



# County of Yuba

## Community Development & Services Agency

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### Planning Department

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### DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

**MEETING DATE:** July 11, 2019

**TO:** Development Review Committee

**FROM:** Kevin Perkins, Planning Manager

**RE:** Conditional Use Permit (CUP) 2018-0009 (Atwal)

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**REQUEST:** The applicant is requesting approval of a conditional use permit that would allow the development of almond orchards on three parcels totaling 191.28 acres in size. The parcels, 014-300-018 (19.3 acres in size; 014-300-036 (10 acres in size); and 014-350-016 (161.98 acres in size) are all zoned Plumas Lake Specific Plan - Medium Density Residential (PLSP-MDR) and are located within the Yuba County 2030 General Plan's Valley Growth Boundary..

**RECOMMENDATION:** Staff recommends that the Development Review Committee (DRC) adopt the proposed Mitigated Negative Declaration and Mitigation Monitoring Plan (Attachments 2 and 3) pursuant to California Environmental Quality Act (CEQA) Article 6 et. Seq. and approve Conditional Use Permit 2018-0009 subject to making the necessary findings and the conditions of approval contained herein (Attachment 4).

**BACKGROUND/DISCUSSION:** The project consists of a Conditional Use Permit (CUP) that would allow the development of almond orchards on three parcels totaling 191.28 acres in size. The parcels, 014-300-018 (19.3 acres in size; 014-300-036 (10 acres in size); and 014-350-016 (161.98 acres in size) are all zoned Plumas Lake Specific Plan - Medium Density Residential (PLSP-MDR) and are located within the Yuba County 2030 General Plan's Valley Growth Boundary. Agricultural uses are not permitted by right in residentially zoned parcels located within the Plumas Lake Specific Plan; however, with the approval of a Conditional Use Permit "Urban Agriculture" is allowed on residentially zoned property on vacant parcels for an interim basis.

The project sites are all located off Broadway Road and within the northern region of the Plumas Lake Specific Plan, which is located in the southern unincorporated portion of Yuba County (Attachment 1).

The work process involved in growing a harvesting an almond orchard include normal farming activities such as disking, which is currently done annually, ripping to break up the hardpan layer, leveling, pulling small berms on which trees will be planted, and installing a water efficient drip irrigation system. Once the orchard is developed, further maintenance of the orchard will be minor. Typical activities will include mowing the grass, spraying trees, and harvesting. Farming activities will occur during daylight hours. Existing wells will provide water to the drip irrigation. Trees will be planted at a minimum of 30 feet away from all surrounding property lines.

GENERAL PLAN/ZONING: The project site is designated as Valley Neighborhood on the 2030 General Plan Land Use Map. The Valley Neighborhood land use classification is a mixed land use designation that allows a variety of residential, commercial, open space and other land uses. The intent of the General Plan designation is to provide for the full range of housing types, commercial and public services, retail offices, and other components of a complete neighborhood in valley portions of the County. As an interim land use, an almond orchard would be consistent with the General Plan.

Consistent with Section 11.07.020 (Yuba County Title XI Zoning Ordinance 2015) urban agriculture defined as “*use of land for, and limited to, the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any horticultural commodity. Produce stands without ranch marketing activities may be permitted. The classification specifically excludes plants classified as federally controlled substances.*” The development of an almond orchard would be consistent with this use.


ENVIRONMENTAL REVIEW: Staff has prepared an initial study for the project and subsequent Mitigated Negative Declaration pursuant to California Environmental Quality Act (CEQA) Section, (b) (1). This study discusses and provides mitigation for the following impact on; Air Quality (dust mitigation; spraying requirements), Cultural Resources (cultural and historical resources found during future development), and Hazards and Hazardous Materials (spraying requirements).

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

Yuba County Building Department  
Linda County Fire Protection District  
FRAQMD  
UAIC  
PG&E

FINDINGS: The necessary environmental review and conditional use permit findings are contained in (Attachment 4) to this report.

Report Prepared By:



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Kevin Perkins  
Planning Manager

#### ATTACHMENTS

1. Site Map
2. Mitigated Negative Declaration
3. Mitigation Monitoring Plan
4. Conditions of Approval
5. Comment Letters

cc: Sarb Atwal, property owner  
Van Boeck, Public Works  
Stephen Scheer, Ag Commissioner's Office

CUP 2019-0009

Location 3

Location 2

Location 1

Rocky Rd

Arboga

Plumas St

Warehouse Rd

Simone Ln

David Ln

ay St

Dye Rd

Eagle Ln

Fairway Dr

Plumas Arboga Rd


7

3000 ft



Google Earth

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	<p><b>INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION CUP2018-0009 (Atwal)</b></p>
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**Project Title:** Conditional Use Permit (CUP) 2018-0009 (Atwal)

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

**Project Location:** Assessor's Parcel Number: 014-350-016; 014-300-018 & 036

**Applicant/Owner:** Sarbdeep Atwal  
2994 Feather River Blvd  
Olivehurst, CA 95961

**General Plan Designation(s):** Valley Neighborhood (VN)

**Zoning:** Residential Estate (RE)

**Contact Person:** Kevin Perkins, Planning Manager

**Phone Number:** (530) 749-5470

**Date Prepared** May 2019

**Project Description**

The project consists of a Conditional Use Permit (CUP) that would allow the development of almond orchards on three parcels totaling 191.28 acres in size. The parcels, 014-300-018 (19.3 acres in size; 014-300-036 (10 acres in size); and 014-350-016 (161.98 acres in size) are all zoned Plumas Lake Specific Plan - Medium Density Residential (PLSP-MDR) and are located within the Yuba County 2030 General Plan's Valley Growth Boundary. Agricultural uses are not permitted by right in residentially zoned parcels located within the Plumas Lake Specific Plan; however, with the approval of a Conditional Use Permit "Urban Agriculture" is allowed on residentially zoned property on vacant parcels for an interim basis.

The project sites are all located off Broadway Road and within the northern region of the Plumas Lake Specific Plan, which is located in the southern unincorporated portion of Yuba County (Figure 1).

The work process involved in growing a harvesting an almond orchard include normal farming activities such as disking, which is currently done annually, ripping to break up the hardpan layer, leveling, pulling small berms on which trees will be planted, and installing a water efficient drip irrigation system. Once the orchard is developed, further maintenance of the orchard will be minor. Typical activities will include mowing the grass, spraying trees, and harvesting. Farming activities will occur during daylight hours. Existing wells will provide water to the drip irrigation. Trees will be planted at a minimum of 30 feet away from all surrounding property lines.

