



County of Yuba

Community Development & Services Agency

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

Planning Department

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PLANNING COMMISSION STAFF REPORT

Hearing Date: October 16, 2019

Case Number: Tentative Subdivision Tract Map TSTM 2019-0005 (Prado Del Sol)

Request: A request to subdivide an 8.7± acre parcel into 35 residential lots averaging 8,500 square feet in size in the RS (Single Family Residential) Zoning District within North Arboga Study Area in the community of Olivehurst.

Location: West side of Arcano Ave., south of Maplehurst St., west of the Western Pacific Railroad, and east of Arboga Rd. within the North Arboga Study Area (APN: 014-850-009-000)

Applicant: Greg Owen, 780 Chadbourne Road, Suite D, Fairfield, CA 94534

Engineer: Foulk Civil Engineering, Inc., 4777 Mangels Boulevard, Fairfield, CA 94534

Recommendation: Adopt the attached resolution approving Tentative Subdivision Map TSTM 2019-0005

Background: The subject application proposes to create 35 residential lots averaging 8,500 square feet in size in the North Arboga Study Area (see attached vicinity map). According to the County Zoning Code, the site is located within the RS (Single Family Residential) Zoning District, which requires a minimum lot size of 6,000 square feet for interior lots and 7,365 square feet for corner lots, which equates to approximately four to six units per acre. The project proposes ingress/egress points from Arcano Avenue, Brougham Way and future connections from Paseo Del Prado to the west and Purple Martin Road to the east. There would be three new public roads (Montezuma Drive, Paseo Del Prado, and Caliente Court). Paseo Del Prado road will be stubbed at the west end for possible extension into a future subdivision. All new roads would be paved and built to County road standards. The project site is currently undeveloped with vegetation consisting of native grasses and weeds. The project site is located on flat land in the valley area of Yuba County. Surrounding properties are either vacant or residential, with more residential and a park site currently under construction. The Western Pacific Railroad tracks are located approximately one-half mile directly to the east.

The property is located within the previously approved Blue Mountain Land Subdivision (TSTM2004-0046) that was approved by the Planning Commission on June 15, 2005. The map subsequently expired on June 15, 2018, following numerous State granted Tentative Map exemptions. The applicants are not proposing any changes from the Blue Mountain Land Map to the Prado Del Sol Map.

All proposed parcels will be required to connect to Olivehurst Public Utility District for water and sewer services and Linda County Fire Protection District would provide fire protection services.

General Plan/Zoning: The purpose of the “RS” Single-Family Residential zoning district is to allow for a mixture of housing types in a low density (up to 8 units per acre) setting where public water and sewage facilities are available. The predominant housing type in the “RS” zoning district consists of single-family residential. The zoning district allows a range of uses including single-family residential, accessory structures, home occupations, residential care facilities serving less than six individuals and family day care homes serving less than six children.

The project is located in the Valley Neighborhood land use designation of the 2030 General Plan. The Valley Neighborhood land use designation allows for both detached and attached single-family residences, small-lot single-family homes, second dwelling units, apartments, condominiums, and other types of housing in single-unit and mixed-use format. The project provides residential development at a density of 4.28 dwelling units per acre, thereby, staying consistent with the lower density residential (up to 8 dwelling units per acre) called out in the Development Code for the “RS” zoning district.

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

Surrounding Uses:

| | GENERAL PLAN LAND USE DESIGNATION | ZONING | EXISTING LAND USE |
|-------|--------------------------------------|--------|------------------------------|
| North | Valley Neighborhood | RH | Vacant |
| East | Valley Neighborhood | RS | Single-Family Residential |
| South | Valley Neighborhood | RS | Single-Family Residential |
| West | Valley Neighborhood | RS | Single-Family Residential |

Environmental Review: Staff has determined this project exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Section 15061, (Review for Exemption). CEQA Section 15061 exempts projects from further environmental review when a public agency has determined that the project will have no effect on the environment. The

previously approved project (TSTM2004-0046) was exempted from CEQA due to its consistency with the Environmental Impact Report (EIR) prepared as part of the North Arboga Study Area. Mitigation Measures from the North Arboga Study Area EIR and pertinent to the project have been included as Conditions of Approval in this project.

With this in mind, the applicants had Marcus H. Bole & Associates performed an evaluation to determine if the habitat potential for Swainson's hawk still pertains to this project. The prior Conditions of Approval (Condition #9) required the applicants to replace foraging habitat for Swainson's hawk at a ratio of 0.5 acres of land for each acre of urban development created with the map. The evaluation from Marcus H. Bole & Associates determined that:

"The immediate area around the subject property has changed since 2004. Urban encroachment has increased significantly and now surrounds the property on three sides. The property has been out of agriculture for over twelve years and has reverted to non-native grasses and forbs including star thistle. Close examination did not reveal the presence of squirrel or rodent burrows, the primary prey base for raptors and owls. This small parcel does not provide sufficient foraging habitat needed to sustain the reproductive effort of a Swainson's hawk pair. In accordance with California Department of Fish & Wildlife guidance, this infill site does not require mitigation for foraging habitat pursuant to CEQA nor a Management Authorization." (Attachment 5)

Therefore, Staff is removing the prior condition to replace foraging habitat for Swainson's hawk.

Moreover, the rough grading for the project site has already occurred and there are no trees or any other sensitive biological and/or cultural resources known on the project site. The 2030 General Plan EIR analyzed increase traffic in the project area and traffic impacts from 35 additional home sites are covered in that document. The Olivehurst Public Utility District has availability for water and sewer so there are no impacts to water and sewer availability. Linda County Fire District and the Yuba County Sheriff's Department have reviewed project plans and have determined that there will not be any impacts to emergency services.

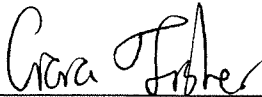
Departmental and Agency Review: The project was circulated to various agencies and County departments for review and comment during the early consultation phase and the environmental review stages of the project. The following is a summary of comments:

- County Staff – The Public Works Department, Environmental Health Department, and Building Department have reviewed the project and provided comments and/or conditions of approval that are incorporated into the attached Conditions of Approval.

Attachments:

1. Resolution
2. Subdivision Map
3. Conditions of Approval
4. Comment Letters
5. Evaluation Of Swainson's Hawk Foraging Habitat Potential, Marcus H. Bole & Associates

Report Prepared By:



Ciara Fisher
Planner II

**BEFORE THE COUNTY OF YUBA
PLANNING COMMISSION**

| | | |
|---|---|------------------------------|
| RESOLUTION FINDING THE PROJECT |) | |
| EXEMPT FROM ENVIRONMENTAL |) | |
| REVIEW AND APPROVING TSTM 2019-0005; |) | RESOLUTION NO.: _____ |
| SUBJECT TO THE ATTACHED |) | |
| CONDITIONS OF APPROVAL |) | |

WHEREAS, Greg Owen, filed an application for a Tentative Subdivision Tract Map TSTM 2019-0005 to subdivide an 8.7± acre parcel into 35 residential lots averaging 8,500 square feet in size within North Arboga Study Area in the community of Olivehurst. The project site is zoned Single Family Residential (RS) zoning district and is designated on the General Plan Land Use Diagram as Valley Neighborhood at Assessor's Parcel Number: 014-850-009; and

WHEREAS, the Community Development & Services Agency, Planning Department of the County of Yuba has conducted a review of the proposed project and concluded that the project is consistent with both the 2030 General Plan and Development Code and is exempt from further environmental review pursuant to Section 15061 of the California Environmental Quality Act; and

WHEREAS, the Community Development & Services Agency, Planning Department of the County of Yuba has provided due notice of a public hearing before the Planning Commission of the County of Yuba and the intent to find the proposed project exempt from further environmental review in accordance with the California Environmental Quality Act, as amended;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

Attachment 1

public health, safety and general welfare and will result in an orderly and beneficial development of the County.

