

SPECIAL NOTICE

Precautions to address COVID-19 (a.k.a. the “Coronavirus”) will apply to this meeting. See below for additional details.

JULY 22, 2020

REGULAR MEETING OF THE PLANNING COMMISSION

The Governor has declared a State of Emergency to exist in California as a result of the threat of COVID-19 (aka the “Coronavirus”). The Governor also issued Executive Order N-25-20, which directs Californians to follow public health directives including canceling large gatherings. The Executive Order also allows local legislative bodies to hold meetings via conference calls while still meeting State transparency requirements.

The Public’s health and well-being are the top priority for the City of Yuba City and you are urged to take all appropriate health safety precautions. To facilitate this process, the meeting will be available by:

- **Web Conference:** The meeting will be conducted live over the internet by PC or Smartphone. Members of the public can join the web-based virtual meeting. (See instructions below.)
- **Email:** You can email comments to the Secretary of the Commission bmoody@yubacity.net any time before the meeting, or before the hearing is closed on the agenda item, and your comments will be read aloud by the Secretary. Please identify the Agenda item you wish to address in your comments.

To join the web base virtual meeting please follow these instructions:

A. Click the link to sign up for the webinar at the specified time and date:

<https://attendee.gotowebinar.com/register/231951181612149515>

You will need to register for the teleconference. Once registered, the following information will pop up.

Yuba City Planning Commission Meeting – 7/22/2020

Wed, July 22, 2020 6:00 PM - 8:00 PM PDT

Add to Calendar at the time above, [join the webinar](#).

Before joining, be sure to [check system requirements](#) to avoid any connection issues.

A confirmation email with information on how to join the webinar will be sent to you with audio instructions.

Questions or Comments? Email contact: bmoody@yubacity.net

Note – currently the video conferencing process does not allow for verbal comments. Comments will be received via email to bmoody@yubacity.net



AGENDA

WEDNESDAY, JULY 22, 2020

REGULAR MEETING PLANNING COMMISSION CITY OF YUBA CITY

6:00 P.M. – REGULAR MEETING: VIRTUAL MEETING

CHAIRPERSON	• Dale Eyeler
VICE CHAIRPERSON	• Michele Blake
COMMISSIONER	• Jana Shannon
COMMISSIONER	• John Shaffer
COMMISSIONER	• Daria Ali
COMMISSIONER	• Lorie Adams
COMMISSIONER	• Richard Doscher (Sutter Co. Rep)

1201 Civic Center Blvd
Yuba City, CA 95993

Wheelchair Accessible
♿

*If you need assistance in order to attend the Planning Commission meeting, or if you require auxiliary aids or services, e.g., hearing aids or signing services to make a presentation to the Planning Commission, the City is happy to assist you. Please contact City offices at 530-822-4817 at least 72 hours in advance so such aids or services can be arranged. **City Hall TTY: 530-822-4732***

**AGENDA
PLANNING COMMISSION
CITY OF YUBA CITY
JULY 22, 2020
6:00 P.M. - REGULAR MEETING: VIRTUAL MEETING**

Materials related to an item on this Agenda, submitted to the Commission after distribution of the agenda packet, are available for public inspection at City Hall at 1201 Civic Center Blvd., Yuba City, during normal business hours. Such documents are also available on the City of Yuba City's website at www.yubacity.net, subject to staff's availability to post the documents before the meeting.

Call to Order

Roll Call:

_____ Jana Shannon
_____ John Shaffer
_____ Daria Ali
_____ Lorie Adams
_____ Richard Doscher (Sutter County Representative)
_____ Michele Blake (Vice Chairperson)
_____ Dale Eyeler (Chairperson)

Pledge of Allegiance to the Flag

Public Comment on Items not on the Agenda

You are welcome and encouraged to participate in this meeting. Public comment on items not listed on the agenda will be heard at this time. Comments on controversial items may be limited and large groups are encouraged to select representatives to express the opinions of the group.

1. Written Requests

Members of the public submitting written requests, at least 24 hours prior to the meeting, will be normally allotted five minutes to speak.

2. Appearance of Interested Citizens

Members of the public may address the Planning Commission on items of interest that are within the City's jurisdiction. Individuals addressing general comments are encouraged to limit their statements to three minutes.

3. Agenda Modifications/Approval of Agenda

Approval of Minutes

4. Minutes from June 24, 2020

Public Meeting

- 5. Consideration of an 18-month time extension for Tentative Parcel Map 16-02, located along the east side of Garden Highway, south of Winship Road, and west of the Sutter County Airport.**

Recommendation: Approve an 18-month extension of time for Tentative Parcel Map 16-02 pursuant to City Municipal Code Section 8-2.610, resulting in a new expiration date of September 9, 2020.

Public Hearing

- 6. Consideration of Mitigated Negative Declaration (MND) Environmental Assessment 19-12 and a Development Plan (DP) 19-04 for Sutter Foods Agricultural Warehouse.**

Recommendation: Conduct a public hearing and take the following actions:

1. Adopt the Mitigated Negative Declaration prepared for DP 19-04 as detailed in the Environmental Assessment (EA) 19-12 dated May 4, 2020, pursuant to the California Environmental Quality Act, Section 15070; and
2. Approve Development Plan 19-04 to allow the construction of a 64,000 square foot agricultural walnut and prune processing and cold storage facility located at 2179 Franklin Road, Yuba City, CA, subject to making the necessary findings as presented, and the Conditions of Approval.

Development Services Director Reports

Report of Actions of the Planning Commission

Adjournment

Persons dissatisfied with any decision of the Planning Commission may appeal such action to the City Council. Appeals, accompanied by a fee of \$775.74, must be filed with the City Clerk, 1201 Civic Center Boulevard, Yuba City, CA 95993 within 10 days of such action. If no appeal is filed within this time limit, the Planning Commission action becomes final. The exception to this is rezone requests. Please check with the Planning Division, 1201 Civic Center Boulevard, Yuba City, CA 95993 for the procedure. Mailed notices of the Council hearings will be accomplished in the same manner as the Planning Commission hearings unless additional notice is deemed necessary.

**(DRAFT) MINUTES
PLANNING COMMISSION
CITY OF YUBA CITY
June 24, 2020
6:00 P.M. – REGULAR MEETING (Virtual Meeting)**

Materials related to an item on the Agenda, submitted to the Commission after distribution of the agenda packet, are available for public inspection at City Hall at 1201 Civic Center Blvd., Yuba City, during normal business hours. Such documents are also available on the City of Yuba City's website at www.yubacity.net, subject to staff's availability to post the documents before the meeting.

Call to Order

Chairperson Eyeler called the virtual meeting to order.

Roll Call

Commissioners in Attendance:

Dale Eyeler (Chairperson)

Michele Blake (Vice Chairperson)

Jana Shannon

John Shaffer

Daria Ali

Lorie Adams

Richard Doscher (Sutter County Representative)

Chairperson Eyeler read special teleconference meeting instructions per COVID-19 social distancing order.

The Pledge of Allegiance was led by Commissioner Ali.

Public Communication

You are welcomed and encouraged to participate in this meeting. Public comment is taken on items listed on the agenda when they are called. Public comments on items not listed on the agenda will be heard at this time. Comments on controversial items may be limited and large groups are encouraged to select representatives to express the opinions of the group.

1. Written Requests

Members of the public submitting written requests, at least 24 hours prior to the meeting, will be normally allotted five minutes to speak.

2. Appearances of Interested Citizens

Members of the public may address the Planning Commission on items of interest that are within the City's jurisdiction. Individuals addressing general comments are encouraged to limit their statements to three minutes.

Chairman Eyeler read the virtual meeting rules for participation and proper etiquette for all participants of the meeting.

3. Agenda Modifications/Approval of Agenda

Note: Unless modified, except for consideration of the Minutes, all other items are recommended to be continued or postponed. Development Services Director, Benjamin Moody, suggested modifying the agenda to allow public comment for items 5 and 6.

Motion by: Commissioner Doscher

Second by: Commissioner Ali

Vote: The vote passed 7 – 0

Approval of Minutes

4. Minutes of June 10, 2020

Chairman Eyeler requested approval of minutes from June 10, 2020.

Motion to approve minutes was made by Vice Chairperson Blake, and seconded by Commissioner Ali. The vote passed 7-0.

Public Hearing

5. Public consideration of two Tentative Subdivision Maps (TSM) 18-01 and TSM 18-02 and Mitigated Negative Declaration (MND) Environmental Assessment (EA) 18-06 for Perkins Ranch Estates. (Note: Item has been postponed at the request of the applicant to a later date.)

Recommendation: Postpone the hearing and refer the matter back to staff to bring forward at a later date. This item will be re-noticed for the new hearing.

Item called and the public was given an opportunity to speak on the item. No public comment was received and no action taken by Planning Commission due to the project being postponed indefinitely.

6. Public consideration on Mitigated Negative Declaration (MND) and a Development Plan (DP) 19-04 for Sutter Foods Agricultural Warehouse.

Recommendation: Continue item until the Planning Commission meeting of July 22, 2020. Due to the continuance, no staff report is being provided at this time.

Item called and the public was given an opportunity to speak on the item with the project being previously noticed to the public. No public comment was received and no action taken by Planning Commission, as the item is continued to the date certain of July 22, 2020.

Development Services Director Reports

Benjamin Moody provided the following updates to the Planning Commission:

- Stipend Update – Planning Commissioners must be paid in accordance to City approved Resolution.
- July 8, 2020 Planning Commission meeting is canceled
- Next Planning Commission meeting scheduled for July 22, 2020

Report of Actions of the Planning Commission

- Commissioner Shannon – Subdivision of 84 units in Sutter was continued to the date certain of Wednesday, July 15, 2020 due to issues with timely delivery of the Agenda package material.

Adjournment

Chairman Eyeler adjourned the meeting at 6:26pm.



**CITY OF YUBA CITY
PLANNING COMMISSION
STAFF REPORT**

Meeting Date: July 22, 2020

To: Chairperson and Members of the Planning Commission

From: Development Services Department

Presentation By: Benjamin Moody, Development Services Director

Subject: Consideration of an 18-month time extension for Tentative Parcel Map (TPM) 16-02.

Recommendation: Approve an 18-month extension of time for Tentative Parcel Map 16-02 pursuant to City Municipal Code Section 8-2.610, resulting in a new expiration date of September 9, 2020.

Project Location: The project is located along the east side of Garden Highway, south of Winship Road, and west of the Sutter County Airport (Assessor Parcel Numbers 53-500-005 and 53-500-006).

Applicant/Owner: Nor Cal Pump and Well Drilling

Project Number: Tentative Parcel Map 16-02

Request:

The applicant has submitted a request for an extension of time in which to file a Final Map for TPM 16-02 in accordance with City Municipal Code.

Background:

Tentative Parcel Map 16-02 was approved with an effective date of March 8, 2017, allowing the division of 38.85 acres into 33 lots for future development with uses permitted by the City's Zoning Ordinance, and a 2.78-acre detention pond. The proposed lots range in size from approximately 0.50 acre to 2.71 acres while the majority

of the parcels will be roughly one acre in size. The parcel map is shown with four phases to allow development and improvements as the market demands.

Under Conditions of Approval number three, the subdivision was approved for two years with an expiration date of March 9, 2019. The Yuba City Municipal Code Section 8-2.610 is compliant with the Map Act and therefore, provides a procedure to extend the life of a Tentative Map.

"The approval or conditional approval of a tentative map shall be valid for two years within which time a parcel or final map substantially conforming to the approved tentative map and complying with conditions imposed may be submitted to the City Engineer for acceptance and recordation. Two extensions of time not to exceed 18 months each may be granted by the Planning Commission. Extensions must be requested in writing and filed with the Planning Director by the subdivider not less than 30 days in advance of the expiration of the tentative map."

On January 19, 2019, the applicant filed a request for an 18-month time extension to allow for completion of the projects final map within accordance of the Municipal Code and Subdivision Map Act requirements. Processing of the extension for this project had been delayed beyond the typical 30-60-day processing period.

Staff recommends approving one 18-month extension pursuant of Municipal Code Section 8-2.610. Should the time extension be approved, the applicant is aware of the pending deadline and is prepared to request an additional time extension in accordance with the Municipal Code and Subdivision Map Act for future Planning Commission consideration.

Staff Comments:

The applicant submitted a written request for the extension in compliance with the conditions placed on the project at the time of approval. Public Works and Planning staff have determined the Conditions for Approval of the project remain valid, and do not have a reason for the denial of the requested time extension.

Recommended Action:

Staff recommends the Planning Commission:

Approve an 18-month extension of time for Tentative Parcel Map 16-02 pursuant to City Municipal Code Section 8-2.610, resulting in a new expiration date of September 9, 2020.

Attachments:

- A. Time Extension Letter
- B. Aerial Photo
- C. Approved Tentative Parcel Map
- D. Conditions of Approval

Attachment A

Nar S. Heer

1325 Barry Road.
Yuba City, CA 95993



January 19, 2019

City of Yuba City
1204 Civic Center Blvd
Yuba City, Ca 95993

Attention: Arnold Rodriguez – Development Services Director

Subject: Tentative Parcel Map 2016-02, Airport Business Park Phase 2

Dear Arnold,

This letter serves as my request for an extension of the abovementioned project.

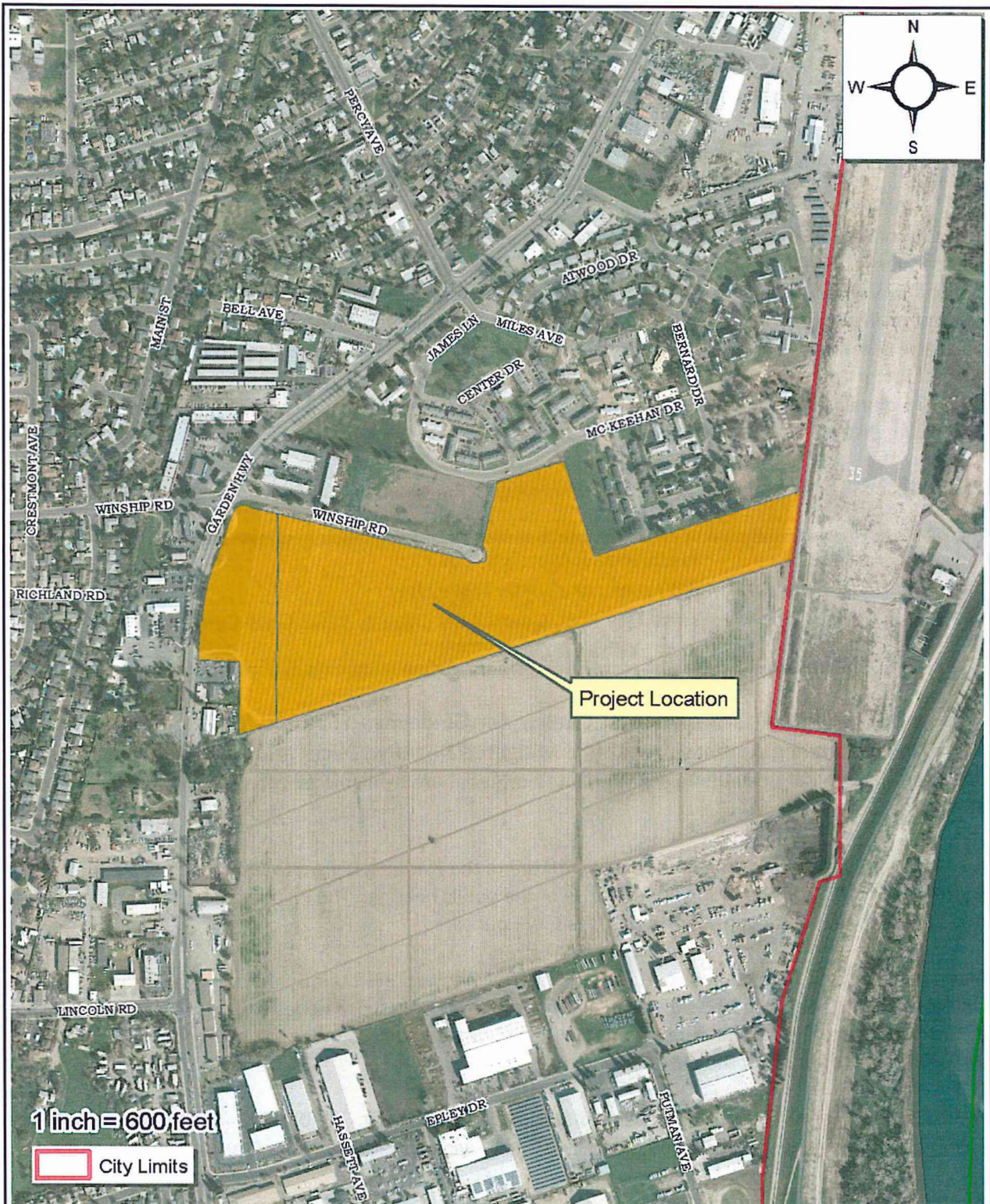
Please give me a call if you have any questions, (530) 682-6800.

Sincerely,

Nar S. Heer



Attachment B



APN # 53-500-005
APN # 53-500-006

Light Industrial District Combining District (M-1 X₂)
EA 16-15 & TM 16-02

Attachment C

TENTATIVE PARCEL MAP 2016-02

AIRPORT BUSINESS PARK - PHASE 2

CITY OF YUBA CITY, CALIFORNIA
OCTOBER 24, 2016 REVISED DECEMBER 15, 2016

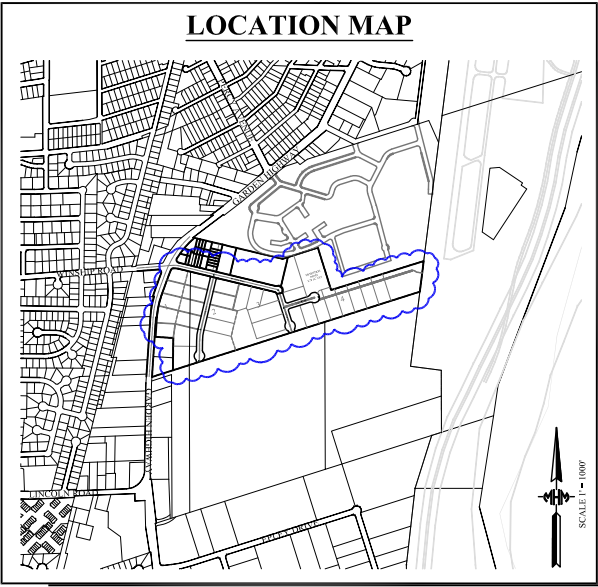
LAND USE SUMMARY

PARCEL SUMMARY*

UNIT NO. 1 =	05 PARCELS	03.55 AC
UNIT NO. 2 =	11 PARCELS	12.44 AC
UNIT NO. 3 =	06 PARCELS	07.26 AC
UNIT NO. 4** =	11 PARCELS	15.60 AC
TOTAL =	33 PARCELS	38.85 AC

*ALL ACREAGE AND DENSITIES EXCLUDE GARDEN HIGHWAY AND WINSHIP ROAD. THESE ROADS HAVE PREVIOUSLY BEEN DEDICATED TO CITY IN FEE.
**PARCEL A IS INCLUDED IN THE 15.60 ACRES.

LOCATION MAP



PROJECT NOTES

OWNER
NAR AND RAJDEEP HEER
HARRISHAN AND PINKY HEER
1325 BARRY ROAD
YUBA CITY, CA 95993
CONTACT: NAR HEER
PHONE: (530) 674-5861

APPLICANT
NOR CAL PUMP AND WELL DRILLING
1325 BARRY ROAD
YUBA CITY, CA 95993
CONTACT: HARRY HEER
PHONE: (530) 674-5861

ENGINEER/SURVEYOR
MHM INCORPORATED
1204 E STREET, P.O. BOX B
MARYSVILLE, CA 95901
CONTACT: SEAN MINARD, P.E., P.L.S.
PHONE: (530) 742-6485

ASSESSOR'S PARCEL NO.
53-500-005
53-500-006

AREA OF TENTATIVE MAP
38.85 GROSS ACRE

EXISTING USE
ORCHARD AND VACANT

EXISTING GENERAL PLAN DESIGNATION
BUSINESS, TECHNOLOGY, & LIGHT INDUSTRY

PROPOSED GENERAL PLAN DESIGNATION
BUSINESS, TECHNOLOGY, & LIGHT INDUSTRY

EXISTING ZONING
M-1-X2

PROPOSED ZONING
M-1-X2

LEVEE PROTECTION
LEVEE DISTRICT NO. 1 OF SUTTER COUNTY

ELEMENTARY SCHOOL DISTRICT
YUBA CITY UNIFIED SCHOOL DISTRICT

HIGH SCHOOL DISTRICT
YUBA CITY UNIFIED SCHOOL DISTRICT

FIRE PROTECTION
CITY OF YUBA CITY

LAW ENFORCEMENT
CITY OF YUBA CITY

SANITARY SEWER
CITY OF YUBA CITY

DOMESTIC WATER
CITY OF YUBA CITY

STORM DRAINAGE
CITY OF YUBA CITY

ELECTRICITY
PACIFIC GAS AND ELECTRIC

NATURAL GAS
PACIFIC GAS AND ELECTRIC

TELEPHONE
AT&T

CABLE
COMCAST

GENERAL NOTES:

- SUBDIVIDER RESERVES THE RIGHT TO PHASE DEVELOPMENT AND FILE MULTIPLE FINAL MAPS PURSUANT TO SECTION 66456.1 (A) OF THE SUBDIVISION MAP ACT.
- A 10.0 FOOT PUBLIC UTILITY EASEMENT SHALL BE LOCATED ADJACENT TO ALL PUBLIC RIGHT OF WAYS EXCEPT ADJACENT TO CUL-DE-SAC. THE PUBLIC UTILITY EASEMENT SHALL BE 10 FEET UNLESS OTHER WAS APPROVED BY CITY ENGINEER.
- THIS EXHIBIT IS FOR TENTATIVE MAP PURPOSES ONLY, ACTUAL DIMENSIONS, ROAD ALIGNMENTS, ACREAGE, AND YIELDS ARE TO BE VERIFIED PRIOR TO FINAL MAP.
- THIS IS AN APPLICATION FOR A DEVELOPMENT PERMIT.
- VILLAGE NUMBERING IS FOR IDENTIFICATION PURPOSES ONLY AND DOES NOT INDICATE PHASING ORDER OF DEVELOPMENT. ULTIMATE DEVELOPMENT PHASING WILL BE ORDERLY AND WILL BE DETERMINED AT FINAL MAP AND/OR IMPROVEMENT PLAN STAGE.
- ALL EXISTING STRUCTURES AND WELLS TO BE REMOVED PRIOR TO CONSTRUCTION.
- ALL SEPTIC TANKS SHALL BE REMOVED PRIOR TO OR AS PART OF CONSTRUCTION.
- DEVELOPER SHALL REIMBURSE CITY FOR GARDEN HIGHWAY ROADWAY FRONTAGE IMPROVEMENT AS PART OF DEVELOPMENT OF PHASE 1 SHOWN ON THE TENTATIVE PARCEL MAP.
- OWNERS, APPLICANT, ENGINEER, AND SURVEYOR SHALL RECEIVE ANY COMMUNICATIONS AND/OR NOTICES RELATED TO THIS PROJECT.

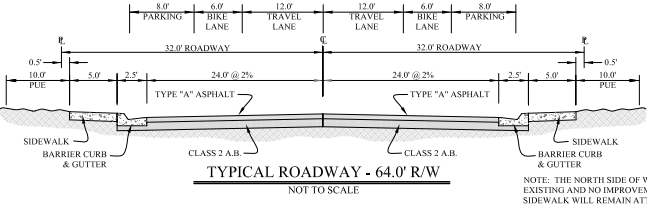
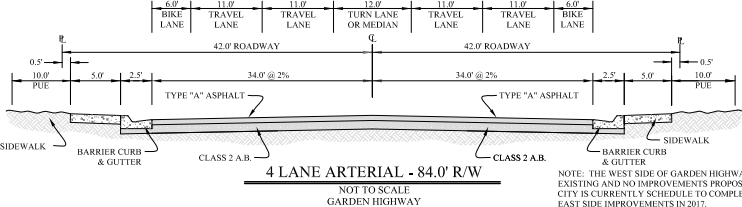
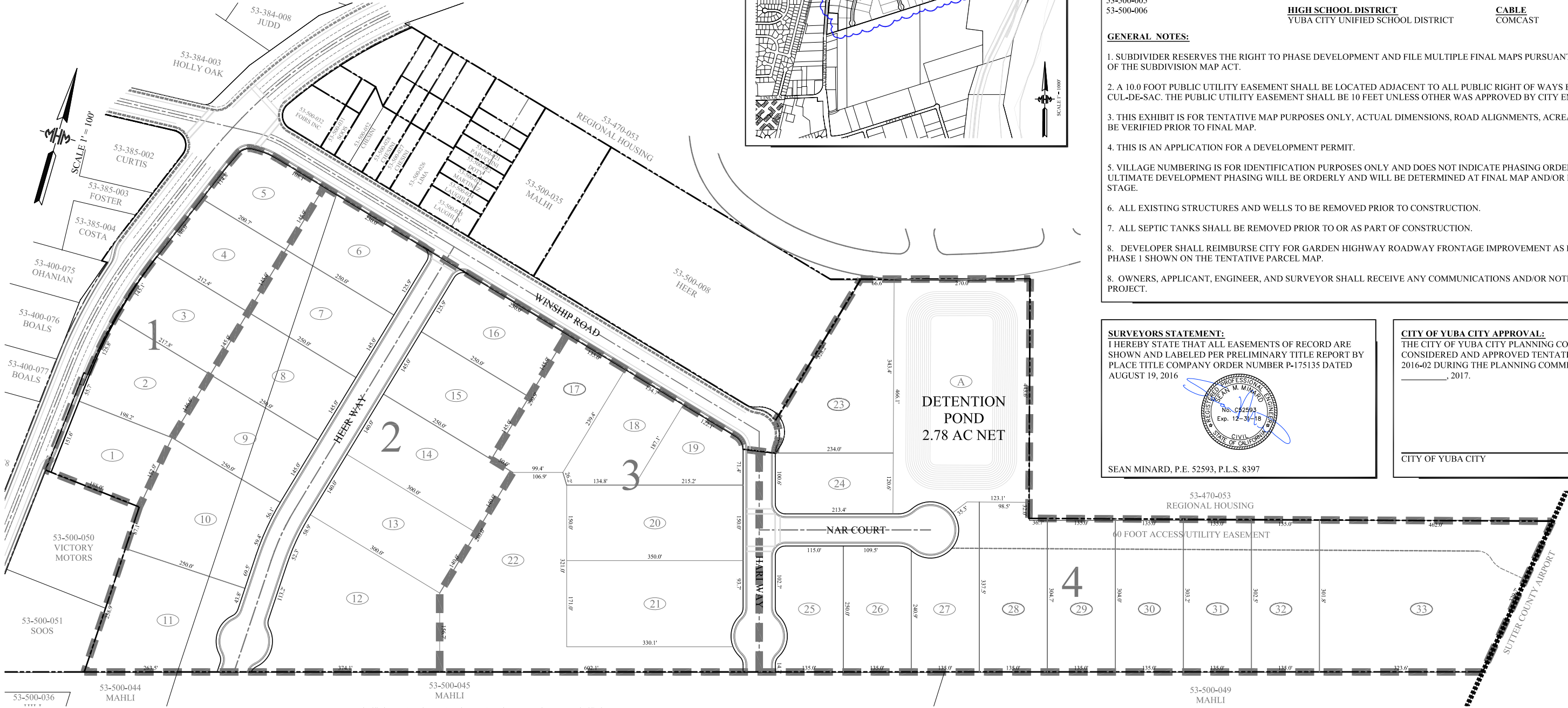
SURVEYORS STATEMENT:
I HEREBY STATE THAT ALL EASEMENTS OF RECORD ARE SHOWN AND LABELED PER PRELIMINARY TITLE REPORT BY PLACE TITLE COMPANY ORDER NUMBER P-175135 DATED AUGUST 19, 2016



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

CITY OF YUBA CITY APPROVAL:
THE CITY OF YUBA CITY PLANNING COMMISSION HAS CONSIDERED AND APPROVED TENTATIVE PARCEL MAP NO. 2016-02 DURING THE PLANNING COMMISSION MEETING ON _____, 2017.

CITY OF YUBA CITY DATE:



2 INDICATES PROPOSED PHASE

M.H.M.

ENGINEERS & SURVEYORS SINCE 1892

1204 E STREET, P.O. BOX B
MARYSVILLE, CA 95901
TEL: 530.742.6485
FAX: 530.742.5639

Attachment D

T M 16-02 Airport Business Park – Phase 2
(AMENDED MARCH 8, 2017¹)

Planning

1. Tentative Map TM-16-02 shall comply with the Conditions of Approval.
2. Tentative Map TM-16-02 is approved as shown in Attachment 2.
3. Approval of Tentative Map TM-16-02 shall expire two years from the date of the project approval. The map shall expire on March 9, 2019.
4. The lot design on the Parcel Map shall be designed in conformance with the approved Tentative Map as filed with Development Services Department.
5. The number of drive approaches for parcels along Garden Highway shall be limited to a maximum of three approaches on Garden Highway the locations of which are to be reviewed and approved by the Development Services Director.
6. Cross easements for ingress and egress for parcels along Garden Highway over all property not occupied by buildings shall be reserved in deeds for all underground utilities, ingress and egress, parking, drainage, landscaping, and the maintenance thereof to the benefit of parcels involved in the division or as determined by Development Services Director on a case by case basis.
7. Developer shall enter into a Maintenance Agreement with the City for Parcels 27, 28, 29, 30, 31, 32 and 33 which addresses a utility and facilities easement, maintenance of the access/utility easement, and installation of curb, gutter, and sidewalk to City standards or clearly defined pedestrian access to be reviewed and approved by the Director of Development Services. Sidewalk improvements are to conform to American Disabilities Act requirements.
8. The access easement for Parcels 27, 28, 29, 30, 31, 32, and 33 is for ingress and egress and to ~~allow use of the easement for~~ airplane taxi purposes.
9. Developer shall enter into a Maintenance Agreement with the City for Parcel 22 regarding maintenance of the access driveway. No parking is to be allowed on the access driveway unless sufficient width is provided.
10. Vehicle, truck, trailer, or equipment shall not park on unimproved surfaces.
11. Each parcel shall have separate sewer and water services per the City's Municipal Code. Applicant will be required to pay sewer connection and new water service and connection fees.
12. All domestic, landscape, and fire service lines shall have reduced pressure backflow preventers. The preventers shall be tested and a backflow preventer certification performed by an AWWA licensed tester shall be submitted to the Public Works Department.
13. If proposed in the future, fencing along Garden Highway shall be setback a minimum distance of 10 feet and shall be uniform in terms of design and/or color. Chain link fencing shall not be visible along Garden Highway.
14. Prior to occupancy tenants shall verify with Development Services Department the use complies with Sutter County Airport Comprehensive Land Use Plan (CLUP). Specific proposed land uses

¹ Changes from the Planning Commission meeting of March 8, 2017 are shown in underlined italics and strikeout.

not contained in the CLUP are to be submitted to the Airport Land Use Commission for determination as to consistency with the CLUP.