Figure 1. Location Map



### Environmental Setting

The elevations of the properties ranges from 45-50 feet in elevation. The sites are relatively flat and do not contain any slopes or steep inclines. The sites are void of any bodies or water or streams. The sites are surrounded by developed and undeveloped properties.

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

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

### Environmental Factors Potentially Affected:

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

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture & Forestry Resources	<input checked="" type="checkbox"/> Air Quality
<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Cultural Resources	<input type="checkbox"/> Energy
<input type="checkbox"/> Geology/Soils	<input checked="" type="checkbox"/> Greenhouse Gas Emissions	<input checked="" type="checkbox"/> Hazards & Hazardous Materials
<input type="checkbox"/> Hydrology/Water Quality	<input type="checkbox"/> Land Use Planning	<input type="checkbox"/> Mineral Resources

## INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Noise                    | <input type="checkbox"/> Population/Housing     | <input type="checkbox"/> Public Services   |
| <input type="checkbox"/> Recreation               | <input type="checkbox"/> Transportation/Traffic | <input checked="" type="checkbox"/> Tribal Cultural Resources                        |
| <input type="checkbox"/> Utilizes/Service Systems | <input type="checkbox"/> Wildfire               | <input checked="" type="checkbox"/> Mandatory Tribal Cultural Resources Significance |

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

On the basis of this initial evaluation:

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

Planner's Signature

Kevin Perkins, Planning  
Manager

Date

6-15-19

Applicant's Signature

Date

## PURPOSE OF THIS INITIAL STUDY

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the Conditional Use Permit (CUP) 2018-0009 (Atwal), as proposed, may have a significant effect upon the environment. Based upon the findings contained within this report, the Initial Study will be used in support of the preparation of a Mitigated Negative Declaration.

## EVALUATION OF ENVIRONMENTAL IMPACTS

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

- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

I. AESTHETICS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

- a), b), and c) The project area is currently undeveloped and is void of any trees. All of the surrounding views are of vacant land or single family residences. Additionally, there are no listed scenic highways, historic buildings or vistas in the area. Therefore, there would be a **less than significant impact** on scenic vistas.
- d) The future development of an orchard does not have the potential to add new sources of light and glare into the area as no new outdoor lighting is proposed. All work will be conducted during daylight hours, from dawn to dusk therefore, there will be **no impact**.

**II. AGRICULTURE AND FORESTRY RESOURCES**

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

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

**Discussion/Conclusion/Mitigation:**

- a) The Yuba County Important Farmland Map 2016, prepared by the Department of Conservation's Farmland Mapping and Monitoring Program, classifies the project site as both "Prime Farmland" and "Unique Farmland". The Plumas Lake Specific Plan Certified EIR addressed the farmland conversion issue when the specific plan changed the zoning of the property to Medium Density Residential. This project will not involve any conversion of farmland; it will extend the permanent conversion of farmland for the life of the projects and, **no impact** to agricultural lands is anticipated.
- b) There is no Williamson Act contract for the subject property. The project would result in **no impact** to Williamson Act contract or existing agricultural uses and the project does not proposed any conversion of agricultural land.
- c) and d) The project site is not currently zoned for forestry use. In addition, the site is void of any trees and is not designated as a forest. Therefore, the project would result in **no impact** to forest lands.
- e) The project will not involve any changes to the exiting environment which could result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use as the property is not zoned for agricultural or forest land. The project would result in **no impact**.

**III. AIR QUALITY**

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

<b>Would the project:</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

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

The Air Quality Attainment Plan also deals with emissions from mobile sources, primarily motor vehicles with internal combustion engines. Data in the Plan, which was incorporated in the SIP, are based on the most currently available growth and control data. The project would be consistent with this data. As is stated in the guidelines of FRAQMD, projects are considered to have a significant impact on air quality if they reach emission levels of at least 25 pounds per day of reactive organic gases (ROG), 25 pounds per day of nitrogen oxides (NOx), and/or 80 pounds per day for PM10. FRAQMD has established a significance threshold of 130 single-family homes, which is the number estimated to generate emissions of 25 pounds per day of ROG and 25 pounds per day of NOx. It is expected that motor vehicle traffic, the main source of ozone precursor emissions, generated by this agricultural

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

- b) The California Air Resources Board provides information on the attainment status of counties regarding ambient air quality standards for certain pollutants, as established by the federal and/or state government. As of 2010, Yuba County is in non-attainment-transitional status for state and national (one and eight hour) air quality standards for ozone, and state standards for particulate matter less than 10 microns in diameter (PM10). The County is in attainment or unclassified status for all other pollutants for which standards have been established.

Under the guidelines of FRAQMD, projects are considered to have a significant impact on air quality if they reach emission levels of at least 25 pounds per day of reactive organic gases (ROG), 25 pounds per day of nitrogen oxides (NOx), and/or 80 pounds per day for PM10. ROG and NOx are ingredients for ozone. The proposed agricultural operation is well below the FRAQMD thresholds. However, FRAQMD does recommend the following agricultural Mitigation Measures for projects that do not exceed district operational standards:

**Mitigation Measure 3.1**

- Applicable Regulations – Farming Dust
- If generators are used onsite, they must receive FRAQMD permits prior to operation

**Timing/ Implementation:** Prior to and during project activities

**Enforcement/ Monitoring:** FRAQMD

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

- c) As previously noted, the project consists of a conditional use permit that would allow the development of almond orchards on residentially zoned properties. The project will utilize farm equipment for disking, ripping to break up the hardpan layer, leveling and pulling small berms on which the trees will be planted. But, once the orchard is developed, further maintenance of the orchard is anticipated to be minor and will include mowing the grass, spraying trees and harvesting. Once developed, the project is not anticipated to generate a significant quantity of air pollutant emissions. Therefore, impacts on emissions would be **less than significant**.
- d) The project does have the potential to create dust that could be a concentration level sufficient enough to be noticed by any nearby rural and single family residences. To ensure fugitive dust created by the project does not significantly affect surrounding residential properties, dust creating activities shall be consistent with the FRAQMD Applicable Regulations- Farming Dust as stated in Mitigation Measure 3.1 found above. Therefore, impacts to sensitive receptors would be **less than significant with mitigation**.
- e) Agricultural spraying proposed by the project could create objectionable odors. The project not propose activities that generate permanent odors, such as an industrial plant or an agricultural processing operation, however certain fertilizers and/or pesticides could create objectionable odors for a temporary amount of time to neighboring residences. To the

extent practicable, the applicants will be required to use fertilizer and/or pesticides products that the Yuba County Agricultural Commissioner finds as the less objectionable product as it relates to odor.