5. The Planning Commission finds that the project, as conditioned, meets the County design and improvement standards set forth in the Yuba County Development Code.
6. The Planning Commission finds that the project, as conditioned, is in compliance with the Yuba County Development Code.
7. The project will not cause substantial environmental damage to fish and/or wildlife and their habitats, nor have the potential for adverse effect(s) on wildlife resources or the habitat upon which wildlife depends. A Notice of Exemption will be recorded with the County Recorder.

The Planning Commission hereby finds the project exempt from further environmental review pursuant to Section 15061 of the California Environmental Quality Act adopts, incorporated herein by reference, and approves Tentative Subdivision Tract Map TSTM 2019-0005; subject to the Exemption from Environmental Review and Conditions of Approval incorporated by reference.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

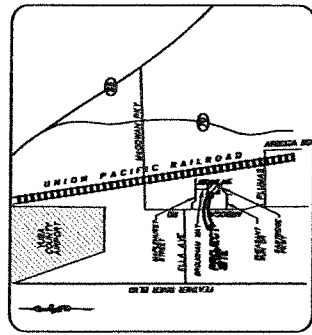
Yuba County Planning Commission

ATTEST:
Planning Commission Secretary

APPROVED AS TO FORM:
County Counsel

BY: _____

BY:  _____

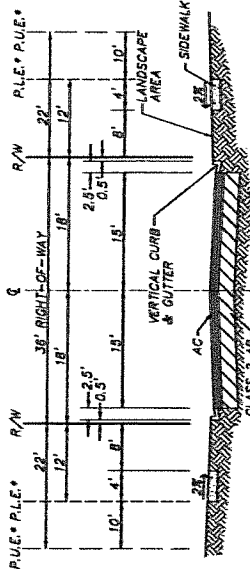
VICINITY MAP
NOT TO SCALE

OWNER/APPLICANT

GREG CHEN
8150 BROADBURN ROAD, SUITE D
FAIRFIELD, CA 94534
(707)769-3434

GENERAL NOTES

APN: 014-280-079
ACREAGE: 8.71 AC±
ZONING: R-1 (SINGLE FAMILY RESIDENTIAL)
WATER/SEWER: OLIVERHURST PUBLIC UTILITY DISTRICT
FIRE PROTECTION: LINDA FIRE DEPARTMENT
UTILITIES: PG&E, SFG, COMCAST
PROPOSED IMPROVEMENTS: STREETS, CURB & GUTTER, SIDEWALKS, STORM DRAIN, WATER, SANITARY SEWER, ELECTRIC, GAS, CABLE T.V., STREET LIGHTING, TELEPHONE
SLOPE: LESS THAN 1%
PRESENT USE: VACANT
PROPOSED USE: SINGLE FAMILY RESIDENTIAL
TOTAL LOTS CREATED: 35
COMMUNICATIONS: OWNER, DEVELOPER, ENGINEER
EASEMENTS: EXISTING AS SHOWN; PROPOSED 22' P.U.E. ALONG ALL LOTS WITH STREET FRONTAGES
STREET IMPROVEMENTS: PER YUBA COUNTY STANDARDS



* NOTE: P.U.E. & P.L.E. ALONG CUL-DE-SAC
FRONTAGE IS 12' FROM R/W (LOTS 12-33)

TYPICAL PROPOSED STREET SECTION
NOT TO SCALE

LEGEND

| | |
|-----|--|
| --- | DISTINCTIVE BORDER |
| --- | PROPOSED LOT LINE |
| --- | CENTERLINE |
| --- | PUBLIC UTILITY EASEMENT (P.U.E.) |
| --- | PEDESTRIAN & LANDSCAPE EASEMENT (P.L.E.) |
| Δ | FOUND STANDARD COUNTY WELL MONUMENT |

ABBREVIATIONS

| | |
|--------|---------------------------------|
| AG | AGGREGATE BASE |
| BC | BOARDS / ASPHALT CONCRETE |
| BR | BROWN |
| CL | CENTERLINE |
| LS | LAND SURVEYOR |
| PG | PG&E |
| P.L.E. | PEDESTRIAN & LANDSCAPE EASEMENT |
| P.U.E. | PUBLIC UTILITY EASEMENT |
| R/W | RIGHT-OF-WAY |
| SD | STORM DRAIN |
| SS | SQUARE FEET |
| SS | SANITARY SEWER |
| W | WATER |

NOTES

1. ALL DIMENSIONS ARE PLUS OR MINUS.
2. SURVEYING PHASES, DEPENDANT ON MARKET CONDITIONS.
3. A TENTATIVE SUBDIVISION MAP FOR THE SAME PROJECT (TM 2004-046) WAS APPROVED ON JUNE 15, 2003.

PRADO DEL SOL SUBDIVISION

BEING PARCEL NO. 8 AS RECORDED IN BOOK 15, MAPS, PAGE 8
ALSO BEING A PORTION OF NORTHEAST 1/4 OF SECTION 17, T.14N., R.4E., M.D.B. 11N.

YUBA COUNTY, CALIFORNIA
JULY 2010

SCALE: 1"=60'

FCE

FOULK CIVIL ENGINEERING, INC.
CIVIL Engineering Land Surveying Planning
4777 Nungels Boulevard, Fairfield, CA 94534
(707)864-0784 fax (707)864-0783 e-mail: foulke@gmail.com