15. Prior to a Building Permit the developer shall submit to Development Services Department for review and approval a site plan, landscape and maintenance plan, and elevations.
16. Prior to a Building Permit on all lots with connected sidewalk the developer shall submit a landscape plan to include a minimum of two trees minimum 15 gallon in size with a one-inch dbh (diameter at breast height) to be located along the street frontage. The tree species shall be a shade type approved by the City Arborist.
17. In the detention pond area trees are to be spaced every 30 feet on the top part of the ponding basin next to the Richland Housing Complex. The trees are to be a minimum 15 gallon in size with a one-inch dbh (diameter at breast height). The tree species shall be a shade type approved by the City Arborist. The trees are to be provided with an irrigation system to be reviewed and approved by the Development Services Director.
18. Within five (5) days of Planning Commission action on the project the applicant shall pay California Department of Fish and Wildlife California Environmental Quality Act environmental filing fees and Sutter County Recording Office fees.
19. Developer shall comply with all adopted environmental mitigation measures as identified in the Mitigation Measuring and Monitoring Plan incorporated herein by reference as Attachment 7.
20. Should artifacts or unusual amounts of bone or shell be uncovered during demolition or construction activity, all work shall be stopped and a qualified archeologist shall be contacted for on-site consultation. Avoidance measures or appropriate mitigation shall be completed according to CEQA guidelines. The State Office of Historic Preservation has issued recommendations for the preparation of Archeological Resource Management Reports which shall be used for guidelines. If the bone appears to be human, California law mandates that the Sutter County Coroner and the Native American Heritage Commission be contacted.

Engineering Division

21. The Developer shall prepare and submit improvement plans for the construction of all public improvements including water, sanitary sewer, storm drain facilities, roadway improvements, curbs, gutters, sidewalks, parkway strips, signing, striping and streetlights.
22. All design and construction shall conform to the latest edition of the City of Yuba City Standard Specifications and Details, State of California Standard Specifications for Construction of Local Streets and Roads (2015), AASHTO Policy on Geometric Design of Streets and Highways for local roads, and California Manual on Uniform Traffic Control Devices for Streets and Highways (November 2014).
23. Traffic control construction signs shall be installed/erected per City of Yuba City Standards and Details, CalTrans Standards and Details, and the Manual of Uniform Traffic Control Devices. The signs shall be maintained throughout the project duration.

24. All grading operations on the project shall be suspended as directed by the Feather River Air Quality Management District when sustained winds exceed 20 miles per hour or when winds carry dust beyond the property line despite implementation of all feasible dust control measures. An operational water truck shall be onsite at all times to assist in dust control. (Engineering, FRAQMD)
25. Onsite dirt piles or other stockpiled particulate matter shall be covered, wind breaks installed, and water and/or soil stabilizer employed to reduce wind blown dust emissions. Incorporate the use of approved non-toxic soil stabilizer according to manufacturers' specifications to all inactive construction areas. Contractor to provide the specifications to the City Inspector. (Engineering, FRAQMD)
26. All transfer processes involving a free fall of soil or other particulate matter shall be operated in such a manner as to minimize the free fall distance and fugitive dust emissions.
27. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project or as directed by the Public Works Department. (Engineering, FRAQMD) Water conservation is a priority for the City, and therefore recommends that the contractor monitor their use and obtain water from alternate sources (e.g. agricultural wells) when available.
28. Temporary silt fencing shall be erected during construction and permanent fencing shall be completed prior to occupancy so that transport of construction debris can be retained on-site. (Engineering, FRAQMD)
29. Open burning is a source of fugitive gas and particulate emissions, which shall be prohibited at the project site. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (trash, demolition debris, et. al.) shall be conducted at the project site. Vegetative wastes should be chipped or delivered to waste facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials offsite for disposal by open burning. (Engineering, FRAQMD)
30. To prevent track-out, wheel washers shall be installed where project vehicles and/or equipment exit onto paved street from unpaved roads. Vehicles and/or equipment shall be washed prior to each trip. Alternatively, a gravel bed may be installed as appropriate at vehicle/equipment site exit points to effectively remove soil buildup on tires and tracks to prevent/diminish track-out. (Engineering, FRAQMD)
31. Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the project site. (Engineering, FRAQMD)
32. Provide temporary traffic control as needed, and/or as deemed appropriate by the Public Works Department during all phases of construction to improve traffic flow and to reduce vehicle dust emissions. Effective measures are to enforce vehicle traffic speeds at or below 15 mph and to reduce unnecessary vehicle traffic by restricting access. Provide appropriate training, onsite enforcement, and signage. (Engineering, FRAQMD)

33. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sutter County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.
34. During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. Contractor shall be responsible that all construction equipment is equipped with manufacturers approved muffler's baffles. Failure to do so may result in the issuance of an order to stop work. (Engineering, FRAQMD)
35. The Developer, at his expense, shall be solely responsible for all quality control associated with the project. The quality control shall include, but is not limited to, the following: survey work, potholing existing utilities, all geotechnical testing, soil reports, concrete testing, asphalt testing, and any other required special testing/inspections. The City will only perform necessary testing to insure compliance.
36. The Developer's Superintendent/Representative shall be onsite when contractor is working and be available to the City's Inspector(s) assigned to the project. The Developer shall be responsible for making sure that the contractor is working from signed improvement plans, signed special provisions, signed storm water pollution prevention plan, and the approved project agreement conditions.
37. The Developer's Superintendent/Representative shall ensure that all private vehicles be either parked off-site or outside of construction areas. All vehicles, construction equipment, and construction material related to the project shall be organized in such a manner to provide emergency vehicle access to the entire project. (Engineering)
38. Sidewalks, within and adjacent to the construction area, shall be kept clean and remain accessible for American Disability Act compliance. (Engineering and Building)
39. Storage of construction material is not allowed in the travel way. (Engineering)
40. The Developer and/or the Developer's Superintendent/Representative shall have a pre-construction meeting with the City prior to commencing construction of public improvements. The Developer shall notify the City of the meeting no less than two working days in advance of such meeting. Those in attendance at the meeting shall include: the City, the Developer and/or the Developer's Superintendent/Representative, the Contractor, the Design Engineer, the Developer's safety representative, and the Developer's SWPPP representative.

Prior to issuance of Grading Permit

Engineering Division

41. Provide evidence that a Notice of Intent has been submitted and received by the local Water Quality Control Board for a General Construction Activity Storm Water Permit. Two copies of the project Storm Water Pollution Protection Plan shall be provided to the City.

42. Project shall comply with the City's Stormwater Management and Discharge Control Ordinance (Title 4, Chapter 21 of the Yuba City Municipal Code).
43. Project shall comply with the City's Grading Ordinance (Title 7, Chapter 16 of the Yuba City Municipal Code).
44. The improvement plans for the development of the subject property shall include all measures required to ensure that no drainage runoff resulting from the development of the property flow onto the adjacent residential or agricultural lands or impede the drainage from those properties. If retaining walls are required they shall be constructed of concrete or masonry block.
45. Existing and proposed grade elevations at perimeter of the proposed land development shall be shown on the tentative map per Section 8-2.604 of the Municipal Code. The Engineer of Record shall designate on the plans as to where any retaining walls are required and provide details of all proposed retaining walls. The retaining wall is required where grade differences between the proposed development and the surrounding land is greater than 6" (inches). The use of any type of wood as the retaining wall is not permitted.
46. ~~The area of Phase 2 thru Phase 4 shall drain to a~~ A new detention pond is to be constructed on the City dedicated Parcel A, in accordance with the Drainage Master Plan.
47. The Design Engineer shall provide a Drainage Master Plan of the proposed total area for review and approval. The Plan, which shall correspond to City standards, shall include hydrology/hydraulic calculations to substantiate the size and operation of the proposed detention pond and the sizing of pipes. The Plan shall also include the anticipated annual operational and maintenance costs of the proposed drainage pond, which will be utilized to establish a fee district.
48. The applicant shall submit, with the first improvement plan check, to the City for review and approval, a detailed geotechnical investigation prepared by a Civil Engineer registered in the State of California and qualified to perform geotechnical work. The grading plan shall incorporate the recommendations of the approved geotechnical investigation. (Building)
49. The lots that are created by this parcel map that are adjacent to existing residential development shall have the same finish grade elevation as those lots within tolerances as approved by the Public Works Department.
50. The Developer shall be responsible for implementing the Storm Water Pollution and Prevention Plan (SWPPP) through the use of Best Management Practices (BMP). The Developer shall be responsible for maintaining the SWPPP. The SWPPP shall conform to the provisions in Section 13, "Water Pollution Control," of the Caltrans Standard Specifications for construction of streets and local roads dated 2010, the requirements in the Manuals, and the requirements of the Permits. The Developer shall be responsible to include provisions for SWPPP requirements on the contract documents for the work under the proposed development. These provisions shall direct the successful contractor to develop a SWPPP document per the directions on the Caltrans website at <http://www.dot.ca.gov/hq/construc/stormwater/>. The Contractor shall submit the SWPPP document within the time lines set forth on the development's special provisions and allow 15 days for the City of Yuba City to review and approve or return the

document for revisions. The developer/Contractor shall not start any work until the SWPPP document has been approved by the City of Yuba City. Should the Developer fail to ensure satisfactory compliance with the SWPPP, the City Inspector may issue a stop work order until compliance is achieved.

Building Division

51. Prior to beginning construction, the applicant shall obtain a demolition permit from the City for removal of all existing structures on the site.

Prior to approval of Improvement Plans

Engineering Division

52. A Subdivision Agreement outlining any costs (hot tap, connection fee, fair share contribution, etc.) associated with the development shall be accepted by the City prior to recordation of map.
53. Obtain all necessary approvals from City, State, and Federal agencies, utilities and other effected parties that are required for the project including, but not limited to, the preparation of drawings, studies, reports and permit applications, and payment of fees. Prior to City approval of improvement plans the Developer shall provide evidence, to the satisfaction of the Public Works Department, that all such obligations have been met.
54. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
55. Where an excavation for a trench and/or structure is 5 feet deep or more, the contractor shall conform to O.S.H.A. requirements. The contractor shall provide a copy of the approved O.S.H.A. permit, and shoring details and calculations prepared by California licensed structural engineer to the Public Works Department.
56. Improvement plans shall be approved by the Yuba City Fire Department.
57. Provide ultimate roadway improvements along Garden Highway in accordance with the Reimbursement Agreement, approved by Council on October 18th, 2016, between the City and the Developer. If the City constructs the road frontage improvements on Garden Highway and Winship Rd as said improvements are shown on City Drawing No. 5353-D, then as outlined in the Reimbursement Agreement, the Developer shall reimburse the City for the costs of said improvements.
- ~~58. The driveways servicing Phase 1 lots shall be shared access ways. The number and location of the driveways shall be approved by the Public Works Department.~~
59. Winship Rd shall be constructed to a half-width of 26.5 feet from centerline of right-of-way to back of curb with parking permitted on both sides. Right-of-way shall be dedicated to a width of 32.0 feet together with a public utility easement extending to a point that is 10.5 feet behind the back of the sidewalk. Construction shall include street section, curbs, gutters, 5.0 foot attached sidewalks, and street lights except as otherwise shown on the tentative map and

approved by the Public Works Department. The northern portion of the existing roadway (from centerline of right-of-way to lip) shall be slurry sealed to the satisfaction of the City Engineer.

60. Heer Way, Hari Way, and Nar Court shall be constructed to a width of 53.0 feet back of curb to back of curb with parking permitted on both sides. Right-of-way shall be dedicated to a width of 54.0 feet together with a public utility easement extending to a point that is 10.5 feet behind the back of the sidewalk. Construction shall include street section, curbs, gutters, 5.0 foot attached sidewalks, and street lights except as otherwise shown on the tentative map and approved by the Public Works Department.

61. The structural section of all road improvements shall be designed using a geotechnical investigation which provides the basement soils R-value and expansion pressure test results. The structural section shall be designed to the following standards:

- a. Use a traffic index of 7 for collector streets
- b. Use a traffic index of 10 for arterial streets

In addition, the structural section of all road improvements shall be designed to accommodate truck route traffic, or as determined by the Public Works Director. A copy of the geotechnical investigation, including R-value, test locations and structural section calculations, shall also be submitted with the first improvement plan check.

62. Striping, pavement markings and traffic signage shall be provided on all streets as necessary and as required by the Public Works Department. Signage restricting parking and red painted curbing shall be installed where appropriate.

63. All service laterals (water, sewer, irrigation, fire suppression), along with required meters, are to be shown on the civil improvement plans.

64. All domestic, landscape, and fire service lines shall have reduced pressure backflow preventers.

65. The fire suppression system(s) that will be servicing each property shall tie-in directly to the City water main. Hot tap fees shall apply.

66. Project shall comply with the Model Water Efficient Landscape Ordinance.

67. The Developer shall be responsible for preparation of a landscape and irrigation plan, for the area around the proposed drainage pond that is deemed acceptable by the Development Services Director.

68. The improvement plans shall show that at the time of Phase 1 improvements, that the existing electrical service line shall be undergrounded or removed.

69. The Design Engineer shall provide a Drainage Master Plan of the proposed total area for review and approval. The Plan, which shall correspond to City standards, shall include hydrology/hydraulic calculations to substantiate the size and operation of the proposed detention pond and the sizing of pipes. The Plan shall also include the anticipated annual operational and maintenance costs of the proposed drainage pond, which will be utilized to establish a fee district.

70. The pond, along with any required pumping station and its appurtenances, shall be in place, in accordance with City approved standards, and as outlined by the Drainage Master Plan or at the determination of the Director of Public Works.
71. The Design Engineer shall confirm that the subdivision configuration meets current storm water requirements.
72. A decorative solid six -foot tall masonry or solid wall, with some architectural relief, shall be constructed along the property line between the proposed development and the Regional Housing property including the northerly portion of proposed Lot 23. The wall shall provide a minimum four inch cap. A detail of the wall and type shall be shown on the improvement plans with the first phase of development. Design of the wall shall be approved by the Development Services Director prior to its construction. Construction of the wall shall be prior to any building permits applied for on Lot 19 through Lot 33.
73. Special drop inlet frames and grates shall be installed at all drop inlets and junction drop inlets throughout the development area. Cast into the curb back shall be a message "Dump No Waste – Drains to River". If casting cannot be found that fits the City's standard drop inlet, then designated markers, approved by the City, shall be installed to the manufacturer's specifications on the top of curb, or at an appropriate alternative nearby location when no curb is available, at all storm drain inlets in the development area.
74. The Improvement Plans shall show provisions for the placement of centralized mail delivery units in the Public Utility Easement (P.U.E.). Developers will provide a concrete base for placement of the centralized mail delivery unit. Specifications and location of such base shall be determined pursuant to the applicable requirements of the Postal Service and the Yuba City Public Works Department, with due consideration for street light location, traffic safety, security and consumer convenience.
75. Required Improvement Plan Notes:
- a. "Any excess materials shall be considered the property of the contractor/owner and shall be disposed of away from the job site in accordance with applicable local, state and federal regulations."
 - b. "During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. The Contractor shall be responsible that all construction equipment is equipped with manufacturers approved muffler baffles. Failure to do so may result in the issuance of an order to stop work."
 - c. "If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sutter County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies."

- d. "The Contractor(s) shall be required to maintain traffic flow on affected roadways during non-working hours, and to minimize traffic restriction during construction. The Contractor shall be required to follow traffic safety measures in accordance with the CalTrans "Manual of Traffic Safety Controls for Construction and Maintenance Work Zones." The City of Yuba City emergency service providers shall be notified, at least two working days in advance, of proposed construction scheduled by the contractor(s)."
- e. "Soil shall not be treated with lime or other cementitious material without prior express permission by the Public Works Department."

Prior to acceptance of Public Improvements

Engineering Division

- 76. All existing well(s), and service lines shall be destroyed in accordance with the requirements of the Sutter County Environmental Health and Yuba City Building Departments.
- 77. Prior to paving, the Developer shall vacuum test all manholes to ensure no leakage will occur.
- 78. Prior to paving, the Developer shall hydroflush, and televise, all storm drain mains and all sewer mains. In addition, prior to the City's acceptance of the subdivision improvements, and at the Public Works Department's discretion, the storm sewer and sewer mains shall be re-hydroflushed.
- 79. Where soil or geologic conditions encountered during grading operations are different from those anticipated in the geotechnical investigation, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic investigation shall be submitted for approval by the Public Works Department. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of settlement and seismic activity.
- 80. The contractor shall maintain record drawings of the improvements and keep them on site at all times. When the project is complete, the contractor shall deliver a marked set of plans to the Engineer of Record. The Engineer of Record shall update the improvement plans with the record information. Once the changes have been added to the plans, the Engineer of Record shall submit both an electronic copy (AutoCad version 2007 or newer) and a hard copy to the City. The City will not accept the completion of the improvements until the electronic copy and hard copy have been submitted.

Prior to Final Map Recordation

Engineering Division

- 81. The Design Engineer shall provide a Drainage Master Plan of the proposed total area for review and approval. The Plan, which shall correspond to City standards, shall include hydrology/hydraulic calculations to substantiate the size and operation of the proposed detention pond and the sizing of pipes. The Plan shall also include the anticipated annual

operational and maintenance costs of the proposed drainage pond, which will be utilized to establish a fee district.

82. The pond, along with any required pumping station and its appurtenances, shall be in place, in accordance with City approved standards, and as outlined by the Drainage Master Plan or at the determination of the Director of Public Works.
83. No traffic study will be required for parcel division. However, at the discretion of the Public Works Director and/or Development Services Director, a study may be required in the future based on proposed development.
84. A public utility easement shall be provided along all interior streets extending 10 feet behind the back of the sidewalk.
85. A public utility easement shall be provided along the street frontages of Garden Highway within the boundary of the map extending to a point that is 10.5 feet behind the back of the sidewalk.
86. A waterline easement, dedicated to the City, shall be provided across Lot 27 through Lot 33 so that the City can maintain the water main, the fire hydrants, the fire hydrant runs, the water service laterals (from the main to the meter), and the water meters.
87. All street lighting shall be dedicated to the City of Yuba City.
88. The property shall petition for formation of a Zone of Benefit of the Yuba City Landscaping and Lighting Maintenance District for the purpose of maintaining the street lights, maintaining the landscaping within the private easements (lot 27 thru lot 33), maintaining the landscape around the pond, and maintaining/operating the proposed detention pond. The Engineering Division shall be reimbursed actual costs associated with the formation of the district.

Prior to Building Permit

Engineering Division

89. The Developer's Superintendent/Representative shall submit three sets of Pacific Gas and Electric approved utility plans showing joint trench locations and distribution lines prior to issuance of first building permit for each phase of construction.
90. Cross easements over all property not occupied by buildings shall be reserved in deeds for all underground utilities, ingress and egress, parking, drainage, landscaping, and the maintenance thereof to the benefit of all parcels involved in the division.

Building Division

91. All street lighting shall be energized prior to the issuance of any building permits.
92. A building pad certificate from a licensed engineer as well as a lot grading certificate from a licensed engineer and/or surveyor shall be provided to the City.

Prior to Certificate of Occupancy

Engineering Division

93. The curb, gutter, sidewalk, and lot drainage shall be inspected and approved by the City. Any curb, gutter and sidewalk which is not in accord with City standards or is damaged before or during construction, shall be replaced. All sidewalks along the City right-of-way shall be free of any non-control joint cracking. In addition, any concrete with cracks, chips, blemishes, and spalling greater than an inch in diameter shall be replaced from control joint to control joint.
94. The Developer shall, prior to the issuance of the first certificate of occupancy of the first building in each phase, construct a solid 6-foot high chain link fence across the right-of-way of Heer Way and Hari Way ~~connecting with the adjoining six foot high fences~~. This fencing shall be constructed in addition to the standard dead end barricade. The fence and barricade shall be maintained by the City via the landscape and lighting district.
95. Prior to the issuance of a certificate of occupancy, all reduced pressure backflow preventers shall be tested and a back flow preventer certification performed by an AWWA licensed tester shall be submitted to the Public Works Department.

Building Division

96. Prior to issuance of any issuance of any certificate of occupancy, all existing overhead utilities (of 26,000 volts or less) and proposed utilities, both onsite and along all project frontages shall be placed underground. The undergrounding shall go from the next post beyond the project frontage, across the frontage and then to the next post beyond the project boundary. This does not include surface mounted transformers, pedestal mounted terminal boxes and meter cabinets. Appropriate easements shall be obtained by the Developer to facilitate these installations.
97. A lot grading certificate from a licensed engineer or surveyor shall be provided to the City. This certification shall be performed after the placement of landscaping (unless a landscaping bond is in place).
98. Prior to issuance of any certificate of occupancy, all underground utilities, public improvements, and site improvements, including rough grading, shall be completed.



**CITY OF YUBA CITY
PLANNING COMMISSION
STAFF REPORT**

Meeting Date: July 22, 2020

To: Chair and Members of the Planning Commission

From: Development Services Department

Presentation By: Benjamin Moody, Development Services Director

Subject: Public hearing for the adoption of a Mitigated Negative Declaration (MND) and consideration of a Development Plan (DP) 19-04 to allow the construction of a 64,000 square foot agricultural walnut and prune processing and cold storage facility. The MND has been prepared in conformance with CEQA Guidelines, Section 15070.

Recommendation: Conduct a public hearing and take the following action:

1. Adopt the Mitigated Negative Declaration prepared for DP 19-04, as detailed in the Environmental Assessment (EA) 19-12 dated May 4, 2020, pursuant to the California Environmental Quality Act, Section 15070; and
2. Approve Development Plan 19-04 to allow the construction of a 64,000 square foot agricultural walnut and prune processing and cold storage facility located at 2179 Franklin Road, Yuba City, CA, subject to making the necessary findings as presented, and the Conditions of Approval.

Applicant/Owner: Amerjit Bhatti/Howard Dryers

Project Location: The 15.95-acre project is located at 2179 Franklin Road; (APN 63-040-012).

Project Number: Development Plan 19-04; Environmental Assessment 19-12

General Plan/Zoning: General Plan: Manufacturing, Processing and Warehousing (MP); Zoning: Heavy Commercial and Light Industrial, X Combining District, and Special Sub type 24 (C-M:X/24).

Project Proposal:

Development Plan DP 19-04 would allow for the development of a new 64,000 square foot agricultural walnut and prune processing and cold storage facility. The structure will be 40'-10" tall at the top of the highest parapet. Construction materials will consist of insulated metal panel walls, metal roof sheeting, with a color palette of "Sandstone", "Regal White", and "Dovetail Gray". Existing structures nearest to Franklin Road are unpainted concrete tilt-up buildings. The remaining warehouses are white metal, and the office is tan. Proposed colors are similar to existing colors.

The processing season occurs annually from November to April. Hours of operation typically occur from 7:00 am to 5:00 pm Monday through Friday, except on rare occasion a Saturday work shift may occur. The proposed number of employees is 25 to 30 during the processing season and five employees during the off season. The applicant proposes an additional 32 parking spaces and landscaping consistent with city code.

The site will be designed for on-site truck circulation and employee parking. A sewer line will be extended from Harding Road to the subject property. City water currently services this parcel. A City storm drainage system is not available at this time for this site. The applicant intends to utilize on-site detention pond to meet storm drainage needs. Primary access to the site will be developed directly onto Franklin Road consistent with City requirements.

Processing activities include a fumigation aspect. All fumigation at the facility will occur in a fumigation chamber located within the enclosed warehouse structure. The remainder of the facility does not and will not use any hazardous materials. All materials used for fumigation are stored within the fumigation chamber area and implemented in accordance with all applicable state, federal, and local laws, including coordination with the Feather River Air Quality Management District for compliance.

Property Description:

The 15.95-acre project site is currently developed with an existing agricultural prune and walnut processing facility. The following information pertains to the existing facility:

- Office – 2,232 sq. ft.
- Warehouse – 80,240 sq. ft.
- Storage – 49,450 sq. ft.
- Equipment cover, dryer tunnels, fumigation chamber, boiler – 13,234 sq. ft.
- Total existing building area – 145,156 sq. ft.
- The existing facility has 30 employees.
- After expansion the total building area will be 209,456 sq. ft.



Sutter Foods
63-040-012
DP 19-04

Adjacent Property Information:

The following table provides the General Plan Land Use and Zoning for adjacent properties:

Table 1: Project and Bordering Site Information			
	General Plan Land Use Classification	Zoning	Existing Land Use
<i>Project Site</i>	Manufacturing Processing & Warehouse	Heavy Commercial and Light Industrial, X Combining Dist. Special Sub Type 24	Warehouse, Storage Office
<i>North</i>	Low Density Residential	R-1 (Low Density Residential)	Agricultural
<i>East</i>	Low Density Residential	R-1 (Low Density Residential)	Agricultural
<i>West</i>	Low Density Residential	R-1 (Low Density Residential)	Agricultural
<i>South</i>	Community Commercial & Public Facility	C-2 (Community Commercial District) & PF (Public Facility)	Agriculture and Public Facility (Fire Station #4) within County Jurisdiction

General Plan Land Use Classification:

Manufacturing, Processing, and Warehousing.

This category includes manufacturing and industrial processing, general service, warehouse and distribution uses, agricultural product processing and warehousing, as well as large equipment & supply, including sales.

The use proposed by the project is in compliance with the General Plan Land Use classification for this parcel.

Zoning District Classification:

Heavy Commercial and Light Industrial, X Combining District, and Special Sub type 24 (C-M:X/24).

The use proposed by the project is in compliance with the zoning classification for this parcel.

Previous Commission Action:

The Planning Commission continued the public hearing and consideration of the item May 27, 2020. Subsequent to discussion of the project, the public hearing was continued by the applicant to July 22, 2020.

Staff Comments:

Building Design: The Project involves the construction of a 64,000 square foot metal processing warehouse, similar to other facilities on this property and in this general area. Construction materials will consist of insulated metal panel walls, metal roof sheeting, with a color palette of “Sandstone”, “Regal White”, and “Dovetail Gray”. Existing structures nearest to Franklin Road are unpainted concrete tilt-up buildings. The remaining warehouses are white metal, and the office is tan. Proposed colors are similar to existing colors.

Development Standards: After project completion, total building lot coverage will be approximately 0.41 percent. The building location complies with applicable setbacks for this zoning classification, as well as height limits. This zone allows for a building height of 52 feet. The height of the proposed building is 40 feet. Given a review of project plans, as well as recommended Conditions of Approval, the project is considered consistent with the Yuba City Municipal Code with respect to landscaping, lighting, fencing/screening, parking, and required public improvements.

Landscaping and Lighting: Landscaping will be installed consistent with the City's Municipal Code and Design Guidelines applicable to new development. Landscaping features include a 6-foot-tall masonry block wall, street trees, and shrubs screening the new structure from the Franklin Road right-of way.

The site is currently developed with existing outdoor lighting. The new construction and parking areas will have lit parking lots consistent with City ordinance which limits the light standards to a maximum of 18 feet high, as well as stipulating that the lighting must be designed to limit offsite glare. The lighting from the Project is not expected to increase lighting related impacts in this vicinity.

Fencing and Wall: Landscaping features include a 6-foot-tall masonry block wall, street trees, and shrubs screening the new structure from the Franklin Road right-of-way.

Parking and Circulation: The project has frontage access onto Franklin Road. The City's Public Works Department has reviewed the project and has recommended mitigation as described in the project's environmental assessment, Initial Study. The Project will be required to improve the access onto the Franklin Road to City standards, including installing underground utilities, road and sidewalk improvements along the property frontage for the north half of Franklin Road. These improvements will be phased in accordance with Public Works requirements to coordinate with adjacent infrastructure. Adequate space exists on the property to accommodate necessary employee parking.

Compatibility with Surrounding Uses: The project does not conflict with any applicable Land Use plan, policy, or regulations of an agency with jurisdiction over the project. The site is surrounded by a variety of uses, including low density single-family residential and agricultural uses. The site is currently used as a processing facility.

Compliance of Use with Zoning Code:

The project site is planned for both heavy and industrial uses. The General Plan Land Use classification for the project parcel is Manufacturing, Processing and Warehousing. The Land Use and environmental impacts for these uses were evaluated as part of the General Plan EIR.

The existing operation is surrounded to the west, north and east by agricultural operations. Any future residential development would be subject to review/approval by the City, including with respect to land use compatibility. Placement of masonry walls at the property lines with the industrial operation would be required.

This is an existing manufacturing/processing business. The Development Plan is only addressing the expansion of the use.