**Mitigation Measure 3.2**

- As part of the Agricultural Commissioner's spraying permit, the Commissioner shall require the applicant, to the extent possible, to use fertilizers and/or pesticides that are the less than objectionable option as it relates to odor.

**Timing/Implementation:** Prior to issuance of any spraying permit

**Enforcement/Monitoring:** Yuba County Agricultural Commissioner's Office

Therefore, there would be ***less than significant with mitigation.***

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

**Discussion/Conclusion/Mitigation:**

- a) The project site is not known to contain any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, by the California Department of Fish and Wildlife or US Fish and Wildlife Service. The development of an almond orchard would result in a **less than significant impact** to sensitive or special status species.
- b) The project site does not contain any sensitive areas; however setbacks, as outlined in both the 2030 General Plan and Yuba County Development Code, would be enforced as necessary. Any proposed structures will have to maintain a minimum distance from any sensitive area including, natural drainage and ditch areas. The project would result in a **less than significant impact** on riparian habitat or other sensitive natural habitat identified in local or regional plans, policies, or regulations.
- c) There are no wetlands on the project area. The project will result in **no impact** to wetlands.
- d) The project site is void of any streams that are common for migratory fish. Due to the size of the parcels, they could be used for small and large animal migration; however, the project is not expected to significantly disrupt any deer migratory pattern that may exist due to the low level of potential development on the project site. Therefore, the project would not substantially interfere with the movement of any native wildlife and the impacts related to wildlife migration would be **less than significant**.
- e) The property is identified as an area that could potentially contain annual grassland according to Exhibit 4.4-1 of the 2030 General Plan EIR. The site is void of any trees. Therefore, the project would have **no impact** to biological resources such as tree preservation.
- f) No habitat conservation plans or similar plans currently apply to the project site and the project site is not located within the proposed boundaries of a plan, no conservation strategies have been proposed to date which would be in conflict with the project therefore, **no impact** to adopted conservation plans is anticipated.

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

**Discussion/Conclusion/Mitigation:**

- a) and b) The project site is identified in the 2030 General Plan as an area of low concern for cultural or historical significance. However, there is the possibility that undiscovered resources may be found in the course of project development work, for instance during leveling or diskling of the site. If cultural resources are uncovered during the course of project development and construction, the following mitigation measure shall be implemented. The impact upon a historical resource would be ***less than significant with mitigation***.

**Mitigation Measure 5.1**

**MM 5.1** Pursuant to CEQA Guidelines Section 15064.5(e), in the event of the accidental discovery or recognition of prehistoric or historic resources in an area subject to development activity, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie similar resources and a professional archaeologist shall be consulted. Further, if human remains are discovered, the coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required. If the County Coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours.

Upon completion of the site examination, the archeologist shall submit a report to the County describing the significance of the finds and make recommendations as to its disposition. If human remains are unearthed during construction, the provisions of California Health and Safety Code Section 7050.5 shall apply. Under this section, no further disturbance of the remains shall occur until the County Coroner has made the necessary findings as to origin and disposition, pursuant to California Public Resources Code Section 5097.98. Mitigation measures, as recommended by the archaeologist and approved by the County in accordance with Section 15064.5 of the CEQA Guidelines, shall be implemented prior to commencement of construction activity within the 100-foot perimeter.

- c) No paleontological resources have been identified on the project site and the area contains no unique geological features. **No impact** to paleontological resources is expected.
- d) There are no known burial sites within the project area. If human remains are unearthed during future development, the provisions of California Health and Safety Code Section 7050.5 and **Mitigation Measure 5.1** shall apply. Under this section, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition, pursuant to California Public Resources Code Section 5097.98. The impact would be **less than significant with mitigation**.

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

**DISCUSSION/CONCLUSION/MITIGATION:**

a) b) The proposed project is an interim agricultural use, specifically almond orchards, that will not a very large energy need footprint and the project would not impact energy resources and conflict with local plans for energy and therefore would create a *less than significant impact*.

<b>VII. GEOLOGY AND SOILS</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
<b>Would the project:</b>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Section 1803.5.3 to 1808.6 of the 2010 California Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

- a) (i-iii) According to the Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist, Division of Mines and Geology Special Publication 42, Yuba County is not one of the cities or counties affected by Earthquake Fault Zones, as of August 16, 2007. Therefore, strong seismic ground shaking and seismic-related ground failure, including liquefaction is

not an anticipated side effect of development in the area. A ***less than significant impact*** from earthquakes is anticipated.

- a) (iv). The Yuba County General Plan identifies the area as one that has a low risk for landslides, and states that grading ordinances, adopted by Yuba County, and based on Appendix J of the 2016 California Building Code, serve as effective measures for dealing with landslide exposure. Hazards associated with potential seismic and landslide result in a ***less than significant impact***.
- b) c) and d) According to Exhibit 4.6-4 Soil Erosion Hazard, of the 2030 General Plan EIR, the project site has a slight potential for soil erosion hazards. Exhibit 4.6-5 Shrink/Swell Potential indicates that the project site also contains expansive soils with a low shrink/swell potential. It is not anticipated that an application for a building permit will be submitted, however, should application be made for a building permit, Yuba County Building Department staff will determine appropriate building foundation systems for all proposed structures, in accordance with the requirements of the Uniform Building Code. The Building Official may require additional soils testing, if necessary; and will result in a ***less than significant impact***.
- e) The project is not proposing any development or structures that utilize wastewater needs. If in the future, a structure requiring a wastewater system is constructed, all applicable Environmental Health Department regulations would be applied to that structure. The project would result in a ***less than significant impact*** to wastewater.

**VIII. GREENHOUSE GAS EMISSIONS**

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

**Discussion/Conclusion/Mitigation:**

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

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

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

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

meet its SB 375 GHG reduction target through integrated land use, housing, and transportation planning.

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

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

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

Based on the project description, the project would generate additional vehicle trips in conjunction with workers driving to the site. Although the project will have an impact on greenhouse gas emissions, the impact would be negligible. The impact related to greenhouse gas emissions would result in **less than significant**.

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

# INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

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

**Discussion/Conclusion/Mitigation:**

- a) and b) There would be no routine transport, use, or disposal of hazardous materials related to this project. However, as part of routine maintenance of the orchard, the applicant will be spraying the trees. Spraying in Yuba County for agricultural purposes is regulated by Yuba County Agricultural Commissioner. All spraying done in the County for both restrictive (needs special approval to obtain material) and non-restrictive (products like Round-Up) require permits that are subject to conditions to ensure the safety of the public when spraying occurs.