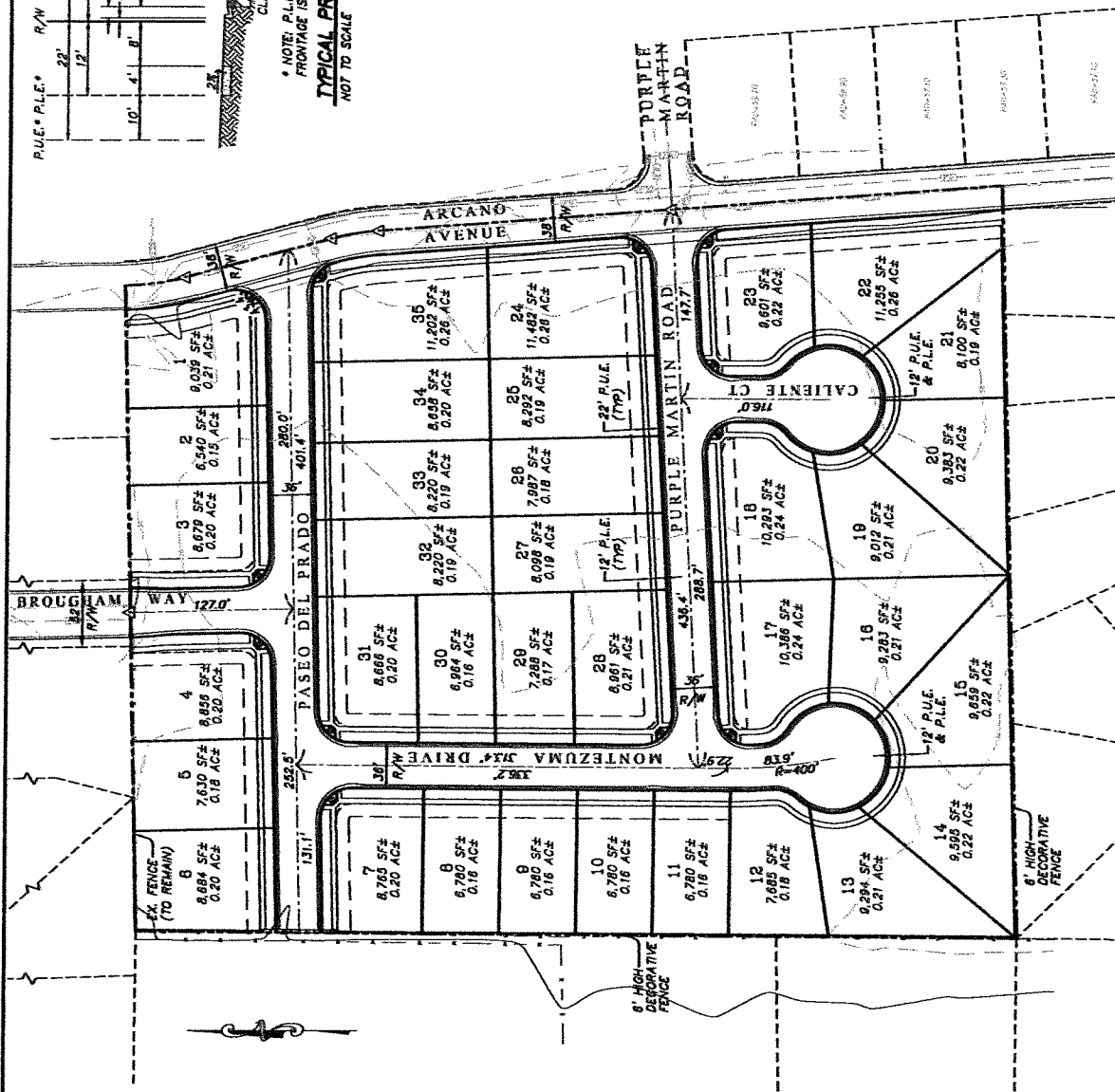


PLS 7071
12-31-20

BRADLEY D. FOULKE
EXPIRES

REV. 07/1/10 SHEET 1 OF 1

05-036 TSM SC



GRAPHIC SCALE
(IN FEET)
1 inch = 60 ft



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

**Applicant/Owner: Greg Owen
APN: 014-850-009**

**Case Number: TSTM 2019-0005
Public Hearing Date: October 16, 2019**

GENERAL CONDITIONS:

- 1) Unless specifically provided otherwise herein or by law, each condition of these Conditions of Approval shall be completed to the satisfaction of the County prior to filing of the Final Map.
- 2) As a condition for project approval, Owner or an agent of Owner acceptable to County shall defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding, against the County or its agents, officers, and employees; including all costs, attorneys' fees, expenses, and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, void or annul an approval by the County, Planning Commission, Development Review Committee, or other County advisory agency, appeal board, or legislative body concerning the conditional use permit. County shall promptly notify owner of any such claim, action, or proceeding and shall cooperate fully in the defense of said claim, action, or proceeding.
- 3) Owner(s), Owner's agent(s) or Applicant shall comply with all applicable federal, state, and local laws, ordinances, and regulations including the requirements provided by the Subdivision Map Act (Government Code Section 66410 and following) and Chapter 11.15 of the Yuba County Ordinance Code.
- 4) Unless specifically provided otherwise herein, all references to the Final Map, Final Maps, or to the Final Subdivision Map contained herein shall also mean a map or maps prepared for recordation of each phase of development if the project is to be phased.

PUBLIC WORKS DEPARTMENT:

5. The Public Works Director may reasonably modify any of the Public Works conditions contained herein. The required street widths as stated herein shall take precedence over those as shown on the tentative map.
6. Owner shall dedicate to the County of Yuba sufficient right-of-way in fee simple to provide a 19 foot strip of land adjoining the centerline of Arcano Avenue, lying within the bounds of this property.
7. The following note shall be included in the Grant Deed to the County of Yuba: "Should the Board of Supervisors of the County of Yuba determine that the public purpose for which property was dedicated in fee simple no longer exists, or the property or any portion thereof is not needed for public utilities, the County of Yuba shall reconvey the above described property to the Grantor, or to the successor(s) in interest pursuant to Government Code Section 66477.5."
8. Owner shall dedicate to the County of Yuba sufficient right-of-way in fee simple strips of land 36 feet in width including 43-foot radius cul-de-sacs and 53-foot knuckles for the internal access streets as shown on the Tentative Tract Map. The right of way line shall be located 0.50 foot behind the back of curb.
9. Owner shall provide and offer to dedicate to Yuba County an easement, 12 feet in width, measured from the right of way line, for landscaping, pedestrian sidewalks, street signs, traffic safety signs and street lights along Arcano Avenue and all interior streets, or as approved by the Public Works Director. Cul-de-sac streets having less than 10 lots can reduce the easement to 0.5 foot behind the sidewalk if sidewalks are attached.

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10. Owner shall provide and offer to dedicate to Yuba County a public services easement, 22 feet in width, measured from the right of way line along Arcano Avenue and all interior streets and 12 feet in width along cul-de-sac streets having less than 10 lots and attached sidewalks.
11. Road construction along Arcano Avenue shall meet the standards for a Urban Residential Way (providing 10-foot travel lanes and 6-foot parking lanes) with a detached sidewalk in conformance with Chapter 11.46 of the Yuba County Ordinance Code, the Yuba County Improvement Standards or as approved by the Public Works Director.
12. Street construction for the internal streets as shown on the tentative map shall meet the standards for an Urban Residential Way, providing a 9-foot travel lane, a 6-foot parking lane, a 2-1/2-foot rolled concrete curb and gutter, an 8-foot planter strip and a 4-foot concrete detached sidewalk in conformance with the Yuba County Improvement Standards or as approved by the Public Works Director. The radius of the curb corner returns at street intersections shall be 25 feet to the lip of gutter. Street cul-de-sacs shall be constructed using a 40-foot radius to the lip of curb with a curb rounding of 30 feet to lip of curb. Sidewalks along the cul-de-sac circle may be attached.
13. Owner shall submit a streetlight plan for approval along with the improvement plans. Streetlights shall be LED type models and be maintained by Pacific Gas and Electric (PG&E).
14. Improvement plans, prepared in compliance with Sections 3 and 7 of the Yuba County Standards shall be submitted to and approved by the Public Works Department prior to any construction. The initial submittal shall also include the necessary calculations for all improvements and associated drainage facilities along with the appropriate plan checking fees based upon a preliminary engineer's estimate. The engineer's estimate shall include estimated costs for the construction of the road and drainage improvements, landscaping requirements (if any), and construction staking. Such approvals shall include the alignment and grades of roads and drainage facilities.
15. 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.
16. Owner shall submit a Preliminary Soils Report prepared by a registered civil engineer and based upon adequate test borings to the Public Works Department for review in compliance with section 66490 of the Subdivision Map Act. Should such preliminary soils report indicate the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required by the decision-making authority (section 11.40.040 (G) of Yuba County Ordinance Code).
17. Any improvement work within the County right-of-ways for roadway connections and/or road widening or other improvements shall be accomplished under an encroachment permit issued by the Public Works Department. Improvement plans and associated checking and inspection fees shall be submitted to the Public Works Department for review and approval before any construction will be permitted within the County right-of-way.