The project site is zoned Heavy Commercial/Light Industrial (C-M). Zoning Code Sec. 8-5.1501. states the purpose of this zoning as: *"This district is for a transition between commercial and industrial areas. This is typically a commercial area with low visibility or the more visible industrial areas. The district provides for selected sales and services that are often considered inappropriate in primary retail areas due to size or operating characteristics, as well as various light industrial type uses. This district is not intended to provide typical retail sales normally found in the retail districts. This district is consistent with the Community Commercial, Regional Commercial and Light Industrial General Plan classifications."*

Permitted uses for the C-M zoning include:

- a. Food storage lockers, ice making facilities
- b. Indoor assembly, processing, fabricating, treatment, manufacturing, repairing or packaging of goods that do not create noise, dust, odor, smoke, bright light, involve the handling of explosives or inflammable materials as a primary use, or otherwise create offensive conditions at the property line

Police Department Comments: No comments were received for the City's Police Department.

Fire Department Comments: The Yuba City Fire Department will require that prior to occupancy, a State fire inspection must be conducted to ensure compliance with fire codes.

Any operations at this facility would be required to meet these performance standards:

Hazard or Hazardous Materials:

Section 4.9.4 of the Mitigated Negative Declaration, Hazards and Hazardous Materials,

addresses the following questions:

“Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?”

The presence of hazardous materials anticipated with development of this project are primarily related to construction and grading equipment which includes solvents, oil and fuel. The presence of these materials is expected to be below a quantity which would warrant specific mitigation.

The facility will be utilizing a fumigation process as part of the facility operation. Fumigation will take place within an enclosed warehouse structure, and will be subject to storage and use per local and state standards for safety purposes.

Hazards and Hazardous Materials Mitigation Measure 4.9.4 (ADDRESSES FUMIGATION ACTIVITIES):

Fumigation will take place within an enclosed warehouse structure, and will be subject to storage and use per local and state standards for safety purposes.

All necessary local and state permits would be required prior to the commencement of any new activities, and for the current ongoing activities. The Feather River Air Quality Management District oversees local permitting requirements, and would issue an operating permit only if the applicant is able to demonstrate ability to comply with Air District regulations and ensure a safe operation.

Noise:

Noise is regulated by the Municipal Code, which, for industrial land uses, identifies "normally acceptable" noise limits up to 75 decibels, as measured at the property line. Further, hours of operation are limited to 6am to 9pm weekdays and Saturdays (8 am starts on Sundays and holidays).

The applicant stated: “The hours of operation will not change with the development of this new building at the Howard Dryer Facility on 2179 Franklin Road. Currently we operate Monday through Friday from 7AM to 5PM, except on rare occasion might have to work a Saturday shift.”

Truck Traffic:

Trucks would utilize the central driveway (existing) for entering and exiting the facility; trucks for the new facility would utilize docks interior to the site.

Environmental Determination:

Following the preparation of an Initial Study pursuant to the California Environmental Quality Act (CEQA), it has determined that there will not be a significant effect on the environment given adoption of mitigation measures as detailed in the Initial Study dated May 4, 2020. A MITIGATED NEGATIVE DECLARATION has been prepared in association with this proposal.

Recommended Action:

Findings:

The proposed project has been examined with respect to its consistency with the goals and policies of the General Plan and Zoning Code, its compatibility with surrounding uses, and the scope of improvements, all of which have been determined not to have a significant impact on the environment.

Yuba City Municipal Code Sections 8-5.700(C)(iv) requires that findings be made in order to approve a development plan. Provided below is an evaluation of the findings required to approve the project. The required findings are in *italics*.

1. **Environmental:** Following the preparation of an Initial Study pursuant to the California Environmental Quality Act (CEQA), it has been determined that there will not be a significant effect on the environment given adoption of mitigation measures as detailed in the Initial Study dated May 4, 2020. A MITIGATED NEGATIVE DECLARATION has been prepared in association with this proposal.
2. **Development Plan:** Based upon analysis of the Development Plan application and subject to the applicant's compliance with the Conditions of Approval, the following required findings of Section 8-5.7001(c) of the Municipal Code can be made:

- a. *The site for the proposed use is adequate in size and shape to accommodate said use, public access, parking and loading, yards, landscaping, and other features required by this Chapter (Zoning Regulations).*

The approximately 15-acre site is adequate as proposed in the Development Plan to accommodate the proposed structures, parking, yards, landscaping and all required features of the Zoning Code.

- b. *The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.*

Given roadway improvements as detailed in the Initial Study and Mitigated Negative Declaration, the existing circulation system is adequate to accommodate the proposed project.

- c. *The site design, design of the building, and scale of the project will complement*

neighboring facilities.

Given the project's location on an existing developed parcel, including landscape requirements utilized for screening purposes, the project will integrate into the existing vicinity.

d. The application satisfies at least one of the findings found in Title 6, Chapter 9, Article 6 of the Municipal Code.

The project satisfies the following findings:

- (a) The facilities of the State plan of flood control or other flood management facilities protect the property to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas
- (e) The property is located in an area of potential flooding of three feet or less from sources other than local drainage or potential flooding from local drainage that meets the criteria of the national Federal Emergency Management Agency standard of flood protection

Commission Action:

Staff recommends that the Planning Commission conduct a public hearing and take the following actions:

1. Adopt the Mitigated Negative Declaration prepared for DP 19-04 as detailed in the Environmental Assessment EA 19-12 dated May 4, 2020, pursuant to the California Environmental Quality Act, Section 15070; and
2. Approve Development Plan 19-04 to allow the construction of a 64,000 square foot agricultural walnut and prune processing and cold storage facility located at 2179 Franklin Road, Yuba City, CA, subject to making the necessary findings as presented, and the Conditions of Approval.

Attachments:

- A. Mitigated Negative Declaration
- B. Site Plan
- C. Building Elevations
- D. Conditions of Approval
- E. Resolution

Attachment A



Environmental Assessment EA 19-12

Initial Study and Mitigated Negative Declaration - Development Plan DP19-04 for the
Sutter Foods Retail Development

Prepared for:

City of Yuba City
1201 Civic Center Blvd.
Yuba City, CA 95993

Prepared By:

Gary Pedroni
Contract Planner
&
City of Yuba City
Development Services Department
Planning Division
1201 Civic Center Blvd.
Yuba City, CA 95993

May 6, 2020

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CITY OF YUBA CITY

Development Services Department
Planning Division

1201 Civic Center Blvd. Yuba City, CA 95993 Phone (530) 822-4700

2. Introduction

2.1. Introduction

This Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared to identify any potential environmental impacts in the City of Yuba City (the City) associated with Development Plan **DP 19-04** would allow for the development of a 64,000 square foot agricultural walnut and prune processing and cold storage facility. The 15.95-acre property lies on the north side of Franklin Road approximately 800 feet west of its intersection with North Harding Road.

The proposed development (the Project) is considered a project under the California Environmental Quality Act (CEQA), as the City has discretionary authority over the project. The project requires discretionary review by the City of Yuba City Planning Commission.

This IS/MND has been prepared in conformance with CEQA Guidelines Section 15070. The purpose of the IS/MND is to determine the potential significant impacts associated with the Project for the development of an agricultural walnut and prune processing and cold storage facility. In addition, this document is intended to provide the basis for input from public agencies, organizations, and interested members of the public.

2.2. Regulatory Information

An Initial Study (IS) is an environmental assessment document prepared by a lead agency to determine if a project may have a significant effect on the environment. In accordance with the California Code of Regulations Title 14 (Chapter 3, §15000 et seq.), commonly referred to as the CEQA Guidelines - Section 15064(a)(1) states an environmental impact report (EIR) must be prepared if there is substantial evidence in light of the whole record that the proposed project under review may have a significant effect on the environment and should be further analyzed to determine mitigation measures or project alternatives that might avoid or reduce project impacts to less than significant. A negative declaration may be prepared instead, if the lead agency finds that, with mitigation measures, there is no substantial evidence, in light of the whole record that the project will have a significant effect on the environment. A negative declaration is a written statement describing the reasons why a proposed project, not exempt from CEQA pursuant to §15300 et seq. of Article 19 of the Guidelines, would not have a significant effect on the environment and, therefore, why it would not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a negative declaration shall be prepared for a project subject to CEQA when either:

- A. The IS shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or
- B. The IS identified potentially significant effects, but:

- a. Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration and initial study is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur is prepared, and
- b. There is no substantial evidence, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment. If revisions are adopted by the Lead Agency into the proposed project in accordance with the CEQA Guidelines Section 15070(b), a Mitigated Negative Declaration (MND) is prepared.

2.3. Document Format

This IS/MND contains four chapters, and one technical appendix. Chapter 1, Introduction, provides an overview of the proposed Project and the CEQA environmental documentation process. Chapter 2, Project Description, provides a detailed description of proposed Project objectives and components. Chapter 3, Impact Analysis, presents the CEQA checklist and environmental analysis for all impact areas, mandatory findings of significance, and feasible measures. If the proposed Project does not have the potential to significantly impact a given issue area, the relevant section provides a brief discussion of the reasons why no impacts are expected. If the proposed Project could have a potentially significant impact on a resource, the issue area discussion provides a description of potential impacts, and appropriate mitigation measures and/or permit requirements that would reduce those impacts to a less than significant level. Chapter 4, List of Preparers, provides a list of key personnel involved in the preparation of the IS/MND.

2.4. Purpose of Document

This document has been prepared to satisfy the California Environmental Quality Act (CEQA) (Pub. Res. Code, Section 21000 et seq.) and the State CEQA Guidelines (Title 14 CCR §15000 et seq.). CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before acting on those projects.

The initial study is a public document used by the decision-making lead agency to determine whether a project may have a significant effect on the environment. If the lead agency finds substantial evidence that any aspect of the project, either individually or cumulatively, may have a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, the lead agency is required to use a previously prepared EIR and supplement that EIR, or prepare a subsequent EIR to analyze at hand. If the agency finds no substantial evidence that the project or any of its aspects may cause a significant effect on the environment, a negative declaration shall be prepared. If in the course of the analysis, it is recognized that a project may have a significant impact on the environment, but that with specific recommended mitigation measures incorporated into the project, these impacts shall be reduced to less than significant, a mitigated negative declaration shall be prepared.

In reviewing all of the available information for the above referenced project, the City of Yuba City Development Services Department has analyzed the potential environmental impacts created by this project and a mitigated negative declaration has been prepared for this project.

Intended Uses of this Document

In accordance with CEQA, a good-faith effort has been made during preparation of this IS/MND to contact affected public agencies, organizations, and persons who may have an interest in the proposed project. In reviewing the Draft IS/MND, affected and interested parties should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the effects of the proposed project would be avoided or mitigated.

The Draft IS/ND and associated appendices will be available for review on the City of Yuba City website at <http://www.yubacity.net>. The Draft IS/MND and associated appendixes also will be available for review during regular business hours at the City of Yuba City Development Services Department (1201 Civic Center Boulevard, Yuba City, California 95993). The 20 day review period will commence on May 7, 2020 and end on May 26, 2020.

Written comments on the Draft IS/MND should be sent to the following address:

City of Yuba City
Attn: Gary Pedroni, Contract Planner
Development Services Department
1201 Civic Center Boulevard
Yuba City, CA 95991

E-mail: gpedroni@landlogistics.com
Phone: (707) 489-5746

3. Project Description

3.1. Project Title

Sutter Foods Development Plan **DP 19-04** agricultural walnut and prune processing and cold storage facility – The Project

3.2. Lead Agency Name and Address

City of Yuba City
Development Services Department, Planning Division
1201 Civic Center Blvd.
Yuba City, CA 95993

3.3. Contact Person and Phone Number

Gary Pedroni, Contract Planner
(707) 489-5746
gpedroni@landlogistics.com

3.4. Project Location/Existing Use

The property lies on the north side of Franklin Road approximately 950 feet west of its intersection with North Harding Road.

3.5. Assessor's Parcel Number (APN)

Assessor's Parcel Number 63-040-012

3.6. Project Applicant

Amerjit Bhatti
1500 Reed Road, Yuba City, CA 95993
(530) 682-7776

3.7. Property owner

Howard Dryers, Sutter Foods
2179 Franklin Road, Yuba City CA 95993
(530) 682-7776

3.8. General Plan Designation

Manufacturing, Processing & Warehousing (MP)

3.9. Zoning

Heavy Commercial and Light Industrial, X Combining District, and Special Sub type 24: C-M:X/24

3.10. Project description

Development Plan **DP 19-04** would allow for the development of a new 64,000 square foot agricultural walnut and prune processing and cold storage facility. The structure will be 40'-10" tall at the top of the highest parapet. Construction materials will consist of insulated metal panel walls, metal roof sheeting, with a color palette of "Sandstone", "Regal White", and "Dovetail Gray". Existing structures nearest to Franklin Road are unpainted concrete tilt-up buildings. The remaining warehouses are white metal, and the office is tan. Proposed colors are similar to existing colors.

The processing season extends from November to April yearly. Hours of operation will be from 7:00 am to 4:00 pm Monday through Friday. The proposed number of employees is 25 to 30 during the processing season and 5 employees during the off season. The applicant proposes an additional 32 parking spaces and landscaping consistent with city code.

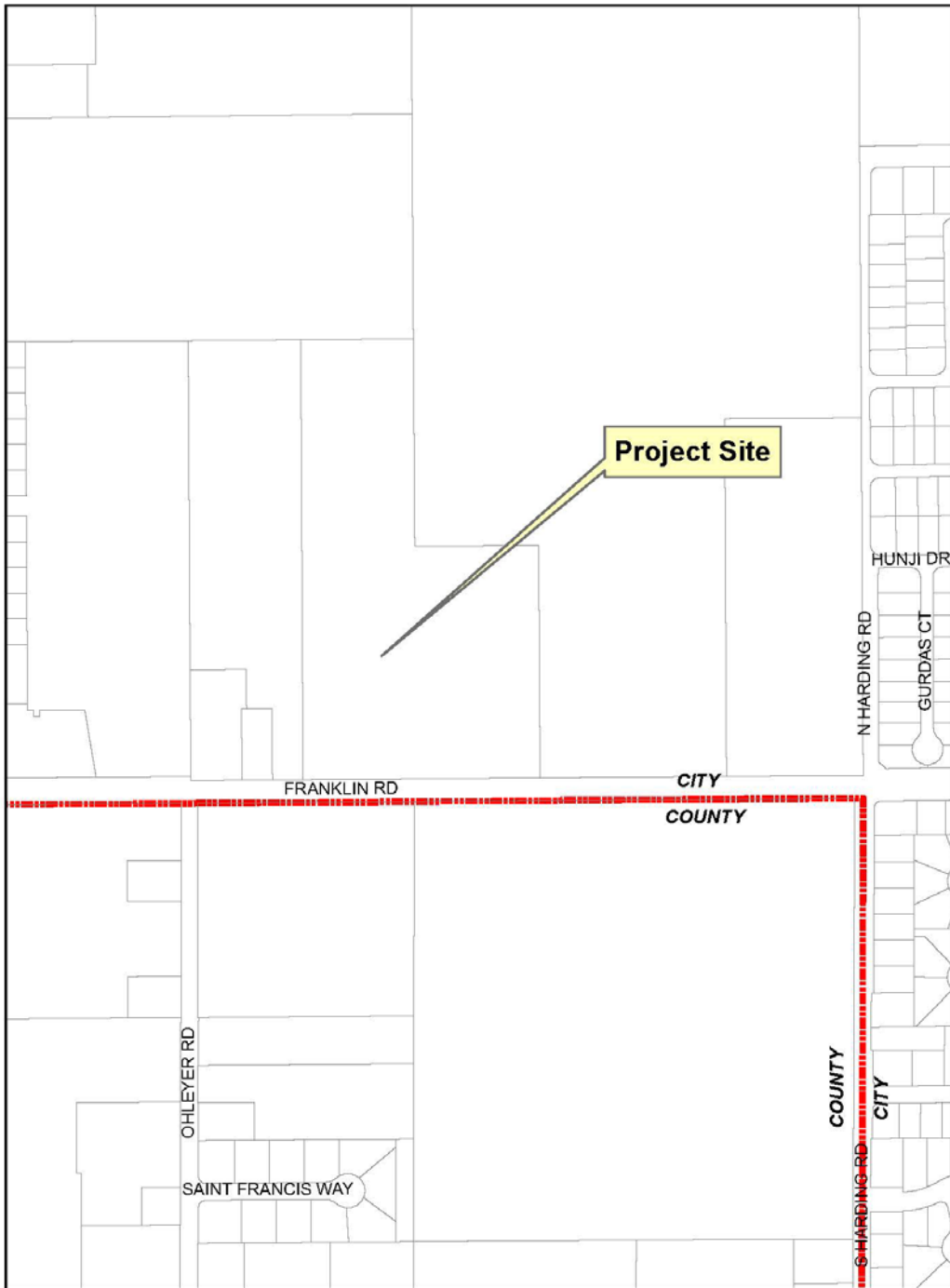
The site is currently developed with an existing agricultural prune and walnut processing facility. The following information pertains to the existing facility:

- Office – 2,232 sq. ft.
- Warehouse – 80,240 sq. ft.
- Storage – 49,450 sq. ft.
- Equipment cover, dryer tunnels, fumigation chamber, boiler – 13,234 sq. ft.
- Total existing building area – 145,156 sq. ft.
- The existing facility has 30 employees.
- After expansion the total building area will be 209,456 sq. ft.

The site will be designed for on-site truck circulation and employee parking. A sewer line will be extended from Harding Road to the subject property. City water currently services this parcel. A City storm drainage

system is not available at this time for this site. The applicant intends to utilize an existing on-site detention pond to meet drainage needs. Primary access to the site will be developed directly onto Franklin Road consistent with City requirements.

The processing activities includes a fumigation aspect. All fumigation at the facility will occur in a fumigation chamber located within the enclosed warehouse structure. The remainder of the facility does not and will not use any hazardous materials. All materials used for fumigation are stored within the fumigation chamber area.



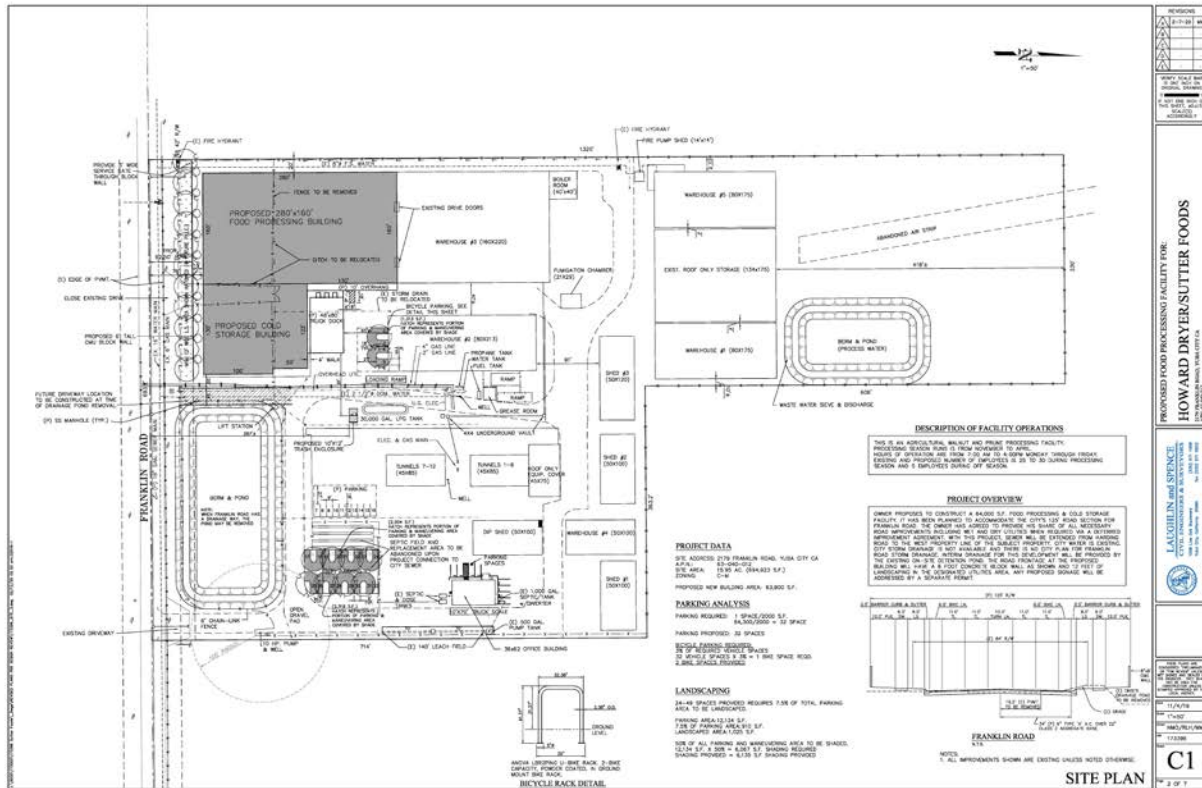
Sutter Foods
63-040-012
DP 19-04

1 inch = 400 feet

LOCATION MAP



1 inch = 400 feet



PROJECT SITE MAP

3.11. Surrounding Land Uses & Setting

Table 1: Bordering Uses	
North:	Agricultural
South:	Public Facility and County jurisdiction
East:	Agricultural
West:	Agricultural

3.12. Other Public Agencies Whose Approval May be Required

Central Valley Regional Water Quality Control Board
Feather River Air Quality Management District

3.13. Environmental Factors Potentially Affected

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

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input checked="" type="checkbox"/> Geology/Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazzard & Hazardous Materials |
| <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services |
| <input checked="" type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Service Systems | <input checked="" type="checkbox"/> Wildfire | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

Determination: 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 the 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.

Gary Pedroni

Signature

May 4, 2020

Date

Gary Pedroni, Contract Planner

Printed Name/Position

3.14. Evaluation of Environmental Impacts:

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 a project-specific screening analysis).

All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

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.

“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 “Earlier Analysis,” as described below, may be cross referenced). A Mitigated Negative Declaration also requires preparation and adoption of a Mitigation Monitoring and Reporting Program (MMRP)

Earlier analysis 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. In this case, a brief discussion should identify and state where earlier analysis are available for review.

Impacts Adequately Addressed. The IS/MND should identify which effects from the above checklist were within the scope 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.

Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” the IS/MND should describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they addressed site-specific conditions for the project.

Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts. Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

Supporting Information Sources: A source list is attached, and other sources used or individuals contacted are cited in the discussion.

4. Environmental Checklist and Impact Evaluation

The following section presents the initial study checklist recommended by the California Environmental Quality Act (CEQA; Appendix G) to determine potential impacts of a project. Explanations of all answers are provided following each question, as necessary.

4.1. Aesthetics

Table 4-1: Aesthetics				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?		X		
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			X	

4.1.1. Environmental Setting/Affected Environment

Background views are generally considered to be long-range views in excess of 3 to 5 miles from a vantage point. Background views surrounding the project site are limited due to the flat nature of the site and the surrounding urban landscape. Overall, the vast majority of Sutter County is relatively flat, with the Sutter Buttes being the exception. The Sutter Buttes, located approximately 9 miles northwest of the project site, are visibly prominent throughout and can be seen from all over Yuba City and Sutter County. The Sutter Buttes comprise the long-range views to the northwest and are visible on a clear day from the majority of the City, except in areas where trees or intervening structures block views of the mountain range.

The City's Community Design Element, "establishes policies to ensure the creation of public and private improvements that will maintain and enhance the image, livability, and aesthetics of Yuba City in the years to come."

The following principles and policies are applicable:

- Maintain the identity of Yuba City as a small-town community, commercial hub, and residential community, surrounded by agricultural land and convey, through land uses and design amenities, Yuba City's character and place in the Sacramento Valley.
- Recognizing the livability and beauty of peer communities with highly designed visual landscapes, commit to a focus on the visual landscape of Yuba City.
- Maintain, develop, and enhance connections between existing and planned neighborhoods.

- Create and build upon a structured open space and parks network, centered on two large urban parks and the Feather River Corridor.
- Strive for lush, landscaped public areas marked by extensive tree plantings.
- Design commercial and industrial centers to be visually appealing, to serve both pedestrians and automobiles, and to integrate into the adjacent urban fabric.

In addition to the City's General Plan, the City provides Design Guidelines which apply to commercial and multi-family housing. The goal of the City's design guidelines is to ensure the highest quality of building design which are thoughtfully designed, compatible with the surroundings in terms of scaling, massing, detailing, and building styles. There are building designs that facilitate the pedestrian, automobile, bicycle, and transit experience. All design standards consider public safety, public interaction, and the preservation of architecturally significant historic resources.

4.1.2. Federal Regulatory Setting

Federal regulations relating to aesthetics include: Organic Administration Act (1897), Multiple Use – Sustained Yield Act (1960), Wilderness Act (1964), Federal Lands Policy and Management Act (1976), Wild and Scenic Rivers Act. The proposed Project is not subject to these regulations since there are no federally designated lands or rivers in the vicinity.

4.1.3. State Regulatory Setting

The California State Scenic Highway Program was created by the California Legislature in 1963 to preserve and protect scenic highway corridors from change which would diminish the aesthetic value of lands adjacent to highways. The state laws governing the Scenic Highway Program are found in the Streets and Highways Code, Section 260 et seq. The State Scenic Highway System includes a list of highways that are either eligible for designation as scenic highways or have been so designated. These highways are identified in Section 263 of the Streets and Highways Code.

A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. When a city or county nominates an eligible scenic highway for official designation, it must identify and define the scenic corridor of the highway. A scenic corridor is the land generally adjacent to and visible from the highway. A scenic corridor is identified using a motorist's line of vision. A reasonable boundary is selected when the view extends to the distant horizon. The corridor protection program does not preclude development, but seeks to encourage quality development that does not degrade the scenic value of the corridor. Jurisdictional boundaries of the nominating agency are also considered. The agency must also adopt ordinances to preserve the scenic quality of the corridor or document such regulations that already exist in various portions of local codes. These ordinances make up the scenic corridor protection program. County roads can also become part of the Scenic Highway System. To receive official designation, the county must follow the same process required for official designation of state scenic highways. There are no designated state scenic highways in the view shed of the project site.

California Building Code Title 24 Outdoor Lighting Standards: Requirements vary according to which "Lighting Zone" the equipment is in. The Standards contain lighting power allowances for newly installed equipment and specific alterations that are dependent on which Lighting Zone the project is located in. Existing outdoor lighting systems are not required to meet these lighting power allowances. However, alterations that increase the connected load, or replace more than 50 percent of the existing luminaires,

for each outdoor lighting application that is regulated by the Standards, must meet the lighting power allowances for newly installed equipment.

An important part of the Standards is to base the lighting power that is allowed on how bright the surrounding conditions are. The eyes adapt to darker surrounding conditions, and less light is needed to properly see; when the surrounding conditions get brighter, more light is needed to see. The least power is allowed in Lighting Zone 1 and increasingly more power is allowed in Lighting Zones 2, 3, and 4. By default, government designated parks, recreation areas and wildlife preserves are Lighting Zone 1; rural areas are Lighting Zone 2; and urban areas are Lighting Zone 3. Lighting Zone 4 is a special use district that may be adopted by a local government. The proposed Project is located in an urban area; thereby, it is in Lighting Zone 3.

4.1.4. Impact Assessment/Environmental Consequences:

a) Have a substantial adverse effect on a scenic vista? 4.1.4

There are no designated scenic vistas within the vicinity of the proposed Project. As this parcel is already substantially developed, there are no near views of open spaces that will be interrupted in association with the proposed warehouse.

The applicant intends to develop the property with the construction of a 64,000 sq. ft. 40' tall agricultural warehouse similar to other structures that currently exist on this parcel. The structure will be similar in design and finish as other structures on this site. Primary access to the site will be provided by direct access onto Franklin Road to the south. Landscaping will be installed consistent with the City's Municipal Code and Design Guidelines applicable to new development. Landscaping features include a 6 foot tall cinder block wall, street trees, and shrubs screening the new structure from the Franklin Road ROW. It is not anticipated that the development of this site will not create any significant impacts on the scenic views from this area.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The property is currently substantially developed. There are no rock outcroppings, large trees or historic buildings on the site. Most of the properties in this general vicinity have been previously developed or in agricultural production. Moreover, there is not a designated scenic highway near the site. Therefore, there will be no significant impacts on scenic resources.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

The Project involves the construction of a 64,000 square foot metal processing warehouse, similar to other facilities in this area. The applicant has proposed screening methods (cinder block wall and landscaping) in order to reduce this potential impact to a less than significant level with mitigation.

Aesthetics Mitigation Measures 4.1.4.c -

1. A 6.0 foot tall masonry block wall shall be installed at the property frontage, except at the locations of any proposed driveways and the existing detention pond. At such time that the pond is removed, the 6.0 foot tall masonry block wall shall be extended eastwardly along the property frontage.

2. The landscaping in the right-of-way is a public improvement which shall meet the Parks Division Planting Standards and Yuba City Standard Details. A landscape plan shall be included in the improvement plans when the plans are submitted for the first plan check. The landscape plan shall meet the Model Water Efficient Landscape Ordinance.
3. The property shall petition for formation of a Zone of Benefit of the Yuba City Landscaping and Lighting Maintenance District for the purpose of maintaining the landscaping, which is to be planted along Franklin Road, maintaining the masonry walls, and maintaining any future streetlights. The Engineering Division shall be reimbursed actual costs associated with the formation of the district.

d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

The site is currently developed with existing outdoor lighting. The new construction and parking areas will have lit parking lots consistent with City ordinance which limits the light standards to a maximum of 18 feet high as well as stipulating that the lighting must be screened from direct view from the roadway. The lighting from the Project is not expected to be any greater than existing uses. Therefore, any impacts from new outdoor lighting should be less than significant.

