes >= 30 in)	0	EA	15,000.00	0.00
57	Type DR 7 - Storm Drain Manhole (Pipes >= 30 in)	0	EA	10,000.00	0.00
58	Type DR 6 - Storm Drain Catch Basin		EA	5,500.00	0.00
59	Type DR 4 - Storm Drain Junction Inlet (Pipes < 30 in)	0	EA	8,500.00	0.00
60	Type DR 3 - Storm Drain Drop Inlet	0	EA	3,000.00	0.00
61	Type DR 1 - Storm Drain Manhole (Pipes < 30 in)	0	EA	4,500.00	0.00
62	Type 301 Storm Drainage Manhole		EA	15,000.00	0.00
63	Type 301 Storm Junction Manhole		EA	10,000.00	0.00
64	Type 305 Field Inlet		EA	3,250.00	0.00
65	Type 203 Storm Drainage Manhole		EA	5,000.00	0.00
66	Type 306 Storm Junction Manhole		EA	5,650.00	0.00
67	Type 305 Drop Inlet		EA	3,000.00	0.00
68	30 inch C-905 PVC Pipe		LF	100.00	0.00
69	24 inch C-905 PVC Pipe		LF	80.00	0.00
70	18 inch C-905 PVC Pipe		LF	70.00	0.00
71	16 inch C-905 PVC Pipe	0	LF	60.00	0.00
72	14 inch C-905 PVC Pipe		LF	50.00	0.00
73	12 inch C-900 PVC Pipe		LF	40.00	0.00
74	10 inch C-900 PVC Pipe		LF	35.00	0.00
75	8 inch C-900 PVC Pipe		LF	30.00	0.00
76	30 inch Class 350 Ductile Iron Pipe		LF	185.00	0.00
77	24 inch Class 350 Ductile Iron Pipe		LF	140.00	0.00
78	18 inch Class 350 Ductile Iron Pipe		LF	120.00	0.00
79	16 inch Class 350 Ductile Iron Pipe		LF	110.00	0.00
80	14 inch Class 350 Ductile Iron Pipe		LF	100.00	0.00
81	12 inch Class 350 Ductile Iron Pipe		LF	85.00	0.00
82	10 inch Class 350 Ductile Iron Pipe		LF	75.00	0.00
83	8 inch Class 350 Ductile Iron Pipe	0	LF	65.00	0.00
84	30 Inch Water Gate Valve		EA	9,000.00	0.00
85	24 Inch Water Gate Valve		EA	7,500.00	0.00
86	18 Inch Water Gate Valve		EA	6,000.00	0.00
87	16 Inch Water Gate Valve	0	EA	4,500.00	0.00
88	14 Inch Water Gate Valve		EA	3,500.00	0.00
89	12 Inch Water Gate Valve		EA	2,500.00	0.00
90	10 Inch Water Gate Valve		EA	2,000.00	0.00
91	8 Inch Water Gate Valve	0	EA	1,800.00	0.00
92	6 Inch Water Gate Valve		EA	1,800.00	0.00
93	Type W1 - Fire Hydrant Assembly	0	EA	6,000.00	0.00
94	Type W2 - Special Fire Hydrant Assembly		EA	7,500.00	0.00
95	Type W4 - Water Valve Box		EA	1,500.00	0.00
96	Type W6 - 1 Inch Water Service		EA	2,800.00	0.00
97	Type W7 - 1 1/2 Inch Water Service	0	EA	3,200.00	0.00
98	Type W7 - 2 Inch Water Service	0	EA	4,000.00	0.00
99	Type W8 - Dead-End Water Main		EA	1,800.00	0.00
100	Type W9 - Blowoff Hydrant		EA	2,800.00	0.00
101	Type W12 - Testing Block and Bypass		EA	4,500.00	0.00
102	Type W14 - Double Combination Air Valve	0	EA	5,500.00	0.00
103	Type W15 - Single Combination Air Valve		EA	3,000.00	0.00
104	Type W17 - Fire Service Connection		EA	8,500.00	0.00
105	Type W20 - 1" Dual Water Service		EA	3,500.00	0.00
106	30 Inch ASTM F679 PS115 PVC Pipe		LF	150.00	0.00
107	24 Inch ASTM F679 PS115 PVC Pipe		LF	125.00	0.00
108	21 Inch ASTM F679 PS115 PVC Pipe		LF	100.00	0.00
109	18 Inch ASTM F679 PS115 PVC Pipe		LF	90.00	0.00
110	15 Inch ASTM D3034 SDR 26 PVC Pipe		LF	80.00	0.00
111	12 Inch ASTM D3034 SDR 26 PVC Pipe		LF	65.00	0.00
112	10 Inch ASTM D3034 SDR 26 PVC Pipe		LF	50.00	0.00
113	8 Inch ASTM D3034 SDR 26 PVC Pipe		LF	35.00	0.00
114	6 Inch ASTM D3034 SDR 26 PVC Pipe		LF	30.00	0.00
115	30 Inch Class 3 VCP or 30 Inch Exopy Ductile Iron Pipe		LF	225.00	0.00
116	24 Inch Class 3 VCP or 24 Inch Exopy Ductile Iron Pipe		LF	175.00	0.00
117	18 Inch Class 3 VCP or 18 Inch Exopy Ductile Iron Pipe		LF	125.00	0.00
118	16 Inch Class 3 VCP or 16 Inch Exopy Ductile Iron Pipe	0	LF	115.00	0.00
119	12 Inch Class 3 VCP or 12 Inch Exopy Ductile Iron Pipe		LF	80.00	0.00
120	10 Inch Class 3 VCP or 10 Inch Exopy Ductile Iron Pipe		LF	65.00	0.00
121	8 Inch Class 3 VCP or 8 Inch Exopy Ductile Iron Pipe		LF	55.00	0.00
122	6 Inch Class 3 VCP or 6 Inch Exopy Ductile Iron Pipe		LF	50.00	0.00
123	Bore & Jack 24" Steel casing for carrier pipe (under Kimball Creek)	0	LF	600.00	0.00
124	Type SS6 - Sanitary Sewer Special Manhole		EA	6,200.00	0.00
125	Type SS4 - Sanitary Sewer Cleanout		EA	2,200.00	0.00
126	Type SS3 - Sanitary Sewer Service		EA	1,500.00	0.00
127	Type SS1 - Sanitary Sewer Manhole		EA	6,500.00	0.00
128	Pavement Delineation	1	LS	4,500.00	4,500.00
129	Type TR2 - Type A Trench Restoration		LF	50.00	0.00
130	Type TR2 - Type B Trench Restoration		LF	40.00	0.00
131	Type TR2 - Type C Trench Restoration		LF	80.00	0.00
132	Street Lights (includes all work from point of connection to street light, except the joint trench conduit)	4	EA	5,250.00	21,000.00

MAGNOLIA RANCH SPECIFIC PLAN

DETAILED COST ESTIMATE - JUNE 2, 2015 - PHASE 1 OFFSITE COSTS

(512-1115) Publi... - 54 of 60

Project	CO.	RCVD. BY	DATE
Phase 1 Magnolia Ranch Offsite Improvements	Sutter	S.M. Minard	10-Jul-15
MHM PROJECT NO.	QTY. BY	IN	CONST. INDEX
13-144	J. Mallen	15-Nov-13	
ESTIMATE NO.	QTY. CHK.	OUT	BLDG. INDEX
1	S. Minard	10-Jul-15	

Item No.	Item Description	Estimated Quantity	Unit	Unit Price (\$/Unit)	Amount (\$)
133	6 Foot Masonry Block Wall (includes foundation)		LF	125.00	0.00
134	7 Foot Masonry Block Wall (includes foundation)		LF	150.00	0.00
135	8 Foot Masonry Block Wall (includes foundation)		LF	175.00	0.00
136	SWPPP - Temporary Silt Fence		LF	2.50	0.00
137	SWPPP - Temporary Storm Drain Inlet Filter Bags		EA	60.00	0.00
138	SWPPP - Temporary Fiber Rolls and Gravel Bags		LF	4.50	0.00
139	SWPPP - Temporary Stabilized Construction Site Access		EA	3,400.00	0.00
140	SWPPP - Construction Waste Management		LS	5,000.00	0.00
141	SWPPP - Erosion Control Seeding		AC	3,000.00	0.00
142	Rule 20 Underground Existing Overhead Dry Utilities (includes electric, gas, cable, street lights, fiber, etc)		LF	650.00	0.00

Total Bid Schedule H = \$2,595,951.00

Bid Schedule I (Ostrom Road Improvements) (Virginia Road to Bradshaw Road) (5300') (10' roadside ditch, 3' AB shoulder, 30' asphalt, 30' asphalt, 3 foot AB shoulder, 10' roadside ditch) (TR MM - TR-1b and EIR MM 4.13-1b)

1	Mobilization/Demobilization	1	LS	\$38,179.40	\$ 38,179.40
2	Clearing and Grubbing	12.2	AC	400.00	4,880.00
3	Land Cost	4.9	AC	20,000.00	98,000.00
4	Construction Area Signs		LS	3,500.00	0.00
5	Roadway Excavation (includes Subgrade Compaction)	22,620 (F)	CY	9.50	214,890.00
6	Roadway Excavation		CY	9.50	0.00
7	Class 2 Aggregate Base	34,350 (F)	TON	18.00	618,300.00
8	Class 2 Aggregate Base (1.65 - feet)	0 (F)	TON	18.00	0.00
9	Class 2 Aggregate Base (1.35 - feet)	0 (F)	TON	18.00	0.00
10	Class 2 Aggregate Base (1.17 - feet)	0 (F)	TON	18.00	0.00
11	Class 2 Aggregate Base (1.00 - feet)	0 (F)	TON	18.00	0.00
12	Asphalt Concrete (Type B)	10,740 (F)	TON	80.00	859,200.00
13	Asphalt Concrete (Type B) (0.45 - feet)	0 (F)	TON	80.00	0.00
14	Asphalt Concrete (Type B) (0.35 - feet)	0 (F)	TON	80.00	0.00
15	Asphalt Concrete (Type B) (0.25 - feet)	0 (F)	TON	80.00	0.00
16	Asphalt Concrete Overlay (Type B) (0.15 - feet)	0 (F)	TON	86.00	0.00
17	Minor Concrete (Barrier Curb and Gutter)	0	LF	20.00	0.00
18	Minor Concrete (Rolled Curb and Gutter)	0	LF	23.00	0.00
19	Minor Concrete (Sidewalks) (0.50 - feet)	0	SF	4.50	0.00
20	Minor Concrete (Bus Turnout - scope includes valley gutter, concrete, type A curb, and 6' x 16' concrete pad)		LS	12,500.00	0.00
21	Class 2 Aggregate Base (0.50 - feet) (under sidewalk)	0 (F)	TON	30.00	0.00
22	Minor Concrete (ADA Access Ramp)		EA	1,500.00	0.00
23	Cold Plane Asphalt Surfacing (0.10 feet)		SF	1.75	0.00
24	Remove Asphalt Concrete		SF	0.65	0.00
25	Signal Detector Loop Modifications		LS	3,500.00	0.00
26	Roadside Sign - One Post	6	EA	250.00	1,500.00
27	Survey Monument	4	EA	350.00	1,400.00
28	Minor Concrete (6 Inch Curb)		LF	21.00	0.00
29	Minor Concrete (Cobble)		SF	12.00	0.00
30	Minor Concrete (Island Flatwork)		SF	8.00	0.00
31	Roadway Excavation		CY	9.50	0.00
32	Class 2 Aggregate Base		TON	18.00	0.00
33	Asphalt Concrete (Type B)		TON	80.00	0.00
34	Landscape Planting (Landscape Island)		SF	2.10	0.00
35	Irrigation System (Landscape Island)		SF	0.80	0.00
36	Landscape Planting (10' Landscape Area behind Sidewalk)	0	SF	1.50	0.00
37	Irrigation System (10' Landscape Area behind Sidewalk)	0	SF	0.75	0.00
38	Landscape Planting (8' Parkway Area)	0	SF	1.50	0.00
39	Irrigation System (8' Parkway Area)	0	SF	0.75	0.00
40	Landscape Planting (6' Parkway Area)	0	SF	1.50	0.00
41	Irrigation System (6' Parkway Area)	0	SF	0.75	0.00
42	6 Inch Irrigation Ductile Iron or C-900 Pipe Sleeve		EA	1,500.00	0.00
43	72 Inch Class 3 RCP or 72 Inch Cast-in-Place Pipe		LF	350.00	0.00
44	66 Inch Class 3 RCP or 66 Inch Cast-in-Place Pipe		LF	300.00	0.00
45	60 Inch Class 3 RCP or 60 Inch Cast-in-Place Pipe		LF	270.00	0.00
46	54 Inch Class 3 RCP or 54 Inch Cast-in-Place Pipe		LF	230.00	0.00
47	48 Inch Class 3 RCP or 48 Inch Cast-in-Place Pipe		LF	185.00	0.00
48	42 Inch Class 3 RCP or 42 Inch Cast-in-Place Pipe		LF	170.00	0.00
49	36 Inch Class 3 RCP or 36 Inch Cast-in-Place Pipe		LF	125.00	0.00
50	30 Inch Class 3 RCP or 30 Inch Cast-in-Place Pipe		LF	100.00	0.00
51	24 Inch Class 3 RCP or 24 Inch Cast-in-Place Pipe	660	LF	80.00	52,800.00
52	18 Inch Class 4 Reinforced Concrete Pipe	500	LF	65.00	32,500.00
53	12 Inch Class 4 Reinforced Concrete Pipe		LF	50.00	0.00
54	60 Inch Storm Drainage Manhole		EA	7,100.00	0.00
55	Type DR 9 - Under Sidewalk Drain		EA	2,000.00	0.00
56	Type DR 8 - Storm Drain Junction Box (Pipes >= 30 in)	0	EA	15,000.00	0.00
57	Type DR 7 - Storm Drain Manhole (Pipes >= 30 in)	0	EA	10,000.00	0.00
58	Type DR 6 - Storm Drain Catch Basin		EA	5,500.00	0.00
59	Type DR 4 - Storm Drain Junction Inlet (Pipes < 30 in)	0	EA	8,500.00	0.00
60	Type DR 3 - Storm Drain Drop Inlet	0	EA	3,000.00	0.00
61	Type DR 1 - Storm Drain Manhole (Pipes < 30 in)	0	EA	4,500.00	0.00
62	Type 301 Storm Drainage Manhole		EA	15,000.00	0.00
63	Type 301 Storm Junction Manhole		EA	10,000.00	0.00
64	Type 305 Field Inlet		EA	3,250.00	0.00
65	Type 203 Storm Drainage Manhole		EA	5,000.00	0.00

MAGNOLIA RANCH SPECIFIC PLAN

DETAILED COST ESTIMATE - JUNE 2, 2015 - PHASE 1 OFFSITE COSTS

(512-1115) Publi... - 55 of 60

Project		CO.	RCVD. BY	DATE	
Phase I Magnolia Ranch Offsite Improvements		Sutter	S.M. Minard	10-Jul-15	
MHM PROJECT NO.		QTY. BY	IN	CONST. INDEX	
13-144		J. Mallen	15-Nov-13		
ESTIMATE NO.		QTY. CHK.	OUT	BLDG. INDEX	
1		S. Minard	10-Jul-15		
Item No.	Item Description	Estimated Quantity	Unit	Unit Price (\$/Unit)	Amount (\$)
66	Type 306 Storm Junction Manhole		EA		
67	Type 305 Drop Inlet		EA	5,650.00	0.00
68	30 inch C-905 PVC Pipe		LF	3,000.00	0.00
69	24 inch C-905 PVC Pipe		LF	100.00	0.00
70	18 inch C-905 PVC Pipe		LF	80.00	0.00
71	16 inch C-905 PVC Pipe		LF	70.00	0.00
72	14 inch C-905 PVC Pipe	0	LF	60.00	0.00
73	12 inch C-900 PVC Pipe		LF	50.00	0.00
74	10 inch C-900 PVC Pipe		LF	40.00	0.00
75	8 inch C-900 PVC Pipe		LF	35.00	0.00
76	30 inch Class 350 Ductile Iron Pipe		LF	30.00	0.00
77	24 inch Class 350 Ductile Iron Pipe		LF	185.00	0.00
78	18 inch Class 350 Ductile Iron Pipe		LF	140.00	0.00
79	16 inch Class 350 Ductile Iron Pipe		LF	120.00	0.00
80	14 inch Class 350 Ductile Iron Pipe		LF	110.00	0.00
81	12 inch Class 350 Ductile Iron Pipe		LF	100.00	0.00
82	10 inch Class 350 Ductile Iron Pipe		LF	85.00	0.00
83	8 inch Class 350 Ductile Iron Pipe	0	LF	75.00	0.00
84	30 Inch Water Gate Valve		EA	65.00	0.00
85	24 Inch Water Gate Valve		EA	9,000.00	0.00
86	18 Inch Water Gate Valve		EA	7,500.00	0.00
87	16 Inch Water Gate Valve		EA	6,000.00	0.00
88	14 Inch Water Gate Valve	0	EA	4,500.00	0.00
89	12 Inch Water Gate Valve		EA	3,500.00	0.00
90	10 Inch Water Gate Valve		EA	2,500.00	0.00
91	8 Inch Water Gate Valve		EA	2,000.00	0.00
92	6 Inch Water Gate Valve	0	EA	1,800.00	0.00
93	Type W1 - Fire Hydrant Assembly		EA	1,800.00	0.00
94	Type W2 - Special Fire Hydrant Assembly	0	EA	6,000.00	0.00
95	Type W4 - Water Valve Box		EA	7,500.00	0.00
96	Type W6 - 1 Inch Water Service		EA	1,500.00	0.00
97	Type W7 - 1 1/2 Inch Water Service		EA	2,800.00	0.00
98	Type W7 - 2 Inch Water Service	0	EA	3,200.00	0.00
99	Type W8 - Dead-End Water Main	0	EA	4,000.00	0.00
100	Type W9 - Blowoff Hydrant		EA	1,800.00	0.00
101	Type W12 - Testing Block and Bypass		EA	2,800.00	0.00
102	Type W14 - Double Combination Air Valve		EA	4,500.00	0.00
103	Type W15 - Single Combination Air Valve	0	EA	5,500.00	0.00
104	Type W17 - Fire Service Connection		EA	3,000.00	0.00
105	Type W20 - 1" Dual Water Service		EA	8,500.00	0.00
106	30 Inch ASTM F679 PS115 PVC Pipe		EA	3,500.00	0.00
107	24 Inch ASTM F679 PS115 PVC Pipe		LF	150.00	0.00
108	21 Inch ASTM F679 PS115 PVC Pipe		LF	125.00	0.00
109	18 Inch ASTM F679 PS115 PVC Pipe		LF	100.00	0.00
110	15 Inch ASTM D3034 SDR 26 PVC Pipe		LF	90.00	0.00
111	12 Inch ASTM D3034 SDR 26 PVC Pipe		LF	80.00	0.00
112	10 Inch ASTM D3034 SDR 26 PVC Pipe		LF	65.00	0.00
113	8 Inch ASTM D3034 SDR 26 PVC Pipe		LF	50.00	0.00
114	6 Inch ASTM D3034 SDR 26 PVC Pipe		LF	35.00	0.00
115	30 Inch Class 3 VCP or 30 Inch Exopy Ductile Iron Pipe		LF	30.00	0.00
116	24 Inch Class 3 VCP or 24 Inch Exopy Ductile Iron Pipe		LF	225.00	0.00
117	18 Inch Class 3 VCP or 18 Inch Exopy Ductile Iron Pipe		LF	175.00	0.00
118	16 Inch Class 3 VCP or 16 Inch Exopy Ductile Iron Pipe		LF	125.00	0.00
119	12 Inch Class 3 VCP or 12 Inch Exopy Ductile Iron Pipe	0	LF	115.00	0.00
120	10 Inch Class 3 VCP or 10 Inch Exopy Ductile Iron Pipe		LF	80.00	0.00
121	8 Inch Class 3 VCP or 8 Inch Exopy Ductile Iron Pipe		LF	65.00	0.00
122	6 Inch Class 3 VCP or 6 Inch Exopy Ductile Iron Pipe		LF	55.00	0.00
123	Bore & Jack 24" Steel casing for carrier pipe (under Irrigation Canal)	0	LF	50.00	0.00
124	Type SS6 - Sanitary Sewer Special Manhole		EA	600.00	0.00
125	Type SS4 - Sanitary Sewer Cleanout		EA	6,200.00	0.00
126	Type SS3 - Sanitary Sewer Service		EA	2,200.00	0.00
127	Type SS1 - Sanitary Sewer Manhole		EA	1,500.00	0.00
128	Pavement Delineation		EA	6,500.00	0.00
129	Type TR2 - Type A Trench Restoration	1	LS	4,500.00	4,500.00
130	Type TR2 - Type B Trench Restoration		LF	50.00	0.00
131	Type TR2 - Type C Trench Restoration		LF	40.00	0.00
132	Street Lights (includes all work from point of connection to street light, except the joint trench conduit)	4	EA	80.00	0.00
133	6 Foot Masonry Block Wall (includes foundation)		EA	5,250.00	21,000.00
134	7 Foot Masonry Block Wall (includes foundation)		LF	125.00	0.00
135	8 Foot Masonry Block Wall (includes foundation)		LF	150.00	0.00
136	SWPPP - Temporary Silt Fence		LF	175.00	0.00
137	SWPPP - Temporary Storm Drain Inlet Filter Bags		EA	2.50	0.00
138	SWPPP - Temporary Fiber Rolls and Gravel Bags		EA	60.00	0.00
139	SWPPP - Temporary Stabilized Construction Site Access		LF	4.50	0.00
140	SWPPP - Construction Waste Management		EA	3,400.00	0.00
141	SWPPP - Erosion Control Seeding		LS	5,000.00	0.00
142	Rule 20 Underground Existing Overhead Dry Utilities (includes electric, gas, cable, street lights, fiber, etc)		AC	3,000.00	0.00
			LF	650.00	0.00
Total Bid Schedule I =				\$1,947,149.40	

**MAGNOLIA RANCH SPECIFIC PLAN**

**DETAILED COST ESTIMATE - JUNE 2, 2015 - PHASE 1 OFFSITE COSTS**

(512-1115) Publi... - 56 of 60

Project				CO.		RCVD. BY		DATE			
Phase 1 Magnolia Ranch Offsite Improvements				Sutter		S.M. Minard		10-Jul-15			
MHM PROJECT NO.				QTY. BY		IN		CONST. INDEX			
13-144				J. Mallen		15-Nov-13					
ESTIMATE NO.				QTY. CHK.		OUT		BLDG. INDEX			
1				S. Minard		10-Jul-15					
Item No.		Item Description		Estimated Quantity		Unit		Unit Price (\$/Unit)		Amount (\$)	
Bid Schedule 1 (New South Park Road)											

**Bid Schedule J (New South Beale Road Improvements) (UPRR to Virginia Road) (900') (10' roadside ditch, 3' AB shoulder, 60' asphalt, 3 foot AB shoulder, 10' roadside ditch) (TR MM TR-2g-Alt2 and EIR MM 4.13-2h)**

1	Mobilization/Demobilization	1	LS	\$7,207.20	\$ 7,207.20
2	Clearing and Grubbing	1.9	AC	400.00	760.00
3	Land Cost	1.9	AC	20,000.00	38,000.00
4	Construction Area Signs		LS	3,500.00	0.00
5	Roadway Excavation (includes Subgrade Compaction)	3,840 (F)	CY	9.50	36,480.00
6	Roadway Excavation		CY	9.50	0.00
7	Class 2 Aggregate Base	5,840 (F)	TON	18.00	105,120.00
8	Class 2 Aggregate Base (1.65 - feet)	0 (F)	TON	18.00	0.00
9	Class 2 Aggregate Base (1.35 - feet)	0 (F)	TON	18.00	0.00
10	Class 2 Aggregate Base (1.17 - feet)	0 (F)	TON	18.00	0.00
11	Class 2 Aggregate Base (1.00 - feet)	0 (F)	TON	18.00	0.00
12	Asphalt Concrete (Type B)	1,830 (F)	TON	80.00	146,400.00
13	Asphalt Concrete (Type B) (0.45 - feet)	0 (F)	TON	80.00	0.00
14	Asphalt Concrete (Type B) (0.35 - feet)	0 (F)	TON	80.00	0.00
15	Asphalt Concrete (Type B) (0.25 - feet)	0 (F)	TON	80.00	0.00
16	Asphalt Concrete Overlay (Type B) (0.15 - feet)	0 (F)	TON	86.00	0.00
17	Minor Concrete (Barrier Curb and Gutter)	0	LF	20.00	0.00
18	Minor Concrete (Rolled Curb and Gutter)	0	LF	23.00	0.00
19	Minor Concrete (Sidewalks) (0.50 - feet)	0	SF	4.50	0.00
20	Minor Concrete (Bus Turnout - scope includes valley gutter, concrete, type A curb, and 6' x 16' concrete pad)		LS	12,500.00	0.00
21	Class 2 Aggregate Base (0.50 - feet) (under sidewalk)	0 (F)	TON	30.00	0.00
22	Minor Concrete (ADA Access Ramp)		EA	1,500.00	0.00
23	Cold Plane Asphalt Surfacing (0.10 feet)		SF	1.75	0.00
24	Remove Asphalt Concrete		SF	0.65	0.00
25	Signal Detector Loop Modifications		LS	3,500.00	0.00
26	Roadside Sign - One Post	6	EA	250.00	1,500.00
27	Survey Monument	6	EA	350.00	2,100.00
28	Minor Concrete (6 Inch Curb)		LF	21.00	0.00
29	Minor Concrete (Cobble)		SF	12.00	0.00
30	Minor Concrete (Island Flatwork)		SF	8.00	0.00
31	Roadway Excavation		CY	9.50	0.00
32	Class 2 Aggregate Base		TON	18.00	0.00
33	Asphalt Concrete (Type B)		TON	80.00	0.00
34	Landscape Planting (Landscape Island)		SF	2.10	0.00
35	Irrigation System (Landscape Island)		SF	0.80	0.00
36	Landscape Planting (10' Landscape Area behind Sidewalk)	0	SF	1.50	0.00
37	Irrigation System (10' Landscape Area behind Sidewalk)	0	SF	0.75	0.00
38	Landscape Planting (8' Parkway Area)	0	SF	1.50	0.00
39	Irrigation System (8' Parkway Area)	0	SF	0.75	0.00
40	Landscape Planting (6' Parkway Area)	0	SF	1.50	0.00
41	Irrigation System (6' Parkway Area)	0	SF	0.75	0.00
42	6 Inch Irrigation Ductile Iron or C-900 Pipe Sleeve		EA	1,500.00	0.00
43	72 Inch Class 3 RCP or 72 Inch Cast-in-Place Pipe		LF	350.00	0.00
44	66 Inch Class 3 RCP or 66 Inch Cast-in-Place Pipe		LF	300.00	0.00
45	60 Inch Class 3 RCP or 60 Inch Cast-in-Place Pipe		LF	270.00	0.00
46	54 Inch Class 3 RCP or 54 Inch Cast-in-Place Pipe		LF	230.00	0.00
47	48 Inch Class 3 RCP or 48 Inch Cast-in-Place Pipe	0	LF	185.00	0.00
48	42 Inch Class 3 RCP or 42 Inch Cast-in-Place Pipe		LF	170.00	0.00
49	36 Inch Class 3 RCP or 36 Inch Cast-in-Place Pipe		LF	125.00	0.00
50	30 Inch Class 3 RCP or 30 Inch Cast-in-Place Pipe		LF	100.00	0.00
51	24 Inch Class 3 RCP or 24 Inch Cast-in-Place Pipe		LF	80.00	0.00
52	18 Inch Class 4 Reinforced Concrete Pipe	300	LF	65.00	19,500.00
53	12 Inch Class 4 Reinforced Concrete Pipe		LF	50.00	0.00
54	60 Inch Storm Drainage Manhole		EA	7,100.00	0.00
55	Type DR 9 - Under Sidewalk Drain		EA	2,000.00	0.00
56	Type DR 8 - Storm Drain Junction Box (Pipes >= 30 in)	0	EA	15,000.00	0.00
57	Type DR 7 - Storm Drain Manhole (Pipes >= 30 in)	0	EA	10,000.00	0.00
58	Type DR 6 - Storm Drain Catch Basin		EA	5,500.00	0.00
59	Type DR 4 - Storm Drain Junction Inlet (Pipes < 30 in)	0	EA	8,500.00	0.00
60	Type DR 3 - Storm Drain Drop Inlet	0	EA	3,000.00	0.00
61	Type DR 1 - Storm Drain Manhole (Pipes < 30 in)	0	EA	4,500.00	0.00
62	Type 301 Storm Drainage Manhole		EA	15,000.00	0.00
63	Type 301 Storm Junction Manhole		EA	10,000.00	0.00
64	Type 305 Field Inlet		EA	3,250.00	0.00
65	Type 203 Storm Drainage Manhole		EA	5,000.00	0.00
66	Type 306 Storm Junction Manhole		EA	5,650.00	0.00
67	Type 305 Drop Inlet		EA	3,000.00	0.00
68	30 inch C-905 PVC Pipe		LF	100.00	0.00
69	24 inch C-905 PVC Pipe		LF	80.00	0.00
70	18 inch C-905 PVC Pipe		LF	70.00	0.00
71	16 inch C-905 PVC Pipe	0	LF	60.00	0.00
72	14 inch C-905 PVC Pipe		LF	50.00	0.00
73	12 inch C-900 PVC Pipe		LF	40.00	0.00
74	10 inch C-900 PVC Pipe		LF	35.00	0.00
75	8 inch C-900 PVC Pipe		LF	30.00	0.00
76	30 inch Class 350 Ductile Iron Pipe		LF	185.00	0.00
77	24 inch Class 350 Ductile Iron Pipe		LF	140.00	0.00

**MAGNOLIA RANCH SPECIFIC PLAN**

**DETAILED COST ESTIMATE - JUNE 2, 2015 - PHASE 1 OFFSITE COSTS**

(512-1115) Publi... - 57 of 60

Project		CO.	RCVD. BY	DATE
Phase 1 Magnolia Ranch Offsite Improvements		Sutter	S.M. Minard	10-Jul-15
MHM PROJECT NO.		QTY. BY	IN	CONST. INDEX
13-144		J. Mallen	15-Nov-13	
ESTIMATE NO.		QTY. CHK.	OUT	BLDG. INDEX
1		S. Minard	10-Jul-15	

Item No.	Item Description	Estimated Quantity	Unit	Unit Price (\$/Unit)	Amount (\$)
78	18 inch Class 350 Ductile Iron Pipe		LF	120.00	0.00
79	16 inch Class 350 Ductile Iron Pipe		LF	110.00	0.00
80	14 inch Class 350 Ductile Iron Pipe		LF	100.00	0.00
81	12 inch Class 350 Ductile Iron Pipe		LF	85.00	0.00
82	10 inch Class 350 Ductile Iron Pipe		LF	75.00	0.00
83	8 inch Class 350 Ductile Iron Pipe		LF	65.00	0.00
84	30 Inch Water Gate Valve	0	EA	9,000.00	0.00
85	24 Inch Water Gate Valve		EA	7,500.00	0.00
86	18 Inch Water Gate Valve		EA	6,000.00	0.00
87	16 Inch Water Gate Valve	0	EA	4,500.00	0.00
88	14 Inch Water Gate Valve		EA	3,500.00	0.00
89	12 Inch Water Gate Valve		EA	2,500.00	0.00
90	10 Inch Water Gate Valve		EA	2,000.00	0.00
91	8 Inch Water Gate Valve	0	EA	1,800.00	0.00
92	6 Inch Water Gate Valve		EA	1,800.00	0.00
93	Type W1 - Fire Hydrant Assembly	0	EA	6,000.00	0.00
94	Type W2 - Special Fire Hydrant Assembly		EA	7,500.00	0.00
95	Type W4 - Water Valve Box		EA	1,500.00	0.00
96	Type W6 - 1 Inch Water Service		EA	2,800.00	0.00
97	Type W7 - 1½ Inch Water Service	0	EA	3,200.00	0.00
98	Type W7 - 2 Inch Water Service	0	EA	4,000.00	0.00
99	Type W8 - Dead-End Water Main		EA	1,800.00	0.00
100	Type W9 - Blowoff Hydrant		EA	2,800.00	0.00
101	Type W12 - Testing Block and Bypass		EA	4,500.00	0.00
102	Type W14 - Double Combination Air Valve	0	EA	5,500.00	0.00
103	Type W15 - Single Combination Air Valve		EA	3,000.00	0.00
104	Type W17 - Fire Service Connection		EA	8,500.00	0.00
105	Type W20 - 1" Dual Water Service		EA	3,500.00	0.00
106	30 Inch ASTM F679 PS115 PVC Pipe		LF	150.00	0.00
107	24 Inch ASTM F679 PS115 PVC Pipe		LF	125.00	0.00
108	21 Inch ASTM F679 PS115 PVC Pipe		LF	100.00	0.00
109	18 Inch ASTM F679 PS115 PVC Pipe		LF	90.00	0.00
110	15 Inch ASTM D3034 SDR 26 PVC Pipe		LF	80.00	0.00
111	12 Inch ASTM D3034 SDR 26 PVC Pipe		LF	65.00	0.00
112	10 Inch ASTM D3034 SDR 26 PVC Pipe	0	LF	50.00	0.00
113	8 Inch ASTM D3034 SDR 26 PVC Pipe	0	LF	35.00	0.00
114	6 Inch ASTM D3034 SDR 26 PVC Pipe		LF	30.00	0.00
115	30 Inch Class 3 VCP or 30 Inch Exopy Ductile Iron Pipe		LF	225.00	0.00
116	24 Inch Class 3 VCP or 24 Inch Exopy Ductile Iron Pipe		LF	175.00	0.00
117	18 Inch Class 3 VCP or 18 Inch Exopy Ductile Iron Pipe		LF	125.00	0.00
118	12 Inch Class 3 VCP or 12 Inch Exopy Ductile Iron Pipe		LF	80.00	0.00
119	10 Inch Class 3 VCP or 10 Inch Exopy Ductile Iron Pipe		LF	65.00	0.00
120	8 Inch Class 3 VCP or 8 Inch Exopy Ductile Iron Pipe		LF	55.00	0.00
121	6 Inch Class 3 VCP or 6 Inch Exopy Ductile Iron Pipe		LF	50.00	0.00
122	Type SS6 - Sanitary Sewer Special Manhole		EA	6,200.00	0.00
123	Type SS4 - Sanitary Sewer Cleanout		EA	2,200.00	0.00
124	Type SS3 - Sanitary Sewer Service	0	EA	1,500.00	0.00
125	Type SS1 - Sanitary Sewer Manhole	0	EA	6,500.00	0.00
126	Pavement Delineation	0	LS	4,500.00	0.00
127	Type TR2 - Type A Trench Restoration		LF	50.00	0.00
128	Type TR2 - Type B Trench Restoration		LF	40.00	0.00
129	Type TR2 - Type C Trench Restoration		LF	80.00	0.00
130	Street Lights (includes all work from point of connection to street light, except the joint trench conduit)	2	EA	5,250.00	10,500.00
131	6 Foot Masonry Block Wall (includes foundation)		LF	125.00	0.00
132	7 Foot Masonry Block Wall (includes foundation)		LF	150.00	0.00
133	8 Foot Masonry Block Wall (includes foundation)		LF	175.00	0.00
134	SWPPP - Temporary Silt Fence		LF	2.50	0.00
135	SWPPP - Temporary Storm Drain Inlet Filter Bags		EA	60.00	0.00
136	SWPPP - Temporary Fiber Rolls and Gravel Bags		LF	4.50	0.00
137	SWPPP - Temporary Stabilized Construction Site Access		EA	3,400.00	0.00
138	SWPPP - Construction Waste Management		LS	5,000.00	0.00
139	SWPPP - Erosion Control Seeding		AC	3,000.00	0.00
140	Rule 20 Underground Existing Overhead Dry Utilities (includes electric, gas, cable, street lights, fiber, etc)		LF	650.00	0.00