**DRAFT CONDITIONS OF APPROVAL
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18. Owner shall submit a drainage plan to provide for on-site and off-site storm water drainage for the project, designed by a registered civil engineer, to the Public Works Department for review and approval, prior to any construction. The drainage design for the project shall result in a zero percent increase in the storm water discharge from the project compared to the pre-development state using a 100-year storm event peak discharge. Owner shall construct such approved drainage facilities in order to provide drainage from access roads and lots to acceptable natural drainage courses.
19. Prior to the approval of any grading permit or improvement plans, owner must submit documentation demonstrating that all necessary permits and approvals have been obtained, which may include: a 404 permit from Army Corps of Engineers; including Section 7 consultation with the U.S. Fish and Wildlife Service, 401 certification from the Regional Water Quality Control Board, 2081/1602 permit, as necessary, from the California Department of Fish and Wildlife, and pre-construction surveys for special status species.
20. Whenever construction or grading activities will disrupt an area of 1 acre or more of soil or is less than 1 acre but is associated with a larger common plan of development, it is required to obtain a National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activities, NPDES No. CAS000004, Order No. 2013-0001-DWQ. 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.
21. Owner shall submit an erosion and sediment control plan for the project, designed by a registered civil engineer, to the Department of Public Works for review and approval prior to each phase of construction and/or grading permit. Erosion and sediment control measures shall conform to Section 11 of the Yuba County Improvement Standards and all Yuba County Ordinance Codes. Owner shall implement such erosion and sediment control measures as per the approved plan prior to construction or grading.
22. Owner shall comply with all the requirements set forth in the County's *Post-Construction Standards Plan*. Owner shall also comply with all post-construction requirements contained within the General Permit for Waste Discharge Requirements for storm water discharges from small municipal separate storm sewer systems (Order No. 2013-0001-DWQ). Prior to approval of any improvement plans, owner shall submit all pertinent information as required in the County's *Post-Construction Standards Plan*, Section 5.6 to the Public Works Department for review and approval.

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23. Prior to approval of any improvement plans, owner must submit an Operation & Maintenance (O&M) Plan and a Statement of Responsibility committing to conduct regular inspections and maintenance of the installed storm water treatment control facilities. The Statement of Responsibility indicates the current property owner's acceptance of responsibility for the on-going operation, inspection, and maintenance of the treatment control measures until the property and / or responsibility is legally transferred to another entity (such as the new property owner or a maintenance district).
24. Owner shall warranty all improvements required by these Conditions of Approval for a period of 12 months from the time the improvements are accepted by the Public Works Department and a Notice of Completion is recorded.
25. Owner shall provide a one-year warranty bond for all street and drainage improvements required by these conditions of approval. The warranty bond period will commence after the Notice of Completion is recorded.
26. Owner shall pay an in-lieu fee for parkland dedication per Yuba County Development Code §11.45.060 prior to filing the final map.
27. Owner shall be responsible for giving 60 days notice to the appropriate public utilities, PG&E, AT&T, Comcast, etc., prior to any new construction or development of this project.
28. Owner shall name the internal roads in a manner determined by Chapter 9.70 of the Yuba County Ordinance Code and be approved by the Address Coordinator at the Department of Public Works.
29. Owner shall provide all necessary street signs and pavement markings, including, but not limited to, street name signs, stop signs, speed limit signs, stop legends, limit lines, and crosswalks, as required by the Public Works Department.
30. Owner shall provide a concrete base or bases for the placement of a centralized mail delivery unit or units within the subdivision as directed by the United States Postal Service. Specifications and location(s) of such base(s) shall be determined pursuant to the applicable requirements of the Postal Service and the Yuba County Department of Public Works, with due consideration for street light location, traffic safety, security and consumer convenience. Such base(s) shall be located within a Public Service Easement. Owner shall provide a letter from the Postal Service to the County Surveyor stating that the location of the centralized mail delivery unit or units comply with their requirements and that they have no objection to the filing of the final map.
31. Approximate centerlines of all perennial streams or ditches within this division shall be shown on the Tentative Map.
32. Owner shall provide public service easements as necessary for any existing overhead or underground utilities, sewer lines, waterlines, etc. which may provide service to any or all of the lots being created by this final map. Such easements shall have a minimum width of 10 feet or larger as may be required by the service provider and shall be clearly identified by metes and bounds on the final map. Any relocation or rearrangement of the public service provider's facilities to accommodate this project shall be at the Owner's expense.

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33. Owner shall be required to pay all taxes, past and current, including those amounts levied as of January 1, but not yet billed, on the property prior to filing the Final Map.
34. Owner shall submit a current Preliminary Title Report or Subdivision Map Guarantee, in favor of Yuba County, two (2) check prints of the Final Map, calculations, supporting documentation and map checking fees to the County Surveyor, Department of Public Works for checking, approval and filing of the Final Map. An updated Subdivision Map Guarantee shall be provided 1 week prior to filing the final map with the Yuba County Recorder.
35. Owner shall have the property surveyed and have corner monuments placed at all lot corners in conformance with requirements of the County Surveyor, chapter 11.41 of the Yuba County Ordinance Code and the California Subdivision Map Act (Government Code section 66410 and following).
36. Prior to commencing performance of any public improvement or facility to be dedicated to County, and subject to approval by the Public Works Department, Owner shall acquire and present proof of general and automobile liability and Workers Compensation and Employers Liability insurance. Such general and automobile liability insurance shall name the County and its agents as additional insured.
37. All easements of record that affect this property are to be shown on the Final Map.
38. Prior to filing the Final Map, the owner shall annex into a County Service Area 66 (provided by Government Code section 25210.1 and following) or other entity acceptable to County to provide for road and drainage maintenance and other required services on terms and conditions acceptable to the County.
39. Owner shall petition to be assessed for County Service Area 70 (CSA 70) prior to filing the Final Map.
40. Prior to submitting the Final Map to the Recorder's Office for filing, all outstanding County fees due to the Community Development and Services Agency departments shall be paid in full.
41. Prior to filing the Final Map, written approvals shall be submitted to the County Surveyor from PG&E and all other appropriate public service providers servicing the subdivision that their requirements have been met and that they are satisfied with the public utility easement as shown on the Final Map.
42. Owner shall submit a copy of the final map for review by the Planning Department for conformance with the Department's conditions of approval, mitigation measures or other requirements. Before the final map can be filed with the Yuba County Recorder, a statement from the Planning Director which states that the final map is found to be in conformity with the Department's conditions of approval, mitigation measures and requirements shall be received by the County Surveyor.
43. Owner shall submit a copy of the final map for review by the Environmental Health Department for conformance with the Department's conditions of approval and other requirements. Before the final map can be filed with the Yuba County Recorder, a statement from the Environmental Health Department Director which states that the final map has been found to be in conformity with the

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Environmental Health Department conditions and requirements and that it is in conformance with the requirements of Chapter 7.07 of the Yuba County Ordinance Code shall be received by the County Surveyor.

44. Owner shall submit a copy of the final map to the Olivehurst Public Utility District (OPUD) to review to determine conformance with the District's requirements. Before the final map can be filed with the Yuba County Recorder, a letter from the OPUD is to be submitted to the County Surveyor which states that the District's requirements have been met and that any public service easements as may be shown on the final map are satisfactory and that there are no objections to filing the final map.
45. Owner shall submit a copy of the final map to the Linda Fire Protection District (LFPD) for review to determine conformance with the District's requirements. Before the final map can be filed with the Yuba County Recorder, a letter from the Linda Fire Protection District is to be submitted to the County Surveyor which states that the District's requirements have been met and that there are no objections to filing the final map.
46. Owner shall submit a copy of the final map to Reclamation District 784 to determine conformance with Reclamation District 784 requirements. Before the final map can be filed with the Yuba County Recorder, a letter from Reclamation District 784 is to be submitted to the County Surveyor which states that RD 784's requirements have been met and that any public service or drainage easements as may be shown on the final map are satisfactory and that there are no objections to filing the final map.