4.2. Agricultural 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 prepared (1997) by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Table 4-2: Agricultural and Forestry Resources				
Would the project:	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?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forestland (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))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X

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?				X
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4.2.1. Environmental Setting/Affected Environment

Sutter County is located within the northern portion of California’s Central Valley, known as the Sacramento Valley. It contains some of the richest soils in the State. These soils, combined with abundant surface and subsurface water supplies and a long, warm growing season, make Sutter County’s agricultural resources very productive. Sutter County is one of California’s leading agricultural counties, with 83 percent of the County’s total land acreage currently being used for agricultural purposes. However, while Sutter County provides rich agricultural opportunities, the subject site is in an urban area and has been designated for urban uses for many years.

4.2.2. Federal Regulatory Setting

Farmland Protection Policy Act: The Natural Resources Conservation Service (NRCS), a federal agency within the U.S. Department of Agriculture (USDA), is the agency primarily responsible for implementation of the Farmland Protection Policy Act (FPPA). The FPPA was enacted after the 1981 Congressional report, Compact Cities: Energy-Saving Strategies for the Eighties indicated that a great deal of urban sprawl was the result of programs funded by the federal government. The purpose of the FPPA is to minimize federal programs’ contribution to the conversion of farmland to non-agricultural uses by ensuring that federal programs are administered in a manner that is compatible with state, local, and private programs designed to protect farmland. Federal agencies are required to develop and review their policies and procure to implement the FPPA every two years (USDA-NRCS, 2011).

2014 Farm Bill: The Agricultural Act of 2014 (the Act), also known as the 2014 Farm Bill, repeals certain programs, continues some programs with modifications, and authorizes several new programs administered by the Farm Service Agency (FSA). Most of these programs are authorized and funded through 2018.

The Farm Bill builds on historic economic gains in rural America over the past five years, while achieving meaningful reform and billions of dollars in savings for the taxpayer. It allows USDA to continue record accomplishments on behalf of the American people, while providing new opportunity and creating jobs across rural America. Additionally, it enables the USDA to further expand markets for agricultural products at home and abroad, strengthen conservation efforts, create new opportunities for local and regional food systems and grow the bio-based economy. It provides a dependable safety net for America’s farmers, ranchers and growers and maintains important agricultural research, and ensure access to safe and nutritious food for all Americans.

Forestry Resources: Federal regulations regarding forestry resources are not relevant to the proposed Project because no forestry resources exist on the project site or in the vicinity.

4.2.3. State Regulatory Setting

California Environmental Quality Act (CEQA) Definition of Agricultural Lands: Public Resources Code Section 21060.1 defines “agricultural land” for the purposes of assessing environmental impacts using the Farmland Mapping & Monitoring Program (FMMP). The FMMP was established in 1982 to assess the

location, quality, and quantity of agricultural lands and the conversion of these lands. The FMMP provides analysis of agricultural land use and land use changes throughout California.

California Department of Conservation, Division of Land Resource Protection: The California Department of Conservation (DOC) applies the NRCS soil classifications to identify agricultural lands, and these agricultural designations are used in planning for the present and future of California's agricultural land resources. Pursuant to the DOC's FMMP, these designated agricultural lands are included in the Important Farmland Maps (IFM) used in planning for the present and future of California's agricultural land resources. The FMMP was established in 1982 to assess the location, quality, and quantity of agricultural lands and the conversion of these lands. The FMMP provides analysis of agricultural land use and land use changes throughout California. The DOC has a minimum mapping unit of 10 acres, with parcels that are smaller than 10 acres being absorbed into the surrounding classifications.

The list below provides a comprehensive description of all the categories mapped by the DOC. Collectively, lands classified as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland is referred to as Farmland.

- *Prime Farmland.* Farmland that has the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
- *Farmland of Statewide Importance.* Farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.
- *Unique Farmland.* Farmland of lesser quality soils used for the production of the State's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.
- *Farmland of Local Importance.* Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.
- *Grazing Land.* Land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum mapping unit for Grazing Land is 40 acres.
- *Urban and Built-up Land.* Land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, public administrative purposes, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.
- *Other Land.* Land not included in any other mapping category. Common examples include low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; confined livestock, poultry or aquaculture facilities; strip mines and borrow pits; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

California Land Conservation Act (Williamson Act): The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, is promulgated in California Government Code Section 51200-51297.4, and therefore is applicable only to specific land parcels within the State of California. The Williamson Act enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space uses in return for reduced property tax assessments. Private land within locally designated agricultural preserve areas is eligible for enrollment under Williamson Act contracts. However, an agricultural preserve must consist of no less than 100 acres. In order to meet this requirement two or more parcels may be combined if they are contiguous, or if they are in common ownership.

The Williamson Act program is administered by the Department of Conservation (DOC), in conjunction with local governments, which administer the individual contract arrangements with landowners. The landowner commits the parcel to a 10-year period, or a 20-year period for property restricted by a Farmland Security Zone Contract, wherein no conversion out of agricultural use is permitted. Each year the contract automatically renews unless a notice of non-renewal or cancellation is filed. In return, the land is taxed at a rate based on the actual use of the land for agricultural purposes, as opposed to its unrestricted market value. An application for immediate cancellation can also be requested by the landowner, provided that the proposed immediate cancellation application is consistent with the cancellation criteria stated in the California Land Conservation Act and those adopted by the affected county or city. Non-renewal or immediate cancellation does not change the zoning of the property. Participation in the Williamson Act program is dependent on county adoption and implementation of the program and is voluntary for landowners.

Farmland Security Zone Act: The Farmland Security Zone Act is similar to the Williamson Act and was passed by the California State Legislature in 1999 to ensure that long-term farmland preservation is part of public policy. Farmland Security Zone Act contracts are sometimes referred to as “Super Williamson Act Contracts.” Under the provisions of this act, a landowner already under a Williamson Act contract can apply for Farmland Security Zone status by entering into a contract with the county. Farmland Security Zone classification automatically renews each year for an additional 20 years. In return for a further 35% reduction in the taxable value of land and growing improvements (in addition to Williamson Act tax benefits), the owner of the property promises not to develop the property into nonagricultural uses.

Forestry Resources: State regulations regarding forestry resources are not relevant to the proposed Project because no forestry resources exist on the project site or in the vicinity.

4.2.4. Impact Assessment/Environmental Consequences:

- 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?*

The Project is located at the southern edge of the Yuba City planning area. The site is substantially developed as a food processing site and is surrounded primarily by existing agricultural uses. Because of the existing use of the property, it has not been farmed for many years. The property is designated by the City for warehousing and manufacturing uses, as provided in the General Plan and for which overriding considerations regarding the loss of agricultural land were made in the General Plan EIR. Therefore the impact on agriculture land loss will be less than significant.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

The proposed Project is currently zoned for warehousing and manufacturing type uses and is not currently be utilized for the growing of agricultural products. As this use type has existed adjacent to existing agricultural uses for many years without incident or detriment to the agriculture use in the area, it is anticipated that there will be no impact with respect to this issue.

c) Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4256), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

The proposed Project is located in the Sacramento Valley, in a relatively flat area formerly used for agriculture, but designated years ago for urban use. There are no forests or timberland located on the project site or within the vicinity of the proposed Project. There will be no impact on existing zoning of forestland, and the proposed Project will not cause the rezoning of any forestlands.

d) Result in the loss of forestland or conversion of forest land to non-forest use?

There is no forested land on the Project site or within the vicinity of the proposed Project; therefore, there will be no impact.

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?

The proposed Project is infill of a previously developed site and has not been utilized as farmland for many years. While the underlying soils have agriculture qualities, the area was urbanized many years ago and its viability for agricultural use is not realistic. It is not anticipated that the nearby agricultural use will be impacted by this Project. There are no forestlands on the Project site or in the vicinity. No properties within the area are within the Williamson Act. For these reasons there should be no significant impacts due to premature conversion of agricultural land that would result from this Project.

4.3. 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.

Table 4-3: Air Quality				
Would the project?	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?		X		
b) Violate any air quality standards or contribute substantially to an existing or projected air quality violation?			X	
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			X	

emissions which exceed quantitative thresholds for ozone precursors)?				
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	

4.3.1. Environmental Setting/Affected Environment

Yuba City is located within the Sacramento Valley Air Basin (SVAB), which consists of the northern half of the Central Valley and approximates the drainage basin for the Sacramento River and its tributaries. The SVAB is bounded on the west by the Coast Range, on the north by the Cascade Range, on the east by the Sierra Nevada, and on the south by the San Joaquin Valley Air Basin. The intervening terrain is flat, and approximately 70 feet above sea level. The SVAB consists of the counties of Butte, Colusa, Glenn, Sacramento, Shasta, Sutter, Tehama, Yolo, and Yuba and portions of Placer and Solano Counties.

Hot dry summers and mild rainy winters characterize the Mediterranean climate of the Sacramento Valley. The climate of the SVAB is dominated by the strength and position of the semi-permanent high-pressure cell over the Pacific Ocean north of Hawaii. In summer, when the high-pressure cell is strongest and farthest north, temperatures are high and humidity is low, although the incursion of the sea breeze into the Central Valley helps moderate the summer heat. In winter, when the high-pressure cell is weakest and farthest south, conditions are characterized by occasional rainstorms interspersed with stagnant and sometimes foggy weather. Throughout the year, daily temperatures may range from summer highs often exceeding 100 degrees Fahrenheit and winter lows occasionally below freezing. Average annual rainfall is about 20 inches with snowfall being very rare. The prevailing winds are moderate in strength and vary from moist clean breezes from the south to dry land flows from the north.

In addition to prevailing wind patterns that control the rate of dispersion of local pollutant emissions, the region experiences two types of inversions that affect the vertical depth of the atmosphere through which pollutants can be mixed. In the warmer months in the SVAB (May through October), sinking air forms a "lid" over the region. These subsidence inversions contribute to summer photochemical smog problems by confining pollution to a shallow layer near the ground. These warmer months are characterized by stagnant morning air or light winds with the delta sea breeze arriving in the afternoon out of the southwest. Usually, the evening breeze transports the airborne pollutants to the north and out of the SVAB. During about half of the day from July to September, however, a phenomenon called the "Schultz Eddy" prevents this from occurring. Instead of allowing the prevailing wind patterns to move north carrying the pollutants out of the valley, the Schultz Eddy causes the wind pattern to circle back south. This phenomenon exacerbates the pollution levels in the area and increases the likelihood of violating federal or State standards. The Schultz Eddy normally dissipates around noon when the Delta sea breeze begins. In the second type of inversion, the mountains surrounding the SVAB create a barrier to airflow, which can trap air pollutants in the valley. The highest frequency of air stagnation occurs in the autumn and early winter when large high-pressure cells lie over the valley. The air near the ground cools by radiative processes, while the air aloft remains warm. The lack of surface wind during these periods and the reduced vertical flow caused by less surface heating reduces the influx of outside air and allows air pollutants to become concentrated in a stable volume of air. These inversions typically occur during winter nights and can cause localized air pollution "hot spots" near emission sources because of poor dispersion. The surface concentrations of pollutants are highest when these conditions are combined with smoke from agricultural burning or when temperature inversions trap cool air and pollutants near the ground.

Although these subsidence and radiative inversions are present throughout much of the year, they are much less dominant during spring and fall, and the air quality during these seasons is generally good.”

Local Climate: The climate of Sutter County is subject to hot dry summers and mild rainy winters, which characterize the Mediterranean climate of the SVAB. Summer temperatures average approximately 90 degrees Fahrenheit during the day and 50 degrees Fahrenheit at night. Winter daytime temperatures average in the low 50s and nighttime temperatures are mainly in the upper 30s. During summer, prevailing winds are from the south. This is primarily because of the north- south orientation of the valley and the location of the Carquinez Straits, a sea-level gap in the coast range that is southwest of Sutter County.

Criteria Air Pollutants: Criteria air pollutants are a group of pollutants for which federal or State regulatory agencies have adopted ambient air quality standards. Criteria air pollutants are classified in each air basin, county, or in some cases, within a specific urbanized area. The classification is determined by comparing actual monitoring data with State and federal standards. If a pollutant concentration is lower than the standard, the area is classified as “attainment” for that pollutant. If an area exceeds the standard, the area is classified as “non-attainment” for that pollutant. If there is not enough data available to determine whether the standard is exceeded in an area, the area is designated “unclassified.”

Ambient Air Quality Standards: Both the federal and State government have established ambient air quality standards for outdoor concentrations of various pollutants in order to protect public health. The federal and State ambient air quality standards have been set at levels whose concentrations could be generally harmful to human health and welfare and to protect the most sensitive persons from experiencing health impacts with a margin of safety. Applicable ambient air quality standards are identified later in this section. The air pollutants for which federal and State standards have been promulgated and which are most relevant to air quality planning and regulation in the air basins include ozone, carbon monoxide, nitrogen oxides, suspended particulate matter, sulfur dioxide, and lead. In addition, toxic air contaminants are of concern in Sutter County. Each of these pollutants is briefly described below.

Ozone (O₃): is a gas that is formed when reactive organic gases (ROGs) and nitrogen oxides (NO_x), both byproducts of internal combustion engine exhaust and other processes undergo slow photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during the summer months when direct sunlight, light wind, and warm temperature conditions are favorable to the formation of this pollutant.

Carbon Monoxide (CO): is a colorless, odorless gas produced by the incomplete combustion of fuels. CO concentrations tend to be the highest during the winter morning, with little to no wind, when surface-based inversions trap the pollutant at ground levels. Because CO is emitted directly from internal combustion engines, unlike ozone, motor vehicles operating at slow speeds are the primary source of CO in the SVAB. The highest ambient CO concentrations are generally found near congested transportation corridors and intersections.

Nitrogen Oxides (NO_x): is the generic term for a group of highly reactive gases, all of which contain nitrogen and oxygen in varying amounts. Many of the nitrogen oxides are colorless and odorless. However, one common pollutant, nitrogen dioxide (NO₂) along with particles in the air can often be seen as a reddish-brown layer over many urban areas. Nitrogen oxides form when fuel is burned at high temperatures, as in a combustion process. The primary manmade sources of NO_x are motor vehicles, electric utilities, and other industrial, commercial, and residential sources that burn fuels.

Nitrogen oxides can also be formed naturally.

Respirable Particulate Matter (PM₁₀) and Fine Particulate Matter (PM_{2.5}): consist of extremely small, suspended particles or droplets 10 microns and 2.5 microns or smaller in diameter. Some sources of suspended particulate matter, like pollen and windstorms, occur naturally. However, in populated areas, most fine suspended particulate matter is caused by road dust, diesel soot, and combustion products, abrasion of tires and brakes, and construction activities.

Sulfur Dioxide (SO₂): is a colorless, extremely irritating gas or liquid. It enters the atmosphere as a pollutant mainly as a result of the burning of high sulfur-content fuel oils and coal, and from chemical processes occurring at chemical plants and refineries.

Lead: occurs in the atmosphere as particulate matter. The combustion of leaded gasoline is the primary source of airborne lead. Since the use of leaded gasoline is no longer permitted for on-road motor vehicles, lead is not a pollutant of concern in the SVAB.

Toxic Air Contaminants (TACs): are known to be highly hazardous to health, even in small quantities. TACs are airborne substances capable of causing short-term (acute) and/or long-term (chronic or carcinogenic) adverse human health effects (i.e., injury or illness). TACs can be emitted from a variety of common sources, including gasoline stations, automobiles, dry cleaners, industrial operations, and painting operations.

TAC impacts are assessed using a maximum individual cancer risk (MICR) that estimates the probability of a potential maximally exposed individual (MEI) contracting cancer as a result of sustained exposure to toxic air contaminants over a constant period of 24 hours per day for 70 years for residential receptor locations. The CARB and local air districts have determined that any stationary source posing an incremental cancer risk to the general population (above background risk levels) equal to or greater than 10 people out of 1 million to be excessive. For stationary sources, if the incremental risk of exposure to project-related TAC emissions meets or exceeds the threshold of 10 excess cancer cases per 1 million people, the CARB and local air district require the installation of best available control technology (BACT) or maximum available control technology (MACT) to reduce the risk threshold. To assess risk from ambient air concentrations, the CARB has conducted studies to determine the total cancer inhalation risk to individuals due to outdoor toxic pollutant levels. The CARB has conducted studies to determine the total cancer inhalation risk to individuals due to outdoor toxic pollutant levels. According to the map prepared by the CARB showing the estimated inhalation cancer risk for TACs in the State of California, Sutter County has an existing estimated risk that is between 50 and 500 cancer cases per 1 million people. A significant portion of Sutter County is within the 100 to 250 cancer cases per 1 million people range. There is a higher risk around Yuba City where the cancer risk is as high as 500 cases per 1 million people. There are only very small portions of the County where the cancer risk is between 50 and 100 cases. This represents the lifetime risk that between 50 and 500 people in 1 million may contract cancer from inhalation of toxic compounds at current ambient concentrations under an MEI scenario.

4.3.2. Federal Regulatory Setting

Clean Air Act: The federal Clean Air Act of 1970 (as amended in 1990) required the U.S. Environmental Protection Agency (EPA) to develop standards for pollutants considered harmful to public health or the environment. Two types of National Ambient Air Quality Standards (NAAQS) were established. Primary standards protect public health, while secondary standards protect public welfare, by including protection against decreased visibility, and damage to animals, crops, landscaping and vegetation, or buildings. NAAQS have been established for six “criteria” pollutants: carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), ozone (O₃), particulate matter (PM₁₀ and PM_{2.5}), and lead (Pb).

4.3.3. State Regulatory Setting

California Air Resources Board: The California Air Resources Board (CARB) is the state agency responsible for implementing the federal and state Clean Air Acts. CARB has established California Ambient Air Quality Standards (CAAQS), which include all criteria pollutants established by the NAAQS, but with additional regulations for Visibility Reducing Particles, sulfates, hydrogen sulfide (H₂S), and vinyl chloride. The proposed Project is located within the Sacramento Valley Air Basin, which includes Butte, Colusa, Glenn, Tehama, Shasta, Yolo, Sacramento, Yuba Sutter and portions of Placer, El Dorado and Solano counties. Air basins are classified as attainment, nonattainment, or unclassified. The FRAQMD is comprised Sutter and Yuba Counties. Attainment is achieved when monitored ambient air quality data is following the standards for a specified pollutant. Non-compliance with an established standard will result in a nonattainment designation and an unclassified designation indicates insufficient data is available to determine compliance for that pollutant.

California Clean Air Act: The CCAA requires that all air districts in the state endeavor to achieve and maintain CAAQS for Ozone, CO, SO₂, and NO₂ by the earliest practical date. The CCAA specifies that districts focus particular attention on reducing the emissions from transportation and area-wide emission sources, and the act provides districts with authority to regulate indirect sources. Each district plan is required to either (1) achieve a five percent annual reduction, averaged over consecutive 3-year periods, in district-wide emissions of each non-attainment pollutant or its precursors, or (2) to provide for implementation of all feasible measures to reduce emissions. Any planning effort for air quality attainment would thus need to consider both state and federal planning requirements.

CARB Portable Equipment Registration Program: This program was designed to allow owners and operators of portable engines and other common construction or farming equipment to register their equipment under a statewide program so they may operate it statewide without the need to obtain a permit from the local air district.

U.S. EPA/CARB Off-Road Mobile Sources Emission Reduction Program: The California Clean Air Act (CCAA) requires CARB to achieve a maximum degree of emissions reductions from off-road mobile sources to attain State Ambient Air Quality Standards (SAAQS); off-road mobile sources include most construction equipment. Tier 1 standards for large compression-ignition engines used in off-road mobile sources went into effect in California in 1996. These standards, along with ongoing rulemaking, address emissions of nitrogen oxides (NO_x) and toxic particulate matter from diesel engines. CARB is currently developing a control measure to reduce diesel PM and NO_x emissions from existing off-road diesel equipment throughout the state.

California Global Warming Solutions Act: Established in 2006, Assembly Bill 32 (AB 32) requires that California's GHG emissions be reduced to 1990 levels by the year 2020. This will be implemented through a statewide cap on GHG emissions, which will be phased in, having begun in 2012. AB 32 requires CARB to develop regulations and a mandatory reporting system to monitor global warming emissions level.

4.3.4. Regional Regulatory Setting

Feather River Air Quality Management District (FRAQMD): The FRAQMD is a bi-county District formed in 1991 to administer local, state, and federal air quality management programs for Yuba and Sutter Counties within the Sacramento Valley Air Basin. The goal of the FRAQMD is to improve air quality in the region through monitoring, evaluation, education and implementing control measures to reduce emissions from stationary sources, permitting and inspection of pollution sources, enforcement of air quality regulations and by supporting and implementing measures to reduce emissions from motor vehicles.

The FRAQMD adopted its Indirect Source Review guidelines document for assessment and mitigation of air quality impacts under CEQA in 1998. The guide contains criteria and thresholds for determining whether a project may have a significant adverse impact on air quality, and methods available to mitigate impacts on air quality. FRAQMD updated its Indirect Source Review Guidelines to reflect the most recent methods recommended to evaluate air quality impacts and mitigation measures for land use development projects in June 2010. This analysis uses guidance and thresholds of significance from the 2010 FRAQMD Indirect Source Review Guidelines to evaluate the proposed project's air quality impacts.

According to FRAQMD's 2010 Indirect Source Review Guidelines, a project would be considered to have a significant impact on air quality if it would:

- Generate daily construction or operational emissions that would exceed 25 pounds per day for reactive organic gases (ROG), 25 pounds per day for oxides of nitrogen (NOX), or 80 pounds per day for PM10; or generate annual construction or operational emissions of ROG or NOX that exceed 4.5 tons per year.

Northern Sacramento Valley Planning Area 2015 Air Quality Attainment Plan: As specified in the California Clean Air Act of 1988 (CCAA), Chapters 1568-1588, it is the responsibility of each air district in California to attain and maintain the state's ambient air quality standards. The CCAA requires that an Attainment Plan be developed by all nonattainment districts for O3, CO, SOx, and NOx that are either receptors or contributors of transported air pollutants. The purpose of the Northern Sacramento Valley Planning Area 2015 Triennial Air Quality Attainment Plan (TAQAP) is to comply with the requirements of the CCAA as implemented through the California Health and Safety Code. Districts in the NSVPA are required to update the Plan every three years. The TAQAP is formatted to reflect the 1990 baseline emissions year with a planning horizon of 2020. The Health and Safety Code, sections 40910 and 40913, require the Districts to achieve state standards by the earliest practicable date to protect the public health, particularly that of children, the elderly, and people with respiratory illness.

Health and Safety Code Section 41503(b): Requires that control measures for the same emission sources are uniform throughout the planning area to the extent that is feasible. To meet this requirement, the NSVPA has coordinated the development of an Attainment Plan and has set up a specific rule adoption protocol. The protocol was established by the Technical Advisory Committee of the Sacramento Valley Basin-wide Air Pollution Control Council and the Sacramento Valley Air Quality Engineering and Enforcement Professionals, which allow the Districts in the Basin to act and work as a united group with the CARB as well as with industry in the rule adoption process. Section 40912 of the Health and Safety Code states that each District responsible for, or affected by, air pollutant transport shall provide for attainment and maintenance of the state and federal standards in both upwind and downwind Districts. This section also states that each downwind District's Plan shall contain sufficient measures to reduce emissions originating in each District to below levels which violate state ambient air quality standards, assuming the absence of transport contribution

Construction Generated Emissions of Criteria Air Pollutants: The District recommends the following best management practices:

- Implement the Fugitive Dust Control Plan.
- Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0,
- Visible Emissions limitations (40 percent opacity or Ringelmann 2.0).
- The contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained prior to and for the duration of onsite operation.

- Limiting idling time to 5 minutes – saves fuel and reduces emissions.
- Utilize existing power sources or clean fuel generators rather than temporary power generators.
- Develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.
- Portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, may require California Air Resources Board (ARB) Portable Equipment Registration with the State or a local district permit. The owner/operator shall be responsible for arranging appropriate consultations with the ARB or the District to determine registration and permitting requirements prior to equipment operation at the site.

4.3.5. *Impact Assessment/Environmental Consequences:*

a) Conflict with or obstruct implementation of the applicable air quality plan?

As reflected in the January 7, 2020 comments received regarding this project from the Feather River Air Quality Management District (FRAQMD), the Project may contribute to air quality issues in this area. Standards set by FRAQMD, CARB, and Federal agencies will apply to this Project. Prior to the initiation of construction, a Fugitive Dust Control Plan may be required by the FRAQMD as a part of standard measures required by the District. Furthermore, the FRAQMD has commented that the Project will likely require a permit to operate for the process heaters, fumigation process, and boiler operation. Given this proposed review and mitigation, air quality impacts are anticipated to be less than significant.

There will most likely be an incidental increase in traffic generated as a result of this Project. However, this is a relatively small project and FRAQMD did not comment that the increase in air pollutants from the new traffic would be significant.

There will construction associated with the Project. Typically, construction and operation related to a project generates emissions of various air pollutants, including criteria pollutants such as carbon monoxide (CO), ozone precursors such as nitrous oxides (NOX) and reactive organic gases (ROG) or Volatile Organic Compounds (VOC), particulate matter less than 10 microns in diameter (PM10), and PM2.5, as well as sulfur oxides (SOX). For example, typical emission sources during construction include equipment exhaust, dust from wind erosion, earthmoving activities, and vehicle movements.

Site grading will generally occur during daylight hours, Monday through Friday, excluding holidays. The aforementioned activities would involve the use of diesel and gasoline powered equipment that would generate emissions of criteria pollutants. The estimated grading period, however, will be very short. Due to the short grading period and area of disturbance, air quality impacts are not considered to be a significant impact.

The following mitigation measure is recommended in order to mitigate this potential impact to a less than significant level:

Air Quality Mitigation Measure 4.3.5. a -

Compliance with FRAQMD standards related to a Fugitive Dust Control Plan and permit requirements relative to the operation of facility heaters, fumigation, and boiler processes shall be adhered to pursuant to established regulations.

b) 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)?

The Project would result in limited generation of criteria pollutants during construction. However, during the short construction period, air quality impacts would be less than FRAQMD thresholds for non-attainment pollutants and operation of the project would not exceed the emissions thresholds for criteria pollutants. Accordingly, net increases of non-attainment criteria pollutants would be less than significant.

c) Expose sensitive receptors to substantial pollutant concentrations?

The FRAQMD defines sensitive receptors as: facilities that house or attract children, the elderly, and people with illnesses, or others who are especially sensitive to the effects of air pollutants. The sensitive receptors located adjacent or within 1,000 feet to the proposed Project are primarily isolated single-family residences. FRAQMD states that if a project is located within 1,000 feet of a sensitive receptor location, the impact of diesel particulate matter shall be evaluated. According to the FRAQMD's Indirect Source Review Guidelines, "Construction activity can result in emissions of particulate matter from the diesel exhaust (diesel PM) of construction equipment". Best Management Practices (BMPs) that can be used to reduce the impact to sensitive receptors from off-road diesel equipment include:

- Install diesel particulate filters or implement other ARB-verifies diesel emission control strategies on all construction equipment to further reduce diesel PM emissions beyond the 45% reduction required by the Districts Best Available Mitigation Measure for Construction Phase;
- Use equipment during times when receptors are not present (e.g. when school is not in session or during non-school hours; or when office buildings are unoccupied);
- Establish staging areas for the construction equipment that are as distant as possible from off-site receptors
- Establish an electricity supply to the construction site and use electric powered equipment instead of diesel-powered equipment or generators, where feasible;
- Use haul trucks with on-road engines instead of off-road engines even for on-site hauling;
- Equip nearby buildings with High Efficiency Particle Arresting (HEPA) filter systems at all mechanical air intake points to the building to reduce the levels of diesel PM that enter the buildings; and/or,
- Temporarily relocate receptors during construction.

The FRAQMD has not established a threshold of significance to evaluate the health risk resulting from projects that would locate sensitive receptors near existing non-permitted sources of TACs. In this case, the proposed Project would result in the limited generation of criteria pollutants during construction and

maintenance; however, due to the Project's small size, it is anticipated that these impacts would be less than FRAQMD's thresholds for criteria pollutants. Due to the temporary nature of construction, sensitive receptors in the vicinity of the proposed Project (potentially single-family residences in the general vicinity of the site) would not be subjected to long-term exposure to diesel particulate matter. Any exposure of sensitive receptors to pollutant concentrations would be less than significant.

d) Create objectionable odors affecting a substantial number of people?

As there are not currently a substantial number of people in this area, it is not anticipated that the Project would cause an impact with respect to this issue.

4.4. Biological Resources

Table 4-4: Biological Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
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?				X
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?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
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?				X

4.4.1. Environmental Setting/Affected Environment

The Project is located on the edge of an urbanized area, surrounded primarily by agricultural uses. The site has been developed as an agricultural warehousing and processing facility for many years.

4.4.2. Federal & State Regulatory Setting

Threatened and Endangered Species: State and federal “endangered species” legislation has provided California Department of Fish & Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Species listed as threatened or endangered under provisions of the state and federal endangered species acts, candidate species for such listing, state species of special concern, and some plants listed as endangered by the California Native Plant Society are collectively referred to as “species of special status.” Permits may be required from both the CDFW and USFWS if activities associated with a proposed project will result in the “take” of a listed species. “Take” is defined by the state of California as “to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill” (California Fish and Game Code, Section 86). “Take” is more broadly defined by the federal Endangered Species Act to include “harm” (16 USC, Section 1532(19), 50 CFR, Section 17.3). Furthermore, the CDFW and the USFWS are responding agencies under CEQA. Both agencies review CEQA documents in order to determine the adequacy of their treatment of endangered species issues and to make project-specific recommendations for their conservation.

Migratory Birds: State and federal laws also protect most birds. The Federal Migratory Bird Treaty Act (16U.S.C., sec. 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs.

Birds of Prey: Birds of prey are also protected in California under provisions of the California Fish and Game Code, Section 3503.5, which states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “taking” by the CDFW.

Wetlands and Other Jurisdictional Waters: Natural drainage channels and adjacent wetlands may be considered “Waters of the United States” subject to the jurisdiction of the USACE. The extent of jurisdiction has been defined in the Code of Federal Regulations but has also been subject to interpretation of the federal courts.

