

Gridley City Council – Regular Meeting Agenda

Monday, September 19, 2022; 6:00 pm
Gridley City Hall, 685 Kentucky Street, Gridley, CA 95948

“Our purpose is to continuously enhance our community’s vitality and overall quality of life. We are committed to providing high quality, cost-effective municipal services and forming productive partnerships with our residents and regional organizations. We collectively develop, share, and are guided by a clear vision, values, and meaningful objectives.”

The Public is encouraged to attend and participate in person. Comments from the public on agenda items will be accepted until 4 pm on September 19th, 2022, via email to csantana@gridley.ca.us or via the payment/document drop box at Gridley City Hall and will be conveyed to the Council for consideration.

You may view using the following link, ID, and passcode:

<https://us06web.zoom.us/j/85342819396?pwd=ZGFWK0VFZ2IFOWp3MUlrVVRyeHYxdz09>

Passcode: 152882

Webinar ID: 853 4281 9396

To make a public comment during the Community Participation Forum or during the public portion of any agenda item, use the ‘raise hand’ feature and you will be called on when it’s your turn to speak.

CALL TO ORDER - Mayor Johnson

ROLL CALL

PLEDGE OF ALLEGIANCE – Vice Mayor Farr

INVOCATION – None

PROCLAMATION – None

INTRODUCTION OF NEW OR PROMOTED EMPLOYEES

- **Jason Garringer, Police Officer**
- **Katie Hill, Community Services Officer**
- **Adam Reusser, Sergeant Promotion**

COMMUNITY PARTICIPATION FORUM - *Members of the public may address the City Council on matters not listed on the agenda. The City Council may not discuss nor take action on any community participation item brought forward by a member of the community. Comments are requested to be limited to three (3) minutes.*

CONSENT AGENDA

1. City Council Minutes Dated September 6th, 2022
2. Second Reading and Adoption of Ordinance 841-2022: An Ordinance to Rezone Approximately 70-Acres from Heavy Industrial (M-2) to Heavy Industrial (M-2), Open Space (OS), and Public-Quasi-Public (PQP) Located in the Gridley Industrial Park Complex. (APN 021-240-027, -042), by reading of title only

ITEMS FOR CONSIDERATION

3. Edler Estates:
 - Resolution No. 2022-R-031: A Resolution of the Gridley City Council to Amend the General Plan Land Use Designation of Approximately 8.49-acres from Residential, Very Low Density to Residential, Medium Density and to Adopt a Mitigated Negative Declaration Pursuant to a CEQA Finding there is less than Significant Environmental Impact. (APN 010-270-076)
 - Resolution No. 2022-R-032: A Resolution of the Gridley City Council Approving Tentative Subdivision Map 1-22 to Subdivide an Existing 8.49-acres into Forty-Six (46) Parcels Located on the West Side of Randolph Avenue at the Terminus of Laurel Street. (APN 010-270-076)
 - First Reading by Title Only of Ordinance 840-2022: An Ordinance to Rezone Approximately 8.49 Acres from Avenue Residential Suburban (R-S) to Single to Low Density Residential (R-1) for a Proposed Density of 5.41 du/ac Located on the West Side of Randolph Avenue at the Terminus of Laurel Street. (APN 010-270-076)
4. Award of Project Proposal for 2018 CDBG-DR Multifamily Housing Program – Orchard View Apartments II
5. Amended Cooperative Agreement among Groundwater Sustainability Agencies in the Butte Subbasin

CITY STAFF AND COUNCIL COMMITTEE REPORTS - *Brief updates from City staff and brief reports on conferences, seminars, and meetings attended by the Mayor and City Council members, if any.*

CITY ADMINISTRATOR REPORTS - *Brief updates and reports on conferences, seminars, and meetings attended by the City Administrator, if any.*

POTENTIAL FUTURE CITY COUNCIL ITEMS - *(Appearing on the Agenda within 30-90 days):*

Treasurer's Report FYE 21-22	10/17/2022
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CLOSED SESSION –

6. Public Employment (GC: 54957) Position: Utility Director

ADJOURNMENT – adjourning to a Regular meeting on October 3rd, 2022.

NOTE 1: POSTING OF AGENDA- This agenda was posted on the public bulletin board at City Hall at or before 6:00 p.m., September 16th, 2022. This agenda along with all attachments is available for public viewing online at www.gridley.ca.us and at the Administration Counter in City Hall, 685 Kentucky Street, Gridley, CA.