ENVIRONMENTAL HEALTH DEPARTMENT:

- 47) Facility Owner shall connect Parcels 1 - 35 to O.P.U.D. for water and sewer services and facilities prior to building permit final inspection for occupancy.
- 48) Owner shall submit to Environmental Health a "Will Serve" letter from O.P.U.D. for water and sewer services and facilities for Parcels 1 - 35.
- 49) All abandoned, wrecked, dismantled, or inoperable vehicles, machines, and equipment shall be removed from the subject site by Owner.
- 50) All existing trash and debris shall be removed from the subject site.
- 51) 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."

LINDA FIRE PROTECTION DISTRICT

- 52) The project proponent shall meet all hydrant requirements of the district.
- 53) The project proponent shall meet all fire apparatus access requirements of the current fire code.
- 54) Owner shall design and construct all fire suppression facilities in conformance with the requirements of the Linda Fire Protection District and the current Uniform Fire Code.

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

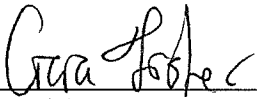
Applicant/Owner: Greg Owen
APN: 014-850-009

Case Number: TSTM 2019-0005
Public Hearing Date: October 16, 2019

- 55) Wood shake roofs shall not be permitted on any structure erected on the subject site.

PLANNING DEPARTMENT

- 56) Lot design on the Final Subdivision Map shall be in conformance with the approved Tentative Map as filed with the Community Development Department. The Community Development Director may approve minor modifications to the final configuration; however, the number of lots shall not exceed that shown on the approved tentative map.
- 57) Notwithstanding the provisions of any other of these Conditions of Approval, this map cannot be recorded until expiration of the 10-day appeal period which begins the day following the date of approval. The expiration date of the appeal period is October 30, 2019 at 5:00 p.m.
- 58) This tentative map shall expire 24 months from the effective date of approval unless extended pursuant to Chapter 11 of the Yuba County Ordinance Code.
- 59) Prior to Final Map approval, the tentative map shall be revised to assure that all lot widths meet the minimum requirements of the Zoning Ordinance, Section 12.35.050 (2), mainly minimum 60 foot width for interior lots, 75 foot width for corner lots, and 40 foot street frontage.



Ciara Fisher
Planner II

**PUBLIC WORKS
PRELIMINARY CONDITIONS OF APPROVAL
YUBA COUNTY**

Applicant: Greg Owen
Owner: Christopher Valeriotte
APN: 014-850-009

Case Number: TSTM 2019-0005

-
5. The Public Works Director may reasonably modify any of the Public Works conditions contained herein. The required street widths as stated herein shall take precedence over those as shown on the tentative map.
 6. Owner shall dedicate to the County of Yuba sufficient right-of-way in fee simple to provide a 19 foot strip of land adjoining the centerline of Arcano Avenue, lying within the bounds of this property.
 7. The following note shall be included in the Grant Deed to the County of Yuba: "Should the Board of Supervisors of the County of Yuba determine that the public purpose for which property was dedicated in fee simple no longer exists, or the property or any portion thereof is not needed for public utilities, the County of Yuba shall reconvey the above described property to the Grantor, whose address is _____, or to the successor(s) in interest pursuant to Government Code Section 66477.5."
 8. Owner shall dedicate to the County of Yuba sufficient right-of-way in fee simple strips of land 36 feet in width including 43-foot radius cul-de-sacs and 53-foot knuckles for the internal access streets as shown on the Tentative Tract Map. The right of way line shall be located 0.50 foot behind the back of curb.
 9. Owner shall provide and offer to dedicate to Yuba County an easement, 12 feet in width, measured from the right of way line, for landscaping, pedestrian sidewalks, street signs, traffic safety signs and street lights along Arcano Avenue and all interior streets, or as approved by the Public Works Director. Cul-de-sac streets having less than 10 lots can reduce the easement to 0.5 foot behind the sidewalk if sidewalks are attached.
 10. Owner shall provide and offer to dedicate to Yuba County a public services easement, 22 feet in width, measured from the right of way line along Arcano Avenue and all interior streets and 12 feet in width along cul-de-sac streets having less than 10 lots and attached sidewalks.
 11. Road construction along Arcano Avenue shall meet the standards for a Urban Residential Way (providing 10-foot travel lanes and 6-foot parking lanes) with a detached sidewalk in conformance with Chapter 11.46 of the Yuba County Ordinance Code, the Yuba County Improvement Standards or as approved by the Public Works Director.
 12. Street construction for the internal streets as shown on the tentative map shall meet the standards for an Urban Residential Way, providing a 9-foot travel lane, a 6-foot parking lane, a 2-1/2-foot rolled concrete curb and gutter, an 8-foot planter strip and a 4-foot concrete detached sidewalk in conformance with the Yuba County Improvement Standards or as approved by the Public Works Director. The radius of the curb corner returns at street intersections shall be 25 feet to the lip of gutter. Street cul-de-sacs shall be constructed using a 40-foot radius to the lip of curb with a curb rounding of 30 feet to lip of curb. Sidewalks along the cul-de-sac circle may be attached.
 13. Owner shall submit a streetlight plan for approval along with the improvement plans. Streetlights shall be LED type models and be maintained by Pacific Gas and Electric (PG&E).

Attachment 4

14. Improvement plans, prepared in compliance with Sections 3 and 7 of the Yuba County Standards shall be submitted to and approved by the Public Works Department prior to any construction. The initial submittal shall also include the necessary calculations for all improvements and associated drainage facilities along with the appropriate plan checking fees based upon a preliminary engineer's estimate. The engineer's estimate shall include estimated costs for the construction of the road and drainage improvements, landscaping requirements (if any), and construction staking. Such approvals shall include the alignment and grades of roads and drainage facilities.
15. 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.
16. Owner shall submit a Preliminary Soils Report prepared by a registered civil engineer and based upon adequate test borings to the Public Works Department for review in compliance with section 66490 of the Subdivision Map Act. Should such preliminary soils report indicate the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required by the decision-making authority (section 11.40.040 (G) of Yuba County Ordinance Code).
17. Any improvement work within the County right-of-ways for roadway connections and/or road widening or other improvements shall be accomplished under an encroachment permit issued by the Public Works Department. Improvement plans and associated checking and inspection fees shall be submitted to the Public Works Department for review and approval before any construction will be permitted within the County right-of-way.
18. Owner shall submit a drainage plan to provide for on-site and off-site storm water drainage for the project, designed by a registered civil engineer, to the Public Works Department for review and approval, prior to any construction. The drainage design for the project shall result in a zero percent increase in the storm water discharge from the project compared to the pre-development state using a 100-year storm event peak discharge. Owner shall construct such approved drainage facilities in order to provide drainage from access roads and lots to acceptable natural drainage courses.
19. Prior to the approval of any grading permit or improvement plans, owner must submit documentation demonstrating that all necessary permits and approvals have been obtained, which may include: a 404 permit from Army Corps of Engineers; including Section 7 consultation with the U.S. Fish and Wildlife Service, 401 certification from the Regional Water Quality Control Board, 2081/1602 permit, as necessary, from the California Department of Fish and Wildlife, and pre-construction surveys for special status species.
20. Whenever construction or grading activities will disrupt an area of 1 acre or more of soil or is less than 1 acre but is associated with a larger common plan of development, it is required to obtain a National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activities, NPDES No. CAS000004, Order No. 2013-0001-DWQ. 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

Attachment 4

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.