Waters of the U.S. generally include:

- All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters, which are subject to the ebb and flow of the tide.
- All interstate waters including interstate wetlands.
- All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce.

- All impoundments of waters otherwise defined as waters of the United States under the definition.
- Tributaries of waters identified in the bulleted items above.

As determined by the United States Supreme Court in its 2001 Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC) decision, channels and wetlands isolated from other jurisdictional waters cannot be considered jurisdictional on the basis of their use, hypothetical or observed, by migratory birds. Similarly, in its 2006 consolidated Carabell/Rapanos decision, the U.S. Supreme Court ruled that a significant nexus between a wetland and other navigable waters must exist for the wetland itself to be considered a navigable, and therefore, jurisdictional water.

The USACE regulates the filling or grading of Waters of the U.S. under the authority of Section 404 of the Clean Water Act. The extent of jurisdiction within drainage channels is defined by “ordinary high-water marks” on opposing channel banks. All activities that involve the discharge of dredge or fill material into Waters of the U.S. are subject to the permit requirements of the USACE. Such permits are typically issued on the condition that the applicant agrees to provide mitigation that result in no net loss of wetland functions or values. No permit can be issued until the Regional Water Quality Control Board (RWQCB) issues a Section 401 Water Quality Certification (or waiver of such certification) verifying that the proposed activity will meet state water quality standards.

CEQA Guidelines Section 15380: Although threatened and endangered species are protected by specific federal and state statutes, CEQA Guidelines section 15380(d) provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if the species can be shown to meet certain specific criteria that define “endangered” and “rare” as specified in CEQA Guidelines section 15380(b).

4.4.3. Local Regulatory Setting

The General Plan provides the following policies for the protection of biological resources:

- 8.4-G-1 Protect special status species, in accordance with State regulatory requirements.
- 8.4-G-2 Protect and enhance the natural habitat features of the Feather River and new open space corridors within and around the urban growth area.
- 8.4-G-3 Preserve and enhance heritage oaks in the Planning Area.
- 8.4-G-4 Where appropriate, incorporate natural wildlife habitat features into public landscapes, parks, and other public facilities
- 8.4-I-1 Require protection of sensitive habitat area and special status species in new development site designs in the following order: 1) avoidance; 2) onsite mitigation; 3) offsite mitigation. Require assessments of biological resources prior to approval of any development within 300 feet of any creeks, sensitive habitat areas, or areas of potential sensitive status species.
- 8.4-I-2 Require preservation of oak trees and other native trees that are of a significant size, by requiring site designs to incorporate these trees to the maximum extent feasible.
- 8.4-I-3 Require to the extent feasible, use of drought tolerant plants in landscaping for new development, including private and public projects.

4.4.4. Impact Assessment/Environmental Consequences:

- 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?*

As the Project site has been substantially developed for many years, it is therefore unlikely that the site is currently utilized as foraging habitat.

Raptor species, including the red-tailed hawk and barn owl, forage within the ruderal non-native grasslands (not on-site but in the vicinity). Native and non-native trees within the site are too small to provide nesting habitat for these species, and no nests have been observed to date. No potential biological constraints were identified for this site. The site does not support sensitive habitats associated with special status plant or wildlife species. There are no wetlands or riparian habitats within the proposed footprint of the development.

According to the Yuba City General Plan EIR, the only designated special status vegetation species within Yuba City and its Sphere of Influence is the Golden Sunburst, a flowering plant that occurs primarily in non-native grasslands and is threatened mostly by the conversion of habitat to urban uses. The habitat area for this particular species occurs at the extreme eastern boundary of the Planning Area at the confluence of the Feather and Yuba Rivers. This property does not fall within this area, therefore no adverse impacts to special status species will occur as a result of this project. The Project is in compliance with the General Plan policies regarding the impacts on biological resources.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

An inspection of a satellite image of the site shows that the property does not contain any natural riparian area. Impact upon riparian areas or other sensitive natural communities would be less than significant.

- 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?*

No wetlands or federal jurisdictional waters of the U.S. are present within the proposed Project area or general vicinity. There would be no impact.

- 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?*

The proposed Project would not disturb any waterways. Therefore, migratory fish would not be affected. Nor are there any significant trees proposed to be removed that could be potential nesting habitat for raptors and migratory birds that may choose to nest in the vicinity of the Project. There would be no impact.

- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

No trees or other biological resources that would be protected by local policies or ordinances occur on or near the proposed Project site. Therefore, there would be no impacts.

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?

There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or any other approved local, regional, or state habitat conservation plans in the vicinity.

4.5. Cultural Resources

Table 4-5: Cultural Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.				X
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5.			X	
c) Directly or indirectly destroy unique paleontological resources or site or unique geologic features?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

4.5.1. Federal Regulatory Setting

National Historic Preservation Act of 1966 (as amended), Section 106: The significance of cultural resources is evaluated under the criteria for inclusion in the National Register of Historic Places (NRHP), authorized under the National Historic Preservation Act of 1966, as amended. The criteria defined in 36 CFR 60.4 are as follows:

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- That are associated with events that have made a significant contribution to the broad patterns of our history; or
- That are associated with the lives of persons significant in our past; or
- That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- That have yielded, or may be likely to yield, information important to prehistory or history.

Sites listed or eligible for listing on the NRHP are considered to be historic properties. Sites younger than 50 years, unless of exceptional importance, are not eligible for listing in the NRHP.

4.5.2. State Regulatory Setting

CEQA requires consideration of project impacts on archaeological or historical sites deemed to be "historical resources." Under CEQA, a substantial adverse change in the significant qualities of a historical resource is considered a significant effect on the environment. For the purposes of CEQA, a "historical resource" is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources (Title 14 CCR §15064.5[a][1]-[3]). Historical resources may include, but are not limited to, "any object, building, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California" (PRC §5020.1[j]).

The eligibility criteria for the California Register are the definitive criteria for assessing the significance of historical resources for the purposes of CEQA (Office of Historic Preservation). Generally, a resource is considered "historically significant" if it meets one or more of the following criteria for listing on the California Register:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- Is associated with the lives of persons important in our past.
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- Has yielded, or may be likely to yield, information important in prehistory or history. (PRC §5024.1[c])

California Health and Safety Code Section 7050.5: Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

Paleontological Resources: Paleontological resources are the fossilized remains of plants and animals and associated deposits. The Society of Vertebrate Paleontology has identified vertebrate fossils, their taphonomic and associated environmental indicators, and fossiliferous deposits as significant nonrenewable paleontological resources. Botanical and invertebrate fossils and assemblages may also be considered significant resources. CEQA requires that a determination be made as to whether a project would directly or indirectly destroy a unique paleontological resource or site or unique geological feature (CEQA Appendix G(v)(c)). If an impact is significant, CEQA requires feasible measures to minimize the impact (CCR Title 14(3) Section 15126.4 (a)(1)). California Public Resources Code Section 5097.5 (see above) also applies to paleontological resources.

4.5.3. Native American Consultation

In September of 2014, the California Legislature passed Assembly Bill (AB) 52, which added provisions to the PRC regarding the evaluation of impacts on tribal cultural resources under CEQA, and consultation requirements with California Native American tribes. In particular, AB 52 now requires lead agencies to

analyze project impacts on “tribal cultural resources” separately from archaeological resources (PRC § 21074; 21083.09). AB 52 also requires lead agencies to engage in additional consultation procedures with respect to California Native American tribes (PRC § 21080.3.1, 21080.3.2, 21082.3).

4.5.4. Impact Assessment/Environmental Consequences:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.*

There are no known historic resources on the site. The General Plan does not identify any historical significance to the property. Therefore, there would be no impacts on any historical resources, directly or indirectly.

- b) Cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5.*

No formal cemeteries or other places of human internment are known to exist on the proposed Project site. No evidence of human remains at the Project site have been documented, and it is unlikely that buried human remains are present. However, there still remains the potential for previously unknown sub-surface resources to be present. In order to avoid potential impacts to unknown remains, the mitigation measures below shall be implemented to ensure impacts are less than significant:

Cultural Resources Mitigation Measure 4.5.4.b – Unanticipated Discoveries:

If potential tribal cultural resources (TCRs) are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find (or an appropriate distance based on the apparent distribution of the TCR). A qualified cultural resources specialist meeting the *Secretary of Interior’s Professional Qualifications Standards for Archaeology*, as well as Native American Representatives from traditionally and culturally affiliated Native American Tribes that have engaged in consultation for the Project will be invited to assess the significance of the find and make recommendations for further evaluation and treatment as necessary. Culturally appropriate treatment may include, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the Project area where they will not be subject to future impacts. The United Auburn Indian Community of the Auburn Rancheria (Tribe) does not consider curation of TCR’s to be appropriate or respectful and request that materials not be permanently curated, unless requested by the Tribe.

The types of treatment preferred by UAIC that protects, preserves or restores the integrity of a TCR may include Tribal Monitoring, or recovery of cultural objects, and reburial of cultural objects or cultural soil that is done in a culturally appropriate manner. Recommendations of the treatment of a TCR will be documented in the project record. For any recommendations made by traditionally and culturally affiliated Native American Tribes that are not implemented, a justification for why the recommendation was not followed will be provided in the project record.

If articulated or disarticulated human remains are discovered during ground disturbing construction activities or ground disturbing activities, all work shall cease within 100 feet of the find, and the provisions provided in the Health and Safety Code Section 7054 shall apply. If the remains are determined by the County Coroner to be human and that of a Native American, then Public Resources Code 5097.98, 5097.99, 5097.991, and compliance with the provisions of CEQA Guidelines Section 15064.5(e)(1) and (2) shall be implemented.

c) Directly or indirectly destroy unique paleontological resources or site or unique geologic features?

It is not anticipated that paleontological resources will be discovered at this location based upon a history of land disturbance in this area. Impacts are anticipated to be less than significant.

d) Disturb any human remains, including those interred outside of formal cemeteries?

Regarding the likelihood of there being any remaining tribal cultural resources on this site, the site was used for agricultural purposes and processing uses for many years, and additionally the property has been substantially disturbed. Because of considerable past ground disturbance, it is unlikely that any paleontological or archaeological artifacts or human remains exist in the area. Therefore, there is not expected to be any significant archeological or paleontological resources on these properties, and therefore no impact.

4.6 Energy

Table 4.6: Energy				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

4.6.1 State Regulatory Setting

California has implemented numerous energy efficiency and conservation programs that have resulted in substantial energy savings. The State has adopted comprehensive energy efficiency standards as part of its Building Standards Code, California Codes of Regulations, Title 24. In 2009, the California Building Standards Commission adopted a voluntary Green Building Standards Code, also known as CALGreen, which became mandatory in 2011. Both Title 24 and CALGreen are implemented by the City of Yuba City in conjunction with its processing of building permits.

CALGreen sets forth mandatory measures, applicable to new residential and nonresidential structures as well as additions and alterations, on water efficiency and conservation, building material conservation, interior environmental quality, and energy efficiency. California has adopted a Renewables Portfolio Standard, which requires electricity retailers in the state to generate 33% of electricity they sell from renewable energy sources (i.e., solar, wind, geothermal, hydroelectric from small generators, etc.) by the end of 2020. In 2018, SB 100 was signed into law, which increases the electricity generation requirement from renewable sources to 60% by 2030 and requires all the state's electricity to come from carbon-free resources by 2045.

4.6.2 Impact Assessment/Environmental Consequences

a) Project Energy Consumption

As with air pollutant emissions, the main sources of energy consumption would be construction activities and project operations, above and beyond that already occurring at the site related to existing development.

Project construction would involve fuel consumption and use of other non-renewable resources. Construction equipment used for such improvements typically runs on diesel fuel or gasoline. The same fuels typically are used for vehicles that transport equipment and workers to and from a construction site. However, construction-related fuel consumption would be finite, short-term and consistent with construction activities of a similar character. This energy use would not be considered wasteful, inefficient or unnecessary.

Electricity may be used for equipment operation during construction activities. It is expected that more electrical construction equipment would be used in the future, as it would generate fewer air pollutant and GHG emissions. This electrical consumption would be consistent with construction activities of a similar character; therefore, the use of electricity in construction activities would not be considered wasteful, inefficient or unnecessary, especially since fossil fuel consumption would be reduced. Moreover, under California's Renewables Portfolio Standard, a greater share of electricity would be provided from renewable energy sources over time, so less fossil fuel consumption to generate electricity would occur.

The project would be required to comply with CALGreen and with the building energy efficiency standards of California Code of Regulations Title 24, Part 6 in effect at the time of project approval. Compliance with these standards would reduce energy consumption associated with project operations, although reductions from compliance cannot be readily quantified.

Overall, project construction and operations would not consume energy resources in a manner considered wasteful, inefficient, or unnecessary. Project impacts related to energy consumption are considered less than significant.

b) Project Energy Consumption

In addition to reducing energy consumption, the proposed sustainability components would be consistent with state and local energy efficiency plans. All components would be consistent with the energy efficiency goals of CALGreen and Title 24, and similar measures. The project would be consistent with applicable state and local plans to increase energy efficiency. Project impacts would be less than significant.

4.7. Geology and Soils

Table 4-7: Geology and Soils				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geological 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?				X
d) Be located on expansive soil, as defined in the California Building Code creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?		X		

4.7.1. Environmental Setting/Affected Environment

Topography and Geology: According to the Sutter County General Plan, Sutter County is located in the flat surface of the Great Valley geomorphic province of California. The Great Valley is an alluvial plain approximately 50 miles wide and 400 miles long in the central portion of California. The Great Valley's northern portion is the Sacramento Valley, drained by the Sacramento River, and its southern portion is the San Joaquin Valley, drained by the San Joaquin River. The geology of the Great Valley is typified by thick sequences of alluvial sediments derived primarily from erosion of the mountains of the Sierra Nevada to the east, and to a lesser extent, erosion of the Klamath Mountains and Cascade Range to the north. These sediments were transported downstream and subsequently laid down as a river channel, floodplain deposits, and alluvial fans.

Seismic Hazards: Earthquakes are due to a sudden slip of plates along a fault. Seismic shaking is typically the greatest cause of losses to structures during earthquakes. Earthquakes can cause structural damage,

injury and loss of life, as well as damage to infrastructure networks such as water, power, gas, communication, and transportation lines. Other damage-causing effects of earthquakes include surface rupture, fissuring, settlement, and permanent horizontal and vertical shifting of the ground. Secondary impacts can include landslides, seiches, liquefaction, and dam failure.

Seismicity: Although all of California is typically regarded as seismically active, the Central Valley region does not commonly experience strong ground shaking resulting from earthquakes along known and previously unknown active faults. Though no active earthquake faults are known to exist in Yuba City, active faults in the region could generate ground motion felt within the county. Numerous earthquakes of magnitude 5.0 or greater on the Richter scale have occurred on regional faults, primarily those within the San Andreas Fault System in the region. There are several potentially active faults underlying the Sutter Buttes, which are associated with deep-seated volcanism.

The faults identified in Sutter County include the Quaternary Faults, located in the northern section of the County within the Sutter Buttes, and the Pre-Quaternary Fault, located in the southeast of the City, just east of where Highway 70 enters in to the County. Both Faults are listed as non-active faults, but have the potential for seismic activity.

Ground Shaking: As stated in the Sutter County Multi-Hazard Mitigation Plan, although the County has felt ground shaking from earthquakes with epicenters located elsewhere, no major earthquakes or earthquake related damage has been recorded within the County. Based on historic data and known active or potentially active faults in the region, parts of Sutter County have the potential to experience low to moderate ground shaking. The intensity of ground shaking at any specific site depends on the characteristics of the earthquake, the distance from the earthquake fault, and on the local geologic and soils conditions. Fault zone maps are used to identify where such hazards are more likely to occur based on analyses of faults, soils, topography, groundwater, and the potential for earthquake shaking sufficiently strong to trigger landslide and liquefaction.

Liquefaction: Liquefaction, which can occur in earthquakes with strong ground shaking, is mostly found in areas with sandy soil or fill and a high-water table located 50 feet or less below the ground surface. Liquefaction can cause damage to property with the ground below structures liquefying making the structure unstable causing sinking or other major structural damage. Evidence of liquefaction may be observed in "sand boils," which are expulsions of sand and water from below the surface due to increased pressure below the surface.

Liquefaction during an earthquake requires strong shaking and is not likely to occur in the city due to the relatively low occurrence of seismic activity in the area; however, the clean sandy layers paralleling the Sacramento River, Feather River, and Bear River have lower soil densities and high overall water table are potentially a higher risk area if major seismic activity were to occur. Areas of bedrock, including the Sutter Buttes have high density compacted soils and contain no liquefaction potential, although localized areas of valley fill alluvium can have moderate to high liquefaction potential.

Landslides: Landslides are downward and outward movements of slope forming materials which may be rock, soil, artificial fill, or combinations of such materials. The size of landslides varies from those containing less than a cubic yard of material to massive ones containing millions of cubic yards. Large landslides may move down slope for hundreds of yards or even several miles. A landslide may move rapidly or so slow that a change of position can be noted only over a period of weeks or years. A similar, but much slower movement is called creep. The susceptibility of a given area to landslides depends on a great many variables. With the exception of the Sutter Buttes, Yuba City is located in a landslide-free zone due to the flat topography. The Sutter Buttes are considered to be in a low landslide hazard zone as shown in Bulletin 198 by the California Division of Mines and Geology.

Soil Erosion: Erosion is a two-step process by which soils and rocks are broken down or fragmented and then transported. The breakdown processes include mechanical abrasion, dissolution, and weathering. Erosion occurs naturally in most systems, but is often accelerated by human activities that disturb soil and vegetation. The rate at which erosion occurs is largely a function of climate, soil cover, slope conditions, and inherent soil properties such as texture and structure. Water is the dominant agent of erosion and is responsible for most of the breakdown processes as well as most of the transport processes that result in erosion. Wind may also be an important erosion agent. The rate of erosion depends on many variables including the soil or rock texture and composition, soil permeability, slope, extent of vegetative cover, and precipitation amounts and patterns. Erosion increases with increasing slope, increasing precipitation, and decreasing vegetative cover. Erosion can be extremely high in areas where vegetation has been removed by fire, construction, or cultivation. High rates of erosion may have several negative impacts including degradation and loss of agricultural land, degradation of streams and other water habitats, and rapid silting of reservoirs.

Subsidence: Subsidence is the sinking of a large area of ground surface in which the material is displaced vertically downward, with little or no horizontal movement. Subsidence is usually a direct result of groundwater, oil, or gas withdrawal. These activities are common in several areas of California, including parts of the Sacramento Valley and in large areas of the San Joaquin Valley. Subsidence is a greater hazard in areas where subsurface geology includes compressible layers of silt and clay. Subsidence due to groundwater withdrawal generally affects larger areas and presents a more serious hazard than does subsidence due to oil and gas withdrawal. In portions of the San Joaquin Valley, subsidence has exceeded 20 feet over the past 50 years. In the Sacramento Valley, preliminary studies suggest that much smaller levels of subsidence, up to two feet may have occurred. In most of the valley, elevation data are inadequate to determine positively if subsidence has occurred. However, groundwater withdrawal in the Sacramento Valley has been increasing and groundwater levels have declined in some areas. The amount of subsidence caused by groundwater withdrawal depends on several factors, including: (1) the extent of water level decline, (2) the thickness and depth of the water bearing strata tapped, (3) the thickness and compressibility of silt-clay layers within the vertical sections where groundwater withdrawal is occurring, (4) the duration of maintained groundwater level decline, (5) the number and magnitude of water withdrawals in a given area, and (6) the general geology and geologic structure of the groundwater basin. The damaging effects of subsidence include gradient changes in roads, streams, canals, drains, sewers, and dikes. Many such systems are constructed with slight gradients and may be significantly damaged by even small elevation changes. Other effects include damage to water wells resulting from sediment compaction and increased likelihood of flooding of low-lying areas.

Expansive Soils: Expansive soils are prone to change in volume due to the presence of moisture. Soft clay soils have the tendency to increase in volume when moisture is present and shrink when it is dry (shrink/swell). Swelling soils contain high percentages of certain kinds of clay particles that are capable of absorbing large quantities of water, expanding up to 10 percent or more as the clay becomes wet. The force of expansion is capable of exerting pressure on foundations, slabs, and other confining structures.

Soils: The Natural Resources Conservation Service (NRCS, formerly the Soil Conservation Service) has mapped over 40 individual soil units in the county. The predominant soil series in the county are the Capay, Clear Lake, Conejo, Oswald, and Olashes soils, which account for over 60 percent of the total land area. The remaining soil units each account for smaller percentages the total land area. The Capay and Clear Lake soils are generally present in the western and southern parts of the county. The Conejo soils occur in the eastern part closer to the incorporated areas of the county. Oswald and Olashes soils are located in the central portion of the county extending north to south, with scattered areas along the southeastern edge of the county. Soil descriptions for the principal soil units in the county are provided

below. These descriptions, which were developed by the NRCS, are for native, undisturbed soils and are primarily associated with agricultural suitability. Soil characteristics may vary considerably from the mapped locations and descriptions due to development and other uses. Geotechnical studies are required to identify actual engineering properties of soils at specific locations to determine whether there are specific soil characteristics that could affect foundations, drainage, infrastructure, or other structural features.

4.7.2. Federal Regulatory Setting

Historic Sites Act of 1935: This Act became law on August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467) and has been amended eight times. This Act establishes as a national policy to preserve for public use historic sites, buildings and objects, including geologic formations.

National Earthquake Hazards Reduction Program: The National Earthquake Hazards Reduction Program (NEHRP), which was first authorized by Congress in 1977, coordinates the earthquake-related activities of the Federal Government. The goal of NEHRP is to mitigate earthquake losses in the United States through basic and directed research and implementation activities in the fields of earthquake science and engineering. Under NEHRP, FEMA is responsible for developing effective earthquake risk reduction tools and promoting their implementation, as well as supporting the development of disaster-resistant building codes and standards. FEMA's NEHRP activities are led by the FEMA Headquarters (HQ), Federal Insurance and Mitigation Administration, Risk Reduction Division, Building Science Branch, in strong partnership with other FEMA HQ Directorates, and in coordination with the FEMA Regions, the States, the earthquake consortia, and other public and private partners.

4.7.3. State Regulatory Setting

California Alquist-Priolo Earthquake Fault Zoning Act: The Alquist-Priolo Earthquake Fault Zoning Act (originally enacted in 1972 and renamed in 1994) is intended to reduce the risk to life and property from surface fault rupture during earthquakes. The statute prohibits the location of most types of structures intended for human occupancy across the traces of active faults and regulates construction in the corridors along active faults.

California Seismic Hazards Mapping Act: The Seismic Hazards Mapping Act is intended to reduce damage resulting from earthquakes. While the Alquist-Priolo Earthquake Fault Zoning Act addresses surface fault rupture, the Seismic Hazards Mapping Act addresses other earthquake-related hazards, including ground shaking, liquefaction, and seismically induced landslides. The state is charged with identifying and mapping areas at risk of strong ground shaking, liquefaction, landslides, and other hazards, and cities and counties are required to regulate development within mapped Seismic Hazard Zones.

Uniform Building Code: The California Code of Regulations (CCR) Title 24 is assigned to the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. The California Building Code incorporates by reference the Uniform Building Code with necessary California amendments. The Uniform Building Code is a widely adopted model building code in the United States published by the International Conference of Building Officials. About one-third of the text within the California Building Code has been tailored for California earthquake conditions.

4.7.4. Impact Assessment/Environmental Consequences:

- 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?

According to the Yuba City General Plan, no active earthquake faults are known to exist in Sutter County, although active faults in the region could produce ground motion in Yuba City (Dyett & Bhatia, 2004). The closest known fault zone is the Bear Mountain Fault Zone, located approximately 20 miles northeast of Yuba City (California Geological Survey [CGS], 2015). Potentially active faults do exist in the Sutter Buttes but those faults are considered small and have not exhibited activity in recent history. Because the distance from the City to the closest known active fault zone is large, the potential for exposure of people or structures to substantial adverse effects from fault rupture is low. Therefore potential impact from an earthquake is less than significant.

ii. Strong seismic ground shaking?

In the event of a major regional earthquake, fault rupture or seismic ground shaking could potentially injure people and cause collapse or structural damage to existing and proposed structures. Ground shaking could potentially expose people and property to seismic-related hazards, including localized liquefaction and ground failure. However, all new structures are required to adhere to current California Building Code standards. These standards require adequate design, construction and maintenance of structures to prevent exposure of people and structures to major geologic hazards. General Plan Implementing Policies 9.2-I-1 through 9.2-I-8 and City adopted building codes reduce the potential impacts to less than significant.

iii. Seismic-related ground failure, including liquefaction?

The proposed Project is not located within a liquefaction zone according to the California Department of Conservation's California Geologic Survey regulatory maps. Regardless, all new structures are required to adhere to current California Building Code standards. These standards require adequate design, construction and maintenance of structures to prevent exposure of people and structures to major geologic hazards. Therefore, the potential impact from ground failure is less than significant.

iv. Landslides?

According to the Environmental Impact Report prepared for the General Plan, due to the flat topography, erosion, landslides, and mudflows are not considered to be a significant risk in the City limits or within the City's Sphere of Influence.

b) Result in substantial soil erosion or the loss of topsoil?

A relatively small portion of the site would be disturbed during site grading. Even though the area is relatively flat, during site grading a large storm could result in the loss of topsoil into the City drainage system. The Central Valley Regional Water Quality Control Board (CVRWQCB) has commented that the proposed Project would require preparation and approval of a Construction Storm Water General Permit that will adequately address this concern. Assuming adoption of this mitigation measure, potential impacts would be less than significant.

- c) *Be located on a geological 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?*

The extreme southwest corner of the Yuba City Sphere of Influence is the only known area with expansive soils. The Project area is not located within that area or an area with identified unstable soils of any kind, therefore there will be no impact with respect to this issue.

- d) *Be located on expansive soil, as defined in the California Building Code creating substantial risks to life or property?*

The extreme southwest corner of the Yuba City Sphere of Influence is the only known area with expansive soils. The Project area is not located within that area and therefore will not be impacted by the presence of expansive soils. No impact anticipated.

- e) *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems been identified where sewers are not available for the disposal of wastewater?*

The proposed facility intends to utilize an existing on-site detention pond for water used in facility processing activities. Existing on-site sewage disposal systems will be utilized to accommodate the proposed expansion on this property. Yuba City Public Works Department has requested the following mitigation in order to address wastewater concerns at this location:

Geology and Soils Mitigation Measure 4.6.4.e –

The Developer shall construct a temporary sewer force main for use until such time that a gravity sewer is extended across the frontage of the property. Or, the Developer may construct an 18-inch diameter sewer in Franklin Road from Harding Road to the west boundary of the property at the maximum depth possible. If the 18-inch diameter sewer is constructed, a Credit/Reimbursement Agreement shall be executed.

4.8. Greenhouse Gas Emissions

Table 4.7: Greenhouse Gas Emissions				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?		X		

4.8.1. Federal Regulatory Setting

The United States Environmental Protection Agency (USEPA) Mandatory Reporting Rule (40 CFR Part 98), which became effective December 29, 2009, requires that all facilities that emit more than 25,000 metric tons CO₂-equivalent per year beginning in 2010, report their emissions on an annual basis. On May 13,

2010, the USEPA issued a final rule that established an approach to addressing GHG emissions from stationary sources under the Clean Air Act (CAA) permitting programs. The final rule set thresholds for GHG emissions that define when permits under the New Source Review Prevention of Significant Deterioration and title V Operating Permit programs are required for new and existing industrial facilities.

In addition, the Supreme Court decision in *Massachusetts v. EPA* (Supreme Court Case 05-1120) found that the USEPA has the authority to list GHGs as pollutants and to regulate emissions of greenhouse gases (GHG) under the CAA. On April 17, 2009, the USEPA found that CO₂, CH₄, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride may contribute to air pollution and may endanger public health and welfare. This finding may result in the USEPA regulating GHG emissions; however, to date the USEPA has not proposed regulations based on this finding.

4.8.2. State & Local Regulatory Setting

The City's Resource Efficiency Plan as designed under the premise that the City, and the community it represents, is uniquely capable of addressing emissions associated with sources under the City's jurisdiction and that the City's emission reduction efforts should coordinate with the state strategies of reducing emissions in order to accomplish these reductions in an efficient and cost effective manner. The City developed this document with the following purposes in mind:

- **Local Control:** The Efficiency Plan allows the City to identify strategies to reduce resource consumption, costs, and GHG emissions in all economic sectors in a way that maintains local control over the issues and fits the character of the community. It also may position the City for funding to implement programs tied to climate goals.
- **Energy and Resource Efficiency:** The Efficiency Plan identifies opportunities for the City to increase energy efficiency and lower GHG emissions in a manner that is most feasible within the community. Reducing energy consumption through increasing the efficiency of energy technologies, reducing energy use, and using renewable sources of energy are effective ways to reduce GHG emissions. Energy efficiency also provides opportunities for cost-savings.
- **Improved Public Health:** Many of the GHG reduction strategies identified in the Efficiency Plan also have local public health benefits. Benefits include local air quality improvements; creating a more active community through implementing resource-efficient living practices; and reducing health risks, such as heat stroke, that would be otherwise elevated by climate change impacts such as increased extreme heat days.

Demonstrating Consistency with State GHG Reduction Goals—A GHG reduction plan may be used as GHG mitigation in the General Plan to demonstrate that the City is aligned with State goals for reducing GHG emissions to a level considered less than cumulatively considerable.

4.8.3. Impact Assessment/Environmental Consequences:

- a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

The development of the site as a result of this Project will potentially create GHG emissions due to the use of agricultural processing equipment and ongoing auto traffic generated by the project. Due to the small size of the project it is not expected to create significant quantities greenhouse gas emissions. No significant impact is anticipated with respect to this item. (Also, see discussion and recommended mitigation measures under Air Quality 4.3.)