Total Bid Schedule J = \$367,567.20

**Bid Schedule K (New South Beale Road Improvements) (Virginia Road to Bradshaw) (2740') (10' roadside ditch, 3' AB shoulder, 60' asphalt, 3 foot AB shoulder, 10' roadside ditch) (TR MM TR-2g-Alt2 and EIR MM 4.13-2h)**

1	Mobilization/Demobilization	1	LS	\$21,840.20	\$ 21,840.20
2	Clearing and Grubbing	5.7	AC	400.00	2,280.00
3	Land Cost	5.7	AC	20,000.00	114,000.00
4	Construction Area Signs		LS	3,500.00	0.00
5	Roadway Excavation (includes Subgrade Compaction)	11,700 (F)	CY	9.50	111,150.00
6	Roadway Excavation		CY	9.50	0.00
7	Class 2 Aggregate Base	17,760 (F)	TON	18.00	319,680.00
8	Class 2 Aggregate Base (1.65 - feet)	0 (F)	TON	18.00	0.00
9	Class 2 Aggregate Base (1.35 - feet)	0 (F)	TON	18.00	0.00
10	Class 2 Aggregate Base (1.17 - feet)	0 (F)	TON	18.00	0.00
11	Class 2 Aggregate Base (1.00 - feet)	0 (F)	TON	18.00	0.00
12	Asphalt Concrete (Type B)	5,550 (F)	TON	80.00	444,000.00

MAGNOLIA RANCH SPECIFIC PLAN

DETAILED COST ESTIMATE - JUNE 2, 2015 - PHASE 1 OFFSITE COSTS

(512-1115) Publi... - 58 of 60

Project		CO.	RCVD. BY	DATE	
Phase 1 Magnolia Ranch Offsite Improvements		Sutter	S.M. Minard	10-Jul-15	
MHM PROJECT NO.		QTY. BY	IN	CONST. INDEX	
13-144		J. Mallen	15-Nov-13		
ESTIMATE NO.		QTY. CHK.	OUT	BLDG. INDEX	
1		S. Minard	10-Jul-15		
Item No.	Item Description	Estimated Quantity	Unit	Unit Price (\$/Unit)	Amount (\$)
13	Asphalt Concrete (Type B) (0.45 - feet)	0 (F)	TON	80.00	0.00
14	Asphalt Concrete (Type B) (0.35 - feet)	0 (F)	TON	80.00	0.00
15	Asphalt Concrete (Type B) (0.25 - feet)	0 (F)	TON	80.00	0.00
16	Asphalt Concrete Overlay (Type B) (0.15 - feet)	0 (F)	TON	86.00	0.00
17	Minor Concrete (Barrier Curb and Gutter)	0	LF	20.00	0.00
18	Minor Concrete (Rolled Curb and Gutter)	0	LF	23.00	0.00
19	Minor Concrete (Sidewalks) (0.50 - feet)	0	SF	4.50	0.00
20	Minor Concrete (Bus Turnout - scope includes valley gutter, concrete, type A curb, and 6' x 16' concrete pad)		LS	12,500.00	0.00
21	Class 2 Aggregate Base (0.50 - feet) (under sidewalk)	0 (F)	TON	30.00	0.00
22	Minor Concrete (ADA Access Ramp)		EA	1,500.00	0.00
23	Cold Plane Asphalt Surfacing (0.10 feet)		SF	1.75	0.00
24	Remove Asphalt Concrete		SF	0.65	0.00
25	Signal Detector Loop Modifications		LS	3,500.00	0.00
26	Roadside Sign - One Post	6	EA	250.00	1,500.00
27	Survey Monument	4	EA	350.00	1,400.00
28	Minor Concrete (6 Inch Curb)		LF	21.00	0.00
29	Minor Concrete (Cobble)		SF	12.00	0.00
30	Minor Concrete (Island Flatwork)		SF	8.00	0.00
31	Roadway Excavation		CY	9.50	0.00
32	Class 2 Aggregate Base		TON	18.00	0.00
33	Asphalt Concrete (Type B)		TON	80.00	0.00
34	Landscape Planting (Landscape Island)		SF	2.10	0.00
35	Irrigation System (Landscape Island)		SF	0.80	0.00
36	Landscape Planting (10' Landscape Area behind Sidewalk)	0	SF	1.50	0.00
37	Irrigation System (10' Landscape Area behind Sidewalk)	0	SF	0.75	0.00
38	Landscape Planting (8' Parkway Area)	0	SF	1.50	0.00
39	Irrigation System (8' Parkway Area)	0	SF	0.75	0.00
40	Landscape Planting (6' Parkway Area)	0	SF	1.50	0.00
41	Irrigation System (6' Parkway Area)	0	SF	0.75	0.00
42	6 Inch Irrigation Ductile Iron or C-900 Pipe Sleeve		EA	1,500.00	0.00
43	72 Inch Class 3 RCP or 72 Inch Cast-in-Place Pipe		LF	350.00	0.00
44	66 Inch Class 3 RCP or 66 Inch Cast-in-Place Pipe		LF	300.00	0.00
45	60 Inch Class 3 RCP or 60 Inch Cast-in-Place Pipe		LF	270.00	0.00
46	54 Inch Class 3 RCP or 54 Inch Cast-in-Place Pipe		LF	230.00	0.00
47	48 Inch Class 3 RCP or 48 Inch Cast-in-Place Pipe	0	LF	185.00	0.00
48	42 Inch Class 3 RCP or 42 Inch Cast-in-Place Pipe		LF	170.00	0.00
49	36 Inch Class 3 RCP or 36 Inch Cast-in-Place Pipe	0	LF	125.00	0.00
50	30 Inch Class 3 RCP or 30 Inch Cast-in-Place Pipe		LF	100.00	0.00
51	24 Inch Class 3 RCP or 24 Inch Cast-in-Place Pipe	500	LF	80.00	40,000.00
52	18 Inch Class 4 Reinforced Concrete Pipe	500	LF	65.00	32,500.00
53	12 Inch Class 4 Reinforced Concrete Pipe		LF	50.00	0.00
54	60 Inch Storm Drainage Manhole		EA	7,100.00	0.00
55	Type DR 9 - Under Sidewalk Drain		EA	2,000.00	0.00
56	Type DR 8 - Storm Drain Junction Box (Pipes >= 30 in)	0	EA	15,000.00	0.00
57	Type DR 7 - Storm Drain Manhole (Pipes >= 30 in)	0	EA	10,000.00	0.00
58	Type DR 6 - Storm Drain Catch Basin		EA	5,500.00	0.00
59	Type DR 4 - Storm Drain Junction Inlet (Pipes < 30 in)	0	EA	8,500.00	0.00
60	Type DR 3 - Storm Drain Drop Inlet	0	EA	3,000.00	0.00
61	Type DR 1 - Storm Drain Manhole (Pipes < 30 in)	0	EA	4,500.00	0.00
62	Type 301 Storm Drainage Manhole		EA	15,000.00	0.00
63	Type 301 Storm Junction Manhole		EA	10,000.00	0.00
64	Type 305 Field Inlet		EA	3,250.00	0.00
65	Type 203 Storm Drainage Manhole		EA	5,000.00	0.00
66	Type 306 Storm Junction Manhole		EA	5,650.00	0.00
67	Type 305 Drop Inlet		EA	3,000.00	0.00
68	30 inch C-905 PVC Pipe		LF	100.00	0.00
69	24 inch C-905 PVC Pipe		LF	80.00	0.00
70	18 inch C-905 PVC Pipe		LF	70.00	0.00
71	16 inch C-905 PVC Pipe	0	LF	60.00	0.00
72	14 inch C-905 PVC Pipe		LF	50.00	0.00
73	12 inch C-900 PVC Pipe		LF	40.00	0.00
74	10 inch C-900 PVC Pipe		LF	35.00	0.00
75	8 inch C-900 PVC Pipe		LF	30.00	0.00
76	30 inch Class 350 Ductile Iron Pipe		LF	185.00	0.00
77	24 inch Class 350 Ductile Iron Pipe		LF	140.00	0.00
78	18 inch Class 350 Ductile Iron Pipe		LF	120.00	0.00
79	16 inch Class 350 Ductile Iron Pipe		LF	110.00	0.00
80	14 inch Class 350 Ductile Iron Pipe		LF	100.00	0.00
81	12 inch Class 350 Ductile Iron Pipe		LF	85.00	0.00
82	10 inch Class 350 Ductile Iron Pipe		LF	75.00	0.00
83	8 inch Class 350 Ductile Iron Pipe	0	LF	65.00	0.00
84	30 Inch Water Gate Valve		EA	9,000.00	0.00
85	24 Inch Water Gate Valve		EA	7,500.00	0.00
86	18 Inch Water Gate Valve		EA	6,000.00	0.00
87	16 Inch Water Gate Valve	0	EA	4,500.00	0.00
88	14 Inch Water Gate Valve		EA	3,500.00	0.00
89	12 Inch Water Gate Valve		EA	2,500.00	0.00
90	10 Inch Water Gate Valve		EA	2,000.00	0.00
91	8 Inch Water Gate Valve	0	EA	1,800.00	0.00

**DETAILED COST ESTIMATE - JUNE 2, 2015 - PHASE 1 OFFSITE COSTS**

Project		CO.	RCVD. BY	DATE	
Phase 1 Magnolia Ranch Offsite Improvements		Sutter	S.M. Minard	10-Jul-15	
MHM PROJECT NO.		QTY. BY	IN	CONST. INDEX	
13-144		J. Mallen	15-Nov-13		
ESTIMATE NO.		QTY. CHK.	OUT	BLDG. INDEX	
1		S. Minard	10-Jul-15		
Item No.	Item Description	Estimated Quantity	Unit	Unit Price (\$/Unit)	Amount (\$)
92	6 Inch Water Gate Valve		EA		
93	Type W1 - Fire Hydrant Assembly	0	EA	1,800.00	0.00
94	Type W2 - Special Fire Hydrant Assembly		EA	6,000.00	0.00
95	Type W4 - Water Valve Box		EA	7,500.00	0.00
96	Type W6 - 1 Inch Water Service		EA	1,500.00	0.00
97	Type W7 - 1½ Inch Water Service		EA	2,800.00	0.00
98	Type W7 - 2 Inch Water Service	0	EA	3,200.00	0.00
99	Type W8 - Dead-End Water Main	0	EA	4,000.00	0.00
100	Type W9 - Blowoff Hydrant		EA	1,800.00	0.00
101	Type W12 - Testing Block and Bypass		EA	2,800.00	0.00
102	Type W14 - Double Combination Air Valve		EA	4,500.00	0.00
103	Type W15 - Single Combination Air Valve	0	EA	5,500.00	0.00
104	Type W17 - Fire Service Connection		EA	3,000.00	0.00
105	Type W20 - 1" Dual Water Service		EA	8,500.00	0.00
106	30 Inch ASTM F679 PS115 PVC Pipe		EA	3,500.00	0.00
107	24 Inch ASTM F679 PS115 PVC Pipe		LF	150.00	0.00
108	21 Inch ASTM F679 PS115 PVC Pipe		LF	125.00	0.00
109	18 Inch ASTM F679 PS115 PVC Pipe		LF	100.00	0.00
110	15 Inch ASTM D3034 SDR 26 PVC Pipe		LF	90.00	0.00
111	12 Inch ASTM D3034 SDR 26 PVC Pipe		LF	80.00	0.00
112	10 Inch ASTM D3034 SDR 26 PVC Pipe		LF	65.00	0.00
113	8 Inch ASTM D3034 SDR 26 PVC Pipe		LF	50.00	0.00
114	6 Inch ASTM D3034 SDR 26 PVC Pipe	0	LF	35.00	0.00
115	30 Inch Class 3 VCP or 30 Inch Exopy Ductile Iron Pipe		LF	30.00	0.00
116	24 Inch Class 3 VCP or 24 Inch Exopy Ductile Iron Pipe		LF	225.00	0.00
117	18 Inch Class 3 VCP or 18 Inch Exopy Ductile Iron Pipe		LF	175.00	0.00
118	12 Inch Class 3 VCP or 12 Inch Exopy Ductile Iron Pipe		LF	125.00	0.00
119	10 Inch Class 3 VCP or 10 Inch Exopy Ductile Iron Pipe		LF	80.00	0.00
120	8 Inch Class 3 VCP or 8 Inch Exopy Ductile Iron Pipe		LF	65.00	0.00
121	6 Inch Class 3 VCP or 6 Inch Exopy Ductile Iron Pipe		LF	55.00	0.00
122	Type SS6 - Sanitary Sewer Special Manhole		EA	50.00	0.00
123	Type SS4 - Sanitary Sewer Cleanout		EA	6,200.00	0.00
124	Type SS3 - Sanitary Sewer Service	0	EA	2,200.00	0.00
125	Type SS1 - Sanitary Sewer Manhole	0	EA	1,500.00	0.00
126	Pavement Delineation	0	EA	6,500.00	0.00
127	Type TR2 - Type A Trench Restoration	1	LS	4,500.00	4,500.00
128	Type TR2 - Type B Trench Restoration		LF	50.00	0.00
129	Type TR2 - Type C Trench Restoration		LF	40.00	0.00
130	Street Lights (includes all work from point of connection to street light, except the joint trench conduit)	4	EA	80.00	0.00
131	6 Foot Masonry Block Wall (includes foundation)		EA	5,250.00	21,000.00
132	7 Foot Masonry Block Wall (includes foundation)		LF	125.00	0.00
133	8 Foot Masonry Block Wall (includes foundation)		LF	150.00	0.00
134	SWPPP - Temporary Silt Fence		LF	175.00	0.00
135	SWPPP - Temporary Storm Drain Inlet Filter Bags		LF	2.50	0.00
136	SWPPP - Temporary Fiber Rolls and Gravel Bags		EA	60.00	0.00
137	SWPPP - Temporary Stabilized Construction Site Access		LF	4.50	0.00
138	SWPPP - Construction Waste Management		EA	3,400.00	0.00
139	SWPPP - Erosion Control Seeding		LS	5,000.00	0.00
140	Rule 20 Underground Existing Overhead Dry Utilities (includes electric, gas, cable, street lights, fiber, etc)		AC	3,000.00	0.00
			LF	650.00	0.00

Total Bid Schedule K = \$1,113,850.20

Subtotal Construction Cost (A through K) = \$16,871,208.00

State Route 70 @ Erle Road Interchange (TR MM TR-2a) (EIR MM 4.13-2a) (\$19,300,000) = County Impact Fee

State Route 65 at McGowan Parkway Interchange (TR MM TR-6a) (EIR MM 4.13-2b) (\$3,000,000) = County Impact Fee

SR 65 NB Ramps at Forty Mile Road - Traffic Signal (TR MM TR-2b) (EIR MM 4.13-2c) = 350,000.00

SR 65 SB Ramps at Forty Mile Road - Traffic Signal (TR MM TR-2b) (EIR MM 4.13-2c) = 350,000.00

Ostrom Road at Rancho Road - Traffic Signal (TR MM TR-2c) (EIR MM 4.13-2d) = 350,000.00

Ostrom Road at Virginia Road - Traffic Signal (TR MM TR-2d)(EIR MM 4.13-2e) = 250,000.00

Ostrom Road at Bradshaw Road - Traffic Signal (TR MM TR-2e) (EIR MM 4.13-2f) = 350,000.00

Ostrom Road at Hiram Johnson Parkway - Traffic Signal = 250,000.00

Ostrom Road at Golden State Parkway - Traffic Signal = 250,000.00

Ostrom Road at South Beale Road - Traffic Signal (TR MM TR-2f) (EIR MM 4.13-2g) = 250,000.00

New South Beale Road at Bradshaw Road - Traffic Signal (TR MM TR-2h) (EIR MM 4.13-2i) = 350,000.00

150,000.00

650,000.00

5,000.00

5,000.00

Bradshaw Road at John Sutter Parkway - Traffic Signal = 250,000.00

SR 65 at New South Beale Rd Interchange (TR MM TR-5a and TR-6c) (EIR MM 4.13-2h) (\$20,000,000) = County Impact Fee

**MAGNOLIA RANCH SPECIFIC PLAN**

**DETAILED COST ESTIMATE - JUNE 2, 2015 - PHASE 1 OFFSITE COSTS**

(512-1115) Publi... - 60 of 60

Project		CO.		RCVD. BY		DATE	
Phase 1 Magnolia Ranch Offsite Improvements		Sutter		S.M. Minard		10-Jul-15	
MHM PROJECT NO.		QTY. BY		IN		CONST. INDEX	
13-144		J. Mallen		15-Nov-13			
ESTIMATE NO.		QTY. CHK.		OUT		BLDG. INDEX	
1		S. Minard		10-Jul-15			
Item No.	Item Description	Estimated Quantity	Unit	Unit Price (\$/Unit)	Amount	(\$)	

Raise Transmission Towers for SR 65/New South Beale Road Interchange County Impact Fee  
 (TR MM TR-5a and TR-6c) (EIR MM 4.13-2h) (\$1,500,000) =

Subtotal (A through K plus Miscellaneous Items) = \$44,631,208.00

Contingency @ 15% = 6,694,681.20  
 Project Manager @ 2% = 892,624.16  
 County Plan Check @ 2% = 892,624.16  
 County Inspection @ 3% = 1,338,936.24  
 County Management and Administration @ 3% = 1,338,936.24  
 Preliminary Engineering @ 3% = 1,338,936.24  
 Design Engineering and Surveying @ 8% = 3,570,496.64  
 Construction Surveying @ 4% = 1,785,248.32

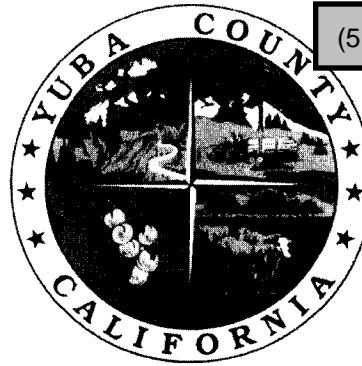
# The County of Yuba

## Community Development & Services Agency

### Kevin Mallen, Director

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BUILDING

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PLANNING  
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PUBLIC WORKS • SURVEYOR  
749-5420 • Fax 749-5424

FINANCE AND ADMINISTRATION  
749-5430 • Fax 749-5434

**TO:** Board of Supervisors

**FROM:** Kevin Mallen, CDSA Director  
Wendy W. Hartman, Planning Director

**SUBJECT:** Consideration of Magnolia Ranch Specific Plan (SP 2006-0002), Change of Zone (CZ 2006-0010), Tentative Subdivision Map (TSTM 2006-0045) Large Lot and Small Lot, Tentative Subdivision Map (TSTM 2015-0004) Large Lot, and Development Agreement (DA 2006-0001) (the Project).

**DATE:** November 19, 2015

### RECOMMENDATION

The Planning Commission recommends that the Board of Supervisors approve the Specific Plan, Change of Zone, Tentative Subdivision Maps, and Development Agreement for the Magnolia Ranch Project subject to the Conditions of Approval and findings as stated in the attached Resolution and Ordinance.

### BACKGROUND

On January 29, 2010, CEM Investments (the Applicant), on behalf of six property owners filed applications for a Specific Plan (SP2006-0002), Change of Zone (CZ2006-0010), Phase 1 Large Lot and Small Lot Subdivision Tract Map (TSTM2006-0045), Development Agreement (DA2006-0001) and a Phase 2 Large Lot Subdivision Tract Map (TSTM2015-0004 - submitted in August 2015) on approximately 1,039 acres located in unincorporated Yuba County south of Ostrom Road, between Bradshaw and South Beale Roads, to State Route 65, and immediately southwest of Beale Air Force Base. The entitlements as a whole are referred to as the "Project".

The Magnolia Ranch Specific Plan (MRSP) proposes a mix of land uses, including 3,000 to 4,200 dwelling units at different densities that could accommodate approximately 8,414 persons. Proposed land uses include very low density, low density, medium and high density residential units and units that are age restricted; neighborhood commercial areas, a business park, an elementary and intermediate school, parks, multi-purpose open space with park trails, and off-site improvements (the Project).

A more detailed description of the project and entitlement process is included in the Planning Commission staff report ( Attachment 10 and website).

### DISCUSSION

The Magnolia Ranch Project consists of several Planning Entitlements: Specific Plan, Change of Zone, Two Tentative Subdivision Maps (for phasing purposes), and a Development Agreement. Below is a very

brief summary of each of the entitlements. A more detailed analysis is included in the Planning Commission staff report (Attachment 8).

The Change of Zone will change the zoning of the project site from Agricultural Industrial (AI) to Specific Plan (SP-MRSP). The Magnolia Specific Plan if adopted becomes existing zoning policy, development standards and descriptive maps for the area included within the Specific Plan boundary. Where the Specific Plan is silent, the Yuba County Development Code will govern. The Change of Zone would ensure consistency with the 2030 General Plan and proposed Specific Plan land use designations. The Planning Commission determined that the proposed Specific Plan meets the general intent of the applicable goals and policies of the 2030 General Plan.

The applicant has submitted two large lot and one small lot tentative subdivision maps. The purpose of the large lot maps is to allow for the installation of public improvements in stages and to allow financing of the project based upon market demands. The small lot map further subdivides the large lots for development with the residential and other proposed uses. Specific conditions of approval are established for both the large and small lot maps. The Phase 1 Map (TSTM 2006-0045) consists of 647.85 gross acres and includes 26 residential lots (Villages), four lots for non-residential uses including schools and public facilities (Parcels 27-30) and 14 lettered lots for parks, drainage, and open space. The Phase 1 small lot map would further subdivide the residential villages into 1,796 single family lots. The Phase 2 map is a total of 380.57 gross acres and includes parcels for age restricted and non age restricted residential subdivisions including areas for medium and high density residential. The Phase 2 map also includes sites for parks and commercial uses.

The applicant has also requested approval of a Development Agreement (DA) with the County. The primary purpose of a DA is to:

- Facilitate development projects for which there is significant applicant contribution toward infrastructure, public facilities, open space or other amenities, or other programs of benefit to the County and its residents.
- Assure the applicant that upon approval of the subject project, the project may proceed in accordance with existing County policies, rules and regulations in place at the time of Development Agreement approval.
- Encourage private participation in comprehensive planning and provision of public facilities, including, but not limited to, streets, sewerage, transportation, potable water, schools and utilities.
- Provide a net benefit to the County and its residents not otherwise obtainable through other processes.

While a Development Agreement is not a mandatory element of the Project, it can be used to provide assurances to both parties. The proposed DA lays out requests from the applicant to provide future assurance on being able to develop their project. For example a Tentative Subdivision Tract Map typically is valid for three (3) years unless an extension of time is approved (by County or legislature), significant public improvements have been installed, or a final map is recorded. The Proposed Development Agreement would provide the applicant a maximum of 25 years to effectuate the development of their project. However the first Phase of the Development Agreement is for 15 years with the ability for two (2) five (5) year extensions based on certain criteria being met.

In exchange, the applicant has agreed to provide funding towards the Project Study Report (PSR) and nexus study for the Wheatland Bypass (20%, not to exceed \$250,000) and advance their initial payment of MRSP Traffic Fees to assist in the timely construction of offsite road improvements needed to mitigate the impacts of their Project. The applicant has also agreed to help assist the County in business attraction and obtaining grants for infrastructure associated with the Employment Village.

### **Fiscal Impact Analysis**

A Fiscal Impact Analysis was completed for the project by Economics and Planning Systems (EPS), based on the Tentative Subdivision Tract Maps (Attachments 6 & 7). Net fiscal impacts to the County are discussed using two scenarios: (1) Development of Phase 1 and (2) Full buildout of the Specific Plan. Impacts to the County's General Fund and Road Funds are discussed in the analysis using the two scenarios.

After full buildout, the Project as proposed in the Tentative Subdivision Tract Maps and Specific Plan is expected to generate a net fiscal surplus of approximately \$224,000 per year in the County's General Fund. However, the Project is expected to generate an annual net deficit of \$78,000 in the County's Road Fund. Combined, the annual net fiscal impact to the County's General and Road Funds is estimated to be about \$146,000 annually (positive).

In the initial phase (Phase 1), the proposed Project is estimated to result in an annual net fiscal deficit of approximately \$412,000 for the County's General and Road Funds. While the developer is hoping to obtain full buildout of the project within 16 years from the start of construction, buildout will be market driven. Similar to other Specific Plans previously approved by the County there is no guarantee of full buildout occurring and therefore the net fiscal deficit to the County could be long-term.

In the conclusions of the Fiscal Analysis, any funding shortfalls either at development of Phase 1 or at buildout are assumed to be funded by a dedicated revenue source, such as a Mello-Roos Community Facilities District, a Benefit Assessment District, or other identified funding sources required to fully fund the costs of maintenance and services to the Magnolia Ranch Project. Another funding mechanism could be through the requirement of a community benefit fee in the Development Agreement to be paid annually until such time as the project results in a net neutral cost to the County's General and Road funds, however the DA in its current form is silent in regards to addressing the general fund shortfall.

### **PLANNING COMMISSION HEARING**

On October 21, 2015 the Yuba County Planning Commission held a public hearing on the merits of the Magnolia Ranch Project. The Planning Commission discussed the following items with staff:

- The fiscal analysis for county services relative to the project and how the shortfall to the County would be covered between the years of partial project buildout and full buildout. Also discussed timeframe for buildout and what happens if buildout does not occur; and
- Discussed road maintenance responsibilities;
- Traffic flows through Wheatland and South Beale Road: current and long term;
- Beale AFB position on the project;
- County's Right to Farm regulations; and,
- Requested responses to some of the comments raised by the public.

Public testimony was received on the following topics:

- Job creation both that it would create jobs and comments that it would not;
- Project could encourage industrial and economic growth;
- Project could impact Beale operations and is not consistent with airport land use plan and noise contours (it was later discussed that the airport data presented by commenter was not most current);
- Concerns with traffic and drainage impacts;
- Concerns with impacts to adjacent farm operations;

- Concerns regarding fiscal analysis not being consistent with an analysis prepared by SACOG as well as long term impact to County;
- Comments regarding the amount of land still available for development in Plumas Lake and East Linda;
- General comments in support of the project; and
- General comments in opposition of the project along with lists of names of those opposed.

After closing the public hearing, the Planning Commission unanimously recommended that the Board of Supervisors approve the Specific Plan, Change of Zone, Tentative Subdivision Maps, and Development Agreement for the Magnolia Ranch Project. The full Planning Commission staff report including attachments, draft minutes, and presentation slides are available on the Planning website at: <http://www.co.yuba.ca.us/Departments/Community%20Development/Planning/Projects/Magnolia/Magnolia.aspx> or can be reviewed at the Planning Department during normal business hours.

Since the Planning Commission hearing, the applicant has made some minor changes to the Proposed Specific Plan to address some of the conditions of approval as well as comments received from the public and the Wheatland Fire Authority. These changes include: providing a 1.5 acre alternative fire station site at the northwest corner of the community park (this site is more centrally located than previous location in the northwestern portion of the project), revising some of the roadway segment exhibits, and providing a temporary internal buffer along Bradshaw Road between the project and adjacent agricultural operations (the applicant will discuss these details at the Board hearing). Minor modifications and clarifications have also been made to the Conditions of Approval. These changes are deemed to be minor in nature and therefore do not need to be reconsidered by the Planning Commission.

### **ENVIRONMENTAL DETERMINATION**

An Environmental Impact Report (EIR) was prepared for the Project pursuant to the California Environmental Quality Act (CEQA). A notice of Completion on the Draft EIR was filed with the State Clearinghouse on May 18, 2015. Comments received on the Draft EIR were incorporated into the Final EIR which was posted for public comment on October 9, 2015. A hearing before the Planning Commission was held on October 21, 2015. The Commission unanimously recommended that the Board of Supervisors certify the EIR. The EIR is available for review during business hours at the Planning Department (915 8<sup>th</sup> street, Suite 123; Marysville, CA) or on the Planning Department website at:

<http://www.co.yuba.ca.us/Departments/Community%20Development/Planning/Projects/Magnolia/Magnolia.aspx>

### **ATTACHMENTS**

1. Resolution (including Findings and Conditions of Approval)
2. Ordinance (including Rezone Exhibit, Development Agreement, and Findings)
3. Specific Plan (submitted to Board under separate cover and available on Planning website)
4. Specific Plan Change Pages
5. Tentative Subdivision Tract Map TSTM 2006-0045 Phase I (Large Lot and Small Lot)
6. Tentative Subdivision Tract Map TSTM 2015-0004 Phase II (Large Lot)
7. Fiscal Analysis Including November 5, 2015 Update (available on Planning website)
8. Planning Commission Staff Report (available on Planning website)
9. Draft Planning Commission Minutes of October 21, 2015

Entire staff report and attachments available on website at:

<http://www.co.yuba.ca.us/Departments/Community%20Development/Planning/Projects/Magnolia/Magnolia%20Staff%20Reports.aspx>

Attachment 1

Resolution

Exhibit A: Required Findings for Approval

Exhibit B: Conditions of Approval

Available at:

<http://www.co.yuba.ca.us/Departments/Community%20Development/Planning/Projects/Magnolia/Magnolia%20Staff%20Reports.aspx>

**BEFORE THE COUNTY OF YUBA  
BOARD OF SUPERVISORS**

**RESOLUTION FOR CONSIDERATION OF** )  
**THE MAGNOLIA RANCH SPECIFIC PLAN** ) **RESOLUTION NO. \_\_\_\_\_**  
**PROJECT: SPECIFIC PLAN SP 2006-0002,** )  
**TENTATIVE SUBDIVISION TRACT MAP** )  
**TSTM 2006-0045 and TSTM 2015-0004** )

**WHEREAS**, CEM INVESTMENTS, has filed an application for a Specific Plan SP 2006-0002, Change of Zone CZ 2006-0010, Tentative Subdivision Tract Map TSTM 2006-0045 (Large Lot and Small Lot), TSTM 2015-0004 (Large Lot), and Development Agreement DA 2006-0001, incorporated by reference, for the proposed Magnolia Ranch Specific Plan (the Project), located in South Yuba County on six (6) parcels (identified as Assessor's Parcel Numbers 015-070-009, 015-070-051, 015-070-072, 015-070-078, 015-070-079, and 015-070-080) totaling approximately 1,039 acres, south of Ostrom Road, west of South Beale Road, east of Bradshaw Road, and approximately 3,000 feet north of State Route 65; and

**WHEREAS**, the Project Entitlements provide for the development of the Magnolia Ranch project, a master-planned community, to include up to 4,200 dwelling units at various densities including age restricted villages, neighborhood commercial areas, a business park, an elementary and intermediate school, parks, multi-purpose open space with park trails, and off-site improvements (the Project); and

**WHEREAS**, following the public hearing on October 21, 2015, the Planning Commission, by a vote of 5 to 0, recommended that the Board of Supervisors certify the Environmental Impact Report (EIR) and Magnolia Ranch Specific Plan Project (SP2006-0002, CZ2006-0010, TSTM2006-0045, TSTM2015-0004 and DA2006-0001); and

**WHEREAS**, the Board of Supervisors has certified that a Final Environmental Impact Report (Final EIR) has been prepared as required by CEQA and is adequate.