NOTE 2: REGARDING UNSCHEDULED MATTERS – In accordance with state law, it shall be the policy of this Council that no action shall be taken on any item presented during the public forum or on unscheduled matters unless the Council, by majority vote, determines that an emergency situation exists, or, unless the Council by a two-thirds vote finds that the need to take action arose subsequent to the posting of this agenda.

Gridley City Council – Regular Meeting Minutes

Tuesday, September 6, 2022; 6:00 pm
Gridley City Hall, 685 Kentucky Street, Gridley, CA 95948

“Our purpose is to continuously enhance our community’s vitality and overall quality of life. We are committed to providing high quality, cost-effective municipal services and forming productive partnerships with our residents and regional organizations. We collectively develop, share, and are guided by a clear vision, values, and meaningful objectives.”

CALL TO ORDER

Mayor Johnson called the meeting to order at 6:00 pm.

ROLL CALL

Councilmembers

Present: Johnson, Farr, Torres, Sanchez, Calderon
Absent: None
Arriving after roll call: None

Staff Present: Cliff Wagner, City Administrator
Tony Galyean, City Attorney
Rodney Harr, Chief of Police
Elisa Arteaga, Finance Director
Ross Pippitt, Public Works Director
Danny Howard, Utility Director
Donna Decker, Planning Director

PLEDGE OF ALLEGIANCE

Councilmember Torres led the Pledge of Allegiance.

INVOCATION

Invocation provided by Pastor Jose Villalobos, of The First Presbyterian Church.

PROCLAMATION

Mayor Johnson presented the honorary lamp to retired City Electric Director, Daryl Dye.

INTRODUCTION OF NEW OR PROMOTED EMPLOYEES

Chief Harr introduced Officer Todd Farr who was promoted to the Lieutenant Position.

COMMUNITY PARTICIPATION FORUM

Larry Standridge, 358 Park St, addressed the Council to express his appreciation to the Gridley Police Department for all their hard work.

CONSENT AGENDA

1. City Council Minutes Dated August 15th, 2022
2. Acceptance of City Expenditure Reports for July and August 2022

Motion to approve consent agenda was made by Vice Mayor Farr, seconded by Councilmember Sanchez.

ROLL CALL VOTE:

Ayes: Johnson, Calderon, Farr, Torres, Sanchez

Motion Passed, 5-0

ITEMS FOR CONSIDERATION

3. Ordinance 839-2022: Second Reading and Adoption by Title Only: An Ordinance of The City of Gridley, California, Amending Title 8 of the Gridley Municipal Code adding Chapter 8.25 Regulating the Use of Tobacco, Nicotine, and Other Products in Outdoor Areas

Motion to approve and adopt Ordinance 839-2022, by reading of title only, made by Councilmember Calderon, seconded by Councilmember Torres.

ROLL CALL VOTE:

Ayes: Johnson, Calderon, Farr, Torres, Sanchez

Motion Passed, 5-0

4. Edler Estates:

- Resolution No. 2022-R-031: A Resolution of the Gridley City Council to Amend the General Plan Land Use Designation of Approximately 8.49-acres from Residential, Very Low Density to Residential, Medium Density and to Adopt a Mitigated Negative Declaration Pursuant to a CEQA Finding there is less than Significant Environmental Impact. (APN 010-270-076)
- Resolution No. 2022-R-032: A Resolution of the Gridley City Council Approving Tentative Subdivision Map 1-22 to Subdivide an Existing 8.49-acres into Forty-Six (46) Parcels Located on the West Side of Randolph Avenue at the Terminus of Laurel Street. (APN 010-270-076)
- First Reading of Ordinance 840-2022: An Ordinance to Rezone Approximately 8.49 Acres from Avenue Residential Suburban (R-S) to Single to Low Density Residential (R-1) for a Proposed Density of 5.41 du/ac Located on the West Side of Randolph Avenue at the Terminus of Laurel Street. (APN 010-270-076)

Donna Decker, City Planner, presented Edler Estates to City Council and after Council and public discussion, motion to continue the item until the next City Council meeting was made by Councilmember Sanchez and seconded by Vice Mayor Farr.