Considering the project site is located on a residentially zoned property, the protections and privileges of the County's right to farm ordinance (ag related nuisances such as dust, noise, and spraying are considered routine by the County) are not provided to these properties. The safety associated with spraying and the release of potentially hazardous fertilizers and pesticides by within close relation to existing single family residences is a concern with the project. In consultation with the Yuba County Agricultural Commissioner, the following mitigation measures will be conditions of the applicant's County spraying permits:

**Mitigation Measure 8.1**

- No spraying from crop dusters shall be allowed. The Ag Commissioner's Office will require less objectionable options for odors associated with fertilizers and pesticides.
- All agricultural trees planted to along the north, west and east property lines shall be planted at least 30 feet away from the existing property lines with residences.
- All spraying for trees within 25 feet of residence(s) shall be done on days when wind is blowing away from the residence(s).
- Spray rigs can only be operated on the opposite side of the residences.
- All property owners will be noticed 24 hours in advance of any spraying activity with written notice.

**Timing/ Implementation:** Prior to issuance of any spraying permit

**Enforcement/ Monitoring:** Yuba County Agricultural Commissioner's Office

Given the Mitigation Measures in 8.1, there would be ***less than significant with mitigation*** impact to surrounding land uses concerning hazardous materials and this project.

- c) The project site is not located within a one quarter mile of an existing school. Therefore, the project would have ***no impact***.
- d) The project site is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The site has been vacant therefore, the project would not create a significant hazard to the public or the environment and there would be ***no impact*** to the environment from hazardous materials.
- e) The project site is not located within an airport plan, however, the site is located 2.21 miles from closest property line of the Yuba County Airport and 2.66 to the runway. It is not anticipated the development of an almond orchard, that is restricted from using crop dusters would have a significant impact. Therefore, the project will have ***a less than significant impact***.

- f) The project site is not located within the vicinity of a private airstrip. Therefore, the project will have **no impact**.
- g) No new roads or road improvements are proposed for this project that would interfere with the existing road system. Since there would be no major physical interference to the existing road system, there would be **a less than significant impact** with an emergency response or evacuation plan.
- h) The project is not located in a high wildlife fire hazard severity zone, as reported by the Cal Fire 2008 Fire Hazard Severity Zones map and therefore the project would have **no impact** to wild land fires.

**X. HYDROLOGY AND WATER QUALITY**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

X. HYDROLOGY AND WATER QUALITY	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

- a), c) and f) The project is within the jurisdiction of the Central Valley Regional Water Quality Control Board (RWQCB), which develops and enforces water quality objectives and implementation plans that safeguard the quality of water resources in its region. However, agricultural activities, such as an almond orchard, are not required to file for any water quality discharge permit. Additionally, the proposed project does not propose to alter any on or offsite drainage patterns. There would be **a less than significant impact** to water quality and drainage.
- b) The project will utilize existing wells for water supply. The Environmental Health Department will require well permits for any new well drilling and will ensure all drilling and well construction meets County and State standards. The project site is located approximately two miles of the Feather River and is in a high water table area therefore the project is not anticipated to deplete surround groundwater and/or wells. Furthermore, the proposed project includes a water efficient drip irrigation system which anticipates a lower water demand than potential farming practices such as flood irrigating. Therefore, there would be **a less than significant impact**.
- d) and e) The project will not introduce impervious surfaces, which would have the potential to alter recharge patters. In addition, the project is proposing a drip irrigation system which will not create any off-site water runoff. Therefore, there will be **a less than significant impact**.
- g) h) and i) The project would not expose any people to flood risks. No residential development is proposed and therefore **no impact** from flooding.
- j) Yuba County is an inland area not subject to seiche or tsunami. Mudflow is not an identified issue at this location; therefore, there would be **no impact** from mudflow, seiche, or tsunami

# INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

XI. LAND USE AND PLANNING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion/Conclusion/Mitigation

- a) and b) The orchards are located in an area that is designated as the Plumas Lake Specific Plan and a mix of rural residential, single-family residential, existing farming operations and vacant properties. The agricultural use near the residential use will not divide an established community or conflict with any applicable land use policies. Therefore, the development would result in **no impact** or division of an established community.
- c) As previously stated in the Biological Resources section, no habitat conservation plan or natural community conservation plan exists for or near the project site. Land use impacts are anticipated to have **no impact** on habitat or conservation plans.

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

**Discussion/Conclusion/Mitigation:**

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

XIII. NOISE		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:					
a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

- a) b) c) and d) Yuba County is a right to farm County; and as such does not have any regulations to noise levels for agricultural operations located in agricultural zoning districts. However, the proposed project is located in a residential zoning district and will not have the same right to farm privileges as agricultural operations on agricultural zoned properties and therefore the proposed orchard will be subject to all applicable County Noise Ordinance and 2030 General Plan Noise Policies. All noise activities associated with the project will be allowed from 7AM to 10PM; although the applicant is proposing daylight hours only (dawn to dusk). Project activities will not create a permanent source of noise as once the orchard is developed further maintenance will be minor. As a result of the project being subject to the County Noise Ordinance and 2030 General Plan Noise policies, the project would result in a **less than significant impact**.

- e) The project site is not located within an airport plan; however, the site is located 2.21 miles from closest property line of the Yuba County Airport and 2.66 to the runway. With a 2.66-mile distance from the runway, it is not anticipated that the project will expose workers to an excessive noise level. Therefore, the proposed project will have a ***less than significant impact***.
- f) The project site is not located within the vicinity of a private airstrip therefore, the proposed project will have ***no impact***.

<b>XIV. POPULATION AND HOUSING</b>		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

- a) The project does not involve the construction of substantial growth inducing housing or the installation of significant physical infrastructure. The development of the orchard will result in no residential development. Therefore, the project will have **no impact**.
- b) and c) The project does not involve the removal of housing or businesses or the relocation of people who currently utilize the site. The site is currently vacant and would cause **no impact** to individuals or businesses.

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

**Discussion/Conclusion/Mitigation:**

- a) The project is located within the Linda County Fire Protection District which provides fire protection service to the area. It is anticipated that the project will have a **less than significant**.
- b) The project area is located within unincorporated Yuba County and would be served by the Yuba County Sheriff's Department. Impacts related to police protection would be **less than significant**.
- c) Marysville Joint Unified School District was consulted and they did not provide any comments or raise any issues with the project. Considering the project is not proposing any new residences, impacts related to schools would be **less than significant**.
- d) The proposed project could not create additional use of park and recreational facilities. The applicant will not be required to pay in-lieu fees for parkland dedication to the County and therefore project impacts would be **less than significant**.
- e) The proposed almond orchard would not be subject to the pre-unit capital facility fees which would go toward the costs associated with general government, social services, library or traffic. With the incorporated Ordinance Code requirements, impacts on public facilities would be **less than significant**.

# INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

## XVI. RECREATION

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

### Discussion/Conclusion/Mitigation:

- a) and b) The project would not result in an increase in the use of neighborhood and regional parks, and would not create the need for additional recreational facilities. There are no parks proposed with this project and the impacts related to parks will create **no impact**.

# INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

XVII. TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Discussion/Conclusion/Mitigation:

- a) and b) The project does not involve the creation of any new road or roadway systems. The traffic resulting from this development would not result in a substantial or noticeable increase in congestion. There would be **no impact** to the existing traffic load for that area.
- c) There would be no change and **no impact** to air traffic patterns.

- d) The proposed project would utilize existing roadways for access and are not proposing any new access points. Therefore, impacts related to traffic hazards would be **less than significant**.
- e) No new roadways are proposed and the project will not create any inadequacy in emergency access and impacts related to emergency access would **less than significant**.
- f) Yuba County has not adopted alternative transportation plans for this area of the County, where this project is located and the project is not proposing any new residences or business that would utilize alternate transportation. There would be **no impact** on alternative transportation plans or policies.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	-------------------------------------	--------------------------	--------------------------

Discussion/Conclusion/Mitigation:

a) (i-ii) The County was contacted by the United Auburn Indian Community (UAIC) on November 23, 2015 requesting formal notification and information on proposed projects for which the County will serve as the lead agency under the California Environmental Quality Act (CEQA) in accordance with Public Resources Code Section 21080.3.1 subd. (b), otherwise known as Assembly Bill 52 (AB 52). Consistent with the UAIC request, on January 8, 2019 an early consultation packet was provided to the UAIC, including all project information documents. No response was received from UAIC. With **Mitigation Measure 5.1**, in the event of the accidental discovery or recognition of tribal cultural resources in an area subject to development activity, there shall be no further excavation or disturbance of the site or any nearby area suspected to overlie similar resources and the Native American Heritage Commission as well as the UAIC shall be contacted within 24 hours. The impact upon tribal cultural resources would be **less than significant impact with mitigation incorporated**.

<b>XIX. UTILITIES AND SERVICE SYSTEMS</b>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>Would the project:</b>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion/Conclusion/Mitigation:**

- a) The project will not require the construction of wastewater treatment (septic and leach field) and therefore the impact would be **less than significant**.
- b) and e) Wastewater facilities will not be created as a result of this project. The project will also not require the use of a public wastewater system therefore the provider's projected demand does not need to be considered. There would be **no impact** to wastewater treatment facilities or service providers.

- c) The project is not proposing any new storm water drainage facilities. The impact would be ***less than significant***.
- d) The project will utilize an existing well. Due to the close proximity to the Feather River, it is not anticipated to require additional water services. An expansion of services is not proposed. Therefore, the project's impact will be ***less than significant***.
- f) and g) Recology, Inc. would provide solid waste collection services for the proposed project; however, no waste collection is proposed to be needed. The project will have a minimal effect on these facilities and the impact would be ***less than significant***.

# INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

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

## DISCUSSION/CONCLUSION/MITIGATION:

a,b,c,d) The project is an interim ag use project that proposes an orchard on residentially zoned property that is located in an area that is located in the an area that is not prone to wildfire, is not in a SRA, and surrounded predominately by sparsely developed properties. Project related impacts to the adopted emergency response plan and emergency evacuation plan would be **less than significant**.

**XXI. MANDATORY FINDINGS OF SIGNIFICANCE**

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

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

**Discussion/Conclusion/Mitigation:**

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

As discussed in the Cultural Resources section, cultural resources could potentially be affected during ground disturbances related to the agricultural activities. Proposed mitigation measures in **MM5.1** would reduce the impact to **less than significant with mitigation**.

- b) The impact to the nearby residences is individually limited but has been evaluated for its cumulative impact. The project has been conditioned through **Mitigation Measure 8.1** for its potential impact. Therefore, the project will have a ***less than significant with mitigation***.
- c) Due to the nature of the proposed project, no substantial adverse effects on humans are expected. The project would not emit substantial amounts of air pollutants through mitigation measures. The project would not expose residents to flooding. The project has the potential to create air quality impacts however **Mitigation Measure 3.1** has been implemented into the project to offset potential effects. Through these mitigation measures, the project will have a ***less than significant with mitigation***.

#### REFERENCES

1. Yuba County 2030 General Plan Environmental Impact Report, AECOM.
2. Yuba County 2030 General Plan, AECOM.
3. Yuba County Development Code 2015.
4. Yuba County Important Farmland Map 2016. California Department of Conservation.

MITIGATION MONITORING PLAN FOR:  
CUP 2018-0009 (Atwal)

<p><b><u>Mitigation Measure 3.1</u></b></p> <p><b>MM3.1</b></p> <ul style="list-style-type: none"> <li>• Applicable Regulations- Farming Dust</li> <li>• If generators are used onsite, they must receive FRAQMD permits prior to operation</li> </ul>		
<b>Initiation</b> Prior to and during project activities	<b>Monitoring Duration Frequency</b> Once to verify compliance; ongoing thereafter	
<b>Mitigation Completion</b> Upon satisfactory compliance	<b>Verification</b> FRAQMD	
<b>Performance Criteria</b>	<b>Verification Cost</b>	<b>Date Complete</b>

MITIGATION MONITORING PLAN FOR:  
CUP 2018-0009 (Atwal)

<b><u>Mitigation Measure 3.2</u></b>	
<b>MM3.2</b> <ul style="list-style-type: none"> <li>As part of the Agricultural Commissioner's spraying permit, the Commissioner shall require the applicant, to the extent possible, to use fertilizers and/or pesticides that are the less than objectionable option as it relates to odor.</li> </ul>	
<b>Initiation</b> Prior to the issuance of any spraying permit	<b>Monitoring Duration Frequency</b> Ongoing
<b>Mitigation Completion</b> Upon satisfactory compliance	<b>Verification</b> Yuba County Ag Commissioner's Office
<b>Performance Criteria</b>	
	<b>Verification Cost</b>
	<b>Date Complete</b>

**MITIGATION MONITORING PLAN FOR:  
CUP 2018-0009 (Atwal)**

**Mitigation Measure 5.1**

**MM 5.1** Pursuant to CEQA Guidelines Section 15064.5(e), in the event of the accidental discovery or recognition of prehistoric or historic resources in an area subject to development activity, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie similar resources and a professional archaeologist shall be consulted. Further if human remains are discovered, the coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required. If the County Coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours.