**WHEREAS**, the Community Development & Services Agency of the County of Yuba has provided due notice of a public hearing before the Board of Supervisors for the consideration of the proposed project in accordance with Government Code Sections 65090 and 65091; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of Yuba as follows:

1. The foregoing recitals are true and correct.
2. The Board of Supervisors finds that the referenced Project is desirable in order to reflect changing conditions and growth patterns, and to ensure consistency with goals and policies of the 2030 General Plan and Employment Village land use designation.
3. The Board of Supervisors finds that that proposed Project has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).
4. The Board of Supervisors finds that the Final EIR has identified all potentially significant impacts associated with the project, most of which were mitigated to a level which has been determined to be acceptable to the County, but a few of which were determined to be significant and unavoidable.
5. The Board of Supervisors finds that the proposed Project provides several benefits. These include the provision of “backbone” infrastructure necessary for the development of the Employment Village industrial and commercial area, housing to accommodate future population growth including potential housing for Beale Air Force Base personnel and employees , design features that encourage the co-location of jobs and residences that will reduce the environmental impacts of traffic and its related impacts on air quality and noise, and the additional jobs generated by project construction and subsequent location of commercial and business park activities in the project vicinity.
6. The Board of Supervisors finds that the proposed Project and the conditions under which it would be developed, will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity, in that all future construction will be built to County of Yuba building and improvement standards and will provide adequate drainage and access.
7. The Board of Supervisors finds that the proposed Project would be 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 Yuba County Development Code in that proposed future development would be consistent with the applicable provisions of these land use plans.
8. The Board of Supervisors finds that the developer has committed on the terms and conditions set forth in the Development Agreement to develop or contribute to significant public infrastructure improvements and other public benefits in excess of what Developer

could otherwise be legally required to provide (the "Public Benefits").

9. The Board of Supervisors finds that pursuant to Government Code Section 65451 the developer has provided an adequate program of implementation measures, including financing measures necessary to provide adequate services to the specific plan area; particularly during the time period before Project buildout which is anticipated to be 30 years.
10. The Board of Supervisors approves the Project (Magnolia Ranch Specific Plan and Tentative Subdivision Tract Maps TSTM2006-0045 and TSTM2015-0004) as the required findings for approval, as provided in Exhibit A attached herein, are supported by substantial evidence in the record and can be made subject to the conditions of approval (Exhibit B) and the mitigation measures set forth in the EIR, incorporated herein by reference as though set forth in full.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2015, by the Board of Supervisors of the County of Yuba, by the following vote.

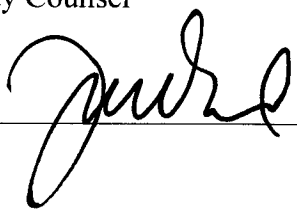
**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

\_\_\_\_\_  
CHAIR  
Yuba County Board of Supervisors

ATTEST:  
Donna Stottlemeyer  
Clerk of the Board of Supervisors

APPROVED AS TO FORM:  
Angil P. Morris-Jones  
County Counsel

BY: \_\_\_\_\_

BY:  \_\_\_\_\_

**EXHIBIT A****Required Findings for Approval of the Magnolia Ranch Specific Plan Project**

**Specific Plan (SP 2006-0002).** The required findings for adoption of a Specific Plan are as follows:

1. The Specific Plan implements and is consistent with the General Plan (Yuba County Development Code Section 11.64.100):
2. The Specific Plan will not be detrimental to the public interest, health, safety, convenience, or welfare of the County;
3. The Specific Plan area is physically suitable for the proposed land use designation(s) and the anticipated development; and
4. The proposed development will be superior to development otherwise allowed under conventional zoning classifications.

**Tentative Subdivision Maps (TSTM 2006-0045 and TSTM 2015-0004)** The Subdivision Map Act provides required findings for approval for tentative maps (Yuba County Development Code Section 11.40.040) as follows:

**A. Basis for Approval.** In order to approve or conditionally approve a tentative map all of the following findings shall be made:

1. **Consistency.** 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.
2. **Passive and Natural Heating and Cooling.** 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.
3. **Availability of Water.** 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.

## CONDITIONS OF APPROVAL YUBA COUNTY BOARD OF SUPERVISORS

**Applicant:** CEM Investments  
**Case No.:** SPA 2006-0002, CZ 2006-0010, TSTM 2006-0045, TSTM 2015-0004, & DA 2006-0001  
**Owner:** CEMR Properties, River Valley Rice & Land LLC., A&G Montna Properties LP, WGKS Eureka Land LLC  
**APN:** 15-070-009, 15-070-051, 15-070-072, and 15-070-080

**Hearing Date:** November 19, 2015

### GENERAL CONDITIONS:

1. Unless specifically provided otherwise herein or by law, each of these Conditions of Approval shall be completed to the satisfaction of the County.
2. As a Condition of Approval for the Specific Plan, Change of Zone, Tentative and Final Maps, and Development Agreement; Owner or an agent of the 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, Staff Development Committee, or other County advisory agency, appeal board, or legislative body concerning the Specific Plan, Change of Zone, Tentative and Final Maps, and Development Agreement. County shall promptly notify Owner of any such claim, action, or proceeding and shall cooperate fully in the defense of said claim, action, or proceedings.
3. Approval of the Tentative Subdivision Tract Maps is contingent upon Board of Supervisors approval of Specific Plan SP 2006-0002, and Change of Zone CZ 2006-0010.
4. Owner or an agent of the Owner shall satisfy, and the project shall meet, all applicable requirements provided by federal, state, and local laws, ordinances, and regulations including the requirements provided by the Subdivision Map Act (Government Code Section 66410 and following) and Division IV of the Yuba County Development Code (Land Divisions) and as established in the adopted Magnolia Ranch Specific Plan.
5. Unless specifically provided otherwise herein, all references to the Final Map, Final Maps, or to the Final Subdivision Map contained herein shall mean any map or maps prepared for recordation and which create large or small lots, including maps filed for each phase of development if the project is to be phased.
6. Except as specifically modified by these Conditions of Approval herein, Final Map(s) shall comply with all requirements of the Yuba County Code and the Yuba County General Plan, to the satisfaction of the Community Development Director and County Surveyor prior to filing of the Final Map(s).
7. All mitigation measures within the mitigation monitoring plan for the Environmental Impact Report prepared pursuant to the California Environmental Quality Act for the Magnolia Ranch Specific Plan (SCH Clearinghouse No. 2013022017) shall be considered as conditions of approval.

### SPECIFIC PLAN CONDITIONS

## CONDITIONS OF APPROVAL YUBA COUNTY BOARD OF SUPERVISORS

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8. An electronic copy of the Specific Plan shall be submitted to the Planning Department in a Microsoft Word compatible format (or other format as approved by the Planning Department) within 30 days of project approval. The Plan shall include any amendments required by these conditions of approval.
9. Prior to a Small Lot Final Map recordation, County and developer shall elect to utilize one or more of the financing mechanisms described in the Fiscal Impact Analysis prepared by Economic & Planning Systems to offset the fiscal impacts to the County by the project. These mechanisms may include formation of a Mello-Roos Community Facilities District, landscaping and lighting districts, County Service Area, or maintenance annuity funds.
10. If monitoring concludes that the groundwater quality does not meet or exceed maximum contaminant level requirements as established by CalEPA and the Central Valley Regional Water Quality Control Board Basin Plan, groundwater pumping shall cease, property owners shall be notified by Olivehurst Public Utility District (OPUD) or water purveyor, and an alternative domestic water supply shall be provided by OPUD or water purveyor until groundwater quality meets or exceeds water quality standards.
11. Non-residential projects within the Specific Plan may be developed using on-site well and septic systems on an interim basis. "Interim" means a non-residential use that is not required to connect to a public sewer or water system initially. Such interim uses shall be limited in size based on their volume of sewage effluent, not to exceed 2,500 gallons per day. Interim uses shall be required to connect to the public sewer and water utility (and pay all applicable connection and capacity fees) at such time as such services are available within the Specific Plan and formally abandon their interim infrastructure. Nothing in this condition is intended to or shall commit County to the approval of any use which is subject to a discretionary Planning entitlement or compliance with California Environmental Quality Act (CEQA) unless and until such compliance is satisfied. The Specific Plan shall be amended to allow interim non-residential projects.

### **PUBLIC WORKS DEPARTMENT:**

This is a phased project. As the final map of each phase of the large lot subdivision is prepared for filing, only those conditions of approval contained herein, either in whole or in part, as they pertain to each individual phase shall be applicable. All phases shall comply with the latest editions of the Yuba County Department of Public Works Improvement Standards, the Yuba County Standard Plans, and the Yuba County Post-Construction Standards Plan. Any changes in the lot design, street locations or the development configuration will result in the reassessment of these conditions which may result in the modification, addition or deletion of any of these conditions and a re-hearing before the Planning Commission.

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12. The Public Works Director may reasonably modify any of the Public Works conditions contained herein to make minor adjustments which do not conflict with the Specific Plan or Development Agreement. The required street widths as stated herein shall take precedence over those as shown on the tentative map.
13. Any proposed detention basin shall be designed with access roads in conformance with Yuba County Department of Public Works Improvement Standards.
14. Sidewalks fronting along all parks, commercial lots, and open spaces (including drainage basins) shall be a minimum of 6 feet in width, unless a larger width is indicated on the tentative map. All PSEs and PE's shall be widened as necessary to accommodate wider sidewalks on residential streets while maintaining 10 feet behind the sidewalk for the PSE.
15. All PSEs shall be widened as necessary to accommodate wider sidewalks on residential streets and to fully accommodate utility facilities, such as underground transformer boxes/vaults, and to provide the required setbacks from the sidewalk, retaining wall or masonry wall as may be required by the utility companies and the Public Works Dept.
16. Owner shall create a Master Development Plan for the development of the subdivision which includes the scheduling for the construction of the streets, traffic calming measures, "Village Entrances", landscaping and irrigation facilities, drainage facilities, pedestrian pathways/trails, parks, transit stops and routes, and utilities to provide primary and secondary access to each anticipated lot, village or unit to be established. Such plan shall also include a map or diagram dividing the subdivision into discrete Drainage Management Areas (DMAs), and shall manage runoff from each DMA using Site Design Measures, Source Controls, and /or stormwater Treatment and Baseline Hydromodification Measures. Such plan shall be approved by the Yuba County Public Works Dept. prior to filing of the first Large Lot Final Map. The plan shall be attached as an appendix to the Specific Plan, or shall otherwise be incorporated into the Specific Plan.
17. 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).
18. 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 be consistent with the Specific Plan, and shall result in a zero percent increase in the storm water discharge

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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.

19. 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.
20. 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, or the most current Order. Coverage under the Construction General Permit must be obtained prior to any construction or soil disturbing activities. 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 and the Post-Construction Standards Plan 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.
21. Owner shall submit a stormwater quality plan, including all temporary erosion and sediment control measures, site-design measures, source control measures, treatment measures, and baseline hydromodification management measures for the project, designed by a registered civil engineer in accordance with Section 7.50 of the Yuba County Ordinance Code and Section 11 of the Yuba County Improvement Standards to the Department of Public Works for review and approval prior to each phase of construction and/or grading permit. Owner shall construct such management measures as per the approved plan prior to the construction for each phase.
22. Erosion control shall conform to section 11 of the Yuba County Improvement Standards.

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23. Strict control over dust problems created during construction shall be adhered to with regard to surrounding properties and public facilities. The construction specifications and/or improvement plans shall have items reflecting dust control measures in detail and shall be approved by the Public Works Department.
24. Prior to filing the final map, written approvals shall be submitted to the County Surveyor from the appropriate public service providers stating that their easement requirements have been satisfied and that there are no objections to filing the final map.
25. 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.
26. Owner shall name all access 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.
27. Approximate centerlines of all perennial streams or ditches within this division shall be shown on the Tentative Map.
28. 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.
29. 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.
30. 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.
31. On terms and conditions acceptable to Yuba County, Owner shall create a County Service Area provided by Government Code section 25210.1 and following, or other entity acceptable to County to provide for road, drainage, permanent stormwater measures, and streetscape maintenance or for any other desired functions, such as, but not limited to, parks, street lighting, fire protection, etc. prior to filing the first large lot final map of the subdivision. Owner shall determine the assessment value spread for the lots within the subdivision and determine any

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special "Zone of Benefit" as necessary. Such assessment spread and the special Zone of Benefit shall be reviewed and approved by the Public Works Director prior to filing the final map of the first phase or unit of the subdivision.

32. 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).
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 for review by Yuba County and the appropriate Fire Protection Authority to determine conformance with the conditions of approval, the Yuba County Fire Safe Ordinance and the Uniform Fire Code requirements. Before the final map can be filed with the Yuba County Recorder, a letter from the Fire Protection Authority shall be submitted to the County Surveyor which states that the Fire Safe requirements have been met and that there are no objections to filing the final map.
38. Owner shall submit a copy of the final map to OPUD to review to determine conformance with the District's requirements. Before the final map can be filed with the Yuba County Recorder, a letter from the OPUD is to be submitted to the County Surveyor which states that the District's 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.

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39. Developer shall establish a plan for a permanent vertical benchmark system throughout the development for future surveying reference points as approved by the Public Works Department. Developer shall file vertical corner records with the County Surveyor for each benchmark when established.

### Large Lot Map (TSTM 2006-0045)

40. Owner shall dedicate to the County of Yuba strips of land in fee simple adjoining the centerline of Ostrom Road having a width of 61 feet from Bradshaw Road to Hiram Johnson Parkway, a width of 49 feet from Hiram Johnson Parkway to Large Lot 27, and a width of 37.5 feet along Large Lot 27 to South Beale Road, lying within the bounds of this tentative map. Additional right of way may be required along Ostrom Road to accommodate left turn pockets and to accommodate the roadway cross sections as shown on the tentative map. Landscaping along the frontage of Large Lot 27 shall be the responsibility of the property owner to install and maintain when the lot is developed.
41. Owner shall dedicate to the County of Yuba strips of land in fee simple adjoining the centerline of South Beale Road having a width of 38 feet from Ostrom Road to John Sutter Parkway, and having a width of 69.5 feet From John Sutter Parkway to Leland Stanford Parkway, lying within the bounds of this tentative map. Landscaping along the frontage of Large Lot 27 shall be the responsibility of the property owner to install and maintain when the lot is developed.
42. Owner shall dedicate to the County of Yuba strips of land in fee simple adjoining the centerline of Bradshaw Road having a width of 56.5 feet from South Beale Road to John Sutter Parkway and a width of 25 feet south of John Sutter Parkway along Large Lots 28 and "E", lying within the bounds of this tentative map. Landscaping along the frontage of Large Lot 28 shall be the responsibility of the property owner to install and maintain when the lot is developed.
43. Owner shall dedicate to the County of Yuba strips of land in fee simple for John Sutter Parkway having a total width of 96 feet from Bradshaw Road to Hiram Johnson Parkway, lying 50 feet on the northerly side and 46 feet on the southerly side, having a total width of 73.5 feet from Hiram Johnson Parkway to Montpelier Way, lying 46.5 feet on the northerly side and 27 feet on the southerly side, and having a total width of 70.5 feet from Montpelier Way to South Beale Road, lying 24.5 feet on the northerly side and 46 feet on the southerly side, lying within the bound of this tentative map. The strips of land along the Large Lots 27, 28, 29, 30, and "E" shall be 24.5 feet measured from the centerline of John Sutter Parkway to a point located 0.50 feet from the back of curb. Landscaping along John Sutter Parkway for the frontage of Large Lots 27, 28, 29, and 30 shall be the responsibility of the property owners to install and maintain when the lots are developed.

## CONDITIONS OF APPROVAL YUBA COUNTY BOARD OF SUPERVISORS

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44. Owner shall dedicate to the County of Yuba strips of land in fee simple for Hiram Johnson Parkway having a total width of 96 feet from Ostrom Road to John Sutter Parkway, lying 50 feet on the easterly side and 46 feet on the westerly side, having a total width of 66 feet from John Sutter Parkway to Iowa Drive, lying 33 on both sides of the centerline, and having a total width of 73.5 feet from Iowa Drive to Stephen Field Parkway, lying 46.5 feet on the westerly side and 27 feet on the easterly side, lying within the bounds of this tentative map. Landscaping along Large Lot 30 shall be the responsibility of the property owner to install and maintain when the lot is developed.
45. Owner shall dedicate to the County of Yuba strips of land in fee simple for Golden State Parkway having a total width of 96 feet from Ostrom Road to John Sutter Parkway, lying 50 feet on the westerly side and 46 feet on the easterly side, and a total width of 54 feet from John Sutter Parkway to North Dakota Drive, lying 27 feet on both sides of the centerline, lying within the bounds of this tentative map.
46. Owner shall dedicate to the County of Yuba strips of land in fee simple for Leland Stanford Parkway having a total width of 96 feet from South Beale Road to Charleston Way, lying 50 feet on the northerly side and 46 feet on the southerly side, having a total width of 54 feet from Charleston Way to Golden State Parkway, lying 27 feet on both sides of the centerline, and having a total width of 42 feet (Primary Residential) from Golden State Parkway to Hiram Johnson Parkway, lying 21 feet on both sides of the centerline, lying within the bounds of this tentative map.
47. Owner shall dedicate to the County of Yuba strips of land in fee simple for Annapolis Way from John Sutter Parkway to Minnesota Drive and for Iowa Drive from Annapolis Way to Hiram Johnson Parkway having total widths of 52 feet, lying 26 feet on both sides of the centerline. Landscaping along Large Lot 30 shall be the responsibility of the property owner to install and maintain when the lot is developed.
48. Owner shall dedicate to the County of Yuba strips of land in fee simple for Tucson Way having a width of 42 feet (Primary Residential Street), lying 21 feet on both sides of the centerline, from John Stanford Parkway to Kentucky Drive and a width of 39 feet (Minor Residential Street), lying 19.5 feet on both sides of the centerline, from Kentucky Drive to Topeka Way, lying within the bounds of this tentative map.
49. Owner shall dedicate to County of Yuba strips of land in fee simple for Topeka Way from Tucson Way to Maryland Drive and for Maryland Drive from Topeka Way to Annapolis Way having a width of 39 feet (Minor Residential Street), lying 19.5 feet on both sides of the centerline, lying within the bounds of this tentative map.

## CONDITIONS OF APPROVAL YUBA COUNTY BOARD OF SUPERVISORS

**Applicant:** CEM Investments  
**Case No.:** SPA 2006-0002, CZ 2006-0010, TSTM 2006-0045, TSTM 2015-0004, & DA 2006-0001  
**Owner:** CEMR Properties, River Valley Rice & Land LLC., A&G Montna Properties LP, WGKS Eureka Land LLC  
**APN:** 15-070-009, 15-070-051, 15-070-072, and 15-070-080

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50. Owner shall dedicate to the County of Yuba a strips of land in fee simple to fully accommodate two-lane roundabouts, together with any and all appurtenances pertaining thereto, at the intersection of John Sutter Parkway and Hiram Johnson Parkway and at Hiram Johnson Parkway and Magnolia Ranch Parkway near the northeast corner of Large Lot 11, as shown on the tentative map.
51. Owner shall dedicate to the County of Yuba strips of land in fee simple having sufficient width to provide for "Village Entrances" in conformance with Exhibit 4-20 of the Magnolia Ranch Specific Plan and as shown on the tentative map, and as approved by the Public Works Director.
52. Owner shall offer to dedicate to the County of Yuba a "Public Services Easement" (PSE) 29.5 feet in width for public utility purposes, street signs, traffic safety signs and devices, street lighting, together with any and all appurtenances pertaining thereto, and a "Pedestrian Easement" (PE) 20 feet in width for sidewalks, together with any and all appurtenances pertaining thereto, along the frontage of Large Lot 27 for South Beale Road and Ostrom Road measured from the right of way line.
53. Owner shall offer to dedicate to the County of Yuba a "Public Services Easement" (PSE) 21.5 feet in width for public utility purposes, street signs, traffic safety signs and devices, street lighting, together with any and all appurtenances pertaining thereto, and a "Pedestrian Easement" (PE) 12 feet in width for sidewalks, together with any and all appurtenances pertaining thereto, along the south side of John Sutter Parkway from Hiram Johnson Parkway to Montpelier Way, along the east side of Hiram Johnson Parkway from John Sutter Parkway to Stephen Field Parkway, along both sides of Leland Stanford Parkway from Charleston Way to Golden State Parkway, and along both sides of Golden State Parkway from John Sutter Parkway to North Dakota Drive, measured from the right of way line.
54. Owner shall offer to dedicate to the County of Yuba a "Public Services Easement" (PSE) 25.5 feet in width for public utility purposes, street signs, traffic safety signs and devices, street lighting, together with any and all appurtenances pertaining thereto, and a "Pedestrian Easement" (PE) 16 feet in width for sidewalks, together with any and all appurtenances pertaining thereto, along the north side of John Sutter Parkway along the frontage of Large Lot 27, measured from the right of way line.
55. Owner shall offer to dedicate to the County of Yuba a "Public Services Easement" (PSE) 27.5 feet in width for public utility purposes, street signs, traffic safety signs and devices, street lighting, together with any and all appurtenances pertaining thereto, and a "Pedestrian Easement" (PE) 18 feet in width for sidewalks, together with any and all appurtenances pertaining thereto, along the west side of Hiram Johnson Parkway from John Sutter Parkway to Iowa Drive measured from the right of way line.

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56. Owner shall offer to dedicate to the County of Yuba a "Public Services Easement" (PSE) 20.5 feet in width for all Primary Residential Streets and "Village Entrances" and 13.5 feet in width for all Minor Residential Streets for public utility purposes, street signs, traffic safety signs and devices, street lighting, together with any and all appurtenances pertaining thereto, and a "Pedestrian Easement" (PE) 11 feet in width for all Primary Residential Streets and "Village Entrances" and 4 feet for all Minor Residential Streets for sidewalks, together with any and all appurtenances pertaining thereto, measured from the right of way line.

### Small Lot Maps (TSTM 2006-0045)

57. Owner shall offer to dedicate to the County of Yuba strips of land in fee simple having a total width of 42 feet for the Primary Residential Streets serving between 100 and 500 ADT, and a total width of 39 feet for the Minor Residential Streets serving under 100 ADT, as necessary to provide primary and secondary access streets from each interior unit or phase to Ostrom Road, John Sutter Parkway, Hiram Johnson Parkway, Golden State Parkway, or Leland Stanford Parkway as approved by the Public Works Department.
58. Owner shall offer to dedicate, in fee simple to the County of Yuba, parcels of land for the drainage detention basins along the south side of Ostrom Road from Bradshaw Road to Large Lot 27 and all other basins (Lots "E" and "F") used for drainage as shown on the tentative map.
59. Owner shall offer to dedicate to the County of Yuba a 3-foot wide easement within residential lots abutting a required masonry wall adjacent to public streets to provide for wall footings and for the maintenance of such wall along with reasonable access rights over and across said abutting lots to provide access to such easement for the maintenance and repair of such wall. Masonry walls along residential lots that abut commercial lots shall be the responsibility of the commercial property owner to maintain such wall.
60. Owner shall offer to dedicate to the County of Yuba a "Public Services Easement" (PSE) 20.5 feet in width for all Primary Residential Streets and 13.5 feet in width for all Minor Residential Streets for public utility purposes, street signs, traffic safety signs and devices, street lighting, together with any and all appurtenances pertaining thereto, and a "Pedestrian Easement" (PE) 11 feet in width for all Primary Residential Streets and 4 feet for all Minor Residential Streets for sidewalks, together with any and all appurtenances pertaining thereto, measured from the right of way line. Sidewalks fronting along all parks, commercial lots, and open spaces (including drainage basins) shall be a minimum of 6 feet in width, unless a larger width is indicated on the tentative map. All PSEs and PEs shall be widened as necessary to accommodate wider sidewalks on residential streets while maintaining 10 feet behind the sidewalk for the PSE. All PSEs shall be widened as necessary to fully accommodate utility facilities, such as underground transformer boxes/vaults, and to provide the required setbacks from the sidewalk, retaining wall or masonry wall as may be required by the utility companies and the Public Works Dept.

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61. Owner shall construct those streets and other infrastructure necessary to provide approved primary and secondary access to each small lot, village or unit in compliance with the Master Development Plan established for the "Large Lot Map" or as approved by the Public Works Director.
62. Owner shall construct Ostrom Road in conformance with the requirements of Exhibits 4-7, 4-8 and 4-9 of the Magnolia Ranch Specific Plan together with the roadway structural section requirements of an Urban Arterial Road per the Yuba County Standard Plans. The construction of Ostrom Road shall provide sufficient separation from existing utilities along the north side of Ostrom Road, as required by the utility companies and the Public Works Department, while maintaining the cross sections that are indicated in Exhibits 4-7, 4-8, and 4-9 of the Magnolia Ranch Specific Plan.
63. Owner shall construct South Beale Road in conformance with the requirements of Exhibits 4-4 and 4-5 of the Magnolia Specific Plan, together with the roadway structural section of an Urban Arterial Road per the Yuba County Standard Plans, including a 6-foot masonry wall along the rear property lines of all adjacent residential lots.
64. Owner shall construct Bradshaw Road in conformance with the requirements of Exhibit 4-6 of the Magnolia Ranch Specific Plan together with the roadway structural section of an Urban Collector Road per the Yuba County Standard Plans, including a 6-foot masonry wall along the rear property lines of all adjacent residential lots.
65. Owner shall construct John Sutter Parkway in conformance with the requirements of Exhibit 4-10 and 4-11 of the Magnolia Ranch Specific Plan from Bradshaw Road to Hiram Johnson Parkway and from South Beale Road to Montpelier Way, and Exhibit 4-12 of the Magnolia Ranch Specific Plan from Hiram Johnson Parkway to Montpelier Way, together with the roadway structural section of an Urban Collector Road per the Yuba County Standard Plans, including a 6-foot masonry wall along the rear property lines of all residential lots not fronting on the street.
66. Owner shall construct Hiram Johnson Parkway in conformance with the requirements of Exhibit 4-10 and 4-11 of the Magnolia Ranch Specific Plan from Ostrom Road to John Sutter Parkway, Exhibit 4-13 of the Magnolia Ranch Specific Plan from John Sutter Parkway to Iowa Drive, and Exhibit 4-12 of the Magnolia Ranch Specific Plan from Iowa Drive to Stephen Field Parkway, together with the roadway structural section of an Urban Collector Road per the Yuba County Standard Plans, including a 6-foot masonry wall along the rear property lines of all residential lots not fronting on the street.
67. Owner shall construct Golden State Parkway in conformance with the requirements of Exhibit 4-10 and 4-11 of the Magnolia Ranch Specific Plan from Ostrom Road to John Sutter Parkway, and

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Exhibit 4-14 of the Magnolia Ranch Specific Plan from John Sutter Parkway to North Dakota Drive, together with the roadway structural section of an Urban Collector Road per the Yuba County Standard Plans, including a 6-foot masonry wall along the rear property lines of all residential lots not fronting on the street.

68. Owner shall construct Annapolis Way from John Sutter Parkway to Minnesota Drive and Iowa Drive from Annapolis Way to Hiram Johnson Parkway 23 feet on both sides of the centerline to the lip of gutter, providing for bicycle lanes and on-street parking, together with the structural section of an Urban Residential Road per the Yuba County Standard Plans.
69. Owner shall construct roundabouts at the intersection of John Sutter Parkway and Hiram Johnson Parkway and the intersection of Hiram Johnson Parkway and Magnolia Ranch Parkway and other traffic calming measures in compliance with the Master Development Plan established for the "Large Lot Map" or as approved by the Public Works Director.
70. Owner shall construct "Village Entrances" in conformance with Exhibit 4-20 of the Magnolia Ranch Specific Plan, the tentative map, and the Master Development Plan together with the roadway structural section of an Urban Residential Road per the Yuba County Standard Plans or as approved by the Public Works Director.
71. Owner shall construct all interior streets to comply with the requirements of either a Primary Residential Street (Exhibit 4-16) serving more than 100 ADT and less than 500 ADT or a Minor Residential Street (Exhibit 4-17) serving less than 100 ADT, together with the roadway structural section of an Urban Residential Road per the Yuba County Standard Plans.
72. Owner shall design each unit or phase to include the full street widths of the streets adjoining and servicing the unit or phase. The construction of half-streets shall not be permitted. The development of any one village within an individual phase as shown on the large lot tract map will trigger the construction of those full street improvements for that phase to provide primary and secondary access to Ostrom Road, South Beale Road, or Bradshaw Road as specified in the Master Development Plan. Construction of sidewalks in the adjoining unit or phase may be deferred until the adjoining unit or phase is established, unless the sidewalks are necessary to provide connectivity for pedestrian access.
73. Owner shall install transit stops and features in compliance with the Magnolia Ranch Specific Plan and the Master Development Plan established for the "Large Lot Map" as approved by Yuba-Sutter Transit and the Yuba County Public Works Department. Owner shall dedicate additional right-of-way to fully accommodate transit stops and features in compliance with the Maser Development Plan and as approved by the Yuba County Public Work Director and Yuba-Sutter Transit.

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74. Owner shall construct drainage facilities and detention basins, together with any and all appurtenances pertaining thereto, in compliance with the Master Development Plan established for the "Large Lot Map" or as approved by the Public Works Director. Any fencing placed around drainage basins shall be decorative metal materials as approved by the Public Works Dept.
75. Owner shall develop a street light plan for the project in compliance with the Magnolia Ranch Specific Plan, the Yuba County Improvement Standards, and the requirements of Pacific Gas and Electric. The plan shall be approved by both the Yuba County Department of Public Works and Pacific Gas and Electric. Street lights shall be installed by the Owner in conformance with the approved street light plan. Minimum wattage for residential streets shall be 100 watt equivalent and for arterial and collector streets shall be 250 watt equivalent or as approved by the Public Works Director. An assessment fee as determined by the Public Works Department, based on a formula of ((the current PG & E street light tariff rate for each street light per month) X (1.10%) X (number of lights) X (24 months)), shall be deposited by the Owner into the maintenance fund for the County Service Area (or the maintenance fund for a CSA required to be formed herein by these conditions of approval) prior to filing the final map for each phase of the small lot subdivisions.
76. 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.
77. Owner shall provide a one-year maintenance bond for all street, drainage, pathways/trails, landscaping, and irrigation improvements required by these conditions of approval.
78. Owner shall underground all utilities, including those facilities along Ostrom Road, South Beale Road, and Bradshaw Road within the bounds of this tentative map and on the Specific Plan side of the roads, in accordance with Section 11.19.120 of the Yuba County Development Code.
79. Owner shall implement the Magnolia Ranch Specific Plan (MRSP) Regional Traffic Fee Nexus Study (Nexus Study) that was prepared for this development as it pertains to each phase or unit and implement any updates to the Countywide Traffic Impact Fees associated with adding projects identified in the MRSP Regional Traffic Fee. Owner shall update the Nexus Studies at such a time as determined by the Yuba County Public Works Dept. and cover the County's costs to adopt the updates and implement the fee programs. The updates shall include, but not be limited to, updating estimated construction costs, and revising proposed improvements for inclusion or deletion from the fee programs.
80. 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

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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).

81. Prior to the approval of any grading permit or improvement plans, owner or his/her successors in interest must submit documentation demonstrating that all necessary permits and approvals have been obtained, which may include: 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.
82. 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 Construction General Permit must be obtained prior to any construction or soil disturbing activities. 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 and the Post-Construction Standards Plan 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.
83. Owner shall submit a stormwater quality plan, including all temporary erosion and sediment control measures, site-design measures, source control measures, treatment measures, and baseline hydromodification management measures for the project, designed by a registered civil engineer in accordance with Section 7.50 of the Yuba County Ordinance Code and Section 11 of the Yuba County Improvement Standards to the Department of Public Works for review and approval prior to each phase of construction and/or grading permit. Owner shall construct such management measures as per the approved plan prior to the construction for each phase.

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84. Strict control over dust problems created during construction shall be adhered to with regard to surrounding properties and public facilities. The construction specifications and/or improvement plans shall have items reflecting dust control measures in detail and shall be approved by the Public Works Department.
85. 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, in compliance with the Master Development Plan established for the "Large Lot Map". 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.
86. 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.
87. 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.
88. Prior to filing the final map, written approvals shall be submitted to the County Surveyor from the appropriate public service providers that their requirements have been met and that financial arrangements have been made to insure their facilities will be installed and that they are satisfied with the public utility easements as shown on the final map.
89. Owner shall provide all necessary street signs and pavement markings, including, but not limited to, street name signs, stop signs, speed limit signs, bicycle route signs, stop legends, limit lines and crosswalks, as required by the Public Works Department.
90. Owner shall provide survey monumentation 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). Survey reference monuments shall be set on lot lines at a distance of 3 feet from the rear lot corners of lots that are backed by a masonry wall.

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91. Developer shall establish and implement a plan for a permanent vertical benchmark system for each unit or phase for surveying reference points as approved by the Public Works Department. Developer shall file vertical corner records with the County Surveyor for each benchmark when established.
92. Owner shall submit a letter to the Public Works Department prior to recording the final map for each phase or unit which gives the Owner's consent to be assessed the current assessment rate for CSA 70.
93. 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 street light 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.
94. All easements of record which affect this property are to be shown on the final map.
95. Upon submitting the final map for each unit or phase to the County Surveyor for filing, the Owner's surveyor or engineer shall also provide a copy of the final map in a DWG digital format showing lot lines, bearings and distances, lot numbers and street names or additional information as may be required by the Yuba County Assessor.
96. Before the final map can be filed with the Yuba County Recorder, the Owner shall submit a letter from the Yuba-Sutter Transit to the County Surveyor which states that their requirements have been met and that there are no objections to filing the final map.