ROLL CALL VOTE:

Ayes: Johnson, Calderon, Torres, Sanchez, Farr

Motion to Continue Passed, 5-0

5. Gridley Industrial Park Complex Subdivision Map 2-22

- Resolution No. 2022-R-033: A Resolution of the Gridley City Council to Amend the General Plan Land Use Designation of Approximately 70-acres from Industrial to Industrial/Park/Open Space/Public and to Adopt a Mitigated Negative Declaration Pursuant to a CEQA Finding There is less than Significant Environmental Impact. (APN 021-240-027, -042)
- Resolution No. 2022-R-034: A Resolution of the Gridley City Council Approving Tentative Subdivision Map 2-22 to Subdivide an Existing 70-acres into Eight (8) Parcels Located in the Gridley Industrial Park Complex. (APN 021-240-027, -042)
- Resolution No. 2022-R-035: A Resolution of the Gridley City Council Authorizing the City Administrator to Execute Agreements and Contracts on Behalf of the City Council of the City of Gridley Related to the Appraisal and Marketing Future Parcels Available in the Gridley Industrial Park Complex (APN 021-240-027, -042)
- First Reading of Ordinance 841-2022: An Ordinance to Rezone Approximately 70-Acres from Heavy Industrial (M-2) to Heavy Industrial (M-2), Open Space (OS), and Public-Quasi-Public (PQP) Located in the Gridley Industrial Park Complex. (APN 021-240-027, -042)

Motion to approve Resolutions 2022-R-033, 2022-R-034, 2022-R-035 and accept first introduction by reading of title only for Ordinance 841-2022 made by Mayor Johnson, seconded by Councilmember Torres.

ROLL CALL VOTE:

Ayes: Johnson, Torres, Calderon, Sanchez, Farr

Motion Passed, 5-0

6. City of Gridley Fuel Card Policy

Financial Director, Elisa Arteaga, explained the need to implement a Fuel Card Policy.

Motion to approve the policy was made by Councilmember Calderon, seconded by Councilmember Torres.

ROLL CALL VOTE:

Ayes: Johnson, Torres, Calderon, Sanchez, Farr

Motion Passed, 5-0

7. Reinvestment of City Funds

Arteaga explained her recommendation to reinvestment City CD funds to Council.

Motion to invest per the recommendation was made by Vice Mayor Farr, seconded by Councilmember Torres.

ROLL CALL VOTE:

Ayes: Johnson, Torres, Calderon, Sanchez, Farr

Motion Passed, 5-0

8. Presentation, Review and Acceptance of Financial Audit for FY 19-20

Motion to accept the Financial Audit for FY 19-20 was made by Councilmember Calderon, Seconded by Vice Mayor Farr.

ROLL CALL VOTE:

Ayes: Johnson, Torres, Calderon, Sanchez, Farr

Motion Passed, 5-0

CITY STAFF AND COUNCIL COMMITTEE REPORTS

Councilmember Calderon thanked Chief of Police, Rodney Harr, for actions taken to abate red-tagged homes for the safety of the community. He also thanked Financial Director, Elisa Arteaga for fiscal transparency.

Mayor Johnson briefly reported on his attendance at the Butte LAFCO meeting.

CITY ADMINISTRATOR REPORTS - None

POTENTIAL FUTURE CITY COUNCIL ITEMS - (Appearing on the Agenda within 30-90 days):

Treasurer's Report FYE 21-22	10/17/2022
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CLOSED SESSION - None

ADJOURNMENT –

With no further items to discuss, Council adjourned to the next regular meeting on September 19, 2022.

Cliff Wagner, City Administrator

City Council Item #2

Staff Report

Date: September 19, 2022

To: Mayor and City Council Members

From: Donna Decker, Planning Department

Subject: **Second Reading and Adoption of Ordinance 841-2022:** An ordinance to rezone approximately 70-Acres from Heavy Industrial (M-2) to Heavy Industrial (M-2), Open Space (OS), and Public-Quasi-Public (PQP) located in the Gridley Industrial Park Complex. (APN 021-240-027, 021-270-042)

X	Regular
	Special
	Closed
	Emergency

Recommendation

Staff respectfully requests the City Council:

- Adopt Ordinance 841-2022, by reading of title only.

Discussion

On September 6, 2022, the City Council adopted resolution numbers 2022-R-033 and 2022-R-034 to amend the General Plan land use designation, to adopt a Mitigated Negative Declaration, and to approve a Tentative Subdivision Map to create an 8-lot subdivision, respectively. Resolution No. 2022-R-035 was adopted to authorize the City Administrator to execute agreements and contracts on behalf of the City Council. The City Council also had the first reading of Ordinance 841-2022 to rezone the property from from Heavy Industrial (M-2) to Heavy Industrial (M-2), Open Space (OS), and Public-Quasi-Public (PQP) located in the Gridley Industrial Park Complex.

The entitlements bring the proposed subdivision into alignment with the Long Range Property Management Plan to divest its capital assets. The City Council voted:

2022-R-033	General Plan Amendment and Mitigated Negative Declaration	5-1 (Passed)
2022-R-034	Tentative Subdivision Map	5-1 (Passed)
2022-R-035	City Administrator Authorization	5-1 (Passed)
841-2022	Ordinance to Rezone	5-1 (1 st reading adopted)

The proposed project was approved; Ordinance 841-2022 returns to the City Council for its second reading, becoming effective 30 days thereafter, October 19, 2022.

Public Notice

A notice was posted at City Hall, made available at the Administration public counter, and placed on the City website for review.

Environmental Review

On September 6, 2022 the City Council adopted a Mitigated Negative Declaration by adopting Resolution No. 2022-R-033 for the project, finding there are no environmental impacts and/or impacts are reduced to a less than significant level.

Financial Impact

There are no direct or indirect costs to the City.

Compliance with City Council Strategic Plan or Budget Goals

This recommendation is consistent with the ongoing effort to be responsive and transparent regarding all land use matters.

Attachments

1. Ordinance No. 841-2022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRIDLEY TO REZONE AN APPROXIMATELY 70-ACRES FROM HEAVY INDUSTRIAL (M-2) TO HEAVY INDUSTRIAL (M-2), OPEN SPACE (OS), AND PUBLIC-QUASI-PUBLIC (PQP) LOCATED IN THE GRIDLEY INDUSTRIAL PARK COMPLEX. (APN 021-240-027, 021-270-042)

WHEREAS, the Planning Commission held a publicly noticed hearing on July 20, 2022 regarding the proposal to rezone approximately 70-acres from Heavy Industrial (M-2) to Heavy Industrial (M-2), Open Space (OS), and Public-Quasi-Public (PQP); and,

WHEREAS, at the close of the July 20, 2022 public hearing the Planning Commission recommended the City Council approve rezoning the property; and,

WHEREAS, the City Council reviewed the recommendation of the Planning Commission, considered the Initial Study and Mitigated Negative Declaration, and has found that the proposed rezone could not have a significant effect on the environment; and,

WHEREAS, the City Council accepted the Mitigated Negative Declaration by adopting Resolution Number 2022-R-033 on September 6, 2022; and,

WHEREAS, the City Council duly introduced Ordinance 841-2022 by reading of title only at a regular meeting of the City Council held on September 6, 2022; and,

WHEREAS, the City Council of the City of Gridley ordains as follows:

SECTION 1: The City Council finds that the rezone of Assessor Parcel Number 021-240-027 and 021-270-042 is consistent with the 2030 General Plan and the amendment adopted thereto as 2022-R-033 in addition to adopting the Mitigated Negative Declaration.

SECTION 2: The City Council of the City of Gridley approves the rezone of Assessor Parcel Number 021-240-027 and 021-270 -042 of 70-acres from Heavy Industrial (M-2) to Heavy Industrial (M-2), Open Space (OS), and Public-Quasi-Public (PQP).

SECTION 3: The Zoning Map of the City of Gridley on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended, in accordance with the herein description and Exhibit A.

SECTION 4: This ordinance shall be effective thirty (30) days from the date of the second reading of the ordinance.

ATTACHMENT 1
ORDINANCE NO. 841-2022

I HEREBY CERTIFY that the foregoing resolution for the property rezone of APN 021-240-027 and 021-270-042 as noted in Sections 1-4 and as shown on Exhibit A was duly introduced by reading of title only at the regular City Council meeting of the City of Gridley held on the 6th day of September, 2022, with the second reading by title only at the regular City Council meeting of the City of Gridley on September 19, 2022, adopted by the following vote:

AYES: COUNCIL MEMBERS _____

NOES: COUNCIL MEMBERS _____

ABSTAIN: COUNCIL MEMBERS _____

ABSENT: COUNCIL MEMBERS _____

ATTEST: _____ APPROVE: _____

Cliff Wagner, City Administrator

Bruce Johnson, Mayor