21. Owner shall submit an erosion and sediment control plan for the project, designed by a registered civil engineer, to the Department of Public Works for review and approval prior to each phase of construction and/or grading permit. Erosion and sediment control measures shall conform to Section 11 of the Yuba County Improvement Standards and all Yuba County Ordinance Codes. Owner shall implement such erosion and sediment control measures as per the approved plan prior to construction or grading.
22. Owner shall comply with all the requirements set forth in the County's *Post-Construction Standards Plan*. Owner shall also comply with all post-construction requirements contained within the General Permit for Waste Discharge Requirements for storm water discharges from small municipal separate storm sewer systems (Order No. 2013-0001-DWQ). Prior to approval of any improvement plans, owner shall submit all pertinent information as required in the County's *Post-Construction Standards Plan*, Section 5.6 to the Public Works Department for review and approval.
23. Prior to approval of any improvement plans, owner must submit an Operation & Maintenance (O&M) Plan and a Statement of Responsibility committing to conduct regular inspections and maintenance of the installed storm water treatment control facilities. The Statement of Responsibility indicates the current property owner's acceptance of responsibility for the on-going operation, inspection, and maintenance of the treatment control measures until the property and / or responsibility is legally transferred to another entity (such as the new property owner or a maintenance district).
24. Owner shall warranty all improvements required by these Conditions of Approval for a period of 12 months from the time the improvements are accepted by the Public Works Department and a Notice of Completion is recorded.
25. Owner shall provide a one-year warranty bond for all street and drainage improvements required by these conditions of approval. The warranty bond period will commence after the Notice of Completion is recorded.
26. Owner shall pay an in-lieu fee for parkland dedication per Yuba County Development Code §11.45.060 prior to filing the final map.
27. Owner shall be responsible for giving 60 days notice to the appropriate public utilities, PG&E, AT&T, Comcast, etc., prior to any new construction or development of this project.
28. Owner shall name the internal roads in a manner determined by Chapter 9.70 of the Yuba County Ordinance Code and be approved by the Address Coordinator at the Department of Public Works.
29. Owner shall provide all necessary street signs and pavement markings, including, but not limited to, street name signs, stop signs, speed limit signs, stop legends, limit lines, and crosswalks, as required by the Public Works Department.

Attachment 4

30. Owner shall provide a concrete base or bases for the placement of a centralized mail delivery unit or units within the subdivision as directed by the United States Postal Service. Specifications and location(s) of such base(s) shall be determined pursuant to the applicable requirements of the Postal Service and the Yuba County Department of Public Works, with due consideration for street light location, traffic safety, security and consumer convenience. Such base(s) shall be located within a Public Service Easement. Owner shall provide a letter from the Postal Service to the County Surveyor stating that the location of the centralized mail delivery unit or units comply with their requirements and that they have no objection to the filing of the final map.
31. Approximate centerlines of all perennial streams or ditches within this division shall be shown on the Tentative Map.
32. Owner shall provide public service easements as necessary for any existing overhead or underground utilities, sewer lines, waterlines, etc. which may provide service to any or all of the lots being created by this final map. Such easements shall have a minimum width of 10 feet or larger as may be required by the service provider and shall be clearly identified by metes and bounds on the final map. Any relocation or rearrangement of the public service provider's facilities to accommodate this project shall be at the Owner's expense.
33. Owner shall be required to pay all taxes, past and current, including those amounts levied as of January 1, but not yet billed, on the property prior to filing the Final Map.
34. Owner shall submit a current Preliminary Title Report or Subdivision Map Guarantee, in favor of Yuba County, two (2) check prints of the Final Map, calculations, supporting documentation and map checking fees to the County Surveyor, Department of Public Works for checking, approval and filing of the Final Map. An updated Subdivision Map Guarantee shall be provided 1 week prior to filing the final map with the Yuba County Recorder.
35. Owner shall have the property surveyed and have corner monuments placed at all lot corners in conformance with requirements of the County Surveyor, chapter 11.41 of the Yuba County Ordinance Code and the California Subdivision Map Act (Government Code section 66410 and following).
36. Prior to commencing performance of any public improvement or facility to be dedicated to County, and subject to approval by the Public Works Department, Owner shall acquire and present proof of general and automobile liability and Workers Compensation and Employers Liability insurance. Such general and automobile liability insurance shall name the County and its agents as additional insured.
37. All easements of record that affect this property are to be shown on the Final Map.
38. Prior to filing the Final Map, the owner shall annex into a County Service Area 66 (provided by Government Code section 25210.1 and following) or other entity acceptable to County to provide for road and drainage maintenance and other required services on terms and conditions acceptable to the County.
39. Owner shall petition to be assessed for County Service Area 70 (CSA 70) prior to filing the Final Map.
40. Prior to submitting the Final Map to the Recorder's Office for filing, all outstanding County fees due to the Community Development and Services Agency departments shall be paid in full.
41. Prior to filing the Final Map, written approvals shall be submitted to the County Surveyor from PG&E and all other appropriate public service providers servicing the subdivision that their

Attachment 4

requirements have been met and that they are satisfied with the public utility easement as shown on the Final Map.

42. Owner shall submit a copy of the final map for review by the Planning Department for conformance with the Department's conditions of approval, mitigation measures or other requirements. Before the final map can be filed with the Yuba County Recorder, a statement from the Planning Director which states that the final map is found to be in conformity with the Department's conditions of approval, mitigation measures and requirements shall be received by the County Surveyor.
43. Owner shall submit a copy of the final map for review by the Environmental Health Department for conformance with the Department's conditions of approval and other requirements. Before the final map can be filed with the Yuba County Recorder, a statement from the Environmental Health Department Director which states that the final map has been found to be in conformity with the Environmental Health Department conditions and requirements and that it is in conformance with the requirements of Chapter 7.07 of the Yuba County Ordinance Code shall be received by the County Surveyor.
44. Owner shall submit a copy of the final map to the Olivehurst Public Utility District (OPUD) to review to determine conformance with the District's requirements. Before the final map can be filed with the Yuba County Recorder, a letter from the OPUD is to be submitted to the County Surveyor which states that the District's requirements have been met and that any public service easements as may be shown on the final map are satisfactory and that there are no objections to filing the final map.
45. Owner shall submit a copy of the final map to the Linda Fire Protection District (LFPD) for review to determine conformance with the District's requirements. Before the final map can be filed with the Yuba County Recorder, a letter from the Linda Fire Protection District is to be submitted to the County Surveyor which states that the District's requirements have been met and that there are no objections to filing the final map.
46. Owner shall submit a copy of the final map to Reclamation District 784 to determine conformance with Reclamation District 784 requirements. Before the final map can be filed with the Yuba County Recorder, a letter from Reclamation District 784 is to be submitted to the County Surveyor which states that RD 784's requirements have been met and that any public service or drainage easements as may be shown on the final map are satisfactory and that there are no objections to filing the final map.

Fisher, Ciara

From: Benedict, Christopher
Sent: Tuesday, August 20, 2019 3:05 PM
To: Fisher, Ciara
Subject: RE: TSTM2019-0002 Prado Del Sol

Ciara,

EH does not have any additional comments or conditions beyond the original conditions set in 2004.

Christopher J. Benedict, REHS
Environmental Health Specialist
Yuba County Environmental Health
915 8th Street, Suite 123
Marysville, CA 95901

Phone: (530)749-5469
Fax: (530)749-5454

From: Fisher, Ciara
Sent: Tuesday, August 6, 2019 10:46 AM
To: Benedict, Christopher; Maddux, Dave; Boeck, Van; Marquez, Melanie
Cc: Hochstrasser, Margaret; Burns, Danny; Peterson, Daniel; Kaiser, Pam
Subject: TSTM2019-0002 Prado Del Sol

Hello All,

Please provide comments for Tentative Subdivision Tract Map, TSTM2019-0002 Prado Del Sol, on Arcano Avenue in the North Arboga Study Area. All documents are on TrakIt, including prior COAs for TSTM2004-0046. Please forward any comments you may have, as well as COA, by Tuesday August 20th.