### Large Lot Map (TSTM 2015-0004)

97. Owner shall dedicate to the County of Yuba strips of land in fee simple adjoining the centerline of South Beale Road having a width of 69.5 feet from Leland Stanford Parkway to Stephen Field Parkway, and having a width of 131 feet, lying 69.5 feet on the westerly side and 61.5 feet on the easterly side, from Stephen Field Parkway to the western boundary line, lying within the bounds of this tentative map. The strips of land along Large Lots 25 and 32 shall be 38 feet measured from the centerline of South Beale Road to a point located 0.50 feet from the back of curb. Landscaping along the frontage of Large Lots 25 and 32 shall be the responsibility of the property owner to install and maintain when the lot is developed.

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98. Owner shall dedicate to the County of Yuba strips of land in fee simple for "Old South Beale Road" having a width total width of 71.5 feet, lying 41.5 feet on the westerly side and 30 feet on easterly side of centerline, lying within the bounds of this tentative map. Owner shall dedicate additional strips of land in fee simple for "Old South Beale Road" to provide a 12 foot left-turn pocket at the intersection with South Beale Road as shown on the tentative map and as approved by the Public Works Director.
99. Owner shall dedicate to the County of Yuba strips of land in fee simple adjoining the centerline of Magnolia Ranch Parkway having a width of 110 feet from South Beale Road to Golden State Parkway lying 55 feet on both sides of the centerline, and a width of 66 feet from Golden State Parkway to Hiram Johnson Parkway, lying 33 feet on both sides of the centerline, lying within the bounds of this tentative map.
100. Owner shall dedicate to the County of Yuba strips of land in fee simple for Stephen Field Parkway having a total width of 96 feet from South Beale Road to Red Bluff Way and from Hiram Johnson Parkway to the western boundary line, lying 50 feet on the southerly side and 46 feet on the northerly side, and having a total width of 73.5 feet from Hiram Johnson Parkway to Red Bluff Way, lying 46.5 feet on the southerly side and 27 feet on the northerly side, lying within the bounds of this tentative map.
101. Owner shall dedicate to the County of Yuba strips of land in fee simple for Golden State Parkway having a total width of 54 feet from Leland Stanford Parkway to Stephen Field Parkway, lying 27 feet on both sides of the centerline, lying within the bounds of this tentative map.
102. Owner shall dedicate to the County of Yuba strips of land in fee simple for Leland Stanford Parkway having a total width of 96 feet from South Beale Road to Charleston Way, lying 50 feet on the northerly side and 46 feet on the southerly side, and having a total width of 54 feet from Charleston Way to Golden State Parkway, lying 27 feet on both sides of the centerline, lying within the bounds of this tentative map.
103. Owner shall dedicate to the County of Yuba strips of land in fee simple for Hiram Johnson Parkway having a total width of 73.5 feet from North Dakota Drive to Stephen Field Parkway, lying 46.5 feet on the westerly side and 27 feet on the easterly side, lying within the bounds of this tentative map.
104. Owner shall dedicate to the County of Yuba strips of land in fee simple for North Dakota Drive from Golden State Parkway to Hiram Johnson Parkway and for Stanfield Drive from South Beale Road to Red Bluff Way having total widths of 42 feet (Primary Residential Street), lying 21 feet on both sides of the centerline, lying within the bounds of this tentative map.

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105. Owner shall dedicate to the County of Yuba strips of land in fee simple for Red Bluff Way having a width of 39 feet (Minor Residential Street), lying 19.5 feet on both sides of the centerline, from Stephen Field Parkway to Stanfield Drive, lying within the bounds of this tentative map.
106. Owner shall dedicate to the County of Yuba strips of land in fee simple to fully accommodate two-lane roundabouts, together with any and all appurtenances pertaining thereto, at the intersections of Magnolia Ranch Parkway with Golden State Parkway and Hiram Johnson Parkway, in conformance with the Magnolia Ranch Specific Plan, CalTrans and Federal Highway Administration guidelines, and as shown on the tentative map.
107. Owner shall establish an easement for road and public utility purposes and an irrevocable offer of dedication to the County of Yuba for a 42-foot strip, lying 21 feet on both sides of the centerline, for Reagan Way from South Beale Road to Golden State Parkway, lying with the bounds of this tentative map.
108. Owner shall establish an easement for road and public utility purposes and an irrevocable offer of dedication to the County of Yuba for a 39-foot strip, lying 19.5 feet on both sides of the centerline, for Golden State Parkway from Stephen Field Parkway to Reagan Way, for Downey Drive and Rolph Way, lying with the bounds of this tentative map.
109. Owner shall offer to dedicate to the County of Yuba a "Public Services Easement" (PSE) 29.5 feet in width for public utility purposes, street signs, traffic safety signs and devices, street lighting, together with any and all appurtenances pertaining thereto, and a "Pedestrian Easement" (PE) 20 feet in width for sidewalks, together with any and all appurtenances pertaining thereto, for South Beale Road along the frontage of Large Lots 25 and 32 measured from the right of way line.
110. Owner shall offer to dedicate to the County of Yuba a "Public Services Easement" (PSE) 21.5 feet in width for public utility purposes, street signs, traffic safety signs and devices, street lighting, together with any and all appurtenances pertaining thereto, and a "Pedestrian Easement" (PE) 12 feet in width for sidewalks, together with any and all appurtenances pertaining thereto, along Golden State Parkway from Leland Stanford Parkway to Stephen Field Parkway, along the northerly side of Stephen Field Parkway from Red Bluff Way to Hiram Johnson Parkway, along the northerly side of Magnolia Ranch Parkway from Golden State Parkway to Hiram Johnson Parkway, along the easterly side of Hiram Johnson Parkway, and along Leland Stanford Parkway from Charleston Way to Golden State Parkway, measured from the right of way line.
111. Owner shall offer to dedicate to the County of Yuba a "Public Services Easement" (PSE) 27.5 feet in width for public utility purposes, street signs, traffic safety signs and devices, street lighting, together with any and all appurtenances pertaining thereto, and a "Pedestrian Easement" (PE) 18 feet in width for sidewalks, together with any and all appurtenances pertaining thereto,

## CONDITIONS OF APPROVAL YUBA COUNTY BOARD OF SUPERVISORS

**Applicant:** CEM Investments  
**Case No.:** SPA 2006-0002, CZ 2006-0010, TSTM 2006-0045, TSTM 2015-0004, & DA 2006-0001  
**Owner:** CEMR Properties, River Valley Rice & Land LLC., A&G Montna Properties LP, WGKS Eureka Land LLC  
**APN:** 15-070-009, 15-070-051, 15-070-072, and 15-070-080

**Hearing Date:** November 19, 2015

along the southerly side of Magnolia Ranch Parkway from Golden State Parkway to Hiram Johnson Parkway, measured from the right of way line

112. Owner shall offer to dedicate to the County of Yuba a "Public Services Easement" (PSE) 20.5 feet in width for all Primary Residential Streets and 13.5 feet in width for all Minor Residential Streets for public utility purposes, street signs, traffic safety signs and devices, street lighting, together with any and all appurtenances pertaining thereto, and a "Pedestrian Easement" (PE) 11 feet in width for all Primary Residential Streets and 4 feet for all Minor Residential Streets for sidewalks, together with any and all appurtenances pertaining thereto, measured from the right of way line.
113. Owner shall update the Magnolia Ranch Specific Plan (MRSP) Regional Traffic Fee Nexus Study and the Countywide Traffic Impact Fees associated with adding projects identified in the MRSP Regional Traffic Fee at such a time as determined by the Yuba County Public Works Dept. and cover the County's costs to adopt the updates and implement the fee programs. The update shall include, but not be limited to, updating estimated construction costs, and revising proposed improvements for inclusion or deletion from the fee programs.

### PARKS AND LANDSCAPING (COUNTY):

114. Owner shall offer to dedicate to OPUD parcels of land for parks and pedestrian pathways/trails in conformance with the Magnolia Ranch Specific Plan and the Master Development Plan for the "Large Lot Map" or to another entity that will maintain such facilities OR pay all required parkland dedication fees in lieu of land dedication as outlined in Yuba County Ordinance Section 11.45.060.
115. Owner shall construct pedestrian pathways/trails, together with any and all appurtenances pertaining thereto (e.g. signs, markings, bollards, etc.), for each interior unit or phase in compliance with the Magnolia Ranch Specific Plan and the Master Development Plan established for the "Large Lot Map" to provide connectivity for pedestrian access, or as approved by the Public Works Director.
116. Owner shall design, install and construct all landscaping and irrigation systems along public roads, together with any and all appurtenances pertaining thereto, in compliance with the Master Development Plan established for the "Large Lot Map". Landscape plans shall be prepared by a Landscape Architect and include all necessary calculations, plant material submittals, and an engineer's report detailing the landscape maintenance costs after completion and shall be submitted to and approved by the Public Works Department prior to any construction. Drought tolerant species and irrigation practices shall be taken into consideration with the landscape and irrigation design. Owner shall design the irrigation system to be controlled by the Rainmaster

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Evolution DX2 system or as approved by the Yuba County Public Works Dept., and ensure that every three (3) controllers are accompanied by at least one (1) Pro Max remote transmitter. An irrigation repeater and weather station shall be installed during the first phase of this project to ensure continuous communication throughout the County's Rainmaster irrigation network. The repeater and weather station shall be installed on a parcel of land to be deeded to the County for maintenance. No irrigation controller shall be located at a distance greater than one (1) mile from a repeater.

117. Owner shall design, install and construct all open spaces in compliance with the Magnolia Ranch Specific Plan and the Master Development Plan established for the "Large Lot Map" when each unit or phase is developed, or as directed by the Public Works Director or the entity that will maintain such open space.
118. Owner shall ensure all irrigation plans include a water use calculation for each hydrozone and a monthly irrigation schedule that includes for each station: Days per week, starts per day and minutes per start. In addition, the Owner shall ensure a water budget percentage for each month of the year is included with the irrigation plans that allow for maintenance staff to use the water budgeting feature of the Rainmaster system by adjusting the percentage of irrigation each month.
119. All solid block or masonry walls shall be designed and installed to a height of no less than six (6) feet together with an anti-graffiti coating applied to the entire public side of the wall as approved by Public Works. In areas with existing development, all masonry walls shall be matched in terms of color and style as closely as possible to other walls located within direct sight of this subdivision, within the same roadway corridor, or as approved by the Public Works Department.
120. Owner shall not include any business, company or corporate name, logo, trademark or other means of marketing on or within any park, landscaping, landscape corridor or County right of way. All monument signs must be approved by the Public Works and Planning Departments prior to installation.
121. Owner shall ensure all backflow prevention devices are adequately insulated from cold weather exposure by means of a blanket or insulated enclosure in addition to ensuring the device is enclosed in a lockable cage or cabinet.
122. All parks, landscaping and landscape corridors shall be maintained by Owner until accepted by the appropriate jurisdiction AND a County Service Area (CSA), Landscape and Lighting District or similar funding mechanism is established or formed for such purposes AND payments have been received by Yuba County into said funding mechanism for the parcels recorded within each unit or phase.

## CONDITIONS OF APPROVAL YUBA COUNTY BOARD OF SUPERVISORS

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**Hearing Date:** November 19, 2015

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**Owner:** CEMR Properties, River Valley Rice & Land LLC., A&G Montna Properties LP, WGKS Eureka Land LLC

**APN:** 15-070-009, 15-070-051, 15-070-072, and 15-070-080

123. Due to the difficulty in assessing plant health during dormancy, Yuba County will not accept for maintenance any park, landscaping or landscape corridors from November 01 – April 01. At the time of acceptance, all plant material shall be healthy and in compliance with the Yuba County Standard Specifications, including trees to be properly staked, planted with root barriers where necessary, watering pipes installed, and sized no less than eight (8) feet in height and one (1) inch in girth.
124. Upon completing construction, Owner shall schedule an inspection with Public Works to verify landscaping conformity with the approved design. Owner shall also ensure the landscape architect or their designee is onsite during the inspection to verify accuracy of work, irrigation coverage, plant size, plant selection, plant health, or any other items of concern. The architect shall be responsible for developing a punch list to be submitted to the Yuba County Public Works Dept. no later than ten (10) days after the inspection outlining all items in need of correction. Yuba County will include any outstanding conditions to be completed in the punch list. Owner shall address all items on the punch list within sixty (60) days of receiving the punch list. Failure to do so will result in the requirement for another inspection and punch list from the architect. Upon completion of the punch list, Yuba County Public Works shall receive a letter from the architect certifying all items have been satisfied.
125. Owner shall maintain the landscaping or landscape corridors for a minimum period of ninety (90) days after the completion of the punch list for the purpose of plant establishment. This period of time shall begin upon verification from Yuba County that all items on the punch list have been addressed and satisfactorily completed. If all concerns raised by the architect have been addressed but several administrative items have not, the ninety (90) day plant establishment period may begin upon the discretion of Yuba County. However, if the County exercises this option, ALL items on the punch list must be completed by the end of the ninety (90) day plant establishment period for County acceptance of the area. Upon the completion of the ninety (90) day plant establishment period, the Owner shall schedule a final inspection with Yuba County to verify completion of the park, landscaping or landscape corridor.
126. No sooner than fourteen (14) days prior to the completion of the ninety (90) day plant establishment period, Owner shall have each irrigation controller, repeater and weather station inspected and certified by Greentech. All devices must be functional prior to commencement of the ninety (90) day plant establishment period including an active phone line installed with a valid local phone number to each repeater to ensure communication with the main computer. Each controller shall be covered by warranty for a period of no less than five (5) years from the date of certification.
127. Owner shall supply Yuba County with the Pro Max remote receiver(s), O&M and user manuals, one (1) full size set of Mylar “as-built” plans, and one (1) electronic PDF file of the “as-built” plans prior to acceptance. In addition, one set of laminated 11” x 17” irrigation plans – color

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coded to represent each station – is to be placed in each irrigation controller cabinet. Owner shall also supply to the County any hardware associated with the park or landscape improvements including but not limited to keys, quick connect couplers, tools and/or spare parts.

128. All utility service accounts associated with the park, landscaping or landscape corridor shall be transferred to Yuba County Public Works, or the entity responsible for maintenance, no sooner than the close of the ninety (90) day plant establishment period AND only after the County or other responsible entity provides a written letter verifying acceptance. It shall be the Owner's responsibility to provide Yuba County Public Works or other responsible entity with all pertinent information needed for an account transfer including account numbers, meter numbers, meter locations and telephone numbers where applicable.
129. Yuba County Public Works will not accept responsibility of any parcel of land for maintenance and/or upkeep until said parcel(s) have been properly deeded to the County and have met all conditions described herein.
130. Owner shall ensure that the landscaping or landscape corridor is covered by warranty against defects for a period of one (1) year from the date of County acceptance. This warranty shall be accompanied with written certification and must include any hardware, plant and/or irrigation repair or replacement that becomes damaged as a result of factors other than weather, vandalism, or accident.

### PLANNING DEPARTMENT:

131. Unless specifically provided otherwise herein or by law, each condition of these Conditions of Approval shall be completed to the satisfaction of the County. Failure to comply with this provision may be used as grounds for revocation of the Project entitlements.
132. Prior to final map recordation all applicable processing fees shall be paid.
133. Owner shall submit to the Planning Department for review and comments a landscape plan and elevations of any masonry walls prior to installation of landscaping and masonry walls.
134. Lot design on the Final Subdivision Map shall be in substantial conformance with the approved Tentative Subdivision Tract Map as filed with Community Development and Services Agency (CDSA). The CDSA Director may approve minor modifications to the final configuration; however, the number of lots shall not exceed that shown on the approved tentative map.
135. Pursuant to Yuba County Development Code Chapter 11.20, a person or agent acting as an agent for the seller or lessor of real property located within the County shall provide the knowledge to all potential purchasers or lessees of the right to farm and mine within the County and the existing

## CONDITIONS OF APPROVAL YUBA COUNTY BOARD OF SUPERVISORS

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farming operations located within the vicinity of the project site.

- a. Prior to final map approval developer shall include a disclosure clause advising buyers and tenants of the potential adverse odor impacts in the deeds to all residential properties. Residential subdivisions shall provide notification to buyers in writing of odors associated with existing dairies, agricultural burning, and decay of agricultural waste. This notification shall indicate that the County does not consider agricultural odors to be a nuisance for residential development within the Specific Plan and requesting that residents not contact the County, FRAQMD, or other public agencies regarding odors associated with ongoing dairy operations west of the Specific Plan Area and existing rice operations in the vicinity of the Specific Plan Area.
136. A minimum two hundred and fifty foot (250-foot) wide buffer shall be provided along Ostrom Road. Prior to recordation of maps the developer shall provide, for review and approval by the Director of Community Development & Services Agency, plans depicting the location of the buffer and landscaping to be used in the buffer area and a Buffer Management Plan acceptable to and approved by the County and in compliance with Yuba County Development Code 11.44.070 (F).
137. Minimum lot sizes and setbacks for residential dwellings shall be in conformance with Magnolia Ranch Specific Plan Exhibit 3-12 Development Standards Matrix.
138. Development with the project shall comply will all Magnolia Ranch Specific Plan development standards. Where the Specific Plan is silent the development standards for the most similar zone district of the Yuba County Development Code shall apply.
139. Individual retail establishments, including general retail uses, within the Magnolia Ranch Specific Plan shall be limited to 70,000 square feet or less of sales area each.
140. Development of the project is subject to the approval of Design Review Permit(s) prior to the issuance of building permits and shall be consistent with Magnolia Ranch Specific Plan Chapter 7 (Community Design) and Yuba County Design Guidelines in instances where the Specific Plan is silent.
141. Prior to first Small Lot Final Map recordation, except for an age-restricted development, developer shall complete a school facilities financing plan with the Plumas Lake Elementary School District and Wheatland Union High School District or applicable school district in the event school boundaries have changed.
142. Prior to Final Map recordation, developer shall modify maps if necessary to be consistent with Magnolia Ranch Specific Plan section 7.2.4

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143. Water tower(s) are to be painted neutral and the area surrounding the tanks to be landscaped to the satisfaction of the Planning Department with a variety of primarily evergreen shrubs and trees.
144. Prior to final approval of any subdivision map and any entitlement permit developer shall provide a plan for review and approval by the County to reduce adverse light and glare effects on roads within and in the vicinity of the Specific Plan Area, neighboring properties, pedestrian areas, and pilots flying through the airspace of Beale AFB, consistent with the following requirements.
  - a. On-site lighting shall be of the lowest intensity that would serve the intended purpose and shall be located and screened or shielded to direct light to the intended location and avoid spillage onto adjacent properties.
  - b. Non-reflective paint and building materials shall be used.
  - c. Timing devices or sound/motion-controlled lighting shall be used, where appropriate, to reduce the amount of time where lighting is used.
  - d. Public sidewalks, parks, and open spaces that require lighting shall be illuminated with low source lighting, including bollard lighting and pole lighting not to exceed 16 feet in height.
  - e. Walkways, stairs, and drives may only be illuminated with down-lighting, low voltage lighting, or light sources with directional shields that prevent light spill onto adjacent properties.
  - f. Up-lighting is prohibited except for low-voltage lighting applications and flagpoles at civic uses.
  - g. Active portions of parks that may generate light and noise should be located and designed to promote compatibility with the surrounding neighborhood.
  - h. Sports lighting shall be located and designed to direct lighting to playfields and avoid light spillage outside of the park or school property. Lighting shall only be used when the fields are in use.
145. Prior to final map approval developer shall to the satisfaction of the County implement operational mitigation measures to reduce Green House Gas Emissions from Long-Term Operations to include, but not limited to, purchase of emissions credits if needed to comply with Mitigation Measure 4.7-2.
146. Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developers/applicants expense, unless found to be the obligation of PG&E to relocate.

**ENVIRONMENTAL HEALTH DEPARTMENT**

**CONDITIONS OF APPROVAL  
YUBA COUNTY BOARD OF SUPERVISORS**

**Applicant:** CEM Investments

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147. Except as allowed by the County for interim uses, Owner shall connect all developable parcels to OPUD for water and sewer services and facilities prior to building permit final inspection for occupancy.
148. Except as allowed by the County for interim uses, Owner shall submit to Environmental Health a "Will Serve" letter from OPUD for water and sewer services and facilities for all developable parcels.
149. All abandoned, wrecked, dismantled, or inoperative vehicles, machines, and equipment shall be removed by Owner from the subject site.
150. All existing trash and debris shall be removed from the subject site.
151. 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".
152. All abandoned septic tanks on the subject site shall be destroyed in accordance with the requirements of Yuba County Environmental Health Division.

**FIRE PROTECTION & LAW ENFORCEMENT:**

153. The project proponent shall meet all hydrant requirements of the district.
154. Owner shall design and construct all fire suppression facilities in conformance with the requirements of the Wheatland Fire Authority and the current California Fire Code.
155. Wood shake roofs shall not be permitted on any structure erected on the subject site.
156. Any proposed detention basin sites shall be landscaped. An agreement for the maintenance of the landscaping shall be included to prevent the basins from becoming overgrown with weeds and other dry vegetation.
157. The additional residential development proposed will require additional public safety manpower, facilities and equipment. Project proponents shall participate in the funding mechanisms i.e. CSA 70 or equivalent needed to cover any funding deficiencies identified by the public safety providers.
158. Prior to first Large Lot final map approval developer shall prepare and implement a Fire Protection Services Assessment and Enforceable Plan for Financing Fire Protection Services to the satisfaction of the Plumas-Brophy Fire Protection District and Wheatland Fire Authority.

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159. Prior to first Large Lot final map approval developer shall prepare for review and approval by the County a Law Enforcement Assessment and Enforceable Plan for Financing Law Enforcement Services.

**OLIVEHURST PUBLIC UTILITIES DISTRICT (OPUD)**

160. Prior to filing the a Small Lot Final Map, written approvals shall be submitted to the County Surveyor from Olivehurst Public Utility District that their requirements have been met and that financial arrangements have been made to insure their facilities will be installed and that they are satisfied with the public utility easements as shown on the Tentative Map.
161. Owner shall connect all parcels to Olivehurst Public Utility District for water and sewer services and facilities prior to building permit final inspection for occupancy.
162. Owner shall submit to Environmental Health a Will Serve letter from Olivehurst Public Utility District for sewer and water services and facilities for all parcels.
163. The Owner shall submit for review and approval to Olivehurst Public Utility District, the plans for all necessary water, sewer and parks.
164. Total parkland dedication is estimated at 26.042 acres ((1796 du x 2.9 ppdu) x .005 ac)). Such dedication shall be consistent with the requirements of Section 11.15.661 of the Yuba County Ordinance Code.
165. The parks are to be maintained by the Olivehurst Public Utility District, and the design and construction of the facilities shall reflect the District's standards outlined in the OPUD Parks Master Plan as updated to include the project.
166. Owner is financially responsible for completing an OPUD Parks Master Plan update to include this development prior to the first small lot final map. The update shall be conducted by a District approved Landscape Architect working for and commissioned by the District.
167. Domestic water and sanitary sewer service shall be provided by the Olivehurst Public Utility District. The Owner shall meet all annexation requirements and shall participate fully in the financing, design, construction, and installation of facilities required by District including but not limited to, water lines, wells, treatment facilities, lift stations, pumping stations and sanitary sewer collections lines.
168. Prior to recordation of a Small Lot Final Map for the first phase of development, a Clearance Letter issued by the Olivehurst Public Utility District shall be submitted to the Community Development

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and Public Works Departments which state that their requirements are met, financial arrangements have been made to ensure the required facilities will be installed when needed.

169. On terms and conditions acceptable to County and applicable special district(s), Owner shall annex into a County Service Area (provided by Government Code section 25210.1 and following) or other entity. Additionally, the Owner will be required to provide for other funding mechanism(s), which are required to address funding delays and/or shortfalls in the primary funding mechanism to provide for maintenance for parks prior to filing the Final Map or the Final Map of the first phase or unit of the subdivision. One such funding mechanism is to annex to OPUD CFD 2005-2. Any other type of funding mechanism must be approved by the District.

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BOS.docx

Attachment 2

Ordinance

Exhibit A: Rezone Exhibit

Exhibit B: Development Agreement

Exhibit C: Required Findings for Approval

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REZONING CERTAIN PROPERTY IN THE COUNTY OF YUBA AND  
ADOPTION OF A DEVELOPMENT AGREEMENT BY AND BETWEEN THE COUNTY OF  
YUBA AND CEM INVESTMENTS RELATIVE TO THE DEVELOPMENT KNOWN AS  
MAGNOLIA RANCH

Based on the required findings for approval, as provided in Exhibit C attached herein,  
which are supported by substantial evidence in the record, the following ordinance consisting of  
five (5) sections, was duly and regularly passed and adopted by the Board of Supervisors of the  
County of Yuba, State of California, at a regular meeting of the Board of Supervisors held on the  
19th day of November 2015 by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

\_\_\_\_\_  
Chair of the Board of  
Supervisors of the County of  
Yuba, State of California

**ATTEST: DONNA STOTTLEMEYER**  
Clerk of the Board of Supervisors

By: \_\_\_\_\_

**APPROVED AS TO FORM**

**ANGIL P. MORRIS-JONES**  
County Counsel

By:  \_\_\_\_\_

**THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA, STATE OF CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** This ordinance shall take effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published with the names of members voting for and against the same once in a local newspaper of general circulation published in the County of Yuba, State of California.

**Section 2.** The following Tax Assessor's Parcels are rezoned from AE-40 (Exclusive Agricultural) to Planning Reserve:

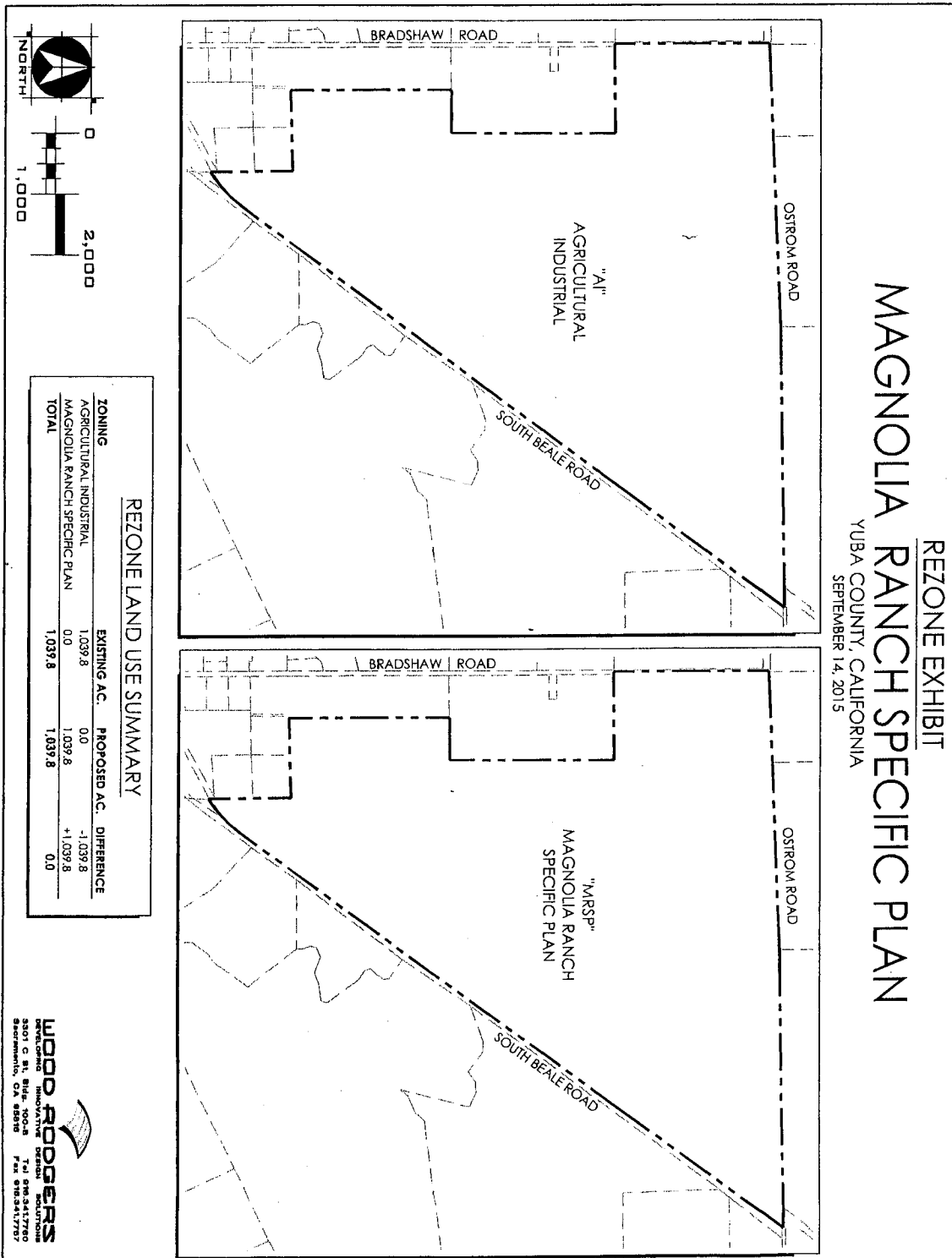
APNs: 015-070-009, 015-070-051, 015-070-072, 015-070-078, 015-070-079, and 015-070-080

The parcels listed above totaling approximately 1,039 acres are located south of Ostrom Road, west of South Beale Road, east of Bradshaw Road, and approximately 3,000 feet north of State Route 65 in the unincorporated portion of Yuba County, and is shown on the map attached hereto and incorporated by reference as Exhibit "A".

**Section 3.** The Official Zoning Map as provided in Section 11.04.030 of the Yuba County Ordinance Code is amended to show the rezoning of the parcels described above. Approval of the Change of Zone is conditioned upon the effectiveness of Resolution \_\_\_\_\_ approving Specific Plan (SP 2006-0002).

**Section 4.** The Chair of the Board of Supervisors is authorized to execute the Development Agreement By and Between the County of Yuba and CEM Investments (A & G Montna Properties LP, River Valley Rice & Land LLC, WGKS Eureka Land LLC and CEMR Properties) relative to the Development known as Magnolia Ranch is attached hereto marked as Exhibit "B" by this reference incorporated herein as though set forth herein in full. Approval of the Development Agreement is conditioned upon the effectiveness of Resolution \_\_\_\_\_ approving Specific Plan (SP 2006-0002).

**Section 5.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsection, sentences, clauses or phrases be declared invalid.



**RECORDING REQUESTED BY  
AND WHEN RECORDED, MAIL TO:**

Clerk of the Board  
County of Yuba  
915 8th St. Suite 109  
Marysville, CA 95901

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*Space above for Recorders Use Only*

**DEVELOPMENT AGREEMENT  
BY AND BETWEEN  
THE COUNTY OF YUBA AND  
CEM INVESTMENTS**

**RELATIVE TO THE DEVELOPMENT KNOWN AS  
MAGNOLIA RANCH**

This document, including exhibits, totals \_\_\_\_ pages.

**REFERENCE SHEET****Project:** Magnolia Ranch**Landowner:** CEM Investments**Landowner's Address for Purpose of Written Notice:**

CEM Investments  
 c/o Montna Farms  
 12755 Garden Highway  
 Yuba City, CA 95991

**Term:**

The Term of the Development Agreement, as provided for in Section 1.8 is fifteen (15) years, which begins (30) days after the Board of Supervisors enacts the Adopting Ordinance (noted below) and up to two (2) term extensions of five (5) years each.

**Entitlements:**

As referred to in Recital 5 shall mean the Magnolia Ranch Specific Plan adopted on \_\_\_\_\_, 2015 by Resolution No. \_\_\_\_\_ (the "Specific Plan"), the Change of Zone adopted on \_\_\_\_\_, 2015 by Ordinance No. \_\_\_\_\_, the MRSP Regional Traffic Fee Nexus Study adopted on \_\_\_\_\_, 2015 by Resolution No. \_\_\_\_\_ (the "MRSP Traffic Fee Study"), and the tentative subdivision map adopted on \_\_\_\_\_, 2015 by Resolution No. \_\_\_\_\_, (the "Tentative Map" )

**CEQA document:** The EIR for the Project certified by the Board of Supervisors on \_\_\_\_\_, 2015 (SCH #2013022017) (the "EIR") and General Plan EIR certified on June 7, 2011 (SCH#2010062054)

**Adopting Ordinance:**

As referred to in Section 1.3 (a), shall mean Ordinance No. \_\_\_\_\_ enacted by the Board of Supervisors on \_\_\_\_\_, 20\_\_\_\_.

**Exhibits which are attached to this Development Agreement are as follows:**

- A. Legal Description of Subject Property
- B. Assumption Agreement
- C. Sample Notice of Termination

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THIS DEVELOPMENT AGREEMENT ("Agreement") is made by and between the COUNTY OF YUBA, a political subdivision of the State of California ("County"), and CEM INVESTMENTS ("Landowner") pursuant to the authority of Article 2.5, Chapter 4, Division 1, Title 7 (§ 65864 et seq. of the Government Code) relating to Development Agreements.

### RECITALS

1. In order to strengthen the public land use planning process, to encourage private participation in the process, to reduce the economic risk of development and to reduce the waste of resources, the Legislature adopted the Development Agreement Law (Gov. Code, § 65864 et seq.)

2. The Development Agreement Law permits cities and counties to contract with private interests for their mutual benefit in a manner not otherwise available to the contracting parties. Such agreements, as authorized by the Development Agreement Law and by common law, assure property developers that they may proceed with their projects with the assurance that approvals granted by public agencies will not change during the period of development. Cities and counties are equally assured that costly infrastructure such as roads, sewers, fire protection facilities, etc., will be available in a timely manner.