Upon completion of the site examination, the archaeologist shall submit a report to the County describing the significance of the finds and make recommendations as to its disposition. If human remains are unearthed during construction, the provisions of California Health and Safety Code Section 7050.5 shall apply. Under this section, no further disturbance of the remains shall occur until the County Coroner has made the necessary findings as to origin and disposition, pursuant to California Public resources Code Section 5097.98. Mitigation measures, as recommended by the archaeologist and approved by the City in accordance with Section 15064.5 of the CEQA Guidelines, shall be implemented prior to commencement of construction activity within the 100- foot perimeter.

<b>Initiation</b> During project grading activities	<b>Monitoring Duration Frequency</b> Ongoing
<b>Mitigation Completion</b> Upon satisfactory compliance	<b>Verification</b> Community Development and Services Agency
<b>Performance Criteria</b>	<b>Verification Cost</b>
	<b>Date Complete</b>

**MITIGATION MONITORING PLAN FOR:  
CUP 2018-0009 (Atwal)**

<p><b><u>Mitigation Measure 8.1</u></b></p> <p><b>MM.8.1</b></p> <ul style="list-style-type: none"> <li>No spraying from crop dusters shall be allowed. The Ag Commissioner's Office will require less objectionable options for odors associated with fertilizers and pesticides.</li> <li>All agricultural trees planted to along the north, west and east property lines shall be planted at least 30 feet away from the existing property lines with residences.</li> <li>All spraying for trees within 25 feet of residence(s) shall be done on days when wind is blowing away from the residence(s).</li> <li>Spray rigs can only be operated on the opposite side of the residences.</li> <li>All property owners will be noticed 24 hours in advance of any spraying activity with written notice.</li> </ul>	
<b>Initiation</b> Prior to the issuance of any spraying permit	<b>Monitoring Duration Frequency</b> Ongoing
<b>Mitigation Completion</b> Upon satisfactory compliance	<b>Verification</b> Yuba County Ag Commissioner's Office
<b>Performance Criteria</b>	
<b>Verification Cost</b>	
<b>Date Complete</b>	

**FINDINGS, ACTIONS and DRAFT CONDITIONS OF APPROVAL  
YUBA COUNTY DEVELOPMENT REVIEW COMMITTEE**

**Owner and Applicant: Sarbdeep Atwal**

**Case Number: CUP 2018-0009**

**APNs: 014-300-018; 014300-036; and 014-350-016    DRC Approval Date: July 11, 2019**

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

- I.     After review and consideration, staff has prepared an initial study for the project and subsequent Mitigated Negative Declaration pursuant to California Environmental Quality Act (CEQA) Section 15070 (b)(1) (Decision to Prepare a Negative Declaration).
  
- II.    Approve Conditional Use Permit (CUP) 2018-0009, subject to the conditions below, or as may be modified at the public hearing, making the following findings, pursuant to County of Yuba Title XI Section 11.57.060:

- a) The proposed use is allowed within the applicable zoning district or overlay district and complies with all applicable provisions of the Development Code and all other titles of the Yuba County Code.

The Yuba County Development Code allows for urban agriculture on residentially zoned parcels with the approval of a minor conditional use permit. Approval of the proposed project would make the project consistent with the Yuba County Code.

- b) The proposed use is consistent with the General Plan, and any applicable adopted community or specific plan.

The Yuba County General Plan land use designation is Valley Neighborhood which allows for a variety of residential, commercial and other land uses. Future development goals that are envisioned in the General Plan take time. In the interim, agricultural land uses are conditionally permitted through a use permit process.

- c) The proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the surrounding area.

The proposed use at this particular site is desirable as this the project site is currently vacant. The zoning and General Plan allows the potential to subdivide the property into 21,000 square foot residential lots. As mentioned above, development takes time, market demands, and presence of public facilities limit the property from being developed into large residential lots. The project is conditioned to limit the impacts to the surrounding properties and will not have the same Right to Farm privileges as agriculturally zoned properties.

**FINDINGS, ACTIONS and DRAFT CONDITIONS OF APPROVAL  
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- d) The proposed use will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements.

The proposed project is conditioned to meet all requirements in the Yuba County Code of Ordinances. The property will not have the same Right to Farm privileges that are afforded to agricultural operations in agriculturally zoning districts. As a result, potential agricultural nuisances such as dust, odor, noise and spaying will have higher level of regulation.

The project will be conditioned to meet all FRAQMD Farming Dust Rules and Regulations; all spraying will be limited to ground operated sprayers and spraying permits will allow the Ag Commissioner's Office to require less objectionable options for odors associated with fertilizers and pesticides; all agricultural trees planted to along the north, west and east property lines shall be planted at least 40 feet away from the existing property lines and residences; all spraying for trees within 25 feet of residence(s) shall be done on days when wind is blowing away from the residence(s); spray rigs can only be operated on the opposite side of the residences. All property owners will be noticed 24 hours in advance of any spraying activity with written notice.

- e) The proposed use complies with any design or development standards applicable to the zoning district or the use in question unless waived or modified pursuant to the provisions of this Code.

The Yuba County Development Code does not have design or development standards for orchards. However, the project has been conditionally approved with items such as a 40 foot setback on the north, west and east property lines ensure that the orchard is distanced from the surrounding residential properties.

- f) The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and reasonably foreseeable future land uses in the vicinity.

The location, size and operating characteristics of the proposed orchard are compatible with the existing and reasonably foreseeable future land uses.

- g) The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

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The project site is physically suitable for the development of an orchard. The site is relatively flat and does not contain any slopes or steep inclines. The site is currently void of any trees or bodies of water. An existing well will be used to irrigate the property; a drip irrigation system will be installed for water conservation purposes.

- h) An environmental determination has been prepared in accordance with the California Environmental Quality Act.

Staff has prepared an initial study for the project and subsequent Mitigated Negative Declaration pursuant to California Environmental Quality Act (CEQA) Section 15070 (b)(1) (Decision to Prepare a Negative Declaration).

**STANDARD CONDITIONS:**

1. Unless specifically provided otherwise herein or by law, each condition of these Conditions of Approval shall be completed to the satisfaction of the County. Failure to comply with this provision may be used as grounds for revocation of this permit.
2. As a condition of approval, Owner or an agent of Owner acceptable to County shall defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding, against the County or its agents, officers, and employees; including all costs, attorneys' fees, expenses, and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, void or annul an approval by the County, Planning Commission, Development Review Committee, or other County advisory agency, appeal board, or legislative body concerning the parcel map. County shall promptly notify owner of any such claim, action, or proceeding and shall cooperate fully in the defense of said claim, action, or proceeding.
3. This conditional use permit may be effectuated at the end of the ten (10) day appeal period which is December 17, 2018. Conditional Use Permit (CUP) 2018-0007 shall be designed and operated in substantial conformance with the approval conditional use permit as outlined in the project description filed with the Community Development and Services Agency and as conditioned or modified below.
4. This conditional use permit approval shall be effectuated within a period of twenty-four (24) months from this date and if not effectuated shall expire on December 6, 2020. Prior to said expiration date, the applicant may apply for an extension of time, provided, however, this approval shall be extended for no more than a total of twelve (12) months.