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Gases that trap heat in the atmosphere are referred to as greenhouse gases (GHGs) because they capture heat radiated from the sun as it is reflected back into the atmosphere, similar to a greenhouse. The accumulation of GHGs has been implicated as a driving force for Global Climate Change. Definitions of climate change vary between and across regulatory authorities and the scientific community, but in general can be described as the changing of the climate caused by natural fluctuations and the impact of human activities that alter the composition of the global atmosphere. Both natural processes and human activities emit GHGs. Global Climate Change is a change in the average weather on earth that can be measured by wind patterns, storms, precipitation and temperature. Although there is disagreement as to the speed of global warming and the extent of the impacts attributable to human activities, the vast majority of the scientific community now agrees that there is a direct link between increased emission of GHGs and long-term global temperature. Potential global warming impacts in California may include, but are not limited to, loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity. GHG impacts are considered to be exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective (CAPCOA).

The development of the site as a result of this Project will potentially create GHG emissions due to the use of agricultural processing equipment and ongoing auto traffic generated by the project. Due to the small size of the project it is not expected to create significant quantities greenhouse gas emissions. However, on a cumulative scale, possible reasonable reductions could be applied to the project in order to further minimize those impacts. Specifically addressing this proposal, the City's Resource Efficiency Plan addresses greenhouse gas concerns and provides a description of greenhouse gas reduction measures.

Green House Gas Emissions Mitigation Measure 4.7.3.b –

Pertaining to potential cumulative impacts associated with GHG emissions, site grading process shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan.

4.9. Hazards and Hazardous Materials

Table 4-8: Hazards and Hazardous Materials				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
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?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste				X

within one-quarter mile of an existing or proposed school?				
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 create a significant hazard to the public or the environment?				X
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?				X
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?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
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?				X

4.9.1. Federal Regulatory Setting

U.S. Environmental Protection Agency (USEPA): The USEPA was established in 1970 to consolidate in one agency a variety of federal research, monitoring, standard setting and enforcement activities to ensure environmental protection. USEPA's mission is to protect human health and to safeguard the natural environment — air, water, and land — upon which life depends. USEPA works to develop and enforce regulations that implement environmental laws enacted by Congress, is responsible for researching and setting national standards for a variety of environmental programs, and delegates to states and tribes the responsibility for issuing permits and for monitoring and enforcing compliance. Where national standards are not met, USEPA can issue sanctions and take other steps to assist the states and tribes in reaching the desired levels of environmental quality.

Federal Toxic Substances Control Act/Resource Conservation and Recovery Act/Hazardous and Solid Waste Act: The Federal Toxic Substances Control Act (1976) and the Resource Conservation and Recovery Act of 1976 (RCRA) established a program administered by the USEPA for the regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA was amended in 1984 by the Hazardous and Solid Waste Act (HSWA), which affirmed and extended the “cradle to grave” system of regulating hazardous wastes.

Comprehensive Environmental Response, Compensation, and Liability Act/Superfund Amendments and Reauthorization Act: The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law (U.S. Code Title 42, Chapter 103) provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites; provides for liability of persons responsible for releases of hazardous waste at these sites; and establishes a trust fund to

provide for cleanup when no responsible party can be identified. CERCLA also enables the revision of the National Contingency Plan (NCP). The NCP (Title 40, Code of Federal Regulation [CFR], Part 300) provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, and/or contaminants. The NCP also established the National Priorities List (NPL). CERCLA was amended by the Superfund Amendments and Reauthorization Act (SARA) on October 17, 1986.

Clean Water Act/SPCC Rule: The Clean Water Act (CWA) (33 U.S.C. Section 1251 et seq., formerly the Federal Water Pollution Control Act of 1972), was enacted with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States. As part of the Clean Water Act, the U.S. EPA oversees and enforces the Oil Pollution Prevention regulation contained in Title 40 of the CFR, Part 112 (Title 40 CFR, Part 112) which is often referred to as the “SPCC rule” because the regulations describe the requirements for facilities to prepare, amend and implement Spill Prevention, Control, and

Countermeasure (SPCC) Plans: A facility is subject to SPCC regulations if a single oil storage tank has a capacity greater than 660 gallons, or the total above ground oil storage capacity exceeds 1,320 gallons, or the underground oil storage capacity exceeds 42,000 gallons, and if, due to its location, the facility could reasonably be expected to discharge oil into or upon the “Navigable Waters” of the United States. Other federal regulations overseen by the U.S. EPA relevant to hazardous materials and environmental contamination include Title 40, CFR, Chapter 1, Subchapter D – Water Programs and Subchapter I – Solid Wastes. Title 40, CFR, Chapter 1, Subchapter D, Parts 116 and 117 designate hazardous substances under the Federal Water Pollution Control Act: Title 40, CFR, Part 116 sets forth a determination of the reportable quantity for each substance that is designated as hazardous. Title 40, CFR, Part 117 applies to quantities of designated substances equal to or greater than the reportable quantities that may be discharged into waters of the United States.

The NFPA 70®: National Electrical Code® is adopted in all 50 states. Any electrical work associated with the Proposed Project is required to comply with the standards set forth in this code. Several federal regulations govern hazards as they are related to transportation issues. They include:

Title 49, CFR, Sections 171-177 (49 CFR 171-177), governs the transportation of hazardous materials, the types of materials defined as hazardous, and the marking of the transportation vehicles.

49 CFR 350-399, and Appendices A-G, Federal Motor Carrier Safety Regulations, address safety considerations for the transport of goods, materials, and substances over public highways.

49 CFR 397.9, the Hazardous Materials Transportation Act of 1974, directs the U.S. Department of Transportation to establish criteria and regulations for the safe transportation of hazardous materials.

4.9.2. State Regulatory Setting

California Environmental Protection Agency (CalEPA): The California Environmental Protection Agency (CalEPA) was created in 1991 by Governor’s Executive Order. The six boards, departments, and office were placed under the CalEPA umbrella to create a cabinet-level voice for the protection of human health and the environment and to assure the coordinated deployment of State resources. The mission of CalEPA is to restore, protect, and enhance the environment to ensure public health, environmental quality, and economic vitality under Title 22 of the California Code of Regulations (CCR).

Department of Toxic Substances Control (DTSC): DTSC is a department of Cal/EPA and is the primary agency in California that regulates hazardous waste, cleans-up existing contamination, and looks for ways to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California

primarily under the authority of RCRA and the California Health and Safety Code. Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. Government Code Section 65962.5 (commonly referred to as the Cortese List) includes DTSC listed hazardous waste facilities and sites, DHS lists of contaminated drinking water wells, sites listed by the SWRCB as having UST leaks and which have had a discharge of hazardous wastes or materials into the water or groundwater, and lists from local regulatory agencies of sites that have had a known migration of hazardous waste/material.

Unified Program: The Unified Program (codified CCR Title 27, Division 1, Subdivision 4, Chapter 1, Sections 15100- 15620) consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of the following six environmental and emergency response programs:

- Hazardous Waste Generator (HWG) program and Hazardous Waste On-site Treatment activities;
- Aboveground Storage Tank (AST) program Spill Prevention Control and Countermeasure Plan requirements;
- Underground Storage Tank (UST) program;
- Hazardous Materials Release Response Plans and Inventory (HMRRP) program;
- California Accidental Release Prevention (CalARP) program;
- Hazardous Materials Management Plans and Hazardous Materials Inventory Statement (HMMP/HMIS) requirements.

The Secretary of CalEPA is directly responsible for coordinating the administration of the Unified Program. The Unified Program requires all counties to apply to the CalEPA Secretary for the certification of a local unified program agency. Qualified cities are also permitted to apply for certification. The local Certified Unified Program Agency (CUPA) is required to consolidate, coordinate, and make consistent the administrative requirements, permits, fee structures, and inspection and enforcement activities for these six program elements in the county. Most CUPAs have been established as a function of a local environmental health or fire department.

Hazardous Waste Management Program: The Hazardous Waste Management Program (HWMP) regulates hazardous waste through its permitting, enforcement, and Unified Program activities in accordance with California Health and Safety Code Section 25135 et seq. The main focus of HWMP is to ensure the safe storage, treatment, transportation, and disposal of hazardous wastes.

State Water Resources Control Board (SWRCB): The State Water Resources Control Board (SWRCB) was created by the California legislature in 1967. The mission of SWRCB is to ensure the highest reasonable quality for waters of the State, while allocating those waters to achieve the optimum balance of beneficial uses. The joint authority of water allocation and water quality protection enables SWRCB to provide comprehensive protection for California's waters.

California Department of Industrial Relations – Division of Occupational Safety and Health (Cal OSHA): In California, every employer has a legal obligation to provide and maintain a safe and healthful workplace for employees, according to the California Occupational Safety and Health Act of 1973 (per Title 8 of the CCR). The Division of Occupational Safety and Health (Cal/OSHA) program is responsible for enforcing California laws and regulations pertaining to workplace safety and health and for providing assistance to employers and workers about workplace safety and health issues. Cal/OSHA regulations are administered through Title 8 of the CCR. The regulations require all manufacturers or importers to assess the hazards

of substances that they produce or import and all employers to provide information to their employees about the hazardous substances to which they may be exposed.

California Fire Code: The California Fire Code is Part 9 of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. The California Fire Code incorporates the Uniform Fire Code with necessary California amendments. This Code prescribes regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire explosion, and dangerous conditions arising from the storage, handling and use of hazardous materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises and provisions to assist emergency response personnel.

Local Regulatory Setting

Sutter County Airport Comprehensive Land Use Plan: The SCACLUP was adopted in April 1994 by the Sacramento Area Council of Governments (SACOG). SACOG is the designated Airport Land Use Commission (ALUC) for Sacramento, Sutter, Yolo and Yuba Counties under the provisions of the California Public Utilities Code, Chapter 4, Article 3.5, Section 21670.1 Airport Land Use Commission Law. The purpose of the ALUC law is to (1) protect public health, safety, and welfare through the adoption of land use standards that minimize the public's exposure to safety hazards and excessive levels of noise, and (2) Prevent the encroachment of incompatible land uses around public-use airports, thereby preserving the utilities of these airports into the future.

4.9.3. Impact Assessment/Environmental Consequences:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

The presence of hazardous materials anticipated with development of this Project are primarily related to construction and grading equipment which includes solvents, oil and fuel. The presence of these materials is expected to be below a quantity which would warrant specific mitigation.

The facility will be utilizing a fumigation process as part of the facility operation. Fumigation will take place within an enclosed warehouse structure, and will be subject to storage and use per local and state standards for safety purposes.

Hazards and Hazardous Materials Mitigation Measure 4.8.4:

Fumigation will take place within an enclosed warehouse structure, and will be subject to storage and use per local and state standards for safety purposes.

- 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?*

The presence of hazardous materials anticipated with development of this Project are primarily related to construction and grading equipment which includes solvents, oil and fuel. The presence of these materials is expected to be below a quantity which would warrant specific mitigation.

The facility will be utilizing a fumigation process as part of the facility operation. Fumigation will take place within an enclosed warehouse structure, and will be subject to storage and use per local and state standards for safety purposes. (See Mitigation Measure 4.8.4 – Hazards and Hazardous Materials).

- c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

The are no schools located within one-quarter mile of the Project.

- d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section and, as a result, would create a significant hazard to the public or the environment?*

The site is not on any listings of sites that are contaminated by hazardous wastes.

- 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?*

The project is not located within the Sutter County Airport Land Use Plan.

- 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?*

There are no private airports or airfields located within the city limits of Yuba City. The closest private airstrip is the Vanderford Ranch Company Airport, located approximately six miles southwest of the City, well beyond any safety or hazardous zones. Therefore, there will be no impact from any private airstrips.

- g) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The Yuba City Fire Department and Police Department, serve this area. Neither agency has expressed concern over impacts the project may have on any emergency response plans.

- 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?*

The project site is located in an urban area that is surrounded by irrigated agricultural lands. There are no wildlands on the site or in the immediate area.

4.10. Hydrology and Water Quality

Table 4-10: Hydrology and Water Quality				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?		X		

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 that would not support existing land uses or planned uses for which permits have been granted)?			X	
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 that would result in substantial erosion or siltation on- or off-site?		X		
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?			X	
e) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?		X		
f) Otherwise substantially degrade water quality?			X	
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?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
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?			X	
j) Inundation by seiche, tsunami, or mudflow?				X

4.10.1. Federal Regulatory Setting

Clean Water Act: The Clean Water Act (CWA) is intended to restore and maintain the chemical, physical, and biological integrity of the nation's waters (33 CFR 1251). The regulations implementing the CWA protect waters of the U.S. including streams and wetlands (33 CFR 328.3). The CWA requires states to set standards to protect, maintain, and restore water quality by regulating point source and some non-point source discharges. Under Section 402 of the CWA, the National Pollutant Discharge Elimination System (NPDES) permit process was established to regulate these discharges.

Federal Emergency Management Agency (FEMA) Flood Zones: The National Flood Insurance Act (1968) makes available federally subsidized flood insurance to owners of flood-prone properties. To facilitate identifying areas with flood potential, Federal Emergency Management Agency (FEMA) has developed Flood Insurance Rate Maps (FIRM) that can be used for planning purposes. Flood hazard areas identified on the Flood

Insurance Rate Map are identified as a Special Flood Hazard Area (SFHA). SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. Moderate flood hazard areas, labeled Zone B or Zone X (shaded) are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X (unshaded).

4.10.2. State Regulatory Setting

State Water Resources Control Board: The State Water Resources Control Board (SWRCB) is the agency with jurisdiction over water quality issues in the State of California. The WRCB is governed by the Porter-Cologne Water Quality Act (Division 7 of the California Water Code), which establishes the legal framework for water quality control activities by the SWRCB. The intent of the Porter-Cologne Act is to regulate factors which may affect the quality of waters of the State to attain the highest quality which is reasonable, considering a full range of demands and values. Much of the implementation of the SWRCB's responsibilities is delegated to its nine Regional Boards. The Project site is located within the Central Valley Regional Water Quality Control board.

Central Valley Regional Water Quality Control Board (CVRWQCB): administers the NPDES storm water-permitting program in the Central Valley region. Construction activities on one acre or more are subject to the permitting requirements of the NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Construction Permit). Additionally, CVRWQCB is responsible for issuing Waste Discharge Requirements Orders under California Water Code Section 13260, Article 4, Waste Discharge Requirements.

State Department of Water Resources: California Water Code (Sections 10004 et seq.) requires that the State Department of Water Resources update the State Water Plan every five years. The 2013 update is the most current review and included (but is not limited to) the following conclusions:

- The total number of wells completed in California between 1977 and 2010 is approximately 432,469 and ranges from a high of 108,346 wells for the Sacramento River Hydrologic Region to a low of 4,069 wells for the North Lahontan Hydrologic Region.
- Based on the June 2014 California Statewide Groundwater Elevation Monitoring (CASGEM) basin prioritization for California's 515 groundwater basins, 43 basins are identified as high priority, 84 basins as medium priority, 27 basins as low priority, and the remaining 361 basins as very low priority.
- The 127 basins designated as high or medium priority account for 96 percent of the average annual statewide groundwater use and 88 percent of the 2010 population overlying the groundwater basin area.
- Depth-to-groundwater contours were developed for the unconfined aquifer system in the Central Valley. In the Sacramento Valley, the spring 2010 groundwater depths range from less than 10 feet below ground surface (bgs) to approximately 50 feet bgs, with local areas showing maximum depths of as much as 160 feet bgs.
- The most prevalent groundwater contaminants affecting California's community drinking water wells are arsenic, nitrate, gross alpha activity, and perchlorate.

California Government Code 65302 (d): The General Plan must contain a Conservation Element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, river and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. That portion of the conservation element including waters shall be developed in coordination with any County-wide water agency and with all district and city agencies which have developed, served, controlled or conserved water for any purpose for the County or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information described in Section 65352.5, if that information has been submitted by the water agency to the city or County. The conservation element may also cover:

- The reclamation of land and waters.
- Prevention and control of the pollution of streams and other waters.
- Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.
- Prevention, control, and correction of the erosion of soils, beaches, and shores.
- Protection of watersheds.
- The location, quantity and quality of the rock, sand and gravel resources.
- Flood control.

Sustainable Groundwater Management Act: On September 16, 2014 Governor Edmund G. Brown Jr. signed historic legislation to strengthen local management and monitoring of groundwater basins most critical to the state's water needs. The three bills, SB 1168 (Pavley) SB 1319 (Pavley) and AB 1739 (Dickinson) together makeup the Sustainable Groundwater Management Act. The Sustainable Groundwater Management Act comprehensively reforms groundwater management in California. The intent of the Act is to place management at the local level, although the state may intervene to manage basins when local agencies fail to take appropriate responsibility. The Act provides authority for local agency management of groundwater, and requires creation of groundwater sustainability agencies and implementation of plans to achieve groundwater sustainability within basins of high and medium-priority.

4.10.3. Impact Assessment/Environmental Consequences:

a) Violate any water quality standards or waste discharge requirements?

It is not anticipated that the project will have impact on the water quality of this area as the Project will be subject to Central Valley Regional Water Quality Control Board (CVRWQCB) standards and regulations associated with water quality and discharge.

Hydrology and Water Quality Mitigation Measure 4.9.3.a –

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy, as well as any other pertinent requirements set forth in the adopted Basin Plan for this area.

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 that would not support existing land uses or planned uses for which permits have been granted)?

Although there will be some increase in water use at this site due to the Project, anticipated impacts to the existing groundwater supply are anticipated to be minimal. This impact is considered to be less than significant.

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 that would result in substantial erosion or siltation onsite or offsite?

The project will impact the existing drainage patterns associated with this site. Drainage dynamics must comply with CVRWQCB plans and regulations per Hydrology and Water Quality Mitigation Measure 4.9.3.a as described in item a above.

Additionally, improvements plans are required to be reviewed and approved by the City's Public Works Department intended to protect surrounding lands.

Hydrology and Water Quality Mitigation Measure 4.9.3.c –

1. The improvement plans for the development of the subject property shall include all measures required to ensure that no drainage runoff resulting from the development of the property flow onto the adjacent agricultural lands or impede the drainage from those properties. If retaining walls are required they shall be constructed of concrete or masonry block.
2. The Developer shall submit to Sutter County a drainage plan for any drainage improvements that utilize County facilities for approval by Sutter County Public Works Director.
3. The Developer shall enter into an agreement with Sutter County providing the following:
Participation in a zone of benefit, drainage district, agency, service area or any other public entity for the financing of construction and maintenance of a drainage system. In addition to the special assessment district or public entity referred to immediately above, the agreement shall contemplate the imposition by the district or public entity of any legally available fee, assessment or other financing mechanism to facilitate the construction and maintenance of a drainage system.
4. The property shall either pay a drainage fee or construct storm drain improvements in accordance with the drainage master plan for the area.

Therefore, with in mitigation as described above, there will be no changes to the existing drainage pattern and there is not expected to be any significant impacts from additional storm water drainage from the site.

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 that would result in flooding on- or off-site.

The site's drainage system will be addressed as described in item c above, including recommended mitigation measures. The project will not alter the course of a stream or river. Given mitigation as described in item c above, impacts are expected to be less than significant.

- e) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?*

As described in items c and d and with recommended mitigation measures, increases in stormwater runoff would be less than significant. Additionally, the City's Public Works Department has suggested the following mitigation measure:

Hydrology and Water Quality Mitigation Measure 4.9.3.e –

Pending calculations showing that the property can accommodate additional runoff on-site, drainage improvements may be deferred, subject to Sutter County concurrence. Developer to provide letter from the County stating the County is agreeable to continued use of existing onsite detention basin.

- f) Otherwise substantially degrade water quality?*

The proposed project will not substantially degrade water quality. As noted under item a above, including recommended mitigation measures, development of the site will be required to meet all local and state standards and will adhere to the General Plan Implementing Policies which includes adherence to all Federal and State standards and the City adopted Best Management Practices. Those standards are intended to ensure that water quality degradation does not occur. Therefore, the impact on water quality would be less than significant.

- 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?*

According to the Federal Emergency Management Agency, this portion of the City is outside of the 100-year flood plain. It is classified as such because of the extensive series of levees and dams along the Feather River, which protects the City from potential flooding. Local drainage improvements provide storm water relief to this area.

- h) Place structures that would impede or redirect flood flows within a 100-year flood hazard area?*

According to the Federal Emergency Management Agency, this portion of the City is outside of the 100-year flood plain. It is classified as such because of the extensive series of levees and dams along the Feather River, which protects the City from potential flooding. Local drainage improvements provide storm water relief to this area.

- 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?*

According to the Federal Emergency Management Agency, this portion of the City is outside of the 100-year flood plain. It is classified as such because of the extensive series of levees and dams along the Feather River, which protects the City from potential flooding. Local drainage improvements provide storm water relief to this area.

- j) Inundation by a seiche, tsunami, or mudflow?*

The City is not close to the ocean or any big lakes so a seiche is unlikely to happen in or near the City. The City is located inland from the Pacific Ocean, so people or structures in the City would not be exposed to inundation by tsunami. Mudflows and landslides are unlikely to happen due to the relatively flat

topography within the project area. Thus, it is unlikely that the project site would be subject to inundation by a seiche, tsunami, or mudflow or landslide. Therefore, there is no impact.

4.11. Land Use and Planning

Table 3-10: Land Use and Planning					
Would the project:		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Physically divide an established community?				X
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, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

4.11.1. Environmental Setting/Affected Environment

The Project is situated on a property designated for the proposed use per the Yuba City General Plan. The site is surrounded by a variety of uses, including low density single-family residential and agricultural uses.

4.11.2. Federal Regulatory Setting

There are no federal or state regulations pertaining to land use and planning relevant to the proposed Project.

4.11.3. Local Regulatory Setting

Yuba City General Plan, Land Use Element: The Land Use Element of the General Plan establishes guidance for the ultimate pattern of growth in the City's Sphere of Influence. It provides direction regarding how lands are to be used, where growth will occur, the density/intensity and physical form of that growth, and key design considerations.

4.11.4. Impact Assessment/Environmental Consequences:

a) Physically divide an established community?

The project will not physically divide an established community. The site is surrounded by a variety of uses, including low density single-family residential and agricultural uses.

- 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, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

The project does not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project. No impact.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

There are currently no adopted habitat conservation plans or natural community conservations plans within the City limits or the City's sphere of influence.

4.12. Mineral Resources

Table 4-12: Mineral Resources				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?				X
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?				X

4.12.1. Federal Regulatory Setting

There are no federal regulations pertaining to mineral resources relevant to the proposed Project.

4.12.2. State Regulatory Setting

California Surface Mining and Reclamation Act of 1975: Enacted by the State Legislature in 1975, the Surface Mining and Reclamation Act (SMARA), Public Resources Code Section 2710 et seq., insures a continuing supply of mineral resources for the State. The act also creates surface mining and reclamation policy to assure that:

- Production and conservation of minerals is encouraged;
- Environmental effects are prevented or minimized;
- Consideration is given to recreational activities, watersheds, wildlife, range and forage, and aesthetic enjoyment;
- Mined lands are reclaimed to a useable condition once mining is completed; and
- Hazards to public safety both now and in the future are eliminated.

Areas in the State (city or county) that do not have their own regulations for mining and reclamation activities rely on the Department of Conservation, Division of Mines and Geology, Office of Mine Reclamation to enforce this law. SMARA contains provisions for the inventory of mineral lands in the State of California.

The State Geologist, in accordance with the State Board's Guidelines for Classification and Designation of Mineral Lands, must classify Mineral Resource Zones (MRZ) as designated below:

- MRZ-1. Areas where available geologic information indicates that there is minimal likelihood of significant resources.
- MRZ-2. Areas underlain by mineral deposits where geologic data indicate that significant mineral deposits are located or likely to be located.
- MRZ-3. Areas where mineral deposits are found but the significance of the deposits cannot be evaluated without further exploration.
- MRZ-4. Areas where there is not enough information to assess the zone. These are areas that have unknown mineral resource significance.

SMARA only covers mining activities that impact or disturb the surface of the land. Deep mining (tunnel) or petroleum and gas production is not covered by SMARA.

4.12.3. Impact Assessment/Environmental Consequences:

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?

The property contains no known mineral resources and there is little opportunity for mineral resource extraction. The Yuba City General Plan does not recognize any mineral resource zones within the City's boundary, and no mineral extraction facilities currently exist within the City.

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?

The property contains no known mineral resources and there is little opportunity for mineral resource extraction. The Yuba City General Plan does not recognize any mineral resource zones within the City's boundary, and no mineral extraction facilities currently exist within the City.

4.13. Noise

Table 4.13: Noise				
Would the project result in:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?		X		
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
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?				X
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?				X

4.13.1. Environmental Setting/Affected Environment for Noise

Noise can be generally defined as unwanted sound. Sound, traveling in the form of waves from a source, exerts a sound pressure level (referred to as sound level) which is measured in decibels (dB), with 0 dB corresponding roughly to the threshold of human hearing and 120 to 140 dB corresponding to the threshold of pain.

Sound pressure fluctuations can be measured in units of hertz (Hz), which correspond to the frequency of a particular sound. Typically, sound does not consist of a single frequency, but rather a broad band of frequencies varying in levels of magnitude (sound power). The sound pressure level, therefore, constitutes the additive force exerted by a sound corresponding to the frequency/sound power level spectrum.

The typical human ear is not equally sensitive to all frequencies of the audible sound spectrum. As a consequence, when assessing potential noise impacts, sound is measured using an electronic filter that de-emphasizes the frequencies below 1,000 Hz and above 5,000 Hz in a manner corresponding to the human ear's decreased sensitivity to low and extremely high frequencies instead of the frequency mid-range. This method of frequency weighting is referred to as A-weighting and is expressed in units of A-weighted decibels (dBA). Frequency A-weighting follows an international standard methodology of frequency de-emphasis and is typically applied to community noise measurements.

Noise exposure is a measure of noise over a period of time. Noise level is a measure of noise at a given instant in time. Community noise varies continuously over a period of time with respect to the contributing sound sources of the community noise environment. Community noise is primarily the product of many distant noise sources, which constitute a relatively stable background noise exposure, with the individual contributors unidentifiable. The background noise level changes throughout a typical day, but does so gradually, corresponding with the addition and subtraction of distant noise sources such as traffic and atmospheric conditions. What makes community noise constantly variable throughout a day, besides the slowly changing background noise, is the addition of short duration single event noise sources (e.g., aircraft flyovers, motor vehicles, sirens), which are readily identifiable to the individual receptor. These successive additions of sound to the community noise environment vary the community noise level from instant to instant, requiring the measurement of noise exposure over a period of time to legitimately characterize a community noise environment and evaluate cumulative noise impacts.

4.13.2. Environmental Setting/Affected Environment for Groundborne Vibration

Vibration is the periodic oscillation of a medium or object. Vibration sources may be continuous, such as factory machinery, or transient, such as explosions. As is the case with airborne sound, ground borne vibrations may be described by amplitude and frequency. Vibration amplitudes are usually expressed in

peak particle velocity (PPV) or root mean squared (RMS), as in RMS vibration velocity. The PPV and RMS (VbA) vibration velocity are normally described in inches per second (in/sec). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal and is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings.

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. As it takes some time for the human body to respond to vibration signals, it is more prudent to use vibration velocity when measuring human response. The typical background vibration velocity level in residential areas is approximately 50 VdB. Groundborne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels.

Typical outdoor sources of perceptible ground borne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. Construction vibrations can be transient, random, or continuous. The approximate threshold of vibration perception is 65 VdB, while 85 VdB is the vibration acceptable only if there are an infrequent number of events per day.

4.13.3. Federal Regulatory Setting

Federal Vibration Policies: The Federal Railway Administration (FRA) and the Federal Transit Administration (FTA) have published guidance relative to vibration impacts. According to the FRA, fragile buildings can be exposed to ground-borne vibration levels of 90 VdB without experiencing structural damage.⁹⁷ The FTA has identified the human annoyance response to vibration levels as 75 VdB.

4.13.4. State Regulatory Setting

California Noise Control Act: The California Noise Control Act was enacted in 1973 (Health and Safety Code §46010 et seq.), and states that the Office of Noise Control (ONC) should provide assistance to local communities in developing local noise control programs. It also indicates that ONC staff would work with the Department of Resources Office of Planning and Research (OPR) to provide guidance for the preparation of the required noise elements in city and county General Plans, pursuant to Government Code § 65302(f). California Government Code § 65302(f) requires city and county general plans to include a noise element. The purpose of a noise element is to guide future development to enhance future land use compatibility.

Title 24 – Sound Transmission Control: Title 24 of the California Code of Regulations (CCR) codifies Sound Transmission Control requirements, which establishes uniform minimum noise insulation performance standards for new hotels, motels, dormitories, apartment houses, and dwellings other than detached single-family dwellings. Specifically, Title 24 states that interior noise levels attributable to exterior sources shall not exceed 45 dBA CNEL in any habitable room of new dwellings. Title 24, Part 2 requires an acoustical report that demonstrates the achievements of the required 45 dBA CNEL. Dwellings are designed so that interior noise levels will meet this standard for at least ten years from the time of building permit application.

4.13.5. Local Regulatory Setting

The City of Yuba City General Plan presents the vision for the future of Yuba City, and outlines several guiding policies and policies relevant to noise.

The following goals and policies from the City of Yuba City General Plan¹ are relevant to noise.