3. The parties have, in good faith, negotiated the terms hereinafter set forth which carry out the legislative purpose set forth above and will assure the parties to this Agreement of mutually desirable development in a manner consistent with the CEQA document, the Entitlements, and this Agreement.

4. Landowner owns in fee the Subject Property commonly referred to as **Magnolia Ranch** and more particularly described on **Exhibit A** hereto, located in the County.

5. County, in response to Landowner's application(s), after public hearings and extensive environmental analysis, has granted approval of the Entitlements, as set forth on the Reference Sheet.

6. In support of the various Entitlements described in paragraph 5 above, and in accord with the California Environmental Quality Act ("CEQA") and State and County guidelines, County has accepted and ratified a CEQA document, as set forth in the Reference Sheet.

7. Development of the Subject Property pursuant to the terms and conditions of the Entitlements, the General Plan and appropriate environmental determinations will provide for orderly growth and development consistent with the County's General Plan and other development policies and programs.

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8. The Planning Commission considered this Agreement, and recommended its adoption to the Board of Supervisors.

9. Having duly considered this Agreement and having held the noticed public hearings, County finds and declares that the provisions of this Agreement are consistent with the maps and text of the County's General Plan.

**NOW, THEREFORE**, the parties hereto agree as follows:

## **ARTICLE 1**

### **GENERAL PROVISIONS**

**Section 1.1. The Project.** The Project is defined as set forth on the Reference Sheet.

**Section 1.2. Subject Property.** The Subject Property is more specifically described in **Exhibit A**, which is incorporated herein and made part of this Agreement.

**Section 1.3. Definitions.** As used in the Agreement, the following terms, phrases and words shall have the meanings and be interpreted as set forth in this Section.

(a) **Adopting Ordinance** means the ordinance which approves this Agreement as required by Government Code section 65867.5.

(b) **Applicable Laws** means the General Plan, Specific Plan (if applicable), County Laws, rules, ordinances, regulations, and official policies governing the processing of entitlements, the permitted uses of the Subject Property, the density or intensity of use, the rate and timing of development, design, improvements, reservation or dedication of land for public improvements, fees, exactions, construction and building setbacks, occupancy and specifications applicable to the Subject Property in effect on the Effective Date of this Agreement.

(c) **Assumption Agreement** means an agreement substantially conforming to the model assumption agreement provided in **Exhibit B**, or other agreement in a form approved by the County Counsel, executed by the Landowner with a subsequent Landowner, expressly assuming various obligations relating to the development of the Project, or portion thereof.

(d) **CEM Investments** means the following entities (i) thru (iv), which together own the Subject Property: (i) A & G Montna Properties LP as to an undivided 25% interest; (ii) River Valley Rice & Land LLC, a Delaware Limited Liability Company as Development Agreement Between the County of Yuba and CEM Investments

to an undivided 25% interest; (iii) WGKS Eureka Land, LLC, as to an undivided 25% interest; and (iv) CEMR Properties, a joint venture, as to an undivided 25% interest.

(e) **CEMR Properties** means CEMR Properties, a joint venture, composed of Michael E. Rue and Patricia M. Rue, husband and wife; James R. Kenny and Sherril P. Kenny, Trustees of The Kenny Living Trust created by Trust Agreement executed May 9, 1984; and San Felipe Properties Inc., a California Corporation.

(f) **CEQA** means the California Environmental Quality Act section 21000 et seq., of the Public Resources Code of the State of California.

(g) **County** means the County Board of Supervisors for the County of Yuba, or its designee.

(h) **Completed Lot** is defined in Section 1.10.

(i) **County Laws** means ordinances, resolutions, rules, regulations, policies, motions, directives, mitigation measures, conditions, standards, specifications, dedications, fees, taxes (including without limitation general, special and excise taxes), assessments, liens, other exactions and impositions, and any other actions having the force of law, that are enacted or adopted by County, or by its electorate through the initiative or referendum process.

(j) **Director** means the Community Development Director for the County, or his/her designee.

(k) **Effective Date** means the date on which both (1) the Resolution Approving Specific Plan (SP 2006-002) is effective, and (2) the Adopting Ordinance is effective. The Resolution Approving Specific Plan (SP 2006-002) and the Adopting Ordinance shall become effective thirty (30) days after their adoption by the Board of Supervisors, unless a petition protesting adoption is presented to the Board of Supervisors prior to that date as provided in California Elections Code Section 9144.

(l) **Entitlements** shall mean those approvals listed on the Reference Sheet of this Agreement, approved copies of which are on file with the Board of Supervisors.

(m) **General Plan** means the General Plan of the County, adopted on June 7, 2011, including the text and maps, as may have been amended in connection with the Project.

(n) **Landowner** shall mean that person or entity that has applied for this Development Agreement as defined on the Reference Sheet.

(o) **Planning Commission** shall mean the County's Planning Commission.

(p) **Reserved Powers** shall mean those powers explicitly reserved to the County by this Agreement.

(q) **Subject Property** means the property described in Section 1.2, or the remaining portions thereof after releases from the provisions of this Agreement have been executed as authorized by this Agreement.

**Section 1.4. Exhibits.** Exhibits to this Agreement are as follows:

<b>Exhibit A</b>	Legal Description of Subject Property
<b>Exhibit B</b>	Assumption Agreement
<b>Exhibit C</b>	Sample Notice of Termination

**Section 1.5. Incorporation of Recitals.** Recitals 1 through 9 are incorporated herein, including all exhibits referred to in the Recitals. In the event of inconsistency between the Recitals and the provisions of Articles 1 through 5, the provisions of Articles 1 through 5 shall prevail.

**Section 1.6. Parties to Agreement.** The parties to this Agreement are:

(a) **The County of Yuba.** A political subdivision of the State of California exercising general governmental functions and powers. The principal office of the County is located at 915 8th Street, Marysville, California 95901.

(b) **Landowner.** CEM Investments owns the Subject Property in fee.

**Section 1.7. Project is a Private Undertaking.** It is agreed among the parties that the Project is a private development and that the County has no interest therein except as authorized in the exercise of its governmental functions.

**Section 1.8. Term of Agreement.** This Agreement shall commence upon the Effective Date of the Adopting Ordinance approving this Agreement and shall continue in force for the period shown on the Reference Sheet under "Term" consisting of fifteen (15) years, which begins (30) days after the Board of Supervisors enacts the Adopting Ordinance and up to two (2) term extensions of five (5) years each. All term extensions shall be granted by the Director upon confirmation that the information provided by the Landowner demonstrates actual permanent (non-construction) job creation and/or development of all necessary infrastructure to support job creation for future permanent jobs within the County. This demonstration shall be directly related to the development of the Project, infrastructure funded by the Landowner, or other means

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that demonstrates to the satisfaction of the County that the Landowner was instrumental in the funding or construction of development or infrastructure for job creation equivalent to at least one job per residential unit with an occupancy permit within the Project. Upon the expiration of the Term as provided for in this section, this Agreement shall automatically terminate and be of no further force and effect.

**Section 1.9. Assignment and Assumption.**

(a) Landowner shall have the right to sell, assign, or transfer this Agreement with all the rights, title and interests therein to any person, firm or corporation who acquires an interest in all or any portion of the Subject Property at any time during the term of this Agreement.

(b) The conditions and covenants set forth in this Agreement and incorporated herein shall run with the land and the benefits and burdens shall bind and inure to the benefit of the parties. Landowner shall provide County with a copy of the Assumption Agreement no later than ten calendar days following the transfer. Express written assumption by such purchaser, assignee or transferee, to the satisfaction of the County Counsel, of the obligations and other terms and conditions of this Agreement with respect to the Subject Property or such portion thereof sold, assigned or transferred, shall relieve the Landowner selling, assigning or transferring such interest of such obligations so expressly assumed. Any such assumption of Landowner's obligations under this Agreement shall be deemed to be to the satisfaction of the County Counsel if executed in the form of the Assumption Agreement attached hereto as **Exhibit B** and incorporated herein by this reference, or such other form as shall be approved by the County Counsel.

(c) Assignee shall be deemed to be the "Landowner", with all rights and obligations related thereto, with respect to such conveyed property.

**Section 1.10. Covenants Running with the Land.** Each and every purchaser, assignee or transferee of an interest in the Subject Property, or any portion thereof, shall be obligated and bound by the terms and conditions of this Agreement, and shall be the beneficiary thereof and a party thereto, but only with respect to the Subject Property, or such portion thereof, sold, assigned or transferred to it. Any such purchaser, assignee or transferee shall observe and fully perform all of the duties and obligations of a Landowner contained in this Agreement, as such duties and obligations pertain to the portion of the Subject Property sold, assigned or transferred to it from and after the date of such transfer. Provided however, notwithstanding anything to the contrary above, if any such sale, assignment or transfer relates to a completed residential unit or non-residential building which has been approved by the County for occupancy (i.e., a "Completed Lot"), this Agreement shall automatically terminate with respect to the Completed Lot. The termination of this Agreement for any Completed Lot shall not be construed to terminate or modify any assessment district or special tax

district lien affecting such Completed Lot at the time of termination. Upon the request of Landowner, County shall execute such documents as are reasonably requested to remove this Agreement from the public records as it affects each Completed Lot. The County may charge a reasonable fee to process this request.

**Section 1.11. Amendment to Agreement.** This Agreement may be amended by mutual consent of the parties in writing, in accordance with the provisions of Government Code section 65868, provided that any proposed amendment shall require a noticed public hearing before the parties may execute an amendment.

Any amendment entered into between the County and the Landowner shall require the signature of each owner of any portion of the Subject Property to the extent the amendment modifies this Agreement as to that owner's property.

**Section 1.12. Releases.** The Assignor shall be deemed released from all obligations relating to the sold, assigned, or transferred property, which accrue after the date that the Assignment is executed by the Assignee.

**Section 1.13. Notices.** Notices, demands, correspondence, and other communication to County and Landowner shall be deemed given if dispatched by prepaid first-class mail to the principal offices of the parties as designated for the County in Section 1.6(a) and on the Reference Sheet for the Landowner. Notice to the County shall be to the attention of both the County Administrator and the Director. The parties hereto may, from time to time, advise the other of new addresses for such notices, demands or correspondence.

**Section 1.14. Reimbursement for Agreement Expense of County.**

(a) Landowner agrees to reimburse County for reasonable and actual expenses for the preparation of the form of this Agreement, in addition to publishing fees and reasonable staff and consultant costs not otherwise included within application fees then due and payable to the County. Landowner shall also pay any and all installments of property tax then due for the Subject Property. Landowner agrees to reimburse the County for all costs incurred prior to recordation of this Agreement.

(b) Landowner agrees to maintain a deposit of five thousand dollars (\$5,000) with the County Community Development and Services Agency annually for the term of this Agreement, beginning with the first anniversary of the effective date of this Agreement, to cover administrative expenses in the County's review of this Agreement as set forth in Section 3.2. Landowner agrees to pay all County administrative expenses incurred in said Annual Review within ten (10) days of receipt of an invoice.

**Section 1.15. Recordation of Agreement.** The Clerk of the Board shall cause a copy of this Agreement to be recorded with the County Recorder not later than ten (10) days after execution of this Agreement by the County and Landowner.

**Section 1.16. Applicable Law.** This Agreement shall be construed and enforced in accordance with the laws of the State of California.

**Section 1.17. Invalidity of Agreement/Severability.** If this Agreement in its entirety is determined by a court to be invalid or unenforceable, this Agreement shall automatically terminate as of the date of final entry of judgment. If any provision of this Agreement shall be determined by a court to be invalid and unenforceable, or if any provision of this Agreement is rendered invalid or unenforceable according to the terms of any federal or state statute, which became effective after the Effective Date, the remaining provisions shall continue in full force and effect.

**Section 1.18. Third Party Legal Challenge.** In the event any legal action or other proceeding is commenced by any person or entity other than a party, challenging this Agreement, the Entitlements or any approval subsequently granted by the County for the development of the Subject Property, the parties agree to cooperate with each other in good faith. County may elect to tender the defense of any lawsuit filed by a third person or entity to Landowner, and, in such event, Landowner shall indemnify, hold the County harmless from and defend the County from all costs and expenses incurred in the defense of such lawsuit, including, but not limited to, damages, attorneys' fees and expenses of litigation awarded to the prevailing party or parties in such litigation. For purposes of this section only, "County" shall include all employees, consultants and agents acting on behalf of the County. Neither party shall settle any such lawsuit without the consent of the other party. The County may elect to participate in the litigation, in which case the Landowner agrees to reimburse the County for its litigation costs and fees, including the retention of outside legal counsel and all staff costs. It is the intent of the parties that the County's participation not result in unnecessary duplication of legal services, but rather that the County's active involvement in the litigation be limited to supervising the preparation of the administrative record or discovery as applicable, monitoring of litigation, and responsive pleadings regarding issues which, in the sole opinion of the County, involve broader County concerns than those immediately affecting the Landowner. Upon written demand of the County, Landowner shall deposit with the County such sums as may be specified by the County as its estimated litigation costs and fees for the following thirty (30) day period. Both parties shall act in good faith, and shall not unreasonably withhold consent to settle. In the event that the County elects to settle a claim, and Landowner refuses to also settle, County at its sole option may require Landowner to post security in a form and amount reasonably acceptable to the County, for the performance of Landowner's duties under this section to indemnify, hold harmless, and defend. If the Landowner, within thirty (30) days of receiving written notice from County, fails to post this security, the Landowner shall settle the claim on terms as

previously approved by the County. This provision shall survive the termination of this Agreement.

**Section 1.19. Priority of Enactment.** In the event of conflict between the Development Agreement, the Entitlements and the County Laws, the parties agree that the following sequence of approvals establishes the relative priority of approvals, each approval superior to the approvals listed thereafter: (1) the Development Agreement; (2) the Entitlements; and (3) the County Laws. In the event of a conflict between two or more of the foregoing documents, the language of that document which is superior in priority as provided above shall govern.

## ARTICLE 2

### PROJECT DEVELOPMENT

**Section 2.1. Vested Right.** During the Term of and subject to the terms of this Agreement, the Landowner's rights shall be vested only as to the Entitlements. "Vested" shall mean that except as to express limitations and reservations contained in this Agreement, Landowner has a fully vested right to develop the Subject Property in accordance with the terms and conditions of this Agreement and the Entitlements, and Landowner's Entitlements shall not be subject to changes in Applicable Laws. To the extent that any changes in the Applicable Laws are in conflict with Landowner's vested rights secured by this Agreement, the vested rights shall prevail. Notwithstanding the foregoing, Landowner may elect, in its sole discretion, to comply with or receive the benefit of any change in Applicable Laws by providing notice to the County of said election. If the Landowner seeks any additional entitlements, approvals, or permits in the implementation of the Project, the County's consideration of such subsequent entitlements, approvals, and permits shall be in accordance with Applicable Laws. Upon approval of such subsequent entitlements, approvals, or permits, such subsequent entitlements, approvals, or permits shall automatically become included in the Entitlements and shall be considered vested pursuant to this Section. This section shall not be construed to limit the authority or obligation of the County to hold necessary public hearings, or to limit the discretion of the County or any of its officers or officials with regard to rules, regulations, ordinances, laws and entitlements, which require the exercise of discretion by the County or any of its officers or officials in accordance with the Applicable Laws, or exercise those reserved powers as set forth in Section 2.9.

**Section 2.2. No Conflicting Enactments.** Except as otherwise provided by the terms and conditions of this Agreement or the Entitlements, no ordinance, resolution, rule, regulation or policy of County shall be applied, imposed or enacted, by resolution, ordinance, initiative or otherwise, which in any way relates to the rate, timing or sequencing of the development or use of the Property, or any improvements related thereto, including without limitation, any no-growth or slow-growth initiatives or moratoria or annual development allocations, quotas or limitations, or in any way

conflicts with the permitted uses, density and intensity of uses, maximum building height and size set forth in the Entitlements; provided, however, Landowner shall be subject to any such growth limitation ordinance, resolution, rule, regulation or policy which is adopted on a uniformly applied, County-wide basis and directly concerns a public health or safety issue, in which case County shall treat Landowner in a uniform, equitable and proportionate manner with all properties which are zoned consistent with Landowner's zoning set forth in the Entitlements.

**Section 2.3. Permitted Uses, Development Standards and Condition of the Subject Property.** The permitted uses and development standards shall be those as set forth in and permitted by the Entitlements.

**Section 2.4. Application, Processing and Inspection Fees.** Application fees, processing fees, and inspection fees that are revised during the term of this Agreement shall apply to the development pursuant to this Agreement, provided that such revised fees apply generally to similar private projects or works within the County.

**Section 2.5. Impact Fees.**

(a) Except as provided in Section 2.13, the County's County-wide impact fees that are revised during the term of this Agreement shall apply to the development pursuant to this Agreement, provided that such revised fees are adopted and applied on a County-wide basis to similar development projects. Notwithstanding the foregoing, any increase of an impact fee that includes the costs of a new interchange at South Beale Road and Highway 65 shall not be applicable to the Project, so long as Landowner's fair share contribution to said interchange improvements is addressed by payment of the MRSP Traffic Fees as set forth in Section 2.13. County agrees that the MRSP Traffic Fee shall be adjusted to exclude any facilities that are funded by the Wheatland Bypass Fee.

(b) As identified in the Project EIR, certain offsite traffic improvements are needed to serve the Project. The Project's fair share costs of these improvements are quantified in the MRSP Traffic Fee Study and result in a MRSP Traffic Fee to be paid as development occurs. In order to ensure the County has adequate funds to initiate the traffic improvements in a timely manner, Landowner shall make the following advance payments: (i) prior to the recording of the first small-lot final map, an amount which is equal to the MRSP Traffic Fees for 50 single-family residential units to be developed within the Project; and (ii) prior to the issuance of the first residential occupancy permit, an amount which is equal to the MRSP Traffic Fees for 50 single-family residential units to be developed within the Project. Upon receipt of said advance payments, County agrees that Landowner shall receive credits toward future payments of the MRSP Traffic Fees for the same (100 total) single family residential units constructed within the Project. As used in this Subsection (b), the term "small lot final map"

means a subdivision map which is filed with the recorder in order to create individual single family homesites for purpose of individual sale, lease or financing. The term "small lot final map" shall not include a large lot final map, lot line adjustment, parcel map or subdivision map which does not create individual single family homesites.

(c) As identified in the Project EIR, traffic conditions in and around the City of Wheatland would be improved by construction of a bypass roadway around the City of Wheatland (the "Wheatland Bypass"). Subject to Subsection (d) of this Section 2.5, Landowner agrees to pay up to twenty percent (20%) of the costs, not to exceed \$250,000, to (i) complete a Caltrans Project Study Report (PSR) for the Wheatland Bypass and (ii) prepare a nexus study to establish an impact fee. Payment of the fee established by the nexus study shall be required on all applicable building permits within the Project upon which the fee is imposed. Funds provided by the Landowner as set forth in this Subsection (c) shall be tracked and credited towards the Project's fair share costs of the bypass roadway that will be established in the nexus study for the Wheatland Bypass Fee.

(d) Landowner's obligation to fund the Wheatland Bypass PSR and nexus study for the Wheatland Bypass Fee shall be subject to the following. The County and the City of Wheatland shall agree upon a cost share allocation or fair share funding methodology for funding the Wheatland Bypass PSR and the nexus study for the Wheatland Bypass Fee. The City of Wheatland shall obtain binding funding commitments from the developers of undeveloped properties within the City of Wheatland that would benefit from the Wheatland Bypass. Once binding funding commitments have been established, to the reasonable satisfaction of the County, Landowner shall deposit funds as directed by the County in accordance with Subsection (c).

**Section 2.6. Age-Restricted Development.** The Parties acknowledge that the MRSP Traffic Fee Study does not include any category of development for age-restricted housing, within the meaning of Section 51.3 of the Civil Code, because the traffic impact study for the EIR conservatively assumed development of proposed age-restricted units as non-restricted units. In the event that a developer of age-restricted housing obtains an update of the MRSP Traffic Fee Study, which shall include reimbursement of the County's administrative costs to process such an update, such age-restricted housing will be subject to the payment of MRSP Traffic Fees in accordance with such an update.

**Section 2.7. Life of Tentative Maps.** The life of the Tentative Map referenced on the Reference Sheet, and any tentative map or parcel map approved after the Effective Date, is extended for the Term of this Agreement or the duration of such entitlement approval according to law, whichever occurs later, as provided in Government Code sections 66452.6(a) and 65863.9. In the event that this Agreement is terminated for any reason, any extension to the life of a tentative subdivision map or

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parcel map provided by this Agreement shall automatically expire 180 days following termination of the Agreement.

**Section 2.8. Reserved Powers.** Notwithstanding any other provision of this Agreement, and without limitation as to any other requirements or exceptions contained in this Agreement, the County retains the authority to take the following actions and apply the same to the Subject Property:

(a) The authority of the Board of Supervisors to adopt regulations to protect the County and its citizens from an immediate and significant adverse risk to health and safety. This shall include, but not be limited to, lack of sufficient sewer and/or water facilities, but not transportation or school facilities.

(b) Adopt new or amended building codes (as may be amended by the County), including, but not limited to, the Uniform Building Code, Uniform Fire Code, Uniform Mechanical Code, Uniform Plumbing Code, National Electrical Code, Uniform Housing Code, and Uniform Sign Code, that generally apply equally to all buildings, structures, and real property in the County.

(c) Adopt land use regulations, ordinances, policies, programs, resolutions or fees generally applicable to similar development projects adopted or undertaken by County in order to comply with state or federal laws, or regulations, provided that in the event that such state or federal laws or regulations prevent or preclude compliance with one or more provisions of this Agreement, such provision or provisions shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations.

(d) Adopt County land use regulations, ordinances, policies, programs or resolutions after the Effective Date, which are in conflict with the Applicable Laws, but the application of which to the development of the Subject Property has been consented to in writing by the Landowner by later separate document, which consent Landowner may withhold in its sole and exclusive discretion.

**Section 2.9. Obligation and Rights of Mortgage Lenders.** The holder of any mortgage, deed of trust or other security instrument with respect to the Subject Property, or any portion thereof, shall not be obligated under this Agreement to construct or complete improvements or to guarantee such construction or completion, but, in the event said holder takes title to the Subject Property through foreclosure of a mortgage or a deed of trust, or deed-in-lieu of such foreclosure, said holder shall be bound by all of the terms and conditions of this Agreement which pertain to the Subject Property or such portion thereof in which it holds an interest. Any such holder who comes into possession of the Subject Property, or any portion thereof, pursuant to a foreclosure of a mortgage or a deed of trust, or deed in lieu of such foreclosure, shall take the Subject Property, or such portion thereof, subject to any pro rata claims for

payments or charges against the Subject Property, or such portion thereof, which accrue prior and subsequent to the time such holder comes into possession. Nothing in this Agreement shall be deemed or construed to permit or authorize any such holder to devote the Subject Property, or any portion thereof, to any uses, or to construct any improvements thereon, other than those uses and improvements provided for or authorized by this Agreement, subject to all of the terms and conditions of this Agreement.

Upon foreclosure or deed-in-lieu thereof, a lender has no obligation to pay any costs related to the development of the Subject Property unless said lender or successor-in-interest elects to develop the Subject Property as permitted by the Entitlements.

**Section 2.10. Tolling and Extension During Legal Challenge or Moratoria.**

(a) If this Agreement, any of the Entitlements or any subsequent entitlements, approvals or permits required to implement the Entitlements are subjected to legal challenge by a third party, other than Landowner, and Landowner cannot or elects not to proceed with development of the Subject Property during such litigation, the Term of this Agreement and timing for obligations imposed pursuant to this Agreement shall, upon written request of Landowner to County, be extended and tolled during such litigation until the entry of final order or judgment upholding this Agreement, the Entitlements, subsequent entitlements, approvals and/or other permits required to implement the Entitlements, or the litigation is dismissed by stipulation of the parties.

(b) If this Agreement, any of the Entitlements or any subsequent entitlements, approvals or permits required to implement the Entitlements are subjected to moratoria, and Landowner cannot or elects not to proceed with the development of the Subject Property during such moratoria, the Term of this Agreement and timing for obligations imposed pursuant to this Agreement shall, upon written request of Landowner to County, be extended and tolled during such moratoria. Moratoria shall be defined as restrictions, moratorium or de facto moratoria on approval or recordation of final maps, issuance of building permits, final inspections or certificates of occupancy, or approval or issuance of other such entitlements or permits, at the time of the transfer which would limit the reasonable ability to construct in a similar fashion a development project previously approved by the County.

**Section 2.11. Property Tax.** Landowner shall pay all installments of property tax applicable to the Subject Property, prior to such installments becoming delinquent.

**Section 2.12. Specific Plan Fee.** County agrees to levy and collect a Specific Plan Fee and administrative fee to cover the County's associated costs, pursuant to Government Code section 65456, in connection with the development of any property

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outside of the Subject Property which amends the Specific Plan, which is otherwise required to be consistent with the Specific Plan. The purpose of the Specific Plan Fee shall be to reimburse Landowner for all costs incurred in processing the Specific Plan application with the County, and may include, but not be limited to: all costs expended by Landowner in the preparation, review, and adoption of the Specific Plan; preparation, review and certification of the Specific Plan EIR; and attorneys' fees and costs incurred in litigation related to any challenge of the Specific Plan or the Specific Plan EIR. The Specific Plan Fee shall be charged on a proportional basis in accordance with the number of acres being proposed for development and the relative benefit derived from the use of the Specific Plan. A private land development project which amends the Specific Plan and utilizes the EIR shall be presumed to receive the full benefit of the use of the Specific Plan and shall be required to pay the Specific Plan Fee in an amount which, for every six (6) acres (gross) of development, would be sufficient to fully reimburse Landowner for one half of one percent (0.5%) of the costs expended by Landowner described in this Section. A private land development project which makes any use of the Specific Plan EIR, but which does not amend the Specific Plan, shall be presumed to receive a benefit only from the Specific Plan EIR, and shall be required to pay the Specific Plan Fee in an amount which, for every six (6) acres of development, would be sufficient to reimburse Landowner for one half of one percent (0.5%) of the costs expended by Landowner in compliance with CEQA. Landowner agrees to provide documentation of the costs expended by Landowner as contemplated in this Section upon approval of the Specific Plan and following the conclusion of litigation, if any, challenging the Specific Plan or the Specific Plan EIR, which may include a return of writ, attorneys fee litigation, or other post-judgment proceedings. County agrees to collect the Specific Plan Fee as a condition of processing a development application. Landowner agrees that any project proposed by the County, OPUD and/or Beale AFB shall be exempt from the payment of said Specific Plan Fee.

**Section 2.13. Traffic Fees.** The Parties acknowledge that the purpose of the MRSP Traffic Fee Study is to fund all regional roadway projects which are determined to be necessary to accommodate the MRSP by the MRSP EIR and which are not fully funded by any other impact fee program. Except as provided in Section 2.14, the Parties agree that development of the Subject Property shall be subject to the payment of the applicable fees as set forth in the MRSP Traffic Fee Study, which are subject to change as implementation of the projects in the Fee Study are constructed and actual costs are known as well as in accordance with Section 2.6.

**Section 2.14. Traffic Fee Exemption for Non-Residential Development.** The traffic model for the 2030 General Plan determined that certain non-residential development could be accommodated within the Employment Village, including the MRSP, without triggering the traffic mitigation required of the MRSP. The County acknowledges that this includes certain "Exempt Development," which is defined as the following amounts of non-residential development forecast in the Employment Village:

- The first 90,000 square feet of commercial development,
- The first 638,000 square feet of manufacturing development, and
- The first 1,564,000 square feet of light industrial development.

In the event any portion of such Exempt Development occurs within the MRSP, County agrees that such Exempt Development will be required to pay the applicable countywide impact fees then in effect, but will not be required to pay the fees specified in the MRSP Traffic Fee Study up to the total amount of development within the Employment Village that is under the above thresholds.

#### **Section 2.15. Job Creation.**

(a) The Landowner acknowledges that the County's overall economic indicators in areas such as jobs to housing, median household income, taxable sales, and property values are on the lower end within the region. As stated by the Landowner when the Landowner requested the County include General Plan policies in the County's General Plan Update to include the ability to create a residential specific plan within the Employment Village, Landowner intends for development of the Specific Plan to improve such economic indicators and help generate needed infrastructure and jobs. In order for the County to make progress in these areas, investments need to be made for which the County is presently lacking in financial resources. County has, from time to time, applied for grants and other economic assistance from State and Federal funds for the design, study or construction of public infrastructure ("Third Party Assistance"). Landowner has participated previously in such Third Party Assistance by providing funds to the County, such as where the terms of such Third Party Assistance require a contribution of matching funds from the County. To help stimulate positive progress in the aforementioned areas of economic need, upon approval of this Agreement, Landowner agrees to promote development of the Specific Plan and surrounding Employment Village including, but not limited to:

- (i) Maintenance of a dedicated website with content that is regularly updated;
- (ii) Attendance at trade shows and business conventions related to industries that are a good fit for the Employment Village;
- (iii) Financial and technical assistance to pursue design and construction of public infrastructure to serve development of the Employment Village, including pursuit of grant funds;

(b) Landowner's obligation to provide technical assistance in accordance with Subsection (a)(iii) shall be at Landowner's sole discretion.

(c) In the event that County requests such financial assistance from Landowner in order to meet the requirements of a particular opportunity for Third Party Assistance for design or construction of infrastructure to serve the Employment Village, Landowner agrees to meet and confer with the County in good faith to satisfy the terms of such Third Party Assistance in a manner which is feasible and acceptable to Landowner. In

addition, any contribution that is associated with a project identified in an impact fee the Landowner in the future will have an obligation to pay will be tracked and credited towards that future obligation.

### ARTICLE 3

#### DEFAULT

**Section 3.1. General Provisions.** Subject to extensions of time by mutual consent in writing, failure or unreasonable delay by either party to perform any term or provision of this Agreement, shall constitute a default. In the event of alleged default or breach of any terms or conditions of this Agreement, the party alleging such default or breach shall give the other party not less than sixty (60) days notice in writing specifying the nature of the alleged default and the manner in which said default may be cured. During any such sixty (60) day period, the party charged shall not be considered in default for purposes of termination or institution of legal proceedings.

After notice and expiration of the sixty (60) day period, if such default has not been cured or is not being diligently cured in the manner set forth in the notice, the other party to this Agreement may, at his/her option, institute legal proceedings pursuant to this Agreement or give notice of his/her intent to terminate this Agreement pursuant to California Government Code section 65868 and any regulations of the County implementing said Government Code section. Following notice of intent to terminate, or prior to instituting legal proceedings, the matter shall be scheduled for consideration and review in the manner set forth in Government Code sections 65865, 65867, and 65868 and County regulations implementing said sections by the County within thirty (30) calendar days.

Following consideration of the evidence presented in said review before the County and an additional 30-day period to cure, either party alleging the default by the other party may institute legal proceedings or may give written notice of termination of this Agreement to the other party; provided, however, may only give such notice with respect to such portion of the Subject Property in which owns an interest.

**Section 3.2. Annual Review.** This Agreement shall be reviewed at least every 12 months, at which time the Landowner shall demonstrate good faith compliance with the terms of the agreement. Initial review shall be undertaken by the Community Development and Services Agency's Planning Director who shall present recommendation to the Board of Supervisors for final decision. Such periodic review by the Planning Director, unless referred to the the County Board of Supervisors shall be limited in scope to compliance with the terms of this Agreement pursuant to California Government Code section 65865.1. Failure of the County to complete said annual

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review shall be deemed a finding of good faith substantial compliance. Notice of such annual review shall include the statement that any review may result in the amendment or termination of this Agreement, in accordance with Government Code section 65865.1, if the County finds and determines (on the basis of substantial evidence and in accordance with due process) that the Landowner has not complied in good faith with the terms or conditions of this Agreement. The County may charge, and Landowner shall pay, a fee for such annual review to defray the cost to the County to process and conduct such annual review in accordance with Section 1.14.

The County shall deposit in the mail, email, or fax to Landowner a copy of all staff reports and, to the extent practical, related exhibits concerning contract performance at least seven (7) days prior to such periodic review. Landowner shall be permitted an opportunity to be heard orally and/or in writing regarding its performance under this Agreement before the Board of Supervisors.

**Section 3.3. Landowner Default Limited to Property/Entity; Separate Obligations of Owners.** Except as specified herein in Section 3.1, no default hereunder in performance of a covenant or obligation with respect to a particular portion of the Subject Property shall constitute a default applicable to any other portion of the Subject Property, and any remedy arising by reason of such default shall be applicable solely to the portion of Subject Property where the default has occurred.

**Section 3.4. Cumulative Remedies of Parties/Waiver of Right to Damages.** In addition to any other rights or remedies, the County or Landowner may institute legal or equitable proceedings to cure, correct or remedy any default, to specifically enforce any covenant or agreement herein, to enjoin any threatened or attempted violation of the provisions of this Agreement.

## ARTICLE 4

### TERMINATION

**Section 4.1. Termination Upon Completion of Development.** This Agreement shall terminate upon the expiration of the Term as defined on the Reference Sheet or when the Subject Property has been fully developed and all of Landowner's obligations in connection therewith are satisfied. Upon termination of this Agreement, the County shall record a notice of such termination in a manner substantially similar to the form attached hereto as **Exhibit C**. This Agreement shall automatically terminate and be of no further force or effect as to Completed Lots without the need to record a notice of such termination.