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5. Owner(s), Owner's agent(s) or Applicant shall comply with all applicable federal, state, and local laws, ordinances, and regulations, including the requirements of the Yuba County Development Code.

**PUBLIC WORKS DEPARTMENT:**

6. The Public Works Director may reasonably modify any of the Public Works conditions contained herein.
7. Owner shall dedicate to the County of Yuba sufficient right-of-way to provide a 93-foot easement along the easterly side of the parcel for the future expansion of Arboga Road/River Oaks Blvd. The westerly line of said easement shall commence on the northern boundary line of this parcel approximately 131 feet west of the eastern boundary, then running southward to connect to the westerly line of the existing roadway right-of-way on the southern boundary line of this parcel per Tract Map 2004-0052.
8. All existing or proposed driveway encroachments onto Broadway Road shall conform to the current Yuba County Standards for a paved Rural Driveway (Drawing No. 127 and 128) under permit issued by the Department of Public Works.
9. All road and drainage construction required by these conditions of approval shall be inspected in compliance with Section 4 of the Yuba County Standards and approved by the Yuba County Department of Public Works. Owner's contractor shall meet on-site with the Public Works Department representative prior to the commencement of work to discuss the various aspects of the project.
10. 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. If necessary, 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.
11. Owner, heirs or assigns of this property, or portions thereof, shall remove and/or relocate any fence(s) located within dedication(s) or offer(s) of dedication or within existing County easement(s) or right(s)-of-way which lies within or are adjoining this property. Such fence removal or relocation is deferred until such time as the then owner is directed by the Public Works Department of Yuba County to remove or relocate the fence(s). Any new fences installed shall be constructed outside the limits of dedications or offer(s) of dedication or existing County easements or right-of-ways.

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12. Prior to the approval of any grading permit or improvement plans, owner must submit documentation demonstrating that all necessary permits and approvals have been obtained, which may include: a 404 permit from Army Corps of Engineers; including Section 7 consultation with the U.S. Fish and Wildlife Service, 401 certification from the Regional Water Quality Control Board, 2081/1602 permit, as necessary, from the California Department of Fish and Game, and pre-construction surveys for special status species.
13. For any non-agricultural related grading activities that will disrupt an area of 1 acre or more of soil or is less than 1 acre but is associated with a larger common plan of development, the applicant is required to obtain a Yuba County grading permit issued by the Public Works Department and a National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activities, NPDES No. CAS000004, Order No. 2013-0001-DWQ prior to any grading. Coverage under the General Permit must be obtained prior to any construction. More information may be found at <http://www.swrcb.ca.gov/stormwtr/construction.html>. Owner must obtain an approved and signed Notice of Intent (NOI) from the Regional Water Quality Control Board (RWQCB), a Waste Discharge Identification (WDID) number and a Storm Water Pollution Prevention Plan (SWPPP), as described by either the RWQCB or the State Water Regional Control Board (SWRCB). The SWPPP shall describe and identify the use of Storm Water Best Management Practices (BMP's) and must be reviewed by the Yuba County Public Works Department prior to the Department's approval of Improvement Plans or issuance of a Grading Permit for the project. See Yuba County's Stormwater Regulations for Construction Activities Procedures for details. According to state law it is the responsibility of the property owner that the SWPPP is kept up to date to reflect changes in site conditions and is available on the project site at all times for review by local and state inspectors. Erosion and sediment control measures, non-stormwater and material management measures, and post-construction stormwater management measures for this project shall be in substantial compliance with the SWPPP.
14. For any non-agricultural related activities where a grading permit is required, the 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, in accordance with Sections 7.50 and 11.23 of the Yuba County Ordinance Code and Section 11 of the Yuba County Improvement Standards to the Department of Public Works for review and approval prior to construction and/or grading permit. Owner shall construct such

**FINDINGS, ACTIONS and DRAFT CONDITIONS OF APPROVAL  
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management measures as per the approved plan prior to construction.

15. Owner shall follow any dust control guidelines as specified by the Feather River Air Quality Management District for agricultural uses.
16. Owner shall provide public service easements as necessary for any existing overhead or underground utilities, sewer lines, waterlines, etc. which may provide service to this property. 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. Any relocation or rearrangement of the public service provider's facilities to accommodate this project shall be at the Owner's expense.

**ENVIRONMENTAL HEALTH:**

17. All abandoned, wrecked, dismantled, or inoperative vehicles, machines, and equipment shall be removed by Owner from the subject site.
18. All existing trash and debris shall be removed from the subject site.
19. All product shall be stored and maintained in such a manner as to prevent and control vermin and insect infestations.
20. 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".
21. All abandoned septic tanks on the subject site shall be destroyed in accordance with the requirements of Yuba County Environmental Health Department.

**PLANNING DEPARTMENT:**

22. Minor modifications to the project description and/or business may be approved by the Community Development and Services Agency Director.
23. All properties covered under CUP2018-0009 are not covered under the Yuba County "Right to Farm" provisions and are subject to all applicable County ordinances.
24. Permits from the Yuba County Agricultural Commissioner's Office shall be secured prior to the commencement of any agricultural spraying activity.
25. All property owners will be noticed 24 hours in advance of any spraying activity with written notice. A sample notification letter shall be submitted to the Agricultural Commissioner's office and approved prior to sending out any notices.

**FINDINGS, ACTIONS and DRAFT CONDITIONS OF APPROVAL  
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26. All agricultural trees planted to along property lines adjacent to existing residences shall be planted at least 40 feet away from the existing property lines with residences.
27. All spraying for trees within 25 feet of residence(s) shall be done on days when wind is blowing away from the residence(s).
28. Spray rigs can only be operated on the opposite side of the residences.
29. Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developers/applicants expense. There shall be no building of structures allowed under or over any PG&E facilities or inside any PG&E easements that exist within the subject area. Any road encroachments within the PG&E easements shall be subject to review and approval of PG&E.
30. Should any prehistoric or historic artifacts, including human remains be exposed during construction and excavation operations, work shall cease and the Community Development and Services Agency shall be immediately notified and will ensure adherence to CEQA Guideline Section 15064.5(e). If apparent human remains are exposed, the County Coroner shall be consulted to determine whether any such materials require special treatment prior to resuming construction.
31. Owner shall meet all requirements of the Feather River Air Quality Management District Farming Dust Rules and Regulations.
32. Any and all physical improvements associated with this Conditional Use Permit shall be maintained to the standards specified in these Conditions of Approval set forth for this use permit. Failure to maintain said physical improvement(s) in said manner may be used as grounds for revocation of this use permit.