Thank you!

Ciara Fisher
Planner II
County of Yuba
530-749-5470

Fisher, Ciara

From: Maddux, Dave
Sent: Friday, August 16, 2019 3:02 PM
To: Fisher, Ciara
Subject: RE: TSTM2019-0002 Prado Del Sol

No comments from Building

From: Fisher, Ciara <cfisher@CO.YUBA.CA.US>
Sent: Tuesday, August 6, 2019 10:46 AM
To: Benedict, Christopher <cbenedict@CO.YUBA.CA.US>; Maddux, Dave <dmaddux@CO.YUBA.CA.US>; Boeck, Van <vboeck@CO.YUBA.CA.US>; Marquez, Melanie <mmarquez@CO.YUBA.CA.US>
Cc: Hochstrasser, Margaret <mhochstrasser@CO.YUBA.CA.US>; Burns, Danny <dburns@CO.YUBA.CA.US>; Peterson, Daniel <dpeterson@CO.YUBA.CA.US>; Kaiser, Pam <pkaiser@yubacounty.onmicrosoft.com>
Subject: TSTM2019-0002 Prado Del Sol

Hello All,

Please provide comments for Tentative Subdivision Tract Map, TSTM2019-0002 Prado Del Sol, on Arcano Avenue in the North Arboga Study Area. All documents are on TrakIt, including prior COAs for TSTM2004-0046. Please forward any comments you may have, as well as COA, by Tuesday August 20th.

Thank you!

Ciara Fisher
Planner II
County of Yuba
530-749-5470

Fisher, Ciara

From: Marquez, Melanie
Sent: Tuesday, August 6, 2019 1:06 PM
To: Fisher, Ciara
Subject: RE: TSTM2019-0002 Prado Del Sol

Ciara,

Code Enforcement does not have any comments for this project.

Thanks,

Melanie Marquez

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



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

From: Fisher, Ciara <cfisher@CO.YUBA.CA.US>
Sent: Tuesday, August 6, 2019 10:46 AM
To: Benedict, Christopher <cbenedict@CO.YUBA.CA.US>; Maddux, Dave <dmaddux@CO.YUBA.CA.US>; Boeck, Van <vboeck@CO.YUBA.CA.US>; Marquez, Melanie <mmarquez@CO.YUBA.CA.US>
Cc: Hochstrasser, Margaret <mhochstrasser@CO.YUBA.CA.US>; Burns, Danny <dburns@CO.YUBA.CA.US>; Peterson, Daniel <dpeterson@CO.YUBA.CA.US>; Kaiser, Pam <pkaiser@yubacounty.onmicrosoft.com>
Subject: TSTM2019-0002 Prado Del Sol

Hello All,

Please provide comments for Tentative Subdivision Tract Map, TSTM2019-0002 Prado Del Sol, on Arcano Avenue in the North Arboga Study Area. All documents are on TrakIt, including prior COAs for TSTM2004-0046. Please forward any comments you may have, as well as COA, by Tuesday August 20th.

Thank you!



Marcus H. Bole & Associates
An Environmental Consulting Firm

August 26, 2019

GREYPOINT Development
Attn: Greg Owen
780 Chadbourne Road, Suite D
Fairfield, CA 94534

**EVALUATION OF SWAINSON'S HAWK FORAGING HABITAT POTENTIAL,
PRADO DEL SOL SUBDIVISION, APN 014-260-075, ARCANO AVENUE, YUBA
COUNTY, CA. MHBA FILE 0820-2019-3608.**

This letter format report outlines the methods employed and results of raptor (Swainson's hawk) foraging activities on and near the proposed Prado Del Sol Subdivision area conducted between August 20-25, 2019. The Prado Del Sol property is an infill lot located along Arcano Avenue in the community of Olivehurst, California. The subject study area is centered in Section 17, Township 14N, Range 4 East, approximately 39.0665266N, -121.555839W, Olivehurst 7.5" USGS Quadrangle (see attached Figures 1 & 2).

The California Department of Fish & Wildlife (CDFW) and the United States Fish & Wildlife Service (USFWS) regulate listed and species of concern under the California Endangered Species Act and the Federal Endangered Species Act. These agencies have survey protocols and/or recommendations for projects that have a potential to impact protected avian species. The Swainson's hawk, *Buteo swainsoni*, is a State of California Threatened species. Foraging habitat surveys were conducted by Marcus H. Bole & Associates (MHBA) on August 21, 23, and 25, 2019¹. Surveys were conducted by Marcus H. Bole, M.S., Senior Biologist (Wildlife), and Charlene J. Bole, M.S., Senior Biologist (Ornithologist), Marcus H. Bole & Associates, Wheatland, California. The weather was dry, with clear skies and warm to hot temperatures.

METHODOLOGY

Prey base evaluations, distance from known active and historic Swainson's hawk nests, the influence of urban encroachment and current vegetation characteristics of the proposed project area and immediately surrounding areas were evaluated to determine the potential for the Swainson's hawk to forage within or near the subject property. Previous surveys of the subject property conducted in the 2002 - 2003 time period found the area in active agriculture including row crops such as alfalfa and hay production. These areas were determined to be foraging habitat for the Swainson's hawk. The area shifted out of agriculture into grazing and ruderal grasslands in approximately 2006. During the past 13 years the project area has reverted into non-native grasses and forbs including star thistle, *Centaurea solstitialis*, wild oat, *Avena fatua*, and Italian

¹ Marcus H. Bole & Associates is a biological consulting firm with extensive experience conducting nesting bird & raptor surveys, including foraging habitat evaluations in the Yuba County Area. For a listing of our personnel and qualifications, please download our Statement of Qualification from our website: mhbole.com. Phase 5 Surveys were conducted IAW *Recommended Timing and Methodology for Swainson's Nesting Surveys in California's Central Valley*, May 31, 2000.

thistle, *Carduus pycnocephalus*. Surveys found little evidence of squirrel or rodent burrows, the primary prey base to support raptor and owl foraging. Observation posts and roving transects were established to record raptor species use of the project area and immediately adjacent areas. Times and representative avian species observed are listed below:

| Date | Survey Number | Start/End Time | Temperature (Start/End [°F]) | Wind Speed (mph) | % Cloud Cover | Surveyors |
|-----------|---------------|----------------|------------------------------|------------------|---------------|------------------|
| 8/21/2019 | #1 | 0600–0730 | 60–82 | 0–5 | 0 | M. Bole, C. Bole |
| 8/21/2019 | #2 | 2030–2200 | 83–78 | 5–10 | 0 | M. Bole, C. Bole |
| 8/23/2019 | #3 | 0600–0800 | 60–62 | 0–5 | 0 | M. Bole, C. Bole |
| 8/23/2019 | #4 | 2030–2145 | 81–78 | 5–10 | 0 | M. Bole, C. Bole |
| 8/25/2019 | #5 | 0545–0745 | 60–62 | 0–5 | 0 | M. Bole, C. Bole |
| 8/25/2019 | #6 | 1945–2100 | 85–78 | 0–5 | 0 | M. Bole, C. Bole |

OBSERVATIONS:

8/21/2019: Subject property and surrounding one mile area was the focus of surveys during the early morning and evening hours. Trees were examined for the presence of "stick" nests and other nests capable of supporting raptor species. No stick nests were observed in any of the trees, telephone poles, power poles or communication towers during these surveys. One Turkey Vulture, *Cathartes aura*, was observed soaring approximately 1/2 mile west of the subject property. Several avian species were observed overflying the search area, these included: scrub jay, *Aphelocoma coerulescens*, common crow, *Corvus brachyrhynchos*, mourning dove, *Zenaidura macroura*, brown-headed cowbird, *Molothrus alter*, house wren, *Troglodytes aedon*, and Northern mockingbird, *Mimus polyglottas*. No raptors were observed foraging either onsite or within one mile of the property.