**Section 4.2. Effect of Termination on Landowner Obligations.** Termination of this Agreement as to Landowner of the Subject Property or any portion thereof shall not

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affect any of Landowner's obligations to comply with the County General Plan and the terms and conditions of any applicable zoning, or subdivision map or other land use entitlements approved with respect to the Subject Property or any other development requirements specified in this Agreement to continue after the termination of this Agreement. Termination shall not affect any independent obligations to pay assessments, liens, or taxes.

**Section 4.3. Effect of Termination on County.** Upon any termination of this Agreement, as provided for under the terms and conditions of this Agreement, as to Landowner of the Subject Property, or any portion thereof, the entitlements, conditions of development, limitations on fees and all other terms and conditions of this Agreement shall no longer be vested hereby with respect to the Subject Property affected by such termination (provided vesting of entitlements, conditions or fees applicable to the Subject Property shall be governed by planning and zoning law) and the County shall no longer be limited, by this Agreement, to make any changes or modifications to such entitlements, conditions or fees applicable to such property.

## ARTICLE 5

### STANDARD TERMS AND CONDITIONS

**Section 5.1. Venue.** Venue for all legal proceedings shall be in the Superior Court for the County of Yuba.

**Section 5.2. Waiver.** A waiver by any party of any breach of any term, covenant or condition herein contained or a waiver of any right or remedy of such party available hereunder at law or in equity shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant or condition herein contained or of any continued or subsequent right to the same right or remedy. No party shall be deemed to have made any such waiver unless it is in writing and signed by the party so waiving.

**Section 5.3. Completeness of Instrument.** This Agreement, together with its specific references and attachments, constitutes all of the agreements, understandings, representations, conditions, warranties and covenants made by and between the parties hereto. Unless set forth herein, neither party shall be liable for any representations made express or implied.

**Section 5.4. Supersedes Prior Agreements.** It is the intention of the parties hereto that this Agreement shall supersede any prior agreements, representations or agreements, written or oral, between the parties hereto relating to the adoption of the Development Agreement.

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**Section 5.5. Captions.** The captions of this Agreement are for convenience in reference only and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction or meaning of the provisions of this Agreement.

**Section 5.6. Number and Gender.** In this Agreement, the neuter gender includes the feminine and masculine, and the singular includes the plural, the word "person" includes corporations, partnerships, firms or associations, wherever the context so requires.

**Section 5.7. Mandatory and Permissive.** "Shall" and "will" and "agrees" are mandatory. "May" is permissive.

**Section 5.8. Term Includes Extensions.** All references to the term of this Agreement or the Agreement Term shall include any extensions of such term.

**Section 5.9. Successors and Assigns.** All representations, covenants and warranties specifically set forth in this Agreement, by or on behalf of, or for the benefit of any or all of the parties hereto, shall be binding upon and inure to the benefit of such party, its successors and assigns.

**Section 5.10. Modification.** No modification or waiver of any provisions of this Agreement or its attachments shall be effective unless such waiver or modification is in writing, signed by all parties, and then shall be effective only for the period and on the condition, and for the specific instance for which given.

**Section 5.11. Counterparts.** This Agreement may be executed simultaneously and in several counterparts, each of which shall be deemed an original, but which together shall constitute one and the same instrument.

**Section 5.12. Other Documents.** The parties agree that they shall cooperate in good faith to accomplish the object of this Agreement and to that end, agree to execute and deliver such other and further instruments and documents as may be necessary and convenient to the fulfillment of these purposes.

**Section 5.13. Partial Invalidity.** If any term, covenant, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provision and/or provisions shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

**Section 5.14. Controlling Law.** The validity, interpretation and performance of this Agreement shall be controlled by and construed under the laws of the State of California.

**Section 5.15. Time Is of the Essence.** Time is of the essence in this Agreement and each covenant and term a condition herein.

**Section 5.16. Authority.** All parties to this Agreement warrant and represent that they have the power and authority to enter into this Agreement in the names, titles and capacities herein stated and on behalf of any entities, persons, estates or firms represented or purported to be represented by such entity(s), person(s), estate(s) or firm(s) and that all formal requirements necessary or required by any state and/or federal law in order to enter into this Agreement have been fully complied with. Further, by entering into this Agreement, neither party hereto shall have breached the terms or conditions of any other contract or agreement to which such party is obligated, which such breach would have a material effect hereon.

**Section 5.17. Document Preparation.** This Agreement will not be construed against the party preparing it, but will be construed as if prepared by all parties.

**Section 5.18. Advice of Legal Counsel.** Each party acknowledges that it has reviewed this Agreement with its own legal counsel, and based upon the advice of that counsel has freely entered into this Agreement.

**Section 5.19. Estoppel Certificate.** Within thirty (30) days following any written request which either party may make from time to time, and upon payment of a fee to the County to reimburse the County for its reasonable expenses associated herewith, the other party to this Agreement shall execute and deliver to the requesting party a statement certifying that:

(a) this Agreement is unmodified and in full force and effect, or if there have been modifications hereto, that this Agreement is in full force and effect as modified and stating the date and nature of such modifications; and

(b) there are not current uncured defaults under this Agreement or specifying the date, nature of any default and manner of cure.

This certificate may be executed by the Director.

**Section 5.20. Attorneys Fees and Costs.** If any action at law or in equity, including an action for declaratory relief, is brought to enforce or interpret provisions of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees and costs, which may be set by the Court in the same action or in a separate action brought for that purpose, in addition to any other relief to which such party may be entitled.

**Section 5.21. Consent/Subordination.** Unless waived in writing by the County Counsel, Landowner shall furnish proof satisfactory to the County, prior to approval of Development Agreement Between the County of Yuba and CEM Investments

the Agreement that all persons possessing a legal interest in the property have consented to the recording of this Agreement. The County shall have no duty to subordinate its interest in this Agreement.

**Section 5.22. Calculation of Time Periods.** All calculation of time periods shall be based upon calendar days unless a different intent is clearly stated.

**Section 5.23. Landowner's Covenants.** Landowner covenants that all owners with record title interest in the Subject Property (Exhibit A) consent to the recording of this Agreement and have executed this Agreement as a Landowner.

[SIGNATURES ON FOLLOWING PAGE]

**IN WITNESS WHEREOF**, this Agreement was executed by the parties thereto on the dates set forth in the Preamble.

**COUNTY:**

**COUNTY OF YUBA,**

a political subdivision of the State of California

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**ATTEST:**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: Clerk of the Board

**APPROVED AS TO FORM:**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: County Counsel

**LANDOWNER:**

**A. & G. MONTNA PROPERTIES, L.P.,**

a California limited partnership

By: Montna Management LLC, a  
California limited liability company  
General Partner

By: \_\_\_\_\_

Alfred G. Montna

Its: Manager

Date: \_\_\_\_\_

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River Valley Rice & Land LLC, a  
California limited liability company

By: \_\_\_\_\_  
James T. Eager  
Its: Manager

Date: \_\_\_\_\_

WGKS Eureka Land LLC, a  
California limited liability company

By: \_\_\_\_\_  
Walter H. Christiansen  
Its: Manager

Date: \_\_\_\_\_

CEMR PROPERTIES, a joint venture

By: \_\_\_\_\_  
MICHAEL E. RUE, Joint Venturer

Date: \_\_\_\_\_

By: \_\_\_\_\_  
PATRICIA M. RUE, Joint Venturer

Date: \_\_\_\_\_

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By: \_\_\_\_\_  
JAMES R. KENNY, Joint Venturer

Date: \_\_\_\_\_

By: \_\_\_\_\_  
SHERRIL KENNY, Joint Venturer

Date: \_\_\_\_\_

By: SAN FELIPE PROPERTIES, INC.,  
a California corporation, Joint Venturer

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: Landowner Counsel

**LIST OF EXHIBITS**

Exhibit A	Legal Description of Subject Property
Exhibit B	Assumption Agreement
Exhibit C	Sample Notice of Termination

**EXHIBIT A**  
**SUBJECT PROPERTY**

**EXHIBIT B****ASSIGNMENT AND ASSUMPTION AGREEMENT**

THIS ASSIGNMENT AND ASSUMPTION AGREEMENT (hereinafter "this Agreement") is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_ (hereinafter "Owner") and \_\_\_\_\_ (hereinafter "Assignee").

**RECITALS**

A. On \_\_\_\_\_, 20\_\_\_\_, the County of Yuba and Landowner entered into that certain agreement entitled "Development Agreement by and between the County of Yuba and CEM Investments Relative to the Development Known as Magnolia Ranch," approved by Ordinance \_\_\_\_\_ (hereinafter "Agreement"), relative to the development known as the \_\_\_\_\_ (hereinafter "Subject Property").

B. Landowner entered into a purchase and sale agreement whereby a portion of the Subject Property will be sold to Assignee, which portion of the Subject Property is identified and described in **Exhibit A**, attached hereto and incorporated herein by this reference (hereinafter the "Assigned Parcel(s)").

C. Landowner desires to assign all of its interests, rights and obligations under the Agreement with respect to the Assigned Parcel(s).

D. Assignee desires to assume all Landowner's rights and obligations under the Agreement with respect to the Assigned Parcel(s).

NOW, THEREFORE, Owner and Assignee hereby agree as follows:

1. Landowner hereby assigns effective as of Landowner's conveyance of the Assigned Parcel(s) to Assignee, all of the rights, interest, burdens and obligations of Owner under the Agreement with respect to the Assigned Parcel(s). Owner retains all the rights, interest, burdens and obligations under the Agreement with respect to all other property within the Subject Property owned thereby.

2. Assignee hereby assumes all of the burdens and obligations of Landowner under the Agreement, and agrees to observe and fully perform all of the duties and obligations of Landowner under the Agreement, and to be subject to all the terms and conditions thereof, with respect to the Assigned Parcel(s), it being the express intention of both Landowner and Assignee that, upon the execution of this Agreement and conveyance of the Assigned Parcel(s) to Assignee, Assignee shall become substituted for Landowner as the "Landowner" under the Agreement with respect to the Assigned Parcel(s).

3. All of the covenants, terms, and conditions set forth herein shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, successors and assigns.

IN WITNESS HEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

**ASSIGNOR / LANDOWNER**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**ASSIGNEE**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**EXHIBIT C**

**NOTICE OF TERMINATION**

THIS NOTICE OF TERMINATION (hereinafter "this Notice") is given this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by the County of Yuba (hereinafter "County") for the benefit of \_\_\_\_\_, (hereinafter "Owner").

1. On \_\_\_\_\_, 20\_\_, the County of Yuba and \_\_\_\_\_ entered into that certain agreement entitled "Development Agreement," approved by Ordinance \_\_\_\_\_ (hereinafter "Agreement"), relative to the development known as the \_\_\_\_\_ (hereinafter "Subject Property").

2. Landowner has fully performed all its duties with respect to that portion of the Subject Property, which portion of the Subject Property is identified and described in **Exhibit A**, attached hereto and incorporated herein by this reference (hereinafter the "Released Property").

3. Pursuant to Section 4.1 of the Development Agreement, the Development Agreement is no longer in effect with respect to the Released Property.

**COUNTY OF YUBA**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

[NOTE: SIGNATURE MUST BE NOTARIZED]

**ACKNOWLEDGMENT**

State of California

County of \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_,  
*(here insert name and title of the officer)*

personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

**LEGAL DESCRIPTION**

Real property in the unincorporated area of the County of Yuba, State of California, described as follows:

**PARCEL ONE:**

A PORTION OF SECTION 17, 18, 19 AND 20, TOWNSHIP 14 NORTH, RANGE 5 EAST, MOUNT DIABLO BASE AND MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE SAID SECTION 18, FROM WHICH THE SECTION CORNER COMMON TO SECTION 13, 24, TOWNSHIP 14 NORTH, RANGE 4 EAST, 18, 19, TOWNSHIP 14 NORTH, RANGE 5 EAST, BEARS SOUTH 89° 47' 43" WEST, 1449.59 FEET; THENCE FROM SAID POINT OF BEGINNING NORTH 00° 42' 04" EAST, 2723.47 FEET TO THE NORTH LINE OF THE SOUTH HALF OF SAID SECTION 18; THENCE SOUTH 89° 59' 47" EAST ALONG SAID NORTH LINE A DISTANCE OF 3239.30 FEET TO THE ONE-QUARTER CORNER BETWEEN SAID SECTIONS 18 AND 17; THENCE NORTH 89° 39' 53" EAST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17, A DISTANCE OF 2566.73 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF THAT CERTAIN HIGHWAY, KNOWN AS SOUTH BEALE ROAD, AS IT IS DESCRIBED IN BOOK 70, OFFICIAL RECORDS, PAGE 492; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 36° 56' 30" WEST, 6694.87 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 19; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 89° 29' 46" WEST 1209.41 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 88° 46' 49" WEST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 19 A DISTANCE OF 1326.46 FEET TO THE EAST LINE OF LOT 2 OF THE NORTHWEST QUARTER OF SAID SECTION 19; THENCE NORTH 00° 16' 06" EAST ALONG SAID EAST LINE 2649.16 FEET TO THE NORTH LINE OF SAID SECTION 19; THENCE NORTH 89° 47' 43" EAST 707.45 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL OIL, GAS AND OTHER HYDROCARBONS AND MINERALS RIGHTS, AS RESERVED IN THE DEED FROM WILLARD D. BRADSHAW, ET AL, TO STEELE FARMS LIMITED, A LIMITED PARTNERSHIP, DATED AUGUST 1, 1979, AND RECORDED AUGUST 7, 1979, IN BOOK 705 OF OFFICIAL RECORDS, PAGE 379.

**PARCEL TWO:**

AN EASEMENT FOR UTILITY PURPOSES OVER A STRIP OF LAND 15 FEET IN WIDTH, THE SOUTHERLY LINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 5 EAST, M.D.B.&M.; THENCE NORTH 89° 47' 43" EAST ALONG THE SOUTHERLY LINE OF SAID SECTION 18 A DISTANCE OF 1,449.59 FEET.

**PARCEL THREE:**

THE NORTHWEST QUARTER, AND THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 4 NORTH, RANGE 5 EAST, M.D.B.&M.

EXCEPTING THEREFROM THE INTEREST VESTED IN THE UNITED STATES OF AMERICA, UNDER AN AMENDED DECLARATION OF TAKING OF RECORD IN BOOK 82 OF YUBA COUNTY OFFICIAL RECORDS, AT PAGE 424.

## Exhibit A

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ALSO EXCEPTING THEREFROM ALL THAT PORTION DESCRIBED IN DEED TO PRICE WALTZ, ET UX, RECORDED MAY 5, 1981, IN BOOK 751 OF OFFICIAL RECORDS, AT PAGE 614.

### PARCEL FOUR:

A PORTION OF THE EAST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SECTION 17, TOWNSHIP 14 NORTH, RANGE 5 EAST, M.D.B.&M., AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF SAID SECTION 17 WITH THE NORTHWESTERLY LINE OF THE RIGHT OF WAY OF THE CAMP BEALE HIGHWAY AS CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED AUGUST 5, 1942 IN VOLUME 71 OF OFFICIAL RECORDS, PAGE 100, YUBA COUNTY RECORDS; THENCE ALONG SAID NORTHWESTERLY LINE OF SAID RIGHT OF WAY SOUTH 36° 53' WEST 32.5 FEET, THENCE SOUTH 26° 48' 30" EAST 44.32 FEET, THENCE SOUTH 36° 53' WEST 778.02 FEET TO THE WEST LINE OF THE EAST ONE-HALF OF THE NORTHEAST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 17, THENCE NORTH ALONG SAID WEST LINE TO THE NORTH LINE OF SAID SECTION 17, THENCE NORTH 89° 32' EAST ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

### PARCEL FIVE:

PARCEL 1 AND 2, AS SHOWN UPON THE PARCEL MAP NO. 80-24 FILED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF YUBA, STATE OF CALIFORNIA ON DECEMBER 19, 1980 IN BOOK 34 OF MAPS, PAGE 13.

### PARCEL SIX:

THE NORTH ½ SECTION 18, TOWNSHIP 14 NORTH, RANGE 5 EAST, M.D.B.&M., EXCEPTING THEREFROM PARCEL A AND B HEREINAFTER DESCRIBED:

#### PARCEL A:

ALL THAT REAL PROPERTY SITUATE IN THE COUNTY OF YUBA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING 1160 FEET SOUTH OF NORTHWEST CORNER SECTION 18, TOWNSHIP 14, RANGE 5, M.D.B.&M.; THENCE SOUTH 335 FEET; THENCE EAST 350 FEET; THENCE NORTH 335 FEET; THENCE WEST 350 FEET TO BEGINNING.

#### PARCEL B:

ALL THAT REAL PROPERTY SITUATE IN THE COUNTY OF YUBA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT POINT 996 FEET EAST OF WEST ½ CORNER SECTION 18, TOWNSHIP 14, RANGE 5 M.D.B.&M.; THENCE EAST 450 FEET; THENCE NORTH 485 FEET; THENCE WEST 450 FEET; THENCE SOUTH 485 FEET TO BEGINNING.

### PARCEL SEVEN:

ALL THAT REAL PROPERTY SITUATE IN THE COUNTY OF YUBA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING 1160 FEET SOUTH OF NORTHWEST CORNER SECTION 18, TOWNSHIP 14, RANGE 5, M.D.B.&M.; THENCE SOUTH 335 FEET; THENCE EAST 350 FEET; THENCE NORTH 335 FEET; THENCE WEST 350 FEET TO BEGINNING.

PARCEL EIGHT:

ALL THAT REAL PROPERTY SITUATE IN THE COUNTY OF YUBA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT POINT 996 FEET EAST OF WEST  $\frac{1}{2}$  CORNER SECTION 18, TOWNSHIP 14, RANGE 5, M.D.B.&M.; THENCE EAST 450 FEET; THENCE NORTH 485 FEET; THENCE WEST 450 FEET; THENCE SOUTH 485 FEET TO BEGINNING.

APN:

015-070-009-000 (Parcel Four)  
015-070-051-000 (Parcels Six, Seven and Eight)  
015-070-072-000 (Parcel One)  
015-070-078-000 (Parcel 1 of Parcel Five)  
015-070-079-000 (Parcel 2 of Parcel Five)  
015-070-080-000 (Parcel Three)

**EXHIBIT C**

**Required Findings for Approval of the Magnolia Ranch Specific Plan Project  
Change of Zone and Development Agreement**

**Change of Zone (CZ 2006-0010) Amendment to Official Zoning Map.** An amendment that involves a change to the Official Zoning Map may only be approved if it meets the following criteria (Yuba County Development Code Section 11.61.080):

1. The change in district boundaries is consistent with the General Plan and any applicable adopted community plan or specific plan;
2. The change in district boundaries is consistent with the purpose of this Code to promote the growth of the County in an orderly manner and to promote and protect the public health, safety, peace, comfort and general welfare; and
3. The change in district boundaries is necessary to achieve the balance of land uses desired by the County, consistent with the General Plan, and to increase the inventory of land within a given zoning district.

**Development Agreement (DA 2006-0001)** The required findings for adoption of a Development Agreement are as follows (Yuba County Development Code Section 11.66.080):

1. The Development Agreement will provide clear and substantial benefits to the County and its residents.
2. The Development Agreement complies with applicable policies and regulations set forth in the Zoning Ordinance, other County ordinances, the General Plan and any other applicable community or specific plan, and the Improvement Standards.
3. The Development Agreement complies with the requirements of California Government Code Sections 65864 et seq.
4. The Development Agreement will promote the public health, safety and welfare, and will not be detrimental to or cause adverse effects to the residents, property, or improvements in the vicinity of the subject project.
5. The Development Agreement will be compatible with the uses allowed in, and the regulations that apply to, the zone in which the subject property is located.
6. The Development Agreement will not cause adverse effects to the orderly development of property or the preservation of property values in the county.
7. The Development Agreement will further important countywide goals and policies that have been officially recognized by the Board of Supervisors.
8. The Development Agreement will provide the county with important, tangible benefits beyond those that may be required by the County through project conditions of approval.

Attachment 3

Specific Plan: Distributed Under Separate Cover

Available at:

<http://www.co.yuba.ca.us/Departments/Community%20Development/Planning/Projects/Magnolia/Magnolia.aspx>

Attachment 4

Specific Plan Change Pages

Available at:

<http://www.co.yuba.ca.us/Departments/Community%20Development/Planning/Projects/Magnolia/Magnolia.aspx>

Attachment 5

Tentative Subdivision Tract Map TSTM 2006-0045

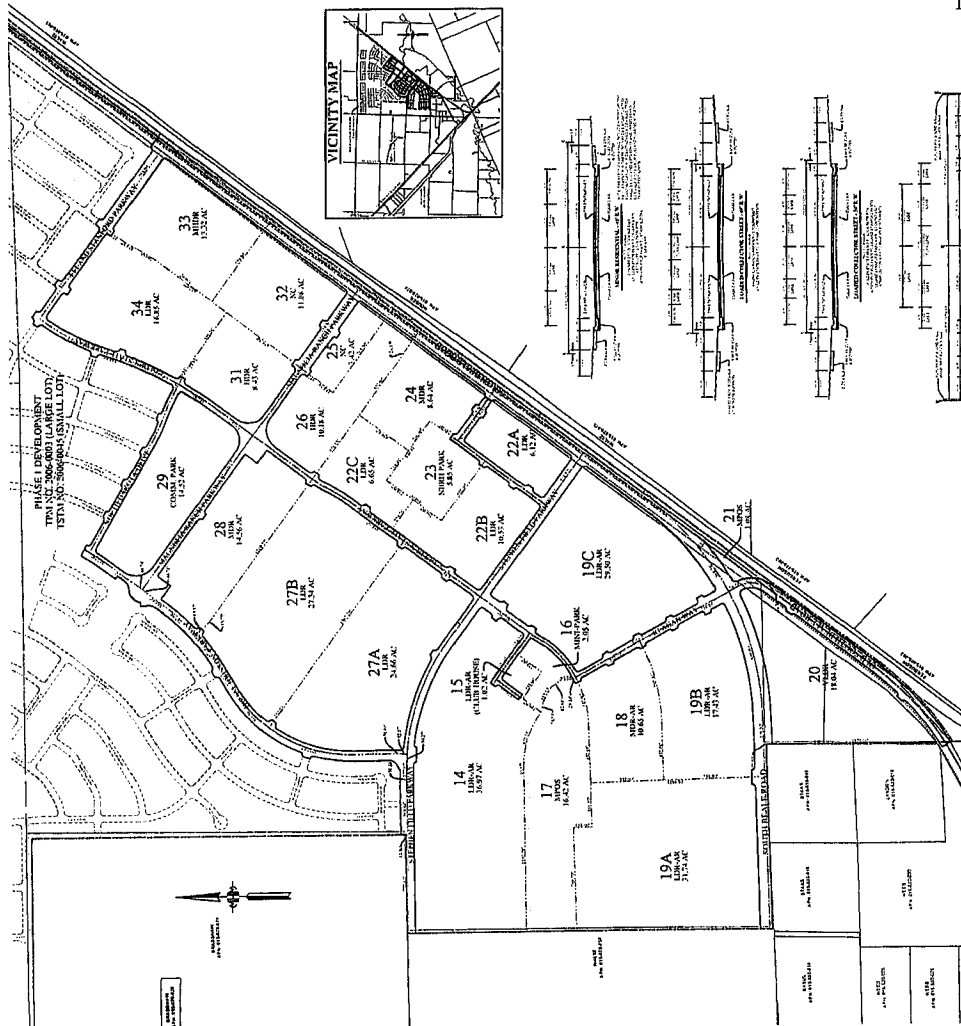
Phase 1



Attachment 6

Tentative Subdivision Tract Map TSTM 2015-0004

Phase 2



## LAND USE SUMMARY

VILLAGE	POW- ER	POW- ER- AK	MEPS	GRASS- LAND
1	1.1R	1.1R	SINGLE FAMILY	1.62
2	1.1R	1.1R	OPENS SPACE	1.62
3	1.1R	1.1R	OPENS SPACE	1.62
4	1.1R	1.1R	OPENS SPACE	1.62
5	1.1R	1.1R	OPENS SPACE	1.62
6	1.1R	1.1R	OPENS SPACE	1.62
7	1.1R	1.1R	OPENS SPACE	1.62
8	1.1R	1.1R	OPENS SPACE	1.62
9	1.1R	1.1R	OPENS SPACE	1.62
10	1.1R	1.1R	OPENS SPACE	1.62
11	1.1R	1.1R	OPENS SPACE	1.62
12	1.1R	1.1R	OPENS SPACE	1.62
13	1.1R	1.1R	OPENS SPACE	1.62
14	1.1R	1.1R	OPENS SPACE	1.62
15	1.1R	1.1R	OPENS SPACE	1.62
16	1.1R	1.1R	OPENS SPACE	1.62
17	1.1R	1.1R	OPENS SPACE	1.62
18	1.1R	1.1R	OPENS SPACE	1.62
19	1.1R	1.1R	OPENS SPACE	1.62
20	1.1R	1.1R	OPENS SPACE	1.62
21	1.1R	1.1R	OPENS SPACE	1.62
22	1.1R	1.1R	OPENS SPACE	1.62
23	1.1R	1.1R	OPENS SPACE	1.62
24	1.1R	1.1R	OPENS SPACE	1.62
25	1.1R	1.1R	OPENS SPACE	1.62
26	1.1R	1.1R	OPENS SPACE	1.62
27	1.1R	1.1R	OPENS SPACE	1.62
28	1.1R	1.1R	OPENS SPACE	1.62
29	1.1R	1.1R	OPENS SPACE	1.62
30	1.1R	1.1R	OPENS SPACE	1.62
31	1.1R	1.1R	OPENS SPACE	1.62
32	1.1R	1.1R	OPENS SPACE	1.62
33	1.1R	1.1R	OPENS SPACE	1.62
34	1.1R	1.1R	OPENS SPACE	1.62
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36	1.1R	1.1R	OPENS SPACE	1.62
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39	1.1R	1.1R	OPENS SPACE	1.62
40	1.1R	1.1R	OPENS SPACE	1.62
41	1.1R	1.1R	OPENS SPACE	1.62
42	1.1R	1.1R	OPENS SPACE	1.62
43	1.1R	1.1R	OPENS SPACE	1.62
44	1.1R	1.1R	OPENS SPACE	1.62
45	1.1R	1.1R	OPENS SPACE	1.62
46	1.1R	1.1R	OPENS SPACE	1.62
47	1.1R	1.1R	OPENS SPACE	1.62
48	1.1R	1.1R	OPENS SPACE	1.62
49	1.1R	1.1R	OPENS SPACE	1.62
50	1.1R	1.1R	OPENS SPACE	1.62
51	1.1R	1.1R	OPENS SPACE	1.62
52	1.1R	1.1R	OPENS SPACE	1.62
53	1.1R	1.1R	OPENS SPACE	1.62
54	1.1R	1.1R	OPENS SPACE	1.62
55	1.1R	1.1R	OPENS SPACE	1.62
56	1.1R	1.1R	OPENS SPACE	1.62
57	1.1R	1.1R	OPENS SPACE	1.62
58	1.1R	1.1R	OPENS SPACE	1.62
59	1.1R	1.1R	OPENS SPACE	1.62
60	1.1R	1.1R	OPENS SPACE	1.62
61	1.1R	1.1R	OPENS SPACE	1.62
62	1.1R	1.1R	OPENS SPACE	1.62
63	1.1R	1.1R	OPENS SPACE	1.62
64	1.1R	1.1R	OPENS SPACE	1.62
65	1.1R	1.1R	OPENS SPACE	1.62
66	1.1R	1.1R	OPENS SPACE	1.62
67	1.1R	1.1R	OPENS SPACE	1.62
68	1.1R	1.1R	OPENS SPACE	1.62
69	1.1R	1.1R	OPENS SPACE	1.62
70	1.1R	1.1R	OPENS SPACE	1.62
71	1.1R	1.1R	OPENS SPACE	1.62
72	1.1R	1.1R	OPENS SPACE	1.62
73	1.1R	1.1R	OPENS SPACE	1.62
74	1.1R	1.1R	OPENS SPACE	1.62
75	1.1R	1.1R	OPENS SPACE	1.62
76	1.1R	1.1R	OPENS SPACE	1.62
77	1.1R	1.1R	OPENS SPACE	1.62
78	1.1R	1.1R	OPENS SPACE	1.62
79	1.1R	1.1R	OPENS SPACE	1.62
80	1.1R	1.1R	OPENS SPACE	1.62
81	1.1R	1.1R	OPENS SPACE	1.62
82	1.1R	1.1R	OPENS SPACE	1.62
83	1.1R	1.1R	OPENS SPACE	1.62
84	1.1R	1.1R	OPENS SPACE	1.62

NOTE: GROSS ACREAGES ARE CALCULATED TO THE LARGEST LOT PARCEL LINE AND VARY FROM THE ACREAGES SHOWN ON THE CONCEPTUAL LAND USE PLAN IN SPECTRUM 41 AND

**PROJECT NOTES**

[illegible]

**GENERAL NOTES:**

**LEGAL DESCRIPTION:**

[illegible]

AUG 28 2015

2 INDICATES PROPOSED FILASH:

COMMUNITY DEVELOPMENT

# W.H.M.

**ENGINEERS & SURVEYORS SINCE 1892**

204 E STREET, P.O. BOX D  
MARYSVILLE, CA 95901

TEL: 530.742.6418  
FAX: 530.742.563

COUNTY OF YUBA APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_  
 THE COUNTY OF YUBA HAS REVIEWED AND APPROVED THE TENTATIVE MAP. THE TENTATIVE MAP WAS APPROVED BY THE BOARD OF SUPERVISORS ON \_\_\_\_\_  
 IN \_\_\_\_\_, 2015.  
 COUNTY OF YUBA

**SUBVOCATORS STATEMENT.**  
THEIR STATE THAT ALL ASSESSMENTS OF  
RECORD ARE SHOWN AND LAURELLED PER  
PRELIMINARY TITLE REPORT BY FIRST  
AMERICAN TITLE INSURANCE COMPANY  
ORDER NUMBER NCS-36641-56C DATED  
DECEMBER 4, 2014



Attachment 7

Fiscal Analysis including Update Memo

Available at:

<http://www.co.yuba.ca.us/Departments/Community%20Development/Planning/Projects/Magnolia/Magnolia%20Staff%20Reports.aspx>

## Draft Report

*The Economics of Land Use*



# Magnolia Ranch Specific Plan Fiscal Impact and Urban Services Analysis

Prepared for:

County of Yuba

Prepared by:

Economic & Planning Systems, Inc. (EPS)

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*Oakland  
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Los Angeles*

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July 10, 2015

EPS #20481

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- Appendix B: Revenue-Estimating Tables
- Appendix C: Expenditure-Estimating Tables
- Appendix D: Supporting Tables for Revenue Estimates

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## 1. INTRODUCTION

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Economic & Planning Systems, Inc. (EPS) was retained by the County of Yuba (County) to prepare a fiscal impact and urban services analysis (Analysis) for the Magnolia Ranch Specific Plan (MRSP) project located in the unincorporated County area. The Analysis is being prepared in support of specific project approvals by the County for MRSP.

The MRSP is located in an area of proposed new growth in the County General Plan. The MRSP is located in an area of the County where it will provide needed community services and housing opportunities serving Beale Air Force Base, the Sports and Entertainment Zone, and the communities of Olivehurst and Wheatland. The project site is located in the Employment Village area, east of Bradshaw Road. The Employment Village is zoned for all office types, highly specialized and technical industries, research and experimental institutions, support facilities, business services, and support-oriented hotels. The Sports and Entertainment Zone lies to the west of the MRSP and is home to the Sleep Train Amphitheater.

MRSP is being proposed as a mixed-use development that will augment development of the Employment Village in accordance with the County General Plan. MRSP is located approximately 30 miles north of Sacramento, 10 miles southeast of Marysville, and adjacent to the southwest boundary of Beale Air Force Base. Beale Air Force Base is the largest employer in the County.

MRSP is proposed as a 1,042-acre mixed-use development, with 3,323 units on 733 acres; approximately 70 acres of nonresidential uses (neighborhood commercial and business park); and approximately 239 acres of public uses and street right-of-ways. Phase 1 of MRSP will have 1,689 single-family residential units on 433 acres and 3 acres of neighborhood commercial uses.

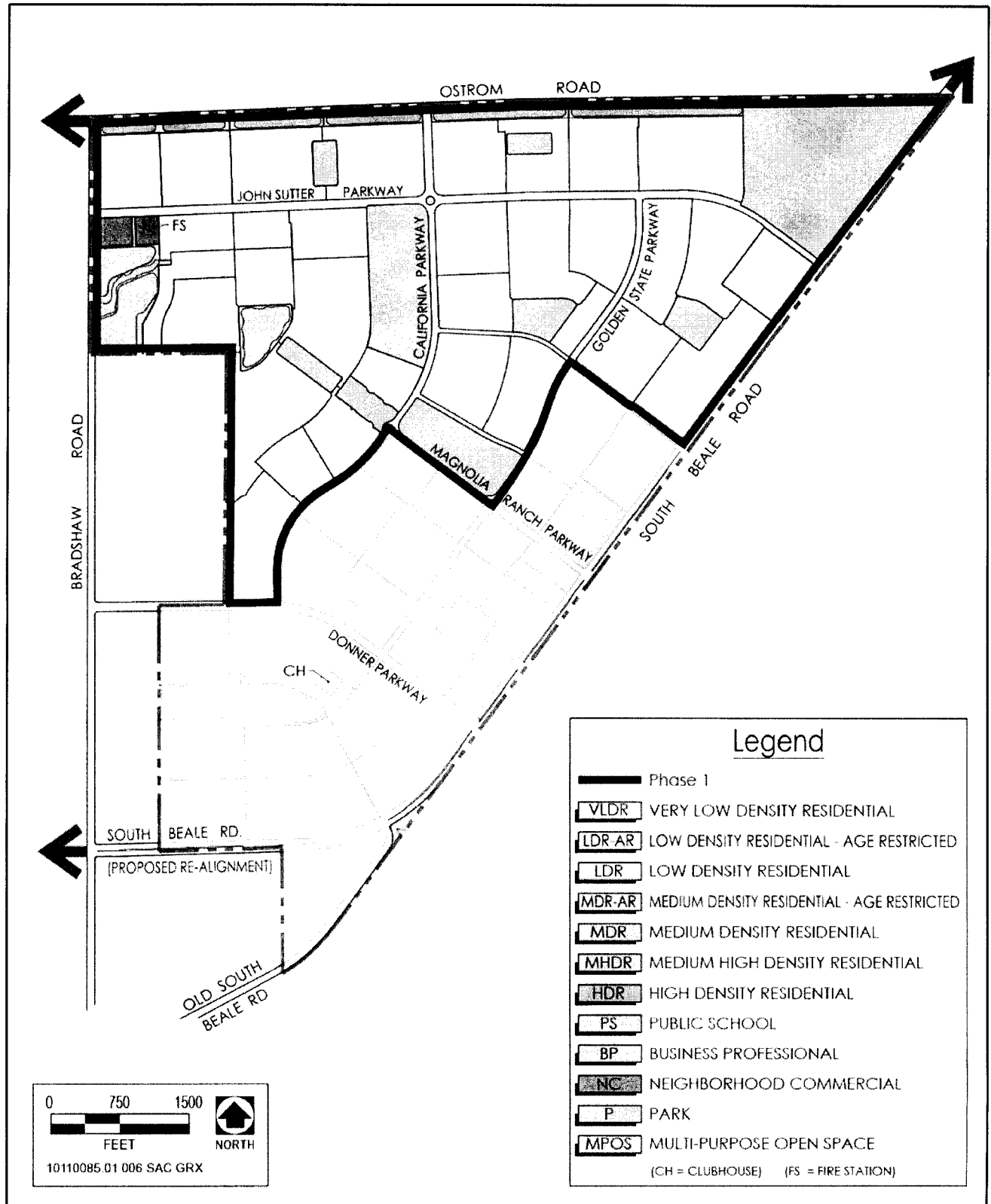
Refer to **Map 1** for an illustration of the MRSP.

### Overview of Analysis

The MRSP will require municipal services provided through the County's General and Streets Funds, the Plumas Brophy Fire Protection District (PBFPD), and the Olivehurst Public Utility District (OPUD). The purpose of this Analysis is to describe the service levels and funding strategy to provide municipal services to the MRSP's future residents, businesses, and employees. The Analysis estimates the cost of municipal services to the MRSP for Phase 1 and at buildout.

These are the purposes of the Analysis:

- This Analysis estimates the overall fiscal impacts to the County, PBFPD, and OPUD based on development of the proposed MRSP. The objective of the Analysis is to determine whether the net effect of development likely is to be a positive or negative one to the long-term fiscal well-being of the County, PBFPD, and OPUD. Specifically, the Analysis estimates whether the MRSP will generate adequate revenues both at completion of Phase 1 and at buildout to meet the costs of providing County, PBFPD, and OPUD services to new development.

**Map 1: MRSP Development Phasing**

- In the conclusions of the Analysis, any funding shortfalls either at development of Phase 1 or at buildout are assumed to be funded by a dedicated revenue source, such as a Mello-Roos Community Facilities District, a Benefit Assessment District, or other identified funding sources required to fully fund the costs of maintenance and services to the MRSP.

**Figure 1** provides an overview of MRSP-funded municipal services included in the Analysis and the differentiation between services evaluated as part of the Analysis.

## Summary of Findings

### Analysis—County General and Street Funds

At buildout, the Analysis estimates the proposed MRSP will result in an annual net fiscal surplus of approximately \$224,000 for the County's General Fund at buildout (i.e., development-generated revenues will exceed the estimated expenditures for the MRSP). The Analysis also estimates the proposed MRSP will result in an annual net fiscal deficit of about \$78,000 for the County's Streets Fund. Combined, the annual net fiscal impact to the County's General and Streets Funds is estimated to be about \$146,000 annually.

In the initial phase (Phase 1), the proposed MRSP is estimated to result in an annual net fiscal deficit of approximately \$412,000 for the County's General and Streets Funds. Refer to **Chapter 2** and **Table B-5A** in **Appendix B** for additional details.

### Plumas Brophy Fire Protection District

The Analysis also estimates impacts to the PBFPD. The PBFPD Fiscal Year (FY) 2014–15 Adjusted Budget—March 2015 was used to model estimated expenditures and case studies to estimate property tax revenues and special assessment revenues available to fund the cost of providing fire protection services. This Analysis is based on the assumption the MRSP development's fair-share cost is equal to revenues generated during Phase 1. This Analysis is based on the assumption that PBFPD current levels of service to current residents would not increase as a result of the new development. As a preliminary estimate, EPS assumed expenditures would be equal to estimated revenues derived in **Tables B-3** and **B-6** in **Appendix B**.

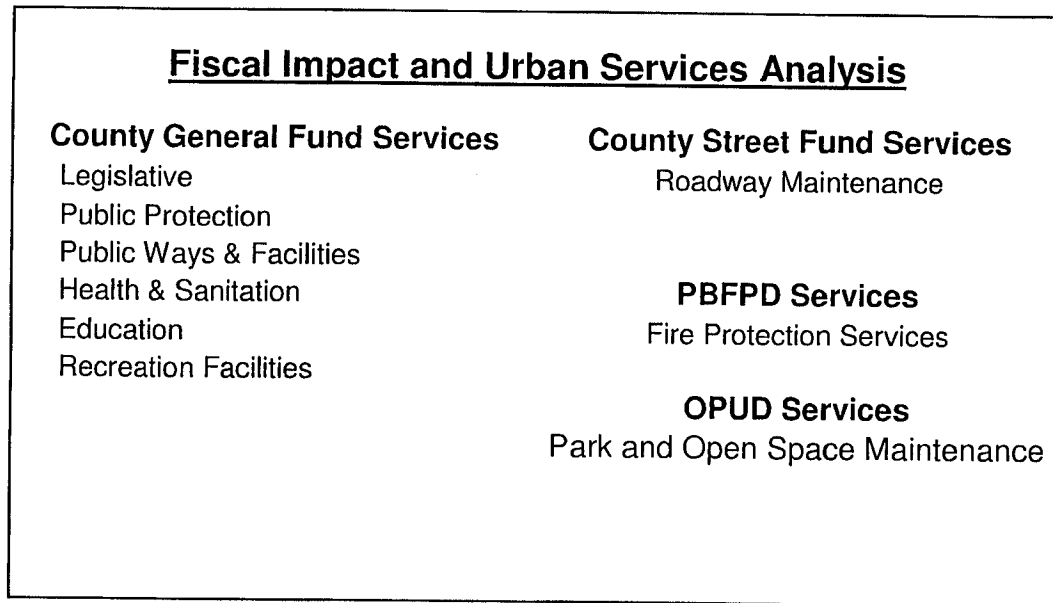
Estimated revenues for PBFPD at buildout of Phase 1 are \$244,000, and at buildout of the MRSP, estimated revenues are \$533,000. EPS assumes these amounts are equal to estimated expenditures for Phase 1 and at buildout.

### Olivehurst Public Utility District

OPUD does not receive property tax increment in the Tax Rate Area (TRA 071-002), which includes the MRSP. The only source of revenue to fund the cost of maintaining parks and open space would be through the formation of a Mello-Roos Community Facilities District, or annexing into the existing Community Facilities District No. 2005–2, which is authorized to collect special taxes for the maintenance of parks and open space. The County also may require the MRSP to annex into an existing County Service Area (CSA) or form a new one authorizing the provision of

**DRAFT**

**Figure 1**  
**Magnolia Ranch Specific Plan**  
**Overview of Project-Funded Municipal Services**



all municipal services required to fund maintenance and services in the MRSP. For the purposes of this Analysis, EPS assumes estimated revenues are equal to park and maintenance estimated costs derived in **Table C-5** in **Appendix C**.

Estimated expenditures for OPUD at buildout of Phase 1 are \$395,000, and at buildout of the MRSP, estimated expenditures are \$739,000. EPS assumes these amounts are equal to estimated revenues for Phase 1 and at buildout.

Refer to **Table 1** for the annual net fiscal impacts to the County's General and Streets Funds, PBFPD, and OPUD for Phase 1 and at buildout.

## Organization of Report and Appendices

Following discussion of the MRSP land uses by development phase (**Chapter 2**) and Analysis methodology and assumptions (**Chapter 3**), the report contains the following appendices:

- **Appendix A** details the MRSP land uses, population, and employees and includes specific land use and assessed value assumptions used in the Analysis.
- **Appendix B** details the MRSP revenue estimates used in the Analysis.
- **Appendix C** details the MRSP expenditure estimates used in the Analysis.
- **Appendix D** provides backup detail needed for the revenue estimates in the Analysis.

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Page 1 of 2

**Table 1**  
**Magnolia Ranch Specific Plan**  
**Fiscal Impact Analysis**  
**Estimated Revenue and Expenditure Summary (2014\$)**

Item	Cumulative Fiscal Impacts by Phase (Rounded) (2014\$)	
	PHASE 1	BUILDOUT
<b>General Fund</b>		
<b>Annual Revenues [1]</b>		
Property Tax	\$1,284,000	\$2,953,000
Property Tax in Lieu of VLF	\$670,000	\$1,541,000
Property Transfer Tax	\$47,000	\$99,000
Retail Sales and Use Tax	\$99,000	\$417,000
Property Tax in Lieu of Sales Tax (PTIL ST)	\$33,000	\$139,000
Prop. 172 Public Safety Sales Tax	\$66,000	\$278,000
Transient Occupancy Tax	\$0	\$0
Franchise Tax	\$0	\$0
Licenses and Permits	\$0	\$0
Intergovernmental Revenue	\$0	\$0
Current Service Charges	\$0	\$0
Fines, Forfeitures, Penalties	\$0	\$0
Use of Money and Property	\$0	\$0
Other	\$0	\$0
<b>Total Annual General Fund Revenues</b>	<b>\$2,199,000</b>	<b>\$5,427,000</b>
<b>Annual Expenditures [2]</b>		
Legislative	\$1,191,000	\$2,423,000
Public Protection	\$1,268,000	\$2,578,000
Public Ways & Facilities	\$0	\$0
Health & Sanitation	\$71,000	\$145,000
Education	\$18,000	\$37,000
Recreation Facilities	\$10,000	\$20,000
<b>Total Annual General Fund Expenditures</b>	<b>\$2,558,000</b>	<b>\$5,203,000</b>
<b>Annual General Fund Surplus/(Deficit)</b>	<b>(\$359,000)</b>	<b>\$224,000</b>
Annual General Fund Surplus/(Deficit) per Unit	(\$213)	\$67
<b>Streets Fund</b>		
Annual Revenues [1]	\$0	\$0
Annual Expenditures [2]	\$53,000	\$78,000
<b>Annual Streets Fund Surplus/(Deficit)</b>	<b>(\$53,000)</b>	<b>(\$78,000)</b>
<b>Annual General Fund Surplus/(Deficit)</b>		
<b>Including Streets Fund Surplus/(Deficit)</b>	<b>(\$412,000)</b>	<b>\$146,000</b>
Annual GF/SF Surplus/(Deficit) per Unit	(\$244)	\$44
<b>Annual GF/SF Mitigation Requirement per Unit [3]</b>	<b>\$244</b>	<b>\$0</b>
<b>Plumas Brophy Fire Protection District (PBFPD)</b>		
Annual Revenues [1]	\$244,000	\$533,000
Annual Expenditures [2]	\$244,000	\$533,000
<b>Annual PBFPD Surplus/(Deficit)</b>	<b>\$0</b>	<b>\$0</b>
Annual PBFPD Surplus/(Deficit) per Unit	\$0	\$0

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Page 2 of 2

**Table 1**  
**Magnolia Ranch Specific Plan**  
**Fiscal Impact Analysis**  
**Estimated Revenue and Expenditure Summary (2014\$)**

Item	Cumulative Fiscal Impacts by Phase (Rounded) (2014\$)	
	PHASE 1	BUILDOUT
<b>Olivehurst Public Utility District (OPUD)</b>		
<b>(Park and Open Space Maintenance)</b>		
Annual Revenues	\$0	\$0
Annual Expenditures [4]	\$395,000	\$739,000
<b>Annual OPUD Surplus/(Deficit)</b>	<b>(\$395,000)</b>	<b>(\$739,000)</b>
Annual OPUD Surplus/(Deficit) per Unit	(\$234)	(\$222)
<b>Annual OPUD Mitigation Requirement per Unit [3]</b>	<b>\$234</b>	<b>\$222</b>

"summary"

Source: County of Yuba FY 2014-15 Final Budget; Plumas Brophy FPD Adjusted Budget March 2015;  
Yuba County Auditor-Controller; EPS.

Note: Values are rounded to the nearest \$1,000.

[1] See Table B-2 for details on revenue estimating procedures.

[2] See Table C-2 for details on expenditure estimating procedures.

[3] Mitigation measures may include implementing an annual special tax or assessment through a Mello-Roos  
Community Facilities District or Assessment District.

[4] See Table C-5 for details on expenditure estimating procedures.

## 2. LAND USE

---

### Land Use Summary

At buildout, the proposed residential development in the MRSP consists of nearly 2,745 single-family market-rate units and 350 multifamily units, for a total of about 3,323 residential units. The MRSP also will include approximately 273,000 square feet of retail development and 797,000 square feet of business park development, for a total of 1.07 million square feet of commercial development over approximately 803 acres of land.

Also included in the MRSP but not analyzed as part of this Analysis are the following land uses and corresponding acreages: 2 acres for public/fire station use, 25 acres for school development, 66 acres devoted to parks and multipurpose open space, and 55 acres for major roadways.

The MRSP's land use plan by development phase, as analyzed in this Analysis, is provided in **Table A-2** in **Appendix A**. Total development by phase is provided in **Table A-3** in **Appendix A**.

### Development Phasing

As mentioned in **Chapter 1**, the MRSP is anticipated to develop in phases based on infrastructure capacity and the geographic location of specific parcels. This Analysis evaluates the impacts of the following development phases:

- **Phase 1**, which represents the first phase, contains approximately 1,689 single-family detached residential units and nearly 37,000 square feet of retail.
- **Buildout**, as described above.

### 3. ANALYSIS METHODOLOGY AND ASSUMPTIONS

---

This section details the underlying methodology and assumptions used to estimate the fiscal impacts of the proposed MRSP on the County, PBFPD, and OPUD. It describes assumptions concerning municipal service delivery, land use development, and General Fund budgeting. In addition, this section details the methodology used to forecast MRSP-related General Fund, Streets Fund, and PBFPD and OPUD revenues and expenditures at buildout of the MRSP.

#### **Countywide, PBFPD, and OPUD Services**

This Analysis examines the MRSP's ability to generate adequate revenues to cover the County's, PBFPD's, and OPUD's costs of providing public services to the proposed MRSP. The services analyzed in this Analysis comprise County General Fund services (e.g., public safety, general government), County Streets Fund maintenance, PBFPD fire protection services, and OPUD park and open space maintenance services.

This Analysis does not address activities budgeted in other Governmental Funds or Proprietary Funds, nor does it include an evaluation of capital facilities or funding of capital facilities needed to serve new development.

#### **General Assumptions**

The Analysis is based on the County's FY 2014–15 Final Budget and PBFPD's Adjusted FY 2014-15 Budget—March 2015, tax regulations and statutes current as of June 2015, and other general assumptions discussed herein. EPS did not review the FY 2014-15 budget for OPUD because OPUD currently derives no revenues for the TRA and is not providing services to the area. EPS prepared an analysis in 2005 in support of the formation of OPUD's CFD No. 2005-2 to determine the costs to maintain parks on a per-acre basis. For this Analysis, EPS increased the estimated costs from the 2005 study to current-year dollars using the Consumer Price Index (CPI)—San Francisco, All Urban Workers.

Each revenue item is estimated based on current State of California (State) legislation and current County practices. Future changes by either State legislation or County practices may affect the revenues and expenditures estimated in this Analysis. All costs and revenues are shown in constant 2014 dollars. General fiscal and demographic assumptions are detailed in **Table A-1 in Appendix A**.

EPS consulted the County's and PBFPD's budget documents to develop forecasting methodologies for specific revenues and expenditures affected by new development in the proposed MRSP.

This Analysis also uses information from the Magnolia Ranch Specific Plan document, the project developer and its consultants (estimated assessed values), as well as data from the County Assessor and Auditor-Controller, California Department of Finance (DOF), and the U.S. Bureau of Labor Statistics.

The actual fiscal impacts of new development in the MRSP may vary from those presented in this Analysis if development plans or other assumptions (e.g., assessed valuations, sales tax revenue assumptions) change from those on which this Analysis is based.

### **Revenue- and Expenditure-Estimating Assumptions**

Revenue-estimating and expenditure-estimating procedures based on County and PBFPD budget figures are presented in **Table B-1** in **Appendix B** and **Table C-1** in **Appendix C**, respectively. Offsetting revenues (labeled as Current Service Charge) were netted out of both General Fund revenues and expenditures. Offsetting revenues include fees and charges for services. Because these revenues have specific matching costs, they are netted out of both total revenues and costs. The Current Service Charge total of \$15.44 million, shown in **Table B-1**, is netted against various County department expenditures, shown in **Table C-1**.

### **Development Assumptions**

The following list documents additional land use and other development-related assumptions used in this Analysis:

- **Assessed Value.** The estimated assessed value of the MRSP is presented in **Table D-2** in **Appendix D**. Residential values per unit and nonresidential values per building square foot (shown in **Table A-4**) were based on a 2014 fiscal impact analysis, prepared for Placer County by EPS for the Placer Ranch project, located just north of Roseville. Residential values per unit are based on an analysis prepared by New Economics & Advisory in April 2015 on behalf of the developer. These values are based on projected 2014 sales prices for each residential product type shown in **Table A-4** and represent the "Low Forecast" for housing prices in each land use category.
- **Residential Population.** The "Persons per Dwelling Unit" assumption used to estimate the MRSP's residential population is consistent with the "Persons per Dwelling Unit" assumption used in the Magnolia Ranch Specific Plan document. These assumptions range from 1.8 persons per single-family unit (age-restricted residential) to 2.9 persons per single-family unit (very low-density residential), and 1.5 persons per multifamily unit, as shown in **Table A-4**. Total population estimates by development phase are shown in **Table A-3**.
- **Employee Estimates.** Employee estimates are based on factors of average square footage per employee for retail and office land uses, as shown in **Table A-4**. Total employee estimates by development phase are shown in **Table A-3**.

### **Revenue-Estimating Methodology**

Depending on the revenue item, EPS used either a marginal-revenue case-study approach or an average-revenue approach to estimate MRSP-related General and Streets Funds and PBFPD revenues.

The marginal-revenue case-study approach simulates actual revenue generation resulting from new development. The case-study approach for estimating sales and use tax revenues, for instance, forecasts market demand and taxable spending from the MRSP's new employees, in

addition to taxable sales generated by nonresidential land uses. Case studies used in this Analysis are discussed in greater detail in the following sections.

The average-revenue approach uses the County's FY 2014-15 budgeted revenue amounts on a countywide per-persons-served basis to forecast General and Streets Funds revenues derived from estimated employees of the MRSP;<sup>1</sup>

Revenue sources that are *not* expected to increase as a result of development are excluded from this Analysis. These sources of revenue are not affected by development because they are either one-time revenue sources not guaranteed to be available in the future or there is no direct relation between increased employment growth and increased revenue.

A list of all County General Fund revenue sources and the corresponding estimating procedure used to forecast future MRSP revenues is shown in **Table B-1**. Revenues generated by Project development are summarized in **Table B-2**.

## County General Fund Revenues

### Property Tax

Estimated annual property tax revenue resulting from development in the proposed MRSP is shown in **Table B-3**. The MRSP falls into one TRA, TRA 071-002, which comprises a set of taxing entities and associated allocations of the 1-percent ad valorem property tax rate, as shown in **Table D-1**. Under the TRA associated with the MRSP, the County would retain 29.6 percent of property tax revenue, while the PBFPD would retain 3.51 percent, after accounting for the Educational Revenue Augmentation Fund (ERAF) adjustment. Note that OPUD does not receive tax increment from TRA 071-002.

The property taxes the County and PBFPD will receive from the proposed MRSP are derived from the total assessed value of the proposed MRSP and County property tax allocation share of the 1-percent ad valorem property tax rate.

### Property Tax in Lieu of Vehicle License Fees

This Analysis uses a formula provided by the California State Controller's Office to forecast Property Tax in Lieu of Vehicle License Fees (PTIL VLF). PTIL VLF is calculated by taking the percentage increase of the County's assessed value resulting from the MRSP and applying that percentage share to the County's current State allocation of PTIL VLF. This calculation is shown in **Table B-3**.

### Real Property Transfer Tax

Real property transfer tax is based on the assessed value of the proposed MRSP and the anticipated turnover of residential and nonresidential property over time. This Analysis is based on the assumption that the proposed MRSP's residential property will turn over 10 percent per

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<sup>1</sup> A *per-capita* basis of estimating revenues is based on the assumption that only residents have a fiscal impact on County revenues. A *per-persons-served* basis of estimating revenues is used to take into account that businesses (and their employees) have a fiscal impact on many County revenues but at a lower level than residential development's impact.

year (or once every 10 years) and nonresidential property will turn over 5 percent per year (or once every 20 years). Real property transfer tax revenue projections are identified in **Table B-4**.

### ***Sales Tax***

The sales tax components examined in this Analysis include the Bradley-Burns local 1-percent rate and a revenue-neutral factor to estimate the State-mandated exchange of 25 percent of sales tax revenue for PTIL VLF revenue. Sales tax and PTIL VLF revenues to the County are summarized in **Table B-5**.

EPS uses a combination of methodologies to account for taxable sales generated by the MRSP:

1. **Market Support.** This methodology measures taxable sales generated from new MRSP residents and employees spending money within the County's boundaries.
2. **Retail Space.** This approach measures taxable sales from new retail uses in the MRSP, excluding market support.
3. **Business-to-Business Taxable Sales.** This approach measures estimated taxable sales generated by nonretail businesses in the MRSP. Given the uncertain nature of the timing of development of the business park and the types of businesses that may locate there, EPS is assuming there will be no business-to-business taxable sales in this Analysis. Any business-to-business taxable sales generated would increase the estimated net fiscal surplus at buildout.

### Market-Support Taxable Sales

The market-support method of estimating sales tax revenue combines estimating taxable sales generated by new residents and employees of businesses inside the MRSP.

New residents are estimated to spend approximately 27 to 31 percent of their household income on taxable retail expenditures. In Phase 1, the Analysis conservatively estimates the County will capture about 40 percent of MRSP households' taxable retail expenditures. That is, most of the taxable retail expenditures of MRSP households (60 percent) likely will occur in competing retail outlets in nearby jurisdictions. In later phases, the Analysis estimates an increasingly greater percentage of taxable sales generated by new residents in the MRSP will be captured in the County (60 percent at buildout), with a majority of these expenditures (80 percent) assumed to occur inside the MRSP, and the remaining 20 percent assumed to occur elsewhere in the County outside the MRSP.

New employees are estimated to spend an average of \$10 in taxable retail expenditures per day for each of the 240 work days annually. This Analysis estimates the County will capture the same percentage of project employees' taxable retail expenditures as new households.

### Retail Space Taxable Sales

New businesses in the MRSP will generate taxable retail expenditures in addition to expenditures generated from MRSP residents and employees. That is, other consumers outside the MRSP will purchase taxable goods and services from the MRSP's nonresidential development.

Annual taxable sales generated by retail businesses in the MRSP are calculated based on an "annual sales-per-square-foot" factor published in the Urban Land Institute's *Dollars and Cents of Shopping Centers: 2008* (escalated to 2014 dollars) and proposed retail building square feet by land use development phase.

Annual taxable sales generated by retail businesses are estimated net of market support and an assumed percentage of retail sales (5 percent) that will shift from other retail outlets located in the County. EPS does not anticipate any revenues generated through business-to-business taxable sales.

### **Proposition 172**

Because of the date on which the County incorporated, the County is not eligible to receive Proposition 172 revenues.

### **County Streets Fund Revenues**

The County receives various revenue sources to fund street maintenance, including Transportation Development Act (TDA) and gas tax, traffic safety. The County assumes that, given the currently underfunded street maintenance programs, any MRSP-related Road Fund Revenues would not be available to fund MRSP road maintenance.

### **PBFPD Revenues**

Based on the PBFPD FY 2014–15 budget, the primary sources of revenue include property tax revenue and benefit assessment revenue.

Property tax revenue generated by the MRSP is based on the assessed value of the MRSP and the estimated property tax rate of 3.51 percent, as shown in **Table B-3**.

Property assessment revenue, shown in **Table B-6**, is based on the PBFPD's current benefit assessment rates of \$54.32 per single-family equivalent (in 2014 dollars) per unit for residential land uses and per acre for retail and office land uses. Single-family residential is assumed to be one single-family equivalent and assessed \$54.32 annually. Multifamily residential is assumed to have a 0.5635 single-family equivalent per unit. Neighborhood commercial has a single-family equivalent of 1.1859 per acre, and business park is 3.3907 per acre.

With these benefits assessment amounts, the MRSP would generate approximately \$183,000 annually in 2014 dollars at buildout.

## **Expenditure-Estimating Methodology**

Expenditure estimates are based on the County's and PBFPD's FY 2014–15 budgets and supplemental information from County and PBFPD staff. OPUD expenditure estimates were derived from a case study in **Table C-5**. County Streets Fund expenditure estimates are derived in **Tables C-3** and **C-4**.

All County General Fund, Streets Fund, and PBFPD expenditure items are listed on **Table C-1** in **Appendix C**. Expenditures estimated to serve MRSP development are summarized in **Table C-2**, including the findings from the case studies for the County Streets Fund and OPUD.

### **County General Fund Expenditures**

County General Fund department expenditures that are expected to be affected by the proposed MRSP and existing zoning are forecasted using an average-cost approach.

Expenditures affected by residents and employees are projected using a *per-person-served* average expenditure multiplier and include the budget categories listed below:

- Legislative
- Public Ways and Facilities
- Public Assistance
- Recreation Facilities
- Public Protection
- Health and Sanitation
- Education

In some fiscal impact analyses, EPS has applied an adjustment factor to the average-cost multiplier to reflect the fact that new employees may not increase certain General Fund department expenditures at a 1:1 ratio. This Analysis does not apply any adjustment factors for this preliminary analysis.

### **County Streets Fund Expenditures**

This Analysis is based on the assumption the County will maintain backbone roadways in the MRSP. This Analysis uses a case-study approach to estimate Streets Fund expenditures associated with maintenance of these roads. As shown in **Tables C-3** and **C-4**, the case study is based on the road maintenance cost per mile for new arterial/collector roads assumed in a City of Lincoln Fiscal Impact Model, wherein Lincoln's city engineer provided assumptions for the average cost per lineal mile and lineal foot to maintain such roads, and backbone road miles estimated by MHM Engineers.

### **PBFPD Expenditures**

EPS did not prepare a case study to determine costs to provide fire protection services for MRSP. PBFPD's estimated expenditures shown in **Table C-2** are equal to estimated revenues shown in **Table B-2**.

### **OPUD Park and Open Space Expenditures**

Parks and open space maintenance responsibilities will be performed by OPUD. EPS prepared an analysis for OPUD in 2005 to estimate the costs of maintaining parks on a per-acre basis. For this case study, EPS increased the 2005 cost assumptions using CPI—San Francisco, All Urban Workers. This Analysis is based on the assumption that it will cost OPUD \$15,000 per acre to maintain parks and \$1,000 per acre to maintain open space in 2015 dollars.

## APPENDICES:

- Appendix A: General Assumptions
- Appendix B: Revenue-Estimating Tables
- Appendix C: Expenditure-Estimating Tables
- Appendix D: Supporting Tables for Revenue Estimates



## APPENDIX A: General Assumptions



Table A-1	General Assumptions .....	A-1
Table A-2	Land Use Development Plan by Phase .....	A-2
Table A-3	Total Residential and Employee Population by Phase .....	A-3
Table A-4	Land Use Assumptions .....	A-4

**DRAFT**

**Table A-1**  
**Magnolia Ranch Specific Plan**  
**Fiscal Impact Analysis**  
**General Assumptions**

<b>Item</b>	<b>Assumption</b>
<b>General Assumptions</b>	
Base Fiscal Year [1]	FY 2014-15
<b>General Demographic Characteristics</b>	
<b>County of Yuba</b>	
Population [2]	74,076
Unincorporated Population [2]	58,588
Employees [3]	27,900
<b>County of Yuba Persons Served [4]</b>	<b>88,026</b>
<b>Plumas Brophy Fire Protection District</b>	
Population [5]	5,225
Employees [5]	1,929
<b>Plumas Brophy Fire Protection District Persons Served [4]</b>	<b>6,190</b>
<i>"gen_assumps"</i>	

Source: California Department of Finance; California Employment Development Department; ESRI; EPS.

- [1] Reflects the County of Yuba Fiscal Year 2014-15 approved preliminary budget. Revenues and expenditures are in 2014 dollars. This analysis does not reflect changes in values resulting from inflation or appreciation.
- [2] Based on population estimates from the California Department of Finance (DOF) data for January 1, 2015.
- [3] Based on data obtained from the California Employment Development Department (EDD) for the most recent calendar year available (March 2015).
- [4] Defined as total population plus half of total employees.
- [5] From ESRI.

Table A-2  
Magnolia Ranch Specific Plan  
Fiscal Impact Analysis  
Land Use Development Plan by Phase

Land Use Designation	PHASE 1				BUILDOUT			
	Acreage	Dwelling Units	Nonres. Building Square Feet	Units/Acre or FAR	Acreage	Dwelling Units	Nonres. Building Square Feet	Units/Acre or FAR
<b>Residential Land Uses</b>				<u>units/acre</u>				<u>units/acre</u>
<b>Single-Family</b>								
Very Low Density Residential (VLDR)	31.8	94	-	3.0	49.9	148	0.00	3.0
Low Density Residential - Age Restricted (LDR-AR)	0.0	0	-	0.0	118.6	468	0.00	3.9
Low Density Residential (LDR)	401.6	1,595	-	4.0	496.0	1,962	0.00	4.0
Medium Density Residential - Age Restricted (MDR-AR)	0.0	0	-	0.0	13.4	80	0.00	6.0
Medium Density Residential (MDR)	0.0	0	-	0.0	14.6	87	0.00	6.0
<b>Subtotal Single-Family</b>	<b>433.4</b>	<b>1,689</b>	<b>-</b>		<b>692.5</b>	<b>2,745</b>	<b>0.00</b>	<b>4.0</b>
<b>Multifamily</b>								
Medium High Density Residential (MHDR)	0.0	0	-	0.0	22.8	228	0.00	10.0
High Density Residential (HDR)	0.0	0	-	0.0	17.5	350	0.00	20
<b>Subtotal Multifamily</b>	<b>0.0</b>	<b>0</b>	<b>-</b>	<b>0.0</b>	<b>17.5</b>	<b>350</b>	<b>0.00</b>	
<b>Total Residential Land Uses</b>	<b>433.4</b>	<b>1,689</b>	<b>-</b>		<b>732.8</b>	<b>3,323</b>	<b>0.00</b>	
<b>Nonresidential Land Uses</b>				<u>floor area ratio</u>				<u>floor area ratio</u>
<b>Office/Commercial (OC)</b>								
Business Park (BP)	0.0	-	0.00	0.35	52.2	-	796,451	0.35
Neighborhood Commercial (NC)	2.8	-	36,590.40	0.35	17.9	-	272,903	0.35
<b>Total Residential and Nonresidential Land Uses</b>	<b>436.2</b>	<b>1,689</b>	<b>36,590.40</b>		<b>802.9</b>	<b>3,323</b>	<b>1,069,354</b>	
<b>Other Land Uses</b>								
K-8 School (PS)	24.9	-	-		24.9	-	-	-
Public Use/Fire Station (LDR/PS)	1.8	-	-		1.5	-	-	-
Right-of-Way (ROW)	54.8	-	-		106.4	-	-	-
Multi-Purpose (MPOS)	42.8	-	-		60.6	-	-	-
Parks (P)	23.5	-	-		45.2	-	-	-
<b>Total Other Land Uses</b>	<b>147.8</b>	<b>-</b>	<b>-</b>		<b>238.6</b>	<b>-</b>	<b>-</b>	
<b>Total Residential, Nonresidential, and Other Uses</b>	<b>584.0</b>	<b>1,689</b>	<b>36,590.40</b>	<b>-</b>	<b>1,041.5</b>	<b>3,323</b>	<b>1,069,354</b>	<b>-</b>

Source: Magnolia Ranch Specific Plan February 2015; EPS.