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Kevin Perkins, Planning Manager

# BUILDING DEPARTMENT - PLANNING PROJECT REVIEW

Date: 1/7/2019


Reviewer: Dan Burns, Supervising Building Official

Planning Department Project Number: CUP2018-0009

Project Address: 1518 BROADWAY ROAD, ARBOGA CA

Review results: After the Building Departments review of the project listed above it has been determined that the Building Department has: NO COMMENTS.

If you have any questions or need any assistance please feel free to contact me.

A handwritten signature in black ink, appearing to read 'Dan Burns', followed by a long horizontal line extending to the right.

Dan Burns - x5644

# Linda Fire Protection District

1335 Scales Avenue SE Marysville, California 95901

Telephone: (530) 743-1553

Chief

Richard Webb

Directors

Mr. Gordon

Robert Chinn

Mr. Holder

January 14, 2019

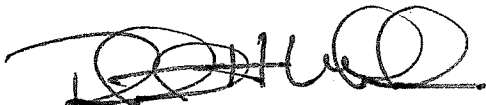
County of Yuba  
Community Development & Services Agency  
Planning Department  
915 8th Street, Suite 123  
Marysville, CA 95901

**RE: Early Consultation - CUP 2018-0009 – 014-350-016 (Atwal)**

The Linda Fire Protection District has no opposition to the granting of Conditional Use Permit CUP 2018-0009 as requested for this project.

If I may be of assistance, please do not hesitate to contact me at 743-1553.

Sincerely,



Richard H. Webb  
Chief

RECEIVED

JAN 14 2019

COMMUNITY DEVELOPMENT  
& SERVICES AGENCY

**lungerich, Amy**

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**From:** Sondra Spaethe <sspaethe@fraqmd.org>  
**Sent:** Monday, February 4, 2019 10:57 AM  
**To:** planning  
**Subject:** CUP2018-0009

**RECEIVED**

FEB 04 2019

COMMUNITY DEVELOPMENT  
& SERVICES AGENCY

This project to allow an almond orchard on LDR/HDR zones may result in impacts to the surrounding uses from fugitive dust emissions and should include mitigation measures while also holding the applicant accountable for the effectiveness of the mitigation measures and should they fail, the requirement to employ additional measures. Please forward further environmental reviews to FRAQMD for this project to review.

Thank you,

Sondra Spaethe  
Air Quality Planner  
Feather River Air Quality Management District  
541 Washington Avenue  
Yuba City, CA 95991  
(530) 634-7659 ext 210  
FAX: (530) 637-7660



MIWOK United Auburn Indian Community  
MAIDU of the Auburn Rancheria

Gene Whitehouse  
Chairman

John L. Williams  
Vice Chairman

Calvin Moman  
Secretary

Jason Camp  
Treasurer

Gabe Cayton  
Council Member

February 4, 2019

Amy Iungerich  
Planner  
County of Yuba  
915 8th Street, Suite 123  
Marysville, CA 95901

RECEIVED

FEB 11 2019

COMMUNITY DEVELOPMENT  
& SERVICES AGENCY

RE: AB 52 Consultation Request for the Draper Ranch Orchard (CUP 2018-0009) Project,  
Arboga, CA

Dear Planner Amy Iungerich,

The United Auburn Indian Community (UAIC) received a letter from the County of Yuba dated 1/22/2019, formally notifying us of a proposed project, the Draper Ranch Orchard (CUP 2018-0009) Project in Arboga, and an opportunity to consult under AB 52. This letter is notice that UAIC would like to initiate consultation under AB 52.

This letter is also a formal request to allow UAIC tribal representatives to observe and participate in all cultural resource surveys, including initial pedestrian surveys for the project. Please send us all existing cultural resource assessments, as well as requests for, and the results of, any records searches that may have been conducted prior to our first consultation meeting. If tribal cultural resources are identified within the project area, it is UAIC's policy that tribal monitors must be present for all ground disturbing activities. Finally, please be advised that UAIC's strong preference is to preserve tribal cultural resources in place and avoid them whenever possible. Subsurface testing and data recovery must not occur without first consulting with UAIC and receiving UAIC's written consent.

In the letter, Planner Amy Iungerich is identified as the lead contact person for consultation on the proposed project. Melodi McAdams, our Cultural Resources Supervisor, will be UAIC's point of contact for this consultation. Please contact Ms. McAdams, Cultural Resources Supervisor, at (530) 328-1109 or email at [mmcadams@auburnrancheria.com](mailto:mmcadams@auburnrancheria.com) if you have any questions.

Thank you for involving UAIC in the planning process at an early stage. We ask that you make this letter a part of the project record and we look forward to working with you to ensure that tribal cultural resources are protected.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gene Whitehouse', with a large, loopy flourish at the end.

Gene Whitehouse  
Chairman

CC: Matthew Moore, UAIC Tribal Historic Preservation Officer



RECEIVED

January 15, 2019

JAN 15 2019

Vanessa Franken  
County of Yuba  
915 8<sup>th</sup> Street  
Marysville, CA 95901

COMMUNITY DEVELOPMENT  
& SERVICES AGENCY

Ref: Gas and Electric Transmission and Distribution

Dear Ms. Franken,

Thank you for submitting CUP2018-0009 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

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

Below is additional information for your review:

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

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

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

Sincerely,

Plan Review Team  
Land Management



## Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <http://usanorth811.org/wp-content/uploads/2017/05/CA-LAW-English.pdf>

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

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

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

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

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches  $[24/2 + 24 + 36/2 = 54]$  away, or be entirely dug by hand.)



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

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

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

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

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

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

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

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

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

11. Cathodic Protection: PG&E pipelines are protected from corrosion with an "Impressed Current" cathodic protection system. Any proposed facilities, such as metal conduit, pipes,



service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

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

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



## Attachment 2 – Electric Facilities

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

1. **Buildings and Other Structures:** No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. **Grading:** Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. **Fences:** Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. **Landscaping:** Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 15 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. **Reservoirs, Sumps, Drainage Basins, and Ponds:** Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. **Automobile Parking:** Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. **Storage of Flammable, Explosive or Corrosive Materials:** There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.
8. **Streets and Roads:** Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for



proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

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

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

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

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

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

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