Guiding Policies

- 9.1-G-1 Strive to achieve an acceptable noise environment for the present and future residences of Yuba City.
- 9.1-G-2 Incorporate noise considerations into land use planning decisions, and guide the location and design of transportation facilities to minimize the effects of noise on adjacent land uses.
- Implementing Policies
- 9.1-I-1 Require a noise study and mitigation for all projects that have noise exposure greater than “normally acceptable” levels. Noise mitigation measures include, but are not limited to, the following actions:
 - Screen and control noise sources, such as parking and loading facilities, outdoor activities and mechanical equipment,
 - Increase setbacks for noise sources from adjacent dwellings,
 - Retain fences, walls, and landscaping that serve as noise buffers,
 - Use soundproofing materials and double-glazed windows, and
 - Control hours of operation, including deliveries and trash pickup, to minimize noise impacts.
- 9.1-I-3 In making a determination of impact under the California Environmental Quality Act (CEQA), consider an increase of four or more dBA to be "significant" if the resulting noise level would exceed that described as normally acceptable for the affected land use in Figure 5.
- 9.1-I-4 Protect especially sensitive uses, including schools, hospitals, and senior care facilities, from excessive noise, by enforcing “normally acceptable” noise level standards for these uses.
- 9.1-I-5 Discourage the use of sound walls. As a last resort, construct sound walls along highways and arterials when compatible with aesthetic concerns and neighborhood character. This would be a developer responsibility.
- 9.1-I-6 Require new noise sources to use best available control technology (BACT) to minimize noise from all sources.
- 9.1-I-7 Minimize vehicular and stationary noise sources and noise emanating from temporary activities, such as construction.

City of Yuba City Municipal Code: Title 4, Chapter 17, Section 4-17.10(e) of the Yuba City Municipal Code prohibits the operation of noise-generating construction equipment before 6:00 a.m. or after 9:00 p.m. daily, except Sunday and State or federal holidays when the prohibited time is before 8:00 a.m. and after 9:00 p.m.

¹ City of Yuba, 2004. *City of Yuba General Plan*. April 8, 2004.

Figure 1: Noise Exposure

LAND USE CATEGORY	COMMUNITY NOISE EXPOSURE - Ldn or CNEL (dBA)													
	50		55		60		65		70		75		80	
Residential – Low Density Single Family, Duplex, Mobile Home														
Residential – Multi-Family														
Transient Lodging – Motel/Hotel														
Schools, Libraries, Churches, Hospitals, Nursing Homes														
Auditorium, Concert Hall, Amphitheaters														
Sports Arena, Outdoor Spectator Sports														
Playgrounds, Neighborhood Parks														
Golf Courses, Riding Stables, Water Recreation, Cemeteries														
Office Buildings, Business, Commercial and Professional														
Industrial, Manufacturing, Utilities, Agriculture														
	Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.													
	Conditionally Acceptable: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features are included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.													
	Normally Unacceptable: New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirement must be made and needed noise insulation features included in the design.													
	Clearly Unacceptable: New construction or development generally should not be undertaken.													
Source: State of California, Governor's Office of Planning and Research, 2003. General Plan Guidelines.														

4.13.6. Impact Assessment/Environmental Consequences:

- 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?*

This Project will result in site disturbance and development. It is anticipated that there will be site grading and construction of a warehouse and processing building. Construction would involve temporary noise sources that are anticipated to last for a short period that could impact the nearby residences located in the vicinity. The noise source would include typical grading and paving equipment and miscellaneous equipment.

During construction, which is planned to occur during daylight hours, Monday through Friday, noise from construction activities would contribute to the noise environment in the immediate project vicinity. Activities involved in construction could generate maximum noise levels, as indicated in Table 3, ranging from 79 to 91 dBA at a distance of 50 feet, without feasible noise control (e.g., mufflers) and ranging from 75 to 80 dBA at a distance of 50 feet, with feasible noise control. However, due to the very limited duration of the construction activities, the effects from this activity are expected to be less than significant.

Table 2: Noise Levels of Typical Construction		
Type of Equipment (1)	dBA at 50 ft.	
	Without Feasible Noise Control (2)	With Feasible Noise Control
Dozer or Tractor	80	75
Excavator	88	80
Scraper	88	80
Front End Loader	79	75
Backhoe	85	75
Grader	85	75
Truck	91	75
(1)US Environmental Protection Agency. "Noise from Construction Equipment and Operations, Building Equipment and Home Appliances." Figure IV.H-4. 1971.		
(2)Feasible noise control includes the use of intake mufflers, exhaust mufflers and engine shrouds operating in accordance with manufacturers specifications		

In addition to short term noise related impacts, the processing facility will contribute to the existing noise levels in this area. The new structure would be located in the southwest portion of the site adjacent to Franklin Road. New traffic associated with this Project will be limited primarily to this area. Processing is planned to be conducted within the proposed enclosed structure. The applicant has proposed a 6' high cinder block wall adjacent to Franklin Road which will further dampen sound stemming from the operation. The closest off-site receptors are over 500' away. With the following mitigation, impacts associated with potential impact are expected to be less than significant:

Noise Mitigation Measures 4.13.6.a –

1. Grading and construction may occur during daylight hours Monday through Friday.
2. Construction and long term processing related noise shall adhere to General Plan noise standards as described in General Plan Table “Community Noise Exposure”.
3. During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. The Contractor shall be responsible for all construction equipment to be equipped with manufacturers approved muffler baffles. Failure to do so may result in the issuance of an order to stop work.
4. A 6.0 foot tall masonry block wall shall be installed at the property frontage, except at the locations of any proposed driveways and the existing detention pond. At such time that the pond is removed, the 6.0 foot tall masonry block wall shall be extended eastwardly along the property frontage.
5. The developer must obtain a grading permit from Yuba City Public Works Department prior to commencing any ground disturbance at this site.

Given the mitigation measures described above, noise associated with the Project is expected to be less than significant.

b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?

Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods employed. Operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance. Table 4 describes the typical construction equipment vibration levels.

Table 3: Typical Construction Levels	
Equipment (1)	VdB at 25 ft ²
Small Bulldozer	58
Vibratory Roller	94
Jackhammer	79
Loaded Trucks	86
(1) US Environmental Protection Agency. “Noise from Construction Equipment and Operations, Building Equipment and Home Appliances.” Figure IV.H-4. 1971.	

Vibration levels of construction equipment in Table 4 are at a distance of 25 feet from the equipment. As noted above, construction activities are limited to daylight hours. Infrequent construction-related vibrations would be short-term and temporary, and operation of heavy-duty construction equipment would be intermittent throughout the day during construction. Therefore, with the short duration of grading activities associated with the project, the temporary impact to any uses in the vicinity of the project would be less than significant.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Given recommended mitigation as discussed and recommended in Item a above, this item will be less than significant.

d) 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?

The project is not within an airport land use plan. There are no private airports or airfields located within the City limits of Yuba City. The closest private airstrip is the Vanderford Ranch Company Airport, located approximately six miles southwest of the City, well beyond any safety or hazard zones. Therefore, there will be no significant impacts from any private airstrips.

e) 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?

The project is not within an airport land use plan. There are no private airports or airfields located within the City limits of Yuba City. The closest private airstrip is the Vanderford Ranch Company Airport, located approximately six miles southwest of the City, well beyond any safety or hazard zones. Therefore, there will be no significant impacts from any private airstrips.

4.14. Population and Housing

Table 4.14: Population and Housing				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

4.14.1. Environmental Setting/Affected Environment

The proposed Project is located in an urbanized area of the City, and is surrounded by other residential, commercial and light industrial uses. This is essentially an in-fill project. All City services already serve the property.

4.14.2. Federal Regulatory Setting

There are no federal regulations, plans, programs or guidelines associated with population or housing that are applicable to the proposed Project.

4.14.3. State Regulatory Setting

California law (Government Code Section 65580, et seq.) requires cities and counties to include a housing element as a part of their general plan to address housing conditions and needs in the community. Housing elements are prepared approximately every five years (eight following implementation of Senate Bill [SB] 375), following timetables set forth in the law. The housing element must identify and analyze existing and projected housing needs and “make adequate provision for the existing and projected needs of all economic segments of the community,” among other requirements. The City adopted its current Housing Element in 2013.

4.14.4. Regional Regulatory Setting

State law mandates that all cities and counties offer a portion of housing to accommodate the increasing needs of regional population growth. The statewide housing demand is determined by the California Department of Housing and Community Development (HCD), while local governments and councils of governments decide and manage their specific regional and jurisdictional housing needs and develop a regional housing needs assessment (RHNA).

In the greater Sacramento region, which includes the City of Yuba City, SACOG has the responsibility of developing and approving an RHNA and a Regional Housing Needs Plan (RHNP) every eight years (Government Code, Section 65580 et seq.). This document has a central role of distributing the allocation of housing for every county and city in the SACOG region. Housing needs are assessed for very low income, low income, moderate income, and above moderate households.²

As described above, SACOG is the association of local governments that includes Yuba City, along with other jurisdictions comprising the six counties in the greater Sacramento region. In addition to preparing the Metropolitan Transportation Plan and Sustainable Communities Strategy for the region, SACOG approves the distribution of affordable housing in the region through its RHNP. SACOG also assists in planning for transit, bicycle networks, clean air and serves as the Airport Land Use Commission for the region.³

4.14.5. Impact Assessment/Environmental Consequences:

- 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)?*

As properties in this vicinity are already developed or in agricultural use, the Project is not expected induce growth to nearby properties or displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

- b) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

The proposed project will not result in the displacement of any housing or population. There will be no impact.

² Sacramento Area Council of Governments. 2012. Regional Needs Housing Plan 2013-2021. Adopted September 20, 2012. Page 4. Table 1.

³ Sacramento Area Council of Governments. 2017. About SACOG. SACOG website. Available: <http://www.sacog.org/about/>. Accessed July 25, 2017.

4.15. Public Services

Table 4-15: Public Services

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government 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:				
i) Fire protection?			X	
ii) Police protection?			X	
iii) Schools?			X	
iv) Parks?			X	
v) Other public facilities?			X	

4.15.1. Environmental Setting/Affected Environment

Law enforcement serving the various new uses is provided by the Yuba City Police Department. Fire protection is provided by the Yuba City Fire Department. Nearby parks and other urban facilities that may be utilized by new employees are provided by Yuba City.

4.15.2. Federal Regulatory Setting

National Fire Protection Association: The National Fire Protection Association (NFPA) is an international nonprofit organization that provides consensus codes and standards, research, training, and education on fire prevention and public safety. The NFPA develops, publishes, and disseminates more than 300 such codes and standards intended to minimize the possibility and effects of fire and other risks. The NFPA publishes the NFPA 1, Uniform Fire Code, which provides requirements to establish a reasonable level of fire safety and property protection in new and existing buildings.

4.15.3. State Regulatory Setting

California Fire Code and Building Code: The 2013 California Fire Code (Title 24, Part 9 of the California Code of Regulations) establishes regulations to safeguard against hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The Fire Code also establishes requirements intended to provide safety and assistance to fire fighters and emergency responders during emergency operations. The provision of the Fire Code includes regulations regarding fire-resistance rated construction, fire protection systems such as alarm and sprinkler systems, fire service features such as fire apparatus access roads, fire safety during construction and demolition, and wildland urban interface areas.

California Health and Safety Code (HSC): State fire regulations are set forth in Sections 13000 et seq. of the California HSC, which includes regulations for building standards (as set forth in the CBC), fire protection and notification systems, fire protection devices such as extinguishers, smoke alarms, childcare facility standards, and fire suppression training.

California Master Mutual Aid Agreement: The California Master Mutual Aid Agreement is a framework agreement between the State of California and local governments for aid and assistance by the interchange of services, facilities, and equipment, including but not limited to fire, police, medical and health, communication, and transportation services and facilities to cope with the problems of emergency rescue, relief, evacuation, rehabilitation, and reconstruction.

4.15.4. Impact Assessment/Environmental Consequences:

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government 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:*

Fire Protection: The Yuba City Fire Department provides fire protection services to the property. This proposal will result in additional warehousing and processing uses. However has not expressed concern regarding any significant increase in fire hazards to the area.

Police Protection: The Yuba City Police Department will provide police services to the site. The Police Department reviewed the proposal and did not express concerns.

Schools: The Yuba City Unified School District did not voice any concerns over the project. Warehousing and processing uses typically have a minimal direct impact upon schools.

Parks: It is not anticipated that the Project will impact the demand for additional parks, and therefore is not considered significant.

Other Public Facilities: The site is currently served by a public water system. Increased water usage has not been identified as a potential impact by responsible agencies or service providers. It is anticipated that impacts associated with this item would be less than significant with the following mitigation:

Public Services 4.14.4 a -

The applicant shall be required to pay all applicable Sutter County Water Agency connection fees and maintenance and operation fees. Fees are payable at the Sutter County Development Services Counter located at 1130 Civic Center Blvd.

4.16. Recreation

Table 4-16: Recreation

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
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?				X

4.16.1. Environmental Setting/Affected Environment

Yuba City has 22 City-owned parks and recreational areas, managed by the City's Parks and Recreation Department. This consists of four community parks, 15 neighborhood parks, and three passive or mini parks.

4.16.2. Federal Regulatory Setting

There are no federal regulations regarding parks and open space that are applicable to the proposed Project.

4.16.3. State Regulatory Setting

State Public Park Preservation Act: The primary instrument for protecting and preserving parkland is the Public Park Preservation Act of 1971. Under the PRC section 5400-5409, cities and counties may not acquire any real property that is in use as a public park for any non-park use unless compensation or land, or both, are provided to replace the parkland acquired. This provides no net loss of parkland and facilities.

Quimby Act: California Government Code Section 66477, referred to as the Quimby Act, permits local jurisdictions to require the dedication of land and/or the payment of in-lieu fees solely for park and recreation purposes. The required dedication and/or fee are based upon the residential density and housing type, land cost, and other factors. Land dedicated and fees collected pursuant to the Quimby Act may be used for developing new, or rehabilitating existing park or recreational facilities.

4.16.4. Local Regulatory Setting

The Yuba City General Plan and the City's Parks Master Plan provide a goal of providing 5 acres of public parkland per 1,000 residents, while it also requires 1 acre of Neighborhood Park for every 1,000 residents. The City's development impact fee program collects fees for new development, which is allocated for the acquisition and development of open space in the City.

4.16.5. Impact Assessment/Environmental Consequences:

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

It is not anticipated that the development associated with the Project will impact the demand for recreation beyond that which already exists in this vicinity and therefore is not considered significant.

- 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?*

It is not anticipated that the development associated with the Project will impact the demand for recreation beyond that which already exists in this vicinity and therefore is not considered significant.

4.17. Transportation/Traffic

Table 4-17: Transportation Recreation				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?			X	
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?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?			X	
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?			X	

4.17.1. Federal Regulatory Setting

Federal Highway Administration: FHWA is the agency of the U.S. Department of Transportation (DOT) responsible for the Federally-funded roadway system, including the interstate highway network and portions of the primary State highway network. FHWA funding is provided through the Safe, Accountable, Flexible, Efficiency Transportation Equity Act: A Legacy for Users (SAFETEA-LU). SAFETEA-LU can be used to fund local transportation improvement projects, such as projects to improve the efficiency of existing roadways, traffic signal coordination, bikeways, and transit system upgrades.

Several federal regulations govern transportation issues. They include:

- Title 49, CFR, Sections 171-177 (49 CFR 171-177), governs the transportation of hazardous materials, the types of materials defined as hazardous, and the marking of the transportation vehicles.
- Title 49 CFR 350-399, and Appendices A-G, Federal Motor Carrier Safety Regulations, address safety considerations for the transport of goods, materials, and substances over public highways.
- Title 49 CFR 397.9, the Hazardous Materials Transportation Act of 1974, directs the U.S. Department of Transportation to establish criteria and regulations for the safe transportation of hazardous materials.
- **Federal Aviation Administration:** The Federal Aviation Administration (FAA) regulates aviation at regional, public, and private airports. The FAA regulates objects affecting navigable airspace.

4.17.2. State Regulatory Setting

State of California Transportation Department Transportation Concept Reports: Each District of the State of California Transportation Department (Caltrans) prepares a Transportation Concept Report (TCR) for every state highway or portion thereof in its jurisdiction. The TCR usually represents the first step in Caltrans' long-range corridor planning process. The purpose of the TCR is to determine how a highway will be developed and managed so that it delivers the targeted LOS and quality of operations that are feasible to attain over a 20-year period, otherwise known as the "route concept" or beyond 20 years, for what is known as the "ultimate concept".

4.17.3. Impact Assessment/Environmental Consequences:

- 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?*

It is expected that the Project will generate additional traffic in this area associated with additional employees and truck traffic (seasonal impacts), however, increases are anticipated to be minimal. The City's Public Works Department has recommended the following mitigation measures in order to reduce potential impacts to a less than significant level:

Transportation/Traffic Mitigation Measures 4.17.3.a -

1. The Contractor(s) shall be required to maintain traffic flow on affected roadways during non-working hours, and to minimize traffic restriction during construction. The Contractor shall be

required to follow traffic safety measures in accordance with the CalTrans “Manual of Traffic Safety Controls for Construction and Maintenance Work Zones.” The City of Yuba City emergency service providers shall be notified, at least two working days in advance, of proposed construction scheduled by the contractor(s).

2. Right-of-way on Franklin Road shall be dedicated to a width of 62.5 feet including a 12.0 foot PUE behind the future sidewalk.
3. Deferment of the improvements along Franklin Road fronting the subject property are dependent on the timing of the proposed project. When adjacent properties develop, the project will be required to match those adjacent street and underground improvements. A Deferred Improvement Agreement shall be approved by City Council prior to issuance of a building permit. A cost escalation factor shall be incorporated into the Deferred Improvement Agreement.
4. All street improvements other than roadway widening required to safely accommodate truck turning movements to and from the property may be deferred, subject to City Council approval of a Deferred Improvement Agreement.
5. An Improvement Agreement will be required for any improvements within the public right-of-way.

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?

No impacts have been identified with respect to this issue.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?

The project is not within the Sutter County Airport Comprehensive Land Use Plan.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The project has frontage access on Franklin Road. The City’s Public Works Department has reviewed the project and has recommended mitigation as described in Item a above in order to address this concern.

e) Result in inadequate emergency access?

The Fire Department and Police Departments have reviewed the project plans and did not express concerns about emergency access to the property.

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?

The Project will be required to improve the access onto the Franklin Road to City standards, safely accommodating auto and bicycle traffic as well as completed sidewalks and related frontage improvements.

4.18. Tribal Cultural Resources

Table 4-18: Tribal Cultural Resources

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project cause of 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 :				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				X
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				X

4.18.1. Federal Regulatory Setting

This section describes the affected environment and regulatory setting for Tribal Cultural Resources (TCRs) in the Master Plan. The following analysis of the potential environmental impacts related to TCRs is derived primarily from the following sources:

- California Native American Heritage Commission Sacred Lands File Search, December 11, 2017.
- Ethnographic overview of the Nisenan culture.
- Environmental Impact Report for the City of Yuba City General Plan (2004).
- Consultation record with California Native American tribes under Assembly Bill 52 and Senate Bill 18.

4.18.2. State Regulatory Setting

Assembly Bill 52: Effective July 1, 2015, Assembly Bill 52 (AB 52) amended CEQA to require that: 1) a lead agency provide notice to any California Native American tribes that have requested notice of projects proposed by the lead agency; and 2) for any tribe that responded to the notice within 30 days of receipt with a request for consultation, the lead agency must consult with the tribe. Topics that may be addressed during consultation include TCRs, the potential significance of project impacts, type of environmental document that should be prepared, and possible mitigation measures and project alternatives.

Pursuant to AB 52, Section 21073 of the Public Resources Code defines California Native American tribes as “a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of the Statutes of 2004.” This includes both federally and non-federally recognized tribes.

Section 21074(a) of the Public Resource Code defines TCRs for the purpose of CEQA as:

- 1) Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - a. included or determined to be eligible for inclusion in the California Register of Historical Resources; and/or
 - b. included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and/or
 - c. 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Because criteria a and b also meet the definition of a Historical Resource under CEQA, a TCR may also require additional consideration as a Historical Resource. TCRs may or may not exhibit archaeological, cultural, or physical indicators.

Recognizing that California tribes are experts in their TCRs and heritage, AB 52 requires that CEQA lead agencies initiate consultation with tribes at the commencement of the CEQA process to identify TCRs. Furthermore, because a significant effect on a TCR is considered a significant impact on the environment under CEQA, consultation is required to develop appropriate avoidance, impact minimization, and mitigation measures.

4.18.3. Cultural Setting

The Nisenan (also referred to as Southern Maidu) inhabited the General Plan area prior to large-scale European and Euroamerican settlement of the surrounding area. Nisenan territory comprised the drainages of the Yuba, Bear, and American Rivers, and the lower drainages of the Feather River. The Nisenan, together with the Maidu and Konkow, their northern neighbors, form the Maiduan language family of the Penutian linguistic stock (Shipley 1978:89). Kroeber (1976:392) noted three dialects: Northern Hill Nisenan, Southern Hill Nisenan, and Valley Nisenan. Although cultural descriptions of this group in the English language are known from as early as 1849, most of our current cultural knowledge comes from various anthropologists in the early part of the 20th century (Levy 1978:413; Wilson and Towne 1978:397).

The basic subsistence strategy of the Nisenan was seasonally mobile hunting and gathering. Acorns, the primary staple of the Nisenan diet, were gathered in the valley along with seeds, buckeye, salmon, insects, and a wide variety of other plants and animals. During the warmer months, people moved to mountainous areas to hunt and collect food resources, such as pine nuts. Bedrock and portable mortars and pestles were used to process acorns. Nisenan settlement patterns were oriented to major river drainages and tributaries. In the foothills and lower Sierra Nevada, Nisenan located their villages in large flats or ridges near major streams. These villages tended to be smaller than the villages in the valley. (Wilson and Towne 1978:389–390.)

Trade provided other valuable resources that were not normally available in the Nisenan environment. The Valley Nisenan received black acorns, pine nuts, manzanita berries, skins, bows, and bow wood from the Hill Nisenan to their east, in exchange for fish, roots, grasses, shells, beads, salt, and feathers (Wilson and Towne 1978). To obtain, process, and utilize these material resources, the Nisenan had an array of

tools to assist them. Wooden digging sticks, poles for shaking acorns loose, and baskets of primarily willow and redbud were used to gather vegetal resources. Stone mortars and pestles were used to process many of the vegetal foods; baskets, heated stones, and wooden stirring sticks were used for cooking. Basalt and obsidian were primary stone materials used for making knives, arrow and spear points, clubs, arrow straighteners, and scrapers. (Wilson and Towne 1978.)

Nisenan settlement locations depended primarily on elevation, exposure, and proximity to water and other resources. Permanent villages were usually located on low rises along major watercourses. Village size ranged from three houses to 40 or 50 houses. Larger villages often had semi-subterranean dance houses that were covered in earth and tule or brush, and had a central smoke hole at the top and an entrance that faced east (Wilson and Towne 1978:388). Early Nisenan contact with Europeans appears to have been limited to the southern reaches of their territory. Spanish expeditions intruded into Nisenan territory in the early 1800s. In the two or three years following the gold discovery, Nisenan territory was overrun by immigrants from all over the world. Gold seekers and the settlements that sprang up to support them were nearly fatal to the native inhabitants. Survivors worked as wage laborers and domestic help and lived on the edges of foothill towns. Despite severe depredations, descendants of the Nisenan still live in their original land area and maintain and pass on their cultural identity.

4.18.4. *Summary of Native American Consultation*

c) Assembly Bill 52

On December 28, 2018 the City sent a project notification letter to the United Auburn Indian Community of the Auburn Rancheria (UAIC) and the Lone Band of Miwok Indians, which had previously requested notification of projects under the City's jurisdiction, pursuant to 21080.3.1(d) of the Public Resources Code. The tribes were provided a brief description of the project and its location, the lead agency contact information, and a notification that the tribe has 30 days to request consultation.

4.18.5. *Tribal Cultural Resources within Project Area*

The ethnographic information reviewed for the project, including ethnographic maps, does not identify any villages, occupational areas, or resource procurement locations in or around the current project area. Further, the areas of highest sensitivity are closer to the Feather River. In addition, the Sacred Lands File failed to identify any sacred lands or tribal resources in or near the project area.

4.18.6. *Thresholds of Significance*

AB 52 established that a substantial adverse change to a TCR has a significant effect on the environment. The thresholds of significance for impacts to TCRs are as follows:

Would the Project cause a substantial adverse change to a TCR, defined in Section 21074 as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a Native American tribe that are:

- Included or determined to be eligible for inclusion in the California Register of Historical Resources;
- Included in a local register of historical resources as defined in subdivision k of Section 5010.1; and/or
- Determined by the City to be significant, as supported by substantial evidence, including:

- A cultural landscape with a geographically defined boundary;
- A historical resource as described in Section 21084.1 (either eligible for or listed on the California Register of Historical Resources or listed on a local registry);
- A unique archaeological resource as defined in Section 21083.2; and/or
- A non-unique archaeological resource as defined in Section 21083.2.

In assessing substantial adverse change, the City must determine whether or not the project will adversely affect the qualities of the resource that convey its significance. The qualities are expressed through integrity. Integrity of a resource is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association [CCR Title 14, Section 4852(c)]. Impacts are significant if the resource is demolished or destroyed or if the characteristics that made the resource eligible are materially impaired [CCR Title 14, Section 15064.5(a)]. Accordingly, impacts to a TCR would likely be significant if the project negatively affects the qualities of integrity that made it significant in the first place. In making this determination, the City need only address the aspects of integrity that are important to the TCR's significance.

4.18.7. Impact Assessment/Environmental Consequences:

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

There are no known historic resources on the site. The General Plan does not identify any historical significance to the property. Therefore, there would be no impacts on any historical resources, directly or indirectly.

- b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

No formal cemeteries or other places of human internment are known to exist on the proposed Project site. No evidence of human remains at the Project site have been documented, and it is unlikely that buried human remains are present. Mitigation related to this item has been discussed and recommended earlier in this report (see Cultural Resources Mitigation Measures 4.5.4.b – Unanticipated Discoveries).

4.19. Utilities and Service Systems

Table 4-19: Utilities and Service Systems				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?		X		
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of		X		

existing facilities, the construction of which could cause significant environmental effects?				
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?		X		
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?		X		
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 projected demand in addition to the existing commitments?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	

4.19.1. Environmental Setting/Affected Environment

Wastewater:

Yuba City owns, operates, and maintains the wastewater collection, treatment, and disposal system that provides sewer service to approximately 60,000 residents and numerous businesses. The remainder of the residents and businesses in the Yuba City Sphere of Influence (SOI) are currently serviced by private septic systems. In the early 1970s, the City's original sewage treatment plant was abandoned and the current Wastewater Treatment Facility (WWTF) was constructed.

Water:

The water supply source for the City is surface water from the Feather River with use of a backup groundwater well. The City of Yuba City is a public water agency with over 18,000 connections. City policy only allows areas annex within the city limits to be served by the surface water system. The site is served by a 2" main and meter as part of the City's water system, however, the applicant is not currently using City water.

Reuse and Recycling:

Solid waste generated in Yuba City is collected by Recology Yuba-Sutter. Recology offers residential, commercial, industrial, electronic, and hazardous waste collection, processing, recycling and disposal, as well as construction and demolition waste processing, diversion, and transfer to a disposal facility. The City's municipal solid waste is delivered to the Ostrom Road Landfill; a State-permitted solid waste facility that provides a full range of transfer and diversion services. This landfill has a remaining capacity of 39,223,000 cubic yards (90 percent remaining capacity reported in 2007).⁴

4.19.2. Federal Regulatory Setting

⁴ CalRecycle, 2017. Available: <http://www.calrecycle.ca.gov/SWFacilities/Directory/58-AA-0011/Detail/>. Accessed August 15, 2017.

National Pollutant Discharge Elimination System: Discharge of treated wastewater to surface water(s) of the U.S., including wetlands, requires an NPDES permit. In California, the RWQCB administers the issuance of these federal permits. Obtaining a NPDES permit requires preparation of detailed information, including characterization of wastewater sources, treatment processes, and effluent quality. Any future development that exceeds one acre in size would be required to comply with NPDES criteria, including preparation of a Storm water Pollution Prevention Plan (SWPPP) and the inclusion of BMPs to control erosion and offsite transport of soils.

4.19.3. State Regulatory Setting

State Water Resources Control Board (SWRCB): Waste Discharge Requirements Program. State regulations pertaining to the treatment, storage, processing, or disposal of solid waste are found in Title 27, CCR, Section 20005 et seq. (hereafter Title 27). In general, the Waste Discharge Requirements (WDRs) Program (sometimes also referred to as the “Non Chapter 15 (Non 15) Program”) regulates point discharges that are exempt pursuant to Subsection 20090 of Title 27 and not subject to the Federal Water Pollution Control Act. Exemptions from Title 27 may be granted for nine categories of discharges (e.g., sewage, wastewater, etc.) that meet, and continue to meet, the preconditions listed for each specific exemption. The scope of the WDRs Program also includes the discharge of wastes classified as inert, pursuant to Section 20230 of Title 27. Several programs are administered under the WDR Program, including the Sanitary Sewer Order and recycled water programs.

Department of Resources Recycling and Recovery (CalRecycle): The Department of Resources Recycling and Recovery (CalRecycle) is the State agency designated to oversee, manage, and track the 76 million tons of waste generated each year in California. CalRecycle develops laws and regulations to control and manage waste, for which enforcement authority is typically delegated to the local government. The board works jointly with local government to implement regulations and fund programs.

The Integrated Waste Management Act of 1989 (PRC 40050 et seq. or Assembly Bill (AB 939, codified in PRC 40000), administered by CalRecycle, requires all local and county governments to adopt a Source

Reduction and Recycling Element to identify means of reducing the amount of solid waste sent to landfills. This law set reduction targets at 25 percent by the year 1995 and 50 percent by the year 2000. To assist local jurisdictions in achieving these targets, the California Solid Waste Reuse and Recycling Access Act of 1991 requires all new developments to include adequate, accessible, and convenient areas for collecting and loading recyclable and green waste materials.

Regional Water Quality Control Boards: The primary responsibility for the protection of water quality in California rests with the State Water Resources Control Board (State Board) and nine Regional Water Quality Control Boards. The State Board sets statewide policy for the implementation of state and federal laws and regulations. The Regional Boards adopt and implement Water Quality Control Plans (Basin Plans), which recognize regional differences in natural water quality, actual and potential beneficial uses, and water quality problems associated with human activities.