8/23/2019: Surveys were expanded to cover a 2 mile radius of the subject property. Trees were examined for the presence of "stick" nests and other nests capable of supporting raptor species. No nests were observed in any of the trees, telephone poles, power poles or communication towers during these surveys. Several avian species were observed overflying the search area, these included: scrub jay, *Aphelocoma coerulescens*, common crow, *Corvus brachyrhynchos*, mourning dove, *Zenaidura macroura*, house wren, *Troglodytes aedon*, and Northern mockingbird, *Mimus polyglottas*. No raptors were observed foraging either onsite or within two miles of the property.

8/25/2019: Surveys were expanded to cover a 3 to 5 mile radius of the subject property. Surveys were conducted via automobile and on foot. All areas previously surveyed during the previous two days were re-surveyed during the early morning hours. Trees and other structures were re-examined for the presence of stick nests capable of supporting raptor species. No raptor nests were observed in any of the trees, or other structures. Several avian species were observed

overflying the search area, these included: scrub jay, *Aphelocoma coerulescens*, common crow, *Corvus brachyrhynchos*, mourning dove, *Zenaidura macroura*, house wren, *Troglodytes aedon*, brown-headed cowbird, *Molothrus alter*, American goldfinch, *Spinus tristis*, Northern mockingbird, *Mimus polyglottas*, bank swallow, *Riparia riparia*, and white-crowned sparrow, *Zonotrichia leucophrys*. Riparian habitats along the Feather River were determined to be the most likely areas for raptor nesting; however, no raptor nests or raptor foraging was observed.

CONCLUSIONS

The immediate area around the subject property has changed since 2004. Urban encroachment has increased significantly and now surrounds the property on three sides. The property has been out of agriculture for over twelve years and has reverted to non-native grasses and forbs including star thistle. Close examination did not reveal the presence of squirrel or rodent burrows, the primary prey base for raptors and owls. This small disjunct parcel does not provide sufficient foraging habitat needed to sustain the reproductive effort of a Swainson's hawk pair. In accordance with California Department of Fish & Wildlife guidance, this infill site does not require mitigation for foraging habitat pursuant to CEQA nor a Management Authorization.

This concludes our summary report of surveys for nests and foraging habitat associated with the Swainson's hawk within or near the Prado Del Sol Subdivision located along the Arcano Avenue, Olivehurst, Yuba County, California. No further surveys are indicated at this time. If you have any questions concerning our findings or recommendations please feel free to contact me directly at Marcus H. Bole & Associates, Attn: Marcus Bole, 104 Brock Drive, Wheatland, CA 95692, phone: 530-633-0117, fax: 530-633-0119, and email: mbole@aol.com.

Respectfully Submitted:



Marcus H. Bole, M.S. Principal
Senior Wildlife Biologist



Charlene J. Bole, M.S. Principal
Senior Biologist (Ornithologist)

Attached

Figure 1: Vicinity Map, Prado Del Sol Subdivision

Figure 2: Aerial Map, Prado Del Sol Subdivision

Figure 3: Proposed Subdivision Map

Figure 1: Vicinity Map, Prado Del Sol Subdivision, an 8.71-acre property located in Section 17, Township 14N, Range 4 East, approximately 39.065266N, -121.555839W. Olivehurst 7.5" USGS Quadrangle, Yuba County, CA.

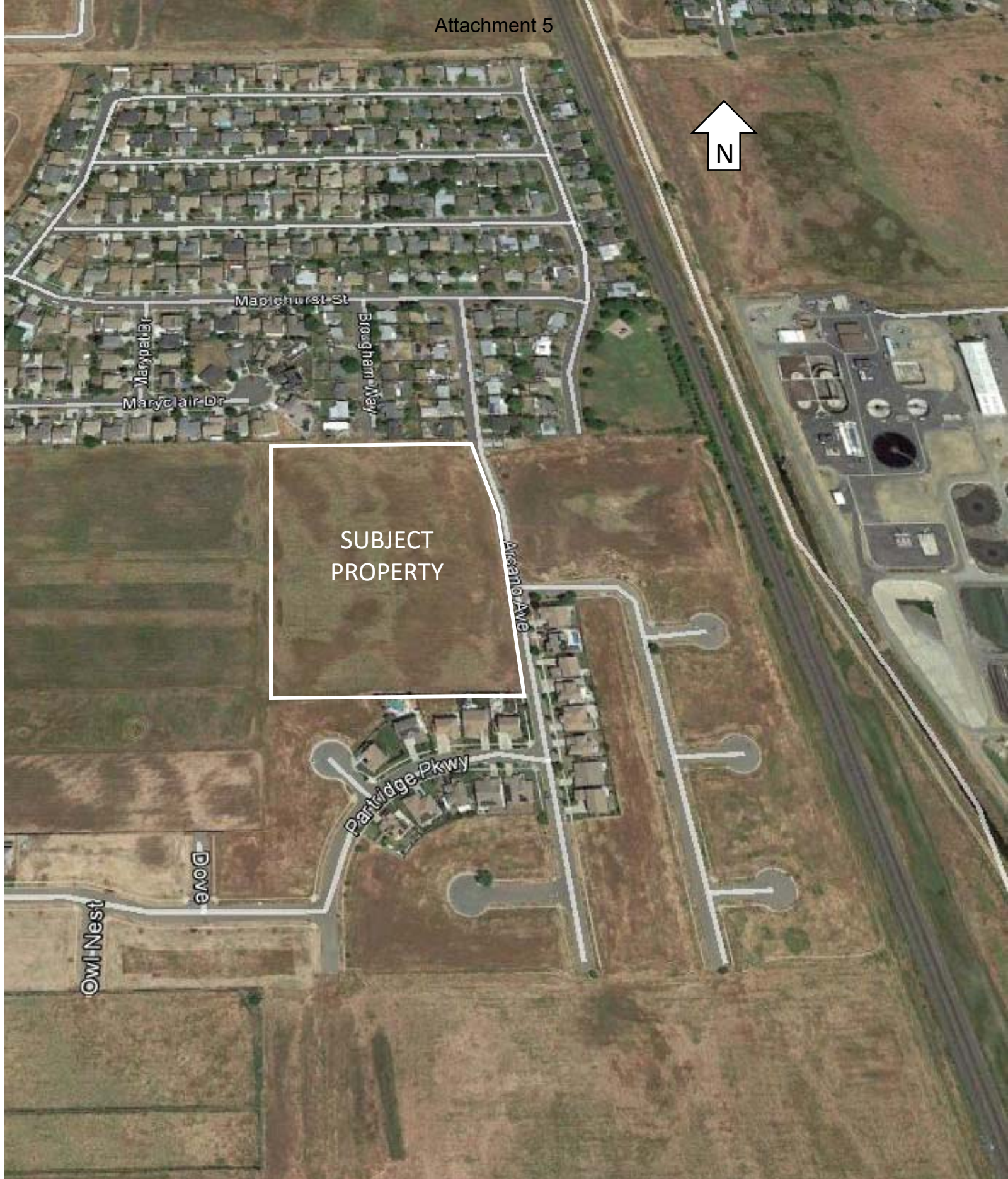


Figure 2: Aerial Map, Prado Del Sol Subdivision, an 8.71-acre property located in Section 17, Township 14N, Range 4 East, approximately 39.065266N, -121.555839W. Olivehurst 7.5" USGS Quadrangle, Yuba County, CA.