**DRAFT**

**Table A-3**  
**Magnolia Ranch Specific Plan**  
**Fiscal Impact Analysis**  
**Total Residential and Employee Population by Phase**

Land Use	Residential Population and Employees [1]	
	PHASE 1	BUILDOUT
<b>Residential Population</b>		
<b>Single-Family</b>		
Very Low Density Residential (VLDR)	273	429
Low Density Residential - Age Restricted (LDR-AR)	0	842
Low Density Residential (LDR)	4,626	5,690
Medium Density Residential - Age Restricted (MDR-AR)	0	144
Medium Density Residential (MDR)	0	218
<b>Subtotal Single Family</b>	<b>4,899</b>	<b>7,323</b>
<b>Multifamily</b>		
Medium High Density Residential (MHDR)	0	570
High Density Residential (HDR)	0	525
<b>Subtotal Multifamily</b>	<b>0</b>	<b>1,095</b>
<b>Total Residential Population</b>	<b>4,899</b>	<b>8,418</b>
<b>Employees</b>		
Business Park (BP)	0	2,655
Neighborhood Commercial (NC)	91	682
<b>Schools</b>		
Estimated K-8 Students [2]	<u>students</u> 955	64
<b>Total Employee Population</b>	<b>155</b>	<b>3,401</b>
<b>Total Persons Served [3]</b>	<b>4,977</b>	<b>10,119</b>

Source: Magnolia Ranch Specific Plan February 2015; EPS.

"popemp"

[1] Employee population based on square feet per employee assumptions as shown in Table A-4.

[2] The Magnolia Ranch Specific Plan assumes that there is one school employee per 15 students.

[3] Total Persons Served is defined as 100% of household population plus 50% of employees.

## **MEMORANDUM**

To: Kevin Mallen and Ed Palmieri  
From: Russ Powell  
Subject: Overview of Fiscal Impact Analyses for Magnolia Ranch;  
EPS# 20481  
Date: November 5, 2015

*The Economics of Land Use*



Economic & Planning Systems, Inc. (EPS) prepared the Magnolia Ranch Specific Plan Fiscal Impact and Urban Services Analysis for Yuba County (County) in August 2015. The fiscal impact analysis (analysis) used the County's Fiscal Year (FY) 2014-15 Final Budget to model fiscal impacts on the County's General Fund resulting from development of the Magnolia Ranch Specific Plan (MRSP). At buildout, EPS estimated annual revenues would be approximately \$5.4 million and expenditures would be approximately \$5.2 million.

The Sacramento Area Council of Governments (SACOG) prepared a fiscal analysis for the County in November 2014 that presented the fiscal impacts that would result from a hypothetical urban residential mixed-use project being developed on land formerly used primarily for agricultural uses in the County. While the revenue assumptions to the analysis prepared by EPS are similar to that of SACOG, SACOG's cost estimates were approximately \$7.5 million, or approximately \$2.3 million greater than those estimated by EPS.

The County has requested that EPS review the SACOG case study and assumptions used in the fiscal model to determine the primary reason for the different estimates in total costs for providing services and operations and maintenance of facilities.

EPS's initial review of the SACOG case study noted that in addition to the General Fund costs of the County, SACOG included in the cost estimates the costs of services provided by other public agencies in the County, such as fire protection (Plumas-Brophy Fire Protection District), water, sewer, and parks (Olivehurst Public Utility District). EPS directly addresses revenue and cost assumptions for fire protection and parks in the analysis, but these revenues and costs are not attributed to the County costs analyzed, as does the SACOG case study.

*Economic & Planning Systems, Inc.  
2295 Gateway Oaks Drive, Suite 250  
Sacramento, CA 95833-4210  
916 649 8010 tel  
916 649 2070 fax*

*Oakland  
Sacramento  
Denver  
Los Angeles*

In reviewing the sources of SACOG's case-study model inputs, it was noted that County revenues and expenditures were based on State Controller Office Local Government Reports for FY 2011-12. EPS has not reviewed the County budget for FY 2011-12 to determine if there were any significant costs assumptions for FY 2011-12 that vary from those in the FY 2014-15 budget.

The differential in the estimated costs would seem to be primarily attributable to costs associated with provided services to a hypothetical new, urban development by agencies other than the County.

Attachment 8

Planning Commission Staff Report (without attachments)

Complete Staff Report Available at:

<http://www.co.yuba.ca.us/Departments/Community%20Development/Planning/Projects/Magnolia/Magnolia%20Staff%20Reports.aspx>

# The County of Yuba

## Community Development & Services Agency

**Kevin Mallen, Director**

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## PLANNING COMMISSION STAFF REPORT

**Hearing Date:** October 21, 2015

**Project:** Magnolia Ranch Specific Plan (SP 2006-0002), Change of Zone (CZ 2006-0010), Tentative Subdivision Map (TSTM 2006-0045) Large Lot and Small Lot, Tentative Subdivision Map (TSTM 2015-0004) Large Lot, and Development Agreement (DA 2006-0001) (the Project).

**Request:** A request to adopt the Magnolia Ranch Specific Plan (MRSP), Change of Zone, Tentative Subdivision Tract Maps, and Development Agreement.

**Location:** The project consists of six parcels (identified as Assessor's Parcel Nos. 015-070-009, 015-070-051, 015-070-072, 015-070-078, 015-070-079, and 015-070-080) totaling approximately 1,028 acres located south of Ostrom Road, east of Bradshaw Road, west of South Beale Road, and approximately 3,000 feet north of SR 65.

**Applicant:** CEM Investments C/O Al Montna, 12755 Garden Highway, Yuba City, CA 95991

**Property Owners:** (i) A & G Montna Properties LP, C/O Al Montna, 12755 Garden Highway, Yuba City, CA. 95991; (ii) CEMR Properties, C/O Michael E. Rue and Patricia M. Rue, P.O. Box 8, Rio Oso, CA 95674; (iii) River Valley Rice & Land, LLC C/O Terry Eager, 44446 Club House Drive, El Macero, CA 95618; (iv) WGKS Eureka Land, LLC, C/O Walter Christiansen, P.O. Box 1330, Yuba City, CA 95992; (v) James R. Kenny and Sherril P. Kenny, Trustees of The Kenny Living Trust; and (vi) San Felipe Properties Inc., a California Corporation.

**Engineer:** Sean Minard, MHM Inc., P.O. Box B, Marysville, CA 95901

**Given the complex scope of the Project, the staff report has been organized as follows:**

- Recommendation;
- Summary of Outstanding Issues;
- Background and Project Description;
- Environmental Determination; and,
- Project Discussion which includes a brief analysis of each of the entitlements requested and comments from agencies and the general public.

## **RECOMMENDATION**

The County's 2030 General Plan provides a broad array of goals, objectives and policies that in most aspects are harmonious with one another. However given the range of topics covered in the General Plan there is also the potential for competing interests (i.e. preservation of mature trees and vegetation versus wildfire safety). A specific plan is also a broad programmatic document established to guide development of a specific area or region of a city or county. Given the broad context of the County's General Plan and the programmatic nature of the specific plan, staff believes the proposed Magnolia Ranch Project meets the applicable overarching goals and policies of the 2030 General Plan.

The Yuba County Development Code also provides specific findings that need to be made in order to approve a Specific Plan, Change of Zone, Tentative Subdivision Map, or Development Agreement. The Findings that must be made are included in Attachment 1. While some of the findings are more concrete in nature (i.e. "The Project complies with the requirements of Government Code Section 65864") the majority of the required findings are more subjective in nature (i.e. "...will achieve the balance of land uses desired by the County..." or "...provide substantial benefits to the County").

Given the nature of the proposed Magnolia Ranch Project; the merits of the project should be determined by the decision-making authorities: Planning Commission (recommendation) and Board of Supervisors (final action).

- If the Planning Commission believes the findings included in Attachment 1 can be made, staff recommends that the Planning Commission adopt the attached resolution (Attachment 2) recommending that the Board of Supervisors approve the Project based on making all findings contained in the resolution.
- If the Planning Commission is not able to make one or more of the findings in Attachment 1 to approve the Project, the Commission should indicate which finding(s) cannot be made and any reasons why they believe the finding cannot be made. A resolution recommending that the Board of Supervisors deny the Project is provided in Attachment 3.

## **SUMMARY OF OUTSTANDING ISSUES**

The applicant has reviewed the Development Agreement (DA) and mitigation measures and is in agreement with the requirements. As of the drafting of this staff report, the applicant and County staff are seeking resolution to a few of the proposed conditions of approval on the Specific Plan and Tentative Subdivision Maps. Any outstanding issues will be presented to the Planning Commission at the public hearing on October 21, 2015.

## **BACKGROUND & PROJECT DESCRIPTION**

In December 2006, the applicant had submitted a General Plan Amendment request. Since the County had just initiated a comprehensive update to the General Plan; the application for the General Plan Amendment was not processed. Instead the applicant participated in the General Plan Update process requesting that their property be included within the County's Valley Growth Boundary. As part of the County's "Vision, Goals & Strategies" report and the "Sustainable Yuba County" land use map, the Magnolia Ranch project area was proposed to be designated as Planning Reserve. During a workshop held on August 25, 2009, the applicants requested that the Board consider allocating land uses to their project area rather than being designated as Planning Reserve. The Board directed staff to prepare a report summarizing the benefits the applicant proposed to bring to the County that would assist in achieving the goals identified in the "Vision, Goals & Strategies" report and in particular those

goals related to "Economic Independence". In summary the report presented to the Board on October 13, 2009 indicated that the County already had adequate lands designated for residential use for projected growth within the planning horizon of the General Plan (through year 2030 and likely through build-out which was anticipated to be decades past year 2030), however the County has not reached its full potential in terms of job creation. The "recipe" presented in the report included three main ingredients: adequate non-residential land in business attractive locations, reduce the "red tape" associated with land use processing, and develop infrastructure to support businesses. At the same October 13, 2009 Board meeting, the proponents of the Magnolia Ranch Project presented their "findings" explaining how their proposed project aligned with the County's "recipe" specifically in regards to their planned development of infrastructure to serve non-residential properties both within their Project as well as to their west towards Highway 65, their ability to help with marketing to attract non-residential uses, and their ability to coordinate with surrounding landowners to secure needed right of way for the infrastructure. Based on the analysis provided in the October 13, 2009 staff report (Attachment 12) and findings (provided by the applicant), the area east of Highway 65 and bound by Ostrom Road on the North and South Beale Road to the south and east was designated as Employment Village by the Board in the 2030 General Plan.

On January 29, 2010, CEM Investments (the Applicant), on behalf of six property owners filed applications for a Specific Plan (SP2006-0002), Change of Zone (CZ2006-0010), Phase 1 Large Lot and Small Lot Subdivision Tract Map (TSTM2006-0045), Development Agreement (DA2006-0001) and a Phase 2 Large Lot Subdivision Tract Map (TSTM2015-0004 - submitted in August 2015) on approximately 1,039 acres located in unincorporated Yuba County south of Ostrom Road, between Bradshaw and South Beale Roads, to State Route 65, and immediately southwest of Beale Air Force Base. The entitlements as a whole are referred to as the "Project". With adoption of the 2030 General Plan, a General Plan Amendment application was no longer needed and has been withdrawn.

The Magnolia Ranch Specific Plan (MRSP) proposes a mix of land uses, including 3,000 to 4,200 dwelling units at different densities that could accommodate approximately 8,414 persons. Proposed land uses include very low density, low density, medium and high density residential units and units that are age restricted; neighborhood commercial areas, a business park, an elementary and intermediate school, parks, multi-purpose open space with park trails, and off-site improvements (the Project). Table 1 on the next page, provides a more detailed land use summary.

**TABLE 1**  
**LAND USE SUMMARY TABLE**

Land Use (Density Range)	Acreage (gross)	Average No. of Units	Population or Jobs
<b>Residential</b>			
VERY LOW DENSITY RESIDENTIAL (2-5 DU/AC)	49.9	148	429
LOW DENSITY RESIDENTIAL - AGE RESTRICTED (3-5 DU/AC)	118.6	468	842
LOW DENSITY RESIDENTIAL (3-5 DU/AC)	496.0	1,962	5,690
MEDIUM DENSITY RESIDENTIAL – AGE RESTRICTED (5-7 DU/AC)	13.4	80	144
MEDIUM DENSITY RESIDENTIAL (5-7 DU/AC)	14.6	87	218
MEDIUM-HIGH DENSITY RESIDENTIAL (8-20 DU/AC)	22.8	228	570
HIGH DENSITY RESIDENTIAL (20-21 DU/AC)	17.5	350	525
<i>Subtotal</i>	<i>732.80</i>	<i>3,323 DU</i>	<i>8,418</i>
<b>Commercial</b>			
BUSINESS PARK	52.1	-	2,648
NEIGHBORHOOD COMMERCIAL	17.9	-	682
<i>Subtotal</i>	<i>70</i>	<i>-</i>	<i>3,453</i>
<b>Recreational</b>			
PARKS (MINI-PARK / NEIGHBORHOOD PARK / COMMUNITY PARK)	45.2	-	-
MULTI-PURPOSE OPEN SPACE	60.6	-	-
<i>Subtotal</i>	<i>105.80</i>	<i>-</i>	<i>-</i>
<b>Public</b>			
ELEMENTARY SCHOOL/MIDDLE SCHOOL	24.8	-	123
ARTERIAL & COLLECTOR ROADS	106.4	-	-
<i>Subtotal</i>	<i>131.20</i>	<i>-</i>	<i>123</i>
<b>TOTAL</b>	<b>1039.80</b>	<b>3323</b>	<b>8,418 Population 3,453 Jobs</b>

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

- Olivehurst Public Utilities District (OPUD) - The project proposes to connect to the water and sewer systems of OPUD; as such, OPUD would have to approve the proposed expansion of services.
- Plumas Brophy Fire Protection District/Wheatland Fire Authority - Review of fire protection facilities and service funding agreement.
- Central Valley Regional Water Quality Control Board (RWQCB) - RWQCB review and/or approval of any activity impacting project area water quality pursuant to Section 401 and Federal Clean Water Act and RWQCB standards may be required, as may National Pollutant Discharge Elimination System (NPDES) permits, Best Management, and approval of a Stormwater Pollution Prevention Plan.
- Feather River Air Quality Management District - Approval of dust control plans (authority to construct permit), and other permits may be necessary.
- Yuba Local Agency Formation Commission (LAFCo) - Yuba LAFCo approval would be required for associated special district reorganizations, such as annexations to OPUD and creation of a new County Service Area (CSA).
- Plumas Lake School District and Wheatland High School District - Actions and approvals associated with the proposed school sites in coordination with the California Department of Education

### **ENVIRONMENTAL DETERMINATION**

An Environmental Impact Report (EIR) was prepared for the Project pursuant to the California Environmental Quality Act (CEQA). A notice of Completion on the Draft EIR was filed with the State Clearinghouse on May 18, 2015. Comments received on the Draft EIR were incorporated into the Final EIR which was filed with the State Clearinghouse on October 9, 2015. A hearing before the Planning Commission is scheduled for October 21, 2015. The EIR is available for review during business hours at the Planning Department (915 8<sup>th</sup> street, Suite 123; Marysville, CA) or on the Planning Department website at:

<http://www.co.yuba.ca.us/Departments/Community%20Development/Planning/Projects/Magnolia/Magnolia.aspx>

### **PROJECT DISCUSSION**

Below is a brief analysis of each of the Project's entitlements.

#### **Change of Zone and Specific Plan**

The purpose of a specific plan is to guide the orderly development and improvements of an area that is characterized by its unique location, geographic features, land uses and ownership patterns. Additionally, a specific plan provides for creativity at the individual project level, and at the same time is meant to ensure that developments will ultimately combine to create a cohesive community. For this reason specific plans are often referred to as a master planned community.

The Magnolia Specific Plan if adopted becomes existing zoning policy, development standards and descriptive maps for the area included within the Specific Plan boundary. Where the Specific Plan is silent, the Yuba County Development Code will govern.

The following table identifies the current zoning and land use of the project site and surrounding area.

	Existing Land Use	General Plan	Existing Zoning
Subject Property	Agriculture	Employment Village (EV)	Agricultural Industrial (AI)
North	Agriculture	Natural Resources (NR)	Exclusive Agriculture (AE)
East	Agriculture	NR	AE
South	Agriculture & Residential Estates	EV	AI and Agricultural Residential (AR)
West	Agriculture	EV	AI

The Project is located within the General Plan land use designation of Employment Village (EV) and has a zoning designation of Agricultural Industrial (AI). The Project proposes a Change of Zone and a Specific Plan for the project site. The 2030 General Plan Policy CD13.5 allows for residential, retail, and commercial service development with the Employment Village east of Bradshaw Road upon approval of a Specific Plan or Master Plan. The Change of Zone would change the zoning designation from AI to Specific Plan. The Specific Plan Land Use Map (Attachment 6) provides for the specific zoning/land use designations within the Project boundary.

The Change of Zone would ensure consistency with the 2030 General Plan and proposed Specific Plan land use designations. As previously discussed the proposed Specific Plan meets the general intent of the applicable goals and policies of the 2030 General Plan.

#### **Tentative Maps**

The applicant has submitted two large lot and one small lot tentative maps. The purpose of the large lot maps is to allow for the installation of public improvements in stages and to allow financing of the project based upon market demands. The small lot map further subdivides the large lots for development with the residential and other proposed uses. Specific conditions of approval are established for both the large and small lot maps.

As noted in the conditions of approval and Specific Plan (Section 8.3), this is a phased project. Changes to the various maps that will be submitted may require modifications of the conditions of approval. Minor modifications can be approved by the CDSA Director whereas major deviations or changes will require a re-hearing before the Planning Commission.

The Phase 1 Large Lot Map (TSTM 2006-0045) is 647.85 gross acres and includes 26 residential lots (Villages), four lots for non-residential uses including schools and public facilities (Parcels 27-30) and 14 lettered lots for parks, drainage, and open space. TSTM 2006-0045 also includes a Phase 1 Small Lot Map that would divide Villages 1 through 26 into 1,796 lots. Residential lot sizes will range from 1,500 square feet in size for Medium High Density Residential to 9,000 square feet for areas designated as Very Low Density Residential.

The Phase 2 Large Lot Map (TSTM2015-0004) includes 25 Villages (large lot parcels) as follows: six age restricted residential villages, 12 non-age restricted residential villages, five park and open space villages and two villages for neighborhood commercial and mixed uses. The Phase 2 map is a total of 380.57 gross acres.

#### **Drainage**

Currently the Project site is used for rice farming. Rice checks provide storm water storage during large storm events. To mitigate run-off from the proposed development a distribution system of detention ponds will be

used. Two exit ponds will be equipped with pump stations to ensure that flows downstream into Kimball Creek remain below the current values for all storms. The drainage exit points will remain in the same locations as they have historically. The project will also utilize traditional underground storm drains, water quality swales and other features consistent with Yuba County requirements and State standards for drainage. The distribution of detention ponds also allows for water quality issues to be addressed prior to water entering the downstream system.

#### Water and Sewer

The development proposes to connect to the water and sewer systems of OPUD. The Project site must be annexed into OPUD's service area prior to receiving services. The proposed Project will generate approximately 1.58 million gallons per day (MGD) of dry weather sanitary sewer flows. The OPUD plant is currently permitted for expansion of up to 5.0 MGD and currently constructed to handle 3.0 MGD. The Plant currently receives 1.5 MGD of average dry weather flow and therefore is capable of handling the additional flows from the Project.

The Project will require a new domestic water system that includes the construction of domestic wells, storage tanks and a looped trunk system. Overall the domestic water system for Magnolia Ranch will be a stand-alone system capable of serving the project without outside water sources.

All water and sewer improvements will become the property of OPUD. The required improvements will be constructed and financed by the developer. No certificates of occupancy of residential units will be granted until all necessary improvements have been constructed, are operational, and accepted by OPUD.

#### Other Utilities

Electric and gas services will be provided to the Project area by the Pacific Gas and Electric Company (PG&E). Telephone service will be provided by AT&T or Comcast. Internet services may be obtained from a number of providers including Comcast, AT&T, and others. Cable and satellite TV may be obtained from various providers including but not limited to Dish Network, Direct TV, AT&T or Comcast.

#### Development Agreement

A Development Agreement (DA) is a contract between the County and the applicant for a development project. The primary purpose of a DA is to:

- Facilitate development projects for which there is significant applicant contribution toward infrastructure, public facilities, open space or other amenities, or other programs of benefit to the County and its residents.
- Assure the applicant that upon approval of the subject project, the project may proceed in accordance with existing County policies, rules and regulations in place at the time of Development Agreement approval.
- Encourage private participation in comprehensive planning and provision of public facilities, including, but not limited to, streets, sewerage, transportation, potable water, schools and utilities.
- Provide a net benefit to the County and its residents not otherwise obtainable through other processes.

Therefore, it is not a mandatory element of the Project, but is used to provide assurances to both parties. The proposed DA lays out requests from the applicant to provide future assurance on being able to develop their project. For example a Tentative Subdivision Tract Map typically is valid for three (3) years unless an extension of time is approved (by County or legislature), significant public improvements have been installed, or a final map is recorded. The Proposed Development Agreement would provide the applicant a maximum of 25 years to effectuate the development of their project. However the first Phase of the Development Agreement is for 15 years with the ability for two (2) five (5) year extensions based on certain criteria being met.

In exchange, the applicant has agreed to provide funding towards the Project Study Report (PSR) and nexus study for the Wheatland Bypass (20%, not to exceed \$250,000) and advance their initial payment of MRSP Traffic Fees to assist in the timely construction of offsite road improvements needed to mitigate the impacts of their Project. The applicant has also agreed to help assist the County in business attraction and obtaining grants for infrastructure associated with the Employment Village.

### **Fiscal Impact Analysis**

A Fiscal Impact Analysis was completed for the project by Economics and Planning Systems (EPS), based on the Tentative Subdivision Tract Maps (Attachments 7 & 8). Net fiscal impacts to the County are discussed using two scenarios: (1) Development of Phase 1 and (2) Full buildout of the Specific Plan. Impacts to the County's General Fund and Road Funds are discussed in the analysis using the two scenarios.

After full buildout, the Project as proposed in the Tentative Subdivision Tract Maps and Specific Plan is expected to generate a net fiscal surplus of approximately \$224,000 per year in the County's General Fund. However, the Project is expected to generate an annual net deficit of \$78,000 in the County's Road Fund. Combined, the annual net fiscal impact to the County's General and Road Funds is estimated to be about \$146,000 annually (positive).

In the initial phase (Phase 1), the proposed Project is estimated to result in an annual net fiscal deficit of approximately \$412,000 for the County's General and Road Funds. While the developer is hoping to obtain full buildout of the project within 16 years from the start of construction, buildout will be market driven. Similar to other Specific Plans previously approved by the County there is no guarantee of full buildout occurring and therefore the net fiscal deficit to the County could be long-term.

In the conclusions of the Fiscal Analysis, any funding shortfalls either at development of Phase 1 or at buildout are assumed to be funded by a dedicated revenue source, such as a Mello-Roos Community Facilities District, a Benefit Assessment District, or other identified funding sources required to fully fund the costs of maintenance and services to the Magnolia Ranch Project. Another funding mechanism could be through the requirement of a community benefit fee in the Development Agreement to be paid annually until such time as the project results in a net neutral cost to the County's General and Road funds, however the DA in its current form is silent in regards to addressing the general fund shortfall.

**Public Comments.** Staff has received a number of comment letters from the public. The comment letters received prior to the drafting of the staff report have been included in Attachment 11. Letters received after the drafting of the staff report but prior to the Planning Commission hearing will be addressed in staff's presentation to the Commission and copies will be provided to the Commission at the hearing.

The majority of the comments received did not list a specific concern or issue, but indicated whether the letter writer was in support or opposition to the Project. The primary concerns that have been raised by the public concerning the merits of the project include:

- Conflicts with the Urban/Agricultural interface (agricultural buffers and operational characteristics of agricultural uses);
- Loss of agricultural lands (including encroachment);
- Impacts to Beale Air Force Base;
- Traffic;
- Drainage; and

- Comments regarding the completion of existing communities such as Plumas Lake and Edgewater.

Comments that were related to the adequacy of the EIR have been addressed by staff in the Final EIR and/or staff report on the certification of the EIR.

#### ATTACHMENTS

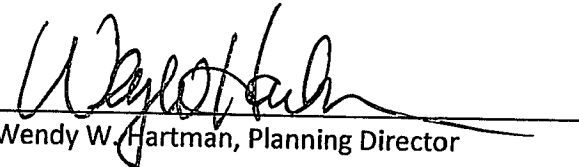
1. Required Findings for Approval of the Project
2. Resolution Recommending Board of Supervisors to Approve the Project
3. Resolution Recommending Board of Supervisors Deny the Project
4. Draft Conditions of Approval
5. Original and Proposed Zoning Designation Map
6. Specific Plan Land Map
7. Tentative Subdivision Tract Map TSTM 2006-0045 Phase I (Large Lot and Small Lot)
8. Tentative Subdivision Tract Map TSTM 2015-0004 Phase II (Large Lot)
9. Development Agreement
10. EPS Fiscal Impact Analysis Executive Summary (Entire report available on the Planning website)
11. Public Comment Letters (Available on Planning Website)
12. October 13, 2009 Staff Report (Available on Planning website)
13. Final EIR and Mitigation Monitoring Plan (Provided under separate cover and available on the Planning website)

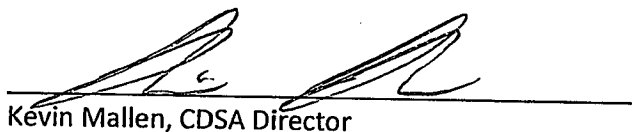
Planning Department: Magnolia Ranch Web Page

<http://www.co.yuba.ca.us/Departments/Community%20Development/Planning/Projects/Magnolia/Magnolia.aspx>

Report Prepared By:

Report Reviewed By:

  
Wendy W. Hartman, Planning Director

  
Kevin Mallen, CDSA Director

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Attachment 9

Draft Planning Commission Minutes

October 21, 2015 Meeting



# County of Yuba

## Community Development & Services Agency

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

### Planning Department

Phone: (530) 749-5470

Fax: (530) 749-5434

Web: <http://www.co.yuba.ca.us>

### MINUTES OF THE YUBA COUNTY PLANNING COMMISSION

Wednesday, October 21, 2015

6:00 p.m. Supervisor's Chambers

915 8<sup>th</sup> Street

Marysville, California

**Planning Commissioners Present:** All Present

**Planning Commissioners Absent:** None

**Staff Present:** Special Counsel Bill Abbott, Dan Cucchi, Planner Ed Palmeri, Chief Deputy Counsel John Vacek, CDSA Director Kevin Mallen, Sean Manard (MHM engineering) (John Guard, traffic analysis report)

Lindman	X	
Barker	X	
Correa	X	
Rasmussen	X	
Phillips	X	
Beale Rep.		
Harl		
Sanderson	x	

### APPROVAL OF MINUTES

**MOTION:** Move to approve minutes of May 20, 2015

**Moved:** Correa **Second:** Barker

Motion passed with the following vote:

**Ayes:** Lindman, Barker, Correa, Phillips, Sanderson

**Noes:** None **Abstain:** Rasmussen

**MOTION:** Move to approve minutes of July 15, 2015

**Moved:** Phillips **Second:** Barker

Motion passed with the following vote:

**Ayes:** Lindman, Barker, Correa, Rasmussen, Phillips, Sanderson

**Noes:** None **Abstain:** None

### PUBLIC HEARING:

- 1. Magnolia Ranch Specific Plan Environmental Impact Report (State Clearing House No. 2013022017):** The County of Yuba prepared a Final Environmental Impact Report (EIR) to consider potential environmental effects of the proposed Magnolia Ranch Specific Plan project. The Final EIR includes responses to comments received on the Draft EIR received during the public comment period along with recommended changes to the mitigation measures and text of the EIR.

Staff Report: Planning Director Wendy Hartman provided a PowerPoint presentation recapping the following:

- Location of project
- Diagram of proposed Land Use Plan
- Environmental Impact Report (EIR) Review Process
- EIR Scope of Analysis
- Final EIR contents
- Additional Comments Received
- Mitigation Monitoring and Reporting Program
- Requirements of CEQA met

Public Hearing: The Chair opened the public hearing. The following individuals spoke:

- Mr. Chris Norem, Business Industry Association, water management
- Ms. Johanna Lassaga, no mitigation of impact, EIR a sham
- Ms. Frances Hofman, no capacity for drainage, submitted written comments
- Ms. Lynn Tafoya, reached agreement for school
- Ms. Dana Davis, complete EIR - support
- Mr. David Vallanueva, Plumas Lake Elementary School District, agreement for school to be built
- Mr. Edward Ritchie, Comprehensive EIR – support
- Ms. Marilyn Waltz, submitted written comments
- Mr. Sean Sommervold, drainage at Ostrom Road

Commissioner Comments:

Special Counsel Bill Abbott responded to Board inquiries regarding mineral rights. (Correa/Phillips – Mineral Rights,)

Public Works Engineer responded regarding Commissioner Rasmussen inquiries accidents at South Beale Road and Highway.

Commissioner Harl Sanderson advised in coming weeks an official position statement would be released which indicate a position of neutrality at this time.

Community Development and Services Director Kevin Mallen responded to inquiries regarding drainage capacity (Lindman).

Chair Lindman closed the public hearing.

**Motion:** Move to adopt resolution recommending Board of Supervisors certify the EIR

**Moved:** Lindman      **Second:** Correa

Motion passed with the following vote:

**Ayes:** Lindman, Barker, Correa, Rasmussen, Phillips

**Noes:** None    **Abstain:** None

2. **Specific Plan 2006-0002, Change of Zone 2006-0010, Tentative Subdivision Tract Maps 2006-0045 and TSTM 2015-0004, and Development Agreement DA 2006-0001 (Magnolia Ranch Specific Plan Project – CEM Investments):** The applicant, CEM Investments requested the adoption of a Specific Plan and related entitlements for the Magnolia Ranch Project. The project site is located within the unincorporated area of Yuba County. The specific plan area is bounded on the north by Ostrom Road; Bradshaw Road on

the west; and South Beale Road on the east and south. The proposed specific plan is approximately 1,039 acres identified as Assessor Parcel Numbers (APN's): 015-070-009, 051, 072, 078, 079, and 080.

**Staff Report:** Planning Director Wendy Hartman provided a PowerPoint presentation recapping the following:

- Background and Project Description
- Change of Zone and Specific Plan
- Tentative Maps
- Development Agreement
- Fiscal Impact Study
- Public Comments on Project Merit

Mr. Greg Forest, representing applicant Montna provided a PowerPoint presentation recapping the following:

- 2030 General Plan – Employment Village, Policy CD13.5, Infrastructure Master Plan
- Development Agreement Inclusions
- Plan Features – Business Park, Village Core, Age restricted housing
- Next steps if approved

**Planning Commission Discussion:**

Community Development and Services Director Kevin Mallen responded to inquiries regarding fiscal analysis for county services relative to the project, (Rasmussen) road maintenance (Phillips), traffic flows through Wheatland and South Beale Road (Correa).

**Public Hearing:** Chair Lindman opened the public hearing. The following individuals spoke:

- Mr. Doyle Radford, Jr., support
- Ms. Glenda Nelson, support
- Mr. Sean Sommervold, opposed
- Mr. Chris Norem, BIA, support, job creation, housing needs
- Mr. Dave Vaughn, Recology, support
- Ms. Marilyn Waltz, opposed
- Mr. John Taylor, industrial growth, support project
- Ms. Frances Hofman, opposed, traffic, infrastructure
- Ms. Deb Hecker, opposed, preferred alternative concept - slide
- Mr. Al Lassaga, opposed, letter from Kevin Mallen and Wendy Hartman -slides
- Ms. Robin Burrows, opposed, slide, employment village
- Mr. Joe Henderson, traffic impacts on 65 and Wheatland, opposed, slide
- Mr. Monty Hecker, opposed, impacts to Beale AFB - slides
- Mr. Ernie Ehnisz, opposed, slides, fiscal analysis
- Ms. Sandy Gilbert, slide, not included in fiscal analysis, opposed
- Ms. Johanna Lassaga, opposed, slides regarding websites on both sides
- Mr. Joseph Hoon, support, economic growth
- Mr. Jeff Hunerlach, support, opportunity to grow, business, revenue
- Mr. Dana Davis, support
- Mr. Chris Taylor, support

- Ms. Robin Ehnisz, opposed
- Mr. Edward Ritchie, support

Chair Lindman closed the public hearing.

Planning Director Wendy Hartman responded to Commissioner inquiries including October 13, 2009 staff memo, noise study adopted in 2011 (Barker), planning reserve (Correa), employment village and West Bradshaw Road (Rasmussen).

Community Development and Services Director Kevin Mallen responded to inquiries regarding employment village job creation and differences within specific plan requirement and property owner requirement to follow specific plan (Lindman); fiscal analysis by SACOG/EPS study attachment 9 condition 4 (Rasmussen); assessment of conflicts, right to farm disclosure and hold harmless agreement (Lindman).

Commissioner Sanderson advised Beale AFB was reviewing project and would most likely take a neutral position on the project and further advised the Base would decommission their sewer treatment plan and connect into Olivehurst Public Utility District in the future.

**Motion:** Move to adopt resolution recommending Board project approval based on findings contained therein

**Moved:** Lindman **Second:** Rasmussen

Motion passed by the following vote:

**Ayes:** Lindman, Barker, Correa, Rasmussen, Phillips

**Noes:** None

**Abstain:** None

**The Board recessed at 9:17 p.m. and reconvened at 9:20 p.m. with all present as indicated above.**

**OTHER BUSINESS:** None

**CORRESPONDENCE:** None

**PLANNING DIRECTOR COMMENTS:** Next meeting November 18, 2015.

**PLANNING COMMISSIONER COMMENTS:** Commissioners commended staff for efforts on project.

**ADJOURNMENT:** 9:24 p.m.

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Wendy W. Hartman, Planning Director