National Pollutant Discharge Elimination System (NPDES) Permit: As authorized by the Clean Water Act (CWA), the National Pollutant Discharge Elimination System (NPDES) Permit Program controls water pollution by regulating point sources that discharge pollutants into water of the United States. In California, it is the responsibility of Regional Water Quality Control Boards (RWQCB) to preserve and enhance the quality of the state’s waters through the development of water quality control plans and the issuance of waste discharge requirements (WDRs). WDRs for discharges to surface waters also serve as NPDES permits.

California Department of Water Resources: The California Department of Water Resources (DWR) is a department within the California Resources Agency. The DWR is responsible for the State of California's management and regulation of water usage.

4.19.4. Impact Assessment/Environmental Consequences:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Potential impacts associated with this item have been analyzed and mitigation recommended in Section 4.9 Hydrology and Water Quality. See discussion in Hydrology and Water Quality 4.9. The following mitigation measures are recommended in order to reduce this potential impact to a less than significant level.

Hydrology and Water Quality Mitigation Measure 4.9.3.a –

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy, as well as any other pertinent requirements set forth in the adopted Basin Plan for this area.

Hydrology and Water Quality Mitigation Measure 4.9.3.c –

1. The improvement plans for the development of the subject property shall include all measures required to ensure that no drainage runoff resulting from the development of the property flow onto the adjacent agricultural lands or impede the drainage from those properties. If retaining walls are required, they shall be constructed of concrete or masonry block.
2. The Developer shall submit to Sutter County a drainage plan for any drainage improvements that utilize County facilities for approval by Sutter County Public Works Director.
3. The Developer shall enter into an agreement with Sutter County providing the following:
Participation in a zone of benefit, drainage district, agency, service area or any other public entity for the financing of construction and maintenance of a drainage system. In addition to the special assessment district or public entity referred to immediately above, the agreement shall contemplate the imposition by the district or public entity of any legally available fee, assessment or other financing mechanism to facilitate the construction and maintenance of a drainage system.
4. The property shall either pay a drainage fee or construct storm drain improvements in accordance with the drainage master plan for the area.

Hydrology and Water Quality Mitigation Measure 4.9.3.e –

Pending calculations showing that the property can accommodate additional runoff on-site, drainage improvements may be deferred, subject to Sutter County concurrence. Developer to provide letter from the County stating the County is agreeable to continued use of existing onsite detention basin.

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?

Potential impacts associated with this item have been analyzed and mitigation recommended in Section 4.9 Hydrology and Water Quality. See discussion in Hydrology and Water Quality 4.9.

- 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?*

Potential impacts associated with this item have been analyzed and mitigation recommended in Section 4.9 Hydrology and Water Quality. See discussion in Hydrology and Water Quality 4.9.

- d) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*

The water supply source for the City is surface water from the Feather River with use of a backup groundwater well. The City of Yuba City is a public water agency with over 18,000 connections. City policy only allows areas annex within the city limits to be served by the surface water system. The site is served by a 2" main and meter as part of the City's water system, however, according to City records, the applicant is not currently utilizing City water.

Utilities and Service Systems Mitigation Measure 4.19.4.d –

Prior to issuance of a building permit, the applicant shall submit proof of adequate water supply from the Yuba City public water system.

- 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 projected demand in addition to the existing commitments?*

Potential impacts associated with this item have been analyzed and mitigation recommended in Section 4.9 Hydrology and Water Quality . See discussion in Hydrology and Water Quality 4.9.

- f) *Be served by a landfill with sufficient permitted capacity to accommodate the solid waste disposal needs?*

The landfill operated by Recology Yuba-Sutter has adequate landfill capacity.

- g) *Comply with federal, state, and local statutes and regulations related to solid waste?*

Transportation and disposal of all waste due to the proposed Project's construction would be facilitated in accordance with all applicable federal, state and local statutes and regulations. There would be no significant impact.

4.20. Wildfire

Table 4.20: Wildfire				
Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant			X	

concentrations from a wildfire or the uncontrolled spread of a wildfire?				
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?			X	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	

4.20.1. Environmental Setting/Affected Environment

Wildland fires are an annual hazard in Sutter County and, to a lesser degree due to urbanized development, Yuba City. Wildland fires burn natural vegetation on undeveloped lands and include rangeland, brush, and grass fires. Long, hot, and dry summers with temperatures often exceeding 100°F add to the County's fire hazard. Human activities are the major causes of wildland fires, while lightning causes the remaining wildland fires.

The California Department of Forestry and Fire Protection's Fire and Resource Assessment Program identifies fire threat based on a combination of two factors: 1) fire frequency, or the likelihood of a given area burning, and 2) potential fire behavior (hazard). These two factors are combined in determining the following Fire Hazard Severity Zones: Moderate, High, Very High, Extreme. These zones apply to areas designated as State Responsibility Areas – areas in which the State has primary firefighting responsibility. The project site is not within a State Responsibility Area and therefore has not been placed in a Fire Hazard Severity Zone.

4.20.2. Impact Assessment/ Environmental Consequences

a) Emergency Response and Emergency Evacuation Plans.

As discussed in Section 4.16.3.a of this Initial Study, project construction is not expected to substantially obstruct emergency vehicles or any evacuations that may occur in the area. Project operations likewise would not obstruct any roadways. As with the approved project, impacts of the revised project related to emergency response or evacuations would be less than significant.

b) Exposure of Project Occupants to Wildfire Hazards.

As noted in Section 4.1.4.a of this Initial Study, the project site is in a predominantly developed, urbanized area, and the project would involve construction of new structures, driveway and parking areas, and installation of decorative landscaping. Impacts of the revised project related to wildland fire hazards would be less than significant.

c) Installation and Maintenance of Infrastructure.

The project proposes the installation of modified driveways and parking areas, and the utilization of existing utilities at the site. The installation of these facilities is not expected to exacerbate the wildfire risk on the project site, as explained in b) above. Impacts of the revised project would be less than significant.

d) Risks from Runoff, Post-Fire Slope Instability, or Drainage Changes.

As noted in Section 4.9.3.j of this Initial Study, the project site is in a topographically flat area. There are no streams or other channels that cross the site. As such, it is not expected that people or structures would be exposed to significant risks from changes resulting from fires in steeper areas, including downslope or downstream flooding or landslides. Impacts of the revised project related to these issues would be less than significant.

4.21 Mandatory Findings of Significance

Table 4.21: Mandatory Findings of Significance				
Would the Project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project 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 example of the major periods of California history or prehistory?		X		
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)		X		
c) Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

4.20.3. Impact Assessment/Environmental Consequences:

- a) Does the project 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 example of the major periods of California history or prehistory?*

The project site is on a previously disturbed site and as such there is little plant or animal habitat value. Proposed development will not significantly 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 an important example of the major periods of California history or prehistory.

Project mitigation measures with respect to the following items will reduce potential impacts to a less than significant level:

Aesthetics, Air Quality, Cultural Resources, Geology, Green House Emissions, Hydrology and Water Quality, Noise, Public Services, Transportation, and Utilities and Service Systems.

b) Does the project 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)

CEQA Guidelines Section 15064(i) states that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects.

Projected development associated with the Project will generate new traffic onto Franklin Road. Given transportation mitigation measures, this item will be reduced to a less than significant impact.

Pertaining to potential cumulative impacts associated with GHG emissions, the site grading process shall comply with the GHG Reduction Measures provided in the adopted Yuba City Resource Efficiency Plan. The additional paving area may create some minor air quality and greenhouse gas, noise and hazardous material cumulative impacts, however those impacts have been found to be considered less than significant.

c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

The proposed Project in and of itself would not create a significant hazard to the public or the environment. Construction-related air quality, noise, and hazardous materials exposure impacts would occur for a very short period and only be a minor impact during that time period. Therefore, the proposed project would not have any direct or indirect adverse impacts on humans.

5. Section References and/or Incorporated by Reference

According to Section 15150 of the CEQA Guidelines, an ND may incorporate by reference all or portions of another document that is a matter of public record. The incorporated language will be considered to be set forth in full as part of the text of the ND. All documents incorporated by reference are available for review at, or can be obtained through, the City of Yuba City Development Services Department located at the address provided above. The following documents are incorporated by reference:

Airport Land Use Commission. 1994. Sutter County Airport Comprehensive Land Use Plan. April 1994.

Airport Land Use Commission. 2011. Yuba County Airport Land Use Compatibility Plan. Adopted March 17, 2011

California Department of Conservation, Division of Land Resource Protection (CDC DLRP). 2014. Farmland Mapping and Monitoring Program – Sutter County Important Farmland 2012. August 2014.

California Department of Conservation, Division of Land Resource Protection (CDC DLRP). 2013. Sutter County Williamson Act FY 2013/2014.

Carollo. 2011. City of Yuba City 2010 Urban Water Management Plan. June 2011.

Yuba City, City of. 2016. City of Yuba City Municipal Code.
https://www.municode.com/library/ca/yuba_city/codes/code_of_ordinances

Dyett & Bhatia. 2004. City of Yuba City General Plan. Adopted April 8, 2004.

Yuba City General Plan, 2004 Environmental Impact Report. (SCH #2001072105).

Fehr & Peers Associates, Inc. 1995. Yuba-Sutter Bikeway Master Plan. December 1995.

“Determination of 1-in-200 Year Floodplain for Yuba City Urban Level of Flood Protection Determination,” prepared for Yuba City by MBK Engineers, November 2015.

Sutter County General Plan.

Feather River Air Quality Management District (FRAQMD) CEQA Significance Thresholds.

Yuba Sutter Transit Route Map.

California Department of Conservation, California Geological Survey. “Fault Zone Activity Map.” Alquist-Priolo Earthquake Fault Zones.

California Department of Toxic Substances Control (DTSC). 2016. EnviroStor. Available at <http://www.envirostor.dtsc.ca.gov/public/>

California Department of Conservation, Division of Land Resource Protection Farmland Mapping and Monitoring Program – Sutter County Important Farmland Map.

Federal Emergency Management Agency (FEMA), Flood Insurance Rate Maps.

Carollo. 2011. City of Yuba City 2010 Urban Water Management Plan. June 2011.

City of Yuba City Wastewater Master Plan.

Sutter County Airport Comprehensive Land Use Plan, April, 1994.

Yuba County Airport Land Use Compatibility Plan, Sept., 2010.

Fehr & Peers Associates, Inc. 1995. Yuba-Sutter Bikeway Master Plan. December 1995.

California Department of Transportation (Caltrans). 2011. California Scenic Highway Mapping System website. Updated September 7, 2011. Available at http://dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm

KD Anderson & Associates Traffic Assessment – May 17, 2019

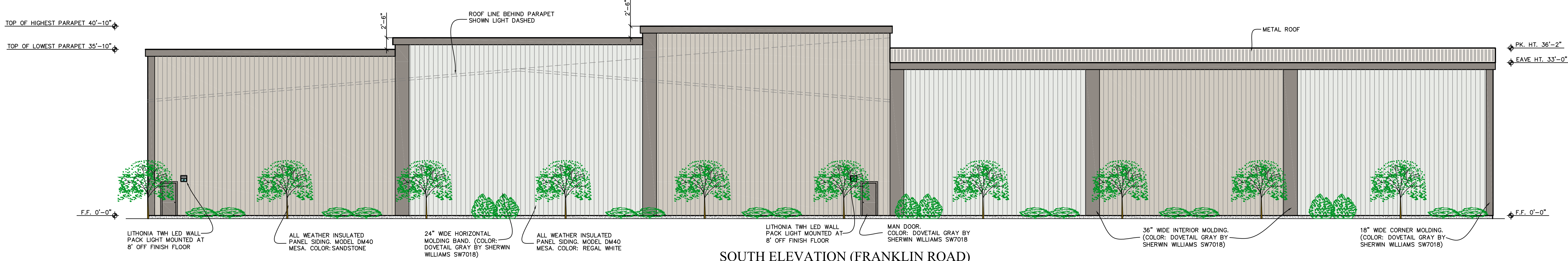
Bole & Associates, Biological Assessment, June 25, 2019

S.M. Jensen, M.A., Archaeological Inventory, May 24, 2019

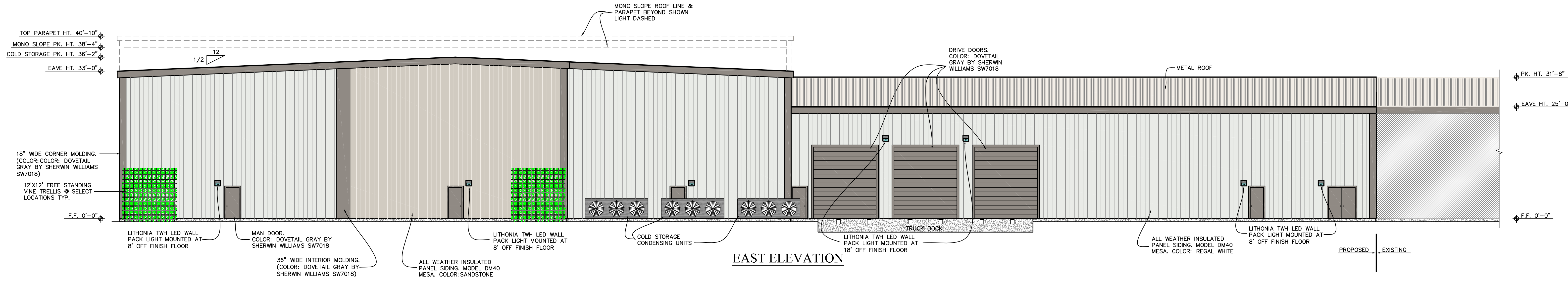
Bole & Associates, Phase I Environmental Assessment, June 17, 2019

Attachment B

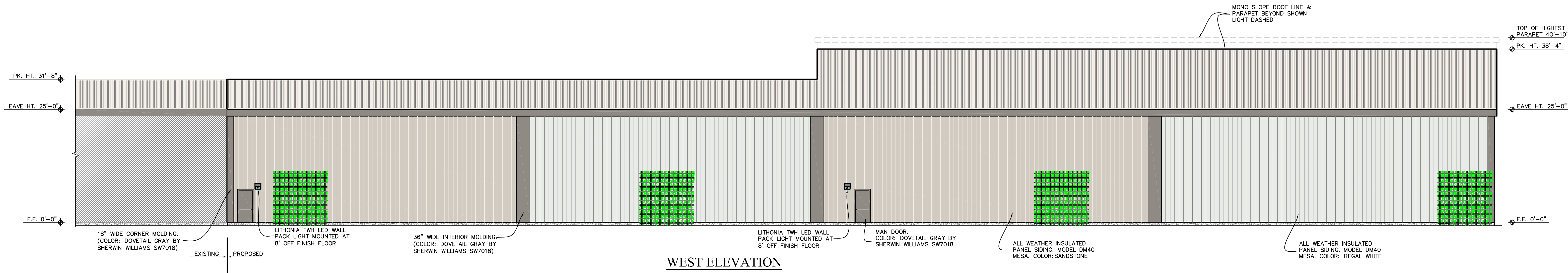
Attachment C



SOUTH ELEVATION (FRANKLIN ROAD)



EAST ELEVATION



WEST ELEVATION

REVISIONS			
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B	.	.	
C	.	.	
D	.	.	
E	.	.	

VERIFY SCALE BAR IS ONE INCH ON ORIGINAL DRAWING
0 1"
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALE(S) ACCORDINGLY

PROPOSED FOOD PROCESSING FACILITY FOR:
SUTTER FOODS/AMERJIT BHATTI
2179 FRANKLIN ROAD, YUBA CITY CA
APN: 63-000-012

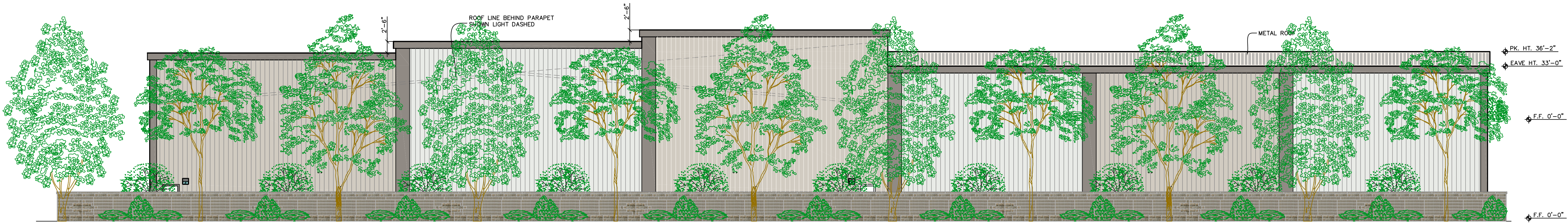
LAUGHLIN and SPENCE
CIVIL ENGINEERS & SURVEYORS
1008 Live Oak Boulevard
Yuba City, California 95991
(530) 671 1008
fax (530) 671 0822



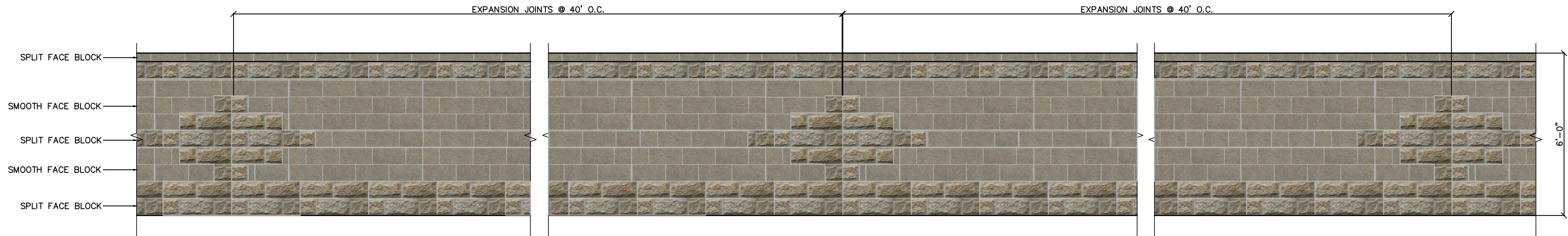
THESE PLANS ARE CONSIDERED "PRELIMINARY" OR "FOR REVIEW" UNLESS WET SIGNED AND SEALED BY THE ENGINEER. THEY SHALL NOT BE USED FOR CONSTRUCTION UNLESS STAMPED APPROVED BY THE LOCAL AGENCY.

Date 9-20-19
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STREET VIEW SOUTH ELEVATION (FRANKLIN ROAD)



TYP. BLOCK WALL DETAIL

REVISIONS		
A	2-7-20	MM
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D	.	.
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VERIFY SCALE BAR
IS ONE INCH ON
ORIGINAL DRAWING
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Date 9-20-19
Scale 3/32"=1'-0"
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Job# 173396
Sheet

A1.1

Attachment D

**CONDITIONS OF APPROVAL
DEVELOPMENT PLAN 19-04
JULY 22, 2020**

**SUTTER FOODS AGRICULTURAL WALNUT AND PRUNE
PROCESSING AND COLD STORAGE FACILITY
2179 FRANKLIN ROAD**

PLANNING

GENERAL

1. Approval of this Development Plan may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this Development Plan, the Zoning Ordinance, Uniform Building Code, and all Public Works Standards and Specifications. The City shall not assume responsibility for any deletions or omissions resulting from the permit review process or for additions or alterations to construction plan not specifically submitted and reviewed and approved pursuant to this development plan or subsequent amendments or revisions. Development Plan (DP) 19-04 allows the construction of 64,000 square foot steel agricultural walnut and prune processing and cold storage facility; APN: 63-040-012.
2. The applicant/property owner agrees to defend, indemnify and hold harmless the City, its officers, agents and employees, from any and all claims, damages, liability or actions arising out of or connected with this Agreement, except to the extent such liabilities are caused by actions of the City.

EXPIRATION AND DEVELOPMENT IMPACT FEES

3. Approval of Development Plan (DP) 19-04 shall be null and void without further action if: 1) the project has not been substantially commenced within two years of the approval date of DP 19-04; or 2) that a request for an extension of time, pursuant to Section 8-5.7106 of the Yuba City Municipal Code (YCMC) has not been submitted to the City.
4. The building shall comply with all applicable City Design Guidelines and shall be developed and constructed per the plans approved by the Planning Commission on July 22, 2020, except as provided by the conditions below. The facility shall operate pursuant to the Project Description as described in the Planning Staff Report dated July 22, 2020, as approved by the Planning Commission.
5. Prior to issuance of building permits, the applicant shall provide proof to the Development Services Department that an air quality permit from the Feather River Air Quality Management District has been obtained.
6. Building Elevations
 - a. Any proposed building elevation modifications, including exterior painting of the proposed structures, shall be reviewed and approved by the Development

PUBLIC WORKS

GENERAL

7. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project or as directed by the Public Works Department.
8. Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the project site.
9. The Developer, at their expense, shall be solely responsible for all quality control associated with the project. The quality control shall include, but is not limited to, the following: survey work, potholing existing utilities, all geotechnical testing, soil reports, concrete testing, asphalt testing, and any other required special testing/inspections. The City will only perform necessary testing to insure compliance.
10. Storage of construction material is not allowed in the City right-of-way.
11. The improvement plans for the development of the subject property shall include all measures required to ensure that no drainage runoff resulting from the development of the property flow onto the adjacent agricultural lands or impede the drainage from those properties. If retaining walls are required they shall be constructed of concrete or masonry block.
12. Existing and proposed grade elevations at perimeter of the proposed building site shall be shown on the building/improvement plans. The Engineer of Record shall designate on the plans as to where any retaining walls are required and provide details of all proposed retaining walls. The retaining wall is required where grade differences between the proposed development and the surrounding land is greater than 6" (inches). The use of any type of wood as the retaining wall is not permitted.
13. Required Improvement Plan Notes:
 - a. "Any excess materials shall be considered the property of the contractor/owner and shall be disposed of away from the job site in accordance with applicable local, state and federal regulations."
 - b. "During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. The Contractor shall be responsible for all construction equipment to be equipped with manufacturers approved muffler baffles. Failure to do so may result in the issuance of an order to stop work."
 - c. "If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sutter County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies."

- d. "The Contractor(s) shall be required to maintain traffic flow on affected roadways during non-working hours, and to minimize traffic restriction during construction. The Contractor shall be required to follow traffic safety measures in accordance with the CalTrans "Manual of Traffic Safety Controls for Construction and Maintenance Work Zones." The City of Yuba City emergency service providers shall be notified, at least two working days in advance, of proposed construction scheduled by the contractor(s)."
 - e. "Soil shall not be treated with lime or other cementitious material without prior express permission by the Public Works Department."
- 14. The Developer's Superintendent/Representative shall submit three sets of Pacific Gas and Electric approved utility plans showing joint trench locations and distribution lines prior to issuance of building permit, as applicable.
 - 15. The Developer shall comply with all Sutter County requirements related to drainage, including submittal of a drainage plan for any drainage improvements that utilize County facilities for approval by Sutter County Public Works Director, paying all applicable Sutter County Water Agency connection fees and maintenance and operation fees, and entering into an agreement with Sutter County providing participation in a zone of benefit, drainage district, agency, service area or any other public entity for the financing of construction and maintenance of a drainage system, as determined applicable by Sutter County.

PROJECT SPECIFIC

- 16. Right-of-way on Franklin Road shall be dedicated to a width of 62.5 feet including a 12.0 foot PUE behind the future sidewalk.
- 17. Deferment of the improvements along Franklin Road fronting the subject property are dependent on the timing of the proposed project. When adjacent properties develop, the project will be required to match those adjacent street and underground improvements. A Deferred Improvement Agreement shall be approved by City Council prior to issuance of a building permit. A cost escalation factor shall be incorporated into the Deferred Improvement Agreement.
- 18. All street improvements other than roadway widening required to safely accommodate truck turning movements to and from the property may be deferred, subject to City Council approval of a Deferred Improvement Agreement.
- 19. Increased stormwater runoff from the proposed development shall be mitigated by either:
 - a. Providing on-site storm water retention capable of retaining 100-year annual inflow, with allowance for evaporation and infiltration as approved by the Public Works Director, or
 - b. Constructing storm drain improvements, as needed, with established reimbursement agreements in place, and in accordance with the drainage master plan for the area, or as approved by the Public Works Director.
- 20. If, in the future, should the property connect to the City's drainage facilities, then the property shall either pay a drainage fee per the rate established by the Yuba City

Drainage Basin Study, which may be adjusted to reflect the actual runoff coefficient of the project, or construct the required drainage improvements determined by the Public Works Director.

21. Should onsite detention basin remain in place within the public right-of-way, the Developer shall obtain an encroachment permit from the City.
22. A 6.0 foot tall masonry block wall shall be installed at the property frontage, except at the locations of any proposed driveways and the existing detention pond. At such time that the pond is removed, the 6.0 foot tall masonry block wall shall be extended eastwardly along the property frontage.
23. The landscaping in the right-of-way is a public improvement which shall meet the Parks Division Planting Standards and Yuba City Standard Details. A landscape plan shall be included in the improvement plans when the plans are submitted for the first plan check. The landscape plan shall meet the Model Water Efficient Landscape Ordinance.
24. The property shall petition for formation of a Zone of Benefit of the Yuba City Landscaping and Lighting Maintenance District for the purpose of maintaining the landscaping, which is to be planted along Franklin Road, maintaining the masonry walls, and maintaining any future streetlights. The Engineering Division shall be reimbursed actual costs associated with the formation of the district.
25. The Developer shall construct a temporary sewer force main for use until such time that a gravity sewer is extended across the frontage of the property. Or, the Developer may construct an 18-inch diameter sewer in Franklin Road from Harding Road to the west boundary of the property at the maximum depth possible. If the 18-inch diameter sewer is constructed, a Credit/Reimbursement Agreement shall be executed.
26. The Developer may defer the undergrounding of the overhead utility lines until such time that the street improvements are constructed, or shall comply with the policy in place related to overhead utilities at the time of the construction of the street improvements.
27. Prior to the issuance of a certificate of occupancy, all reduced pressure backflow preventers shall be tested and a backflow preventer certification performed by an AWWA licensed tester shall be submitted to the Public Works Department.

Attachment E

PLANNING COMMISSION RESOLUTION NO. PC 20-06

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF YUBA CITY APPROVING DEVELOPMENT PLAN 19-04 TO ALLOW THE CONSTRUCTION OF A 64,000 SQUARE FOOT AGRICULTURAL WALNUT/PRUNE PROCESSING AND COLD STORAGE FACILITY ON AN APPROXIMATE 15.95 - ACRE SITE LOCATED AT 2179 FRANKLIN ROAD. ASSESSOR PARCEL NUMBER 63-040-012.

WHEREAS, the request for the Development Plan for the proposed facility was received by the City in December, 2019.

WHEREAS, the Yuba City Zoning regulations stipulates that following a public hearing, the Planning Commission shall approve, approve with conditions or deny the application within 30 days of the close of the hearing; and

WHEREAS, pursuant to California Environmental Quality Act Guidelines (CEQA), Section 15070, a Mitigated Negative Declaration has been prepared for the subject proposal; and

WHEREAS, the City of Yuba City on May 7, 2020 published a legal notice and mailed notification of neighboring property owners within at least within 300 feet of the subject property, in compliance with State law, concerning Planning Commission consideration of the Development Plan at its May 27, 2020 hearing for this item; and

WHEREAS, on May 27, 2020, the Planning Commission conducted a duly noticed public hearing at the City Council Chambers located at 1201 Civic Center Boulevard regarding Development Plan 19-04; and

WHEREAS, the Planning Commission continued the public hearing for the project on May 27, 2020 to the June 24, 2020 Planning Commission meeting, followed by another continuation where the public hearing was held on July 22, 2020.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission, based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, approves the following:

1. Findings:

Environmental: Following the preparation of an Initial Study (EA 19-12) pursuant to the California Environmental Quality Act (CEQA), it has determined that there will not be a significant effect on the environment given adoption of mitigation measures as detailed in the Initial Study dated May 4, 2020. The Planning Commission hereby adopts a MITIGATED NEGATIVE DECLARATION in association with this proposal.

Development Plan 19-04: Based upon analysis of the materials submitted as part of the project application, and subject to the applicant's compliance with the Conditions of Approval, Attachment A, the following required findings of Section 8-5.7001 (c) of the Zoning Regulations can be made (the required findings are in italics).

- a. *The site for the proposed use is adequate in size and shape to accommodate said use, public access, parking and loading, yards, landscaping, and other features required by this Chapter (Zoning Regulations).*

The approximately 15-acre site is adequate as proposed in the Development Plan to accommodate the proposed structures, parking, yards, landscaping and all required features of the Zoning Code.

- b. *The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.*

Given roadway improvements as detailed in the Initial Study and Mitigated Negative Declaration, the existing circulation system is adequate to accommodate the proposed project.

- c. *The site design, design of the building, and scale of the project will complement neighboring facilities.*

Given the project's location on an existing developed parcel, including landscape requirements utilized for screening purposes, the project will integrate into the existing vicinity.

- d. *The application satisfies at least one of the findings found in Title 6, Chapter 9, Article 6 of the Municipal Code.*

The project satisfies the following findings:

- (a) The facilities of the State plan of flood control or other flood management facilities protect the property to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas
- (e) The property is located in an area of potential flooding of three feet or less from sources other than local drainage or potential flooding from local drainage that meets the criteria of the national Federal Emergency Management Agency standard of flood protection

The foregoing Resolution was duly and regularly introduced, passed and adopted by the Planning Commission of the City of Yuba City at a regular meeting thereof held on July 22, 2020, by the following vote:

AYES:

NOES:

ABSENT:

Dale Eyeler, Planning Commission Chair

ATTEST:

Benjamin Moody, Secretary to the Planning Commission

Attachments: A. Conditions of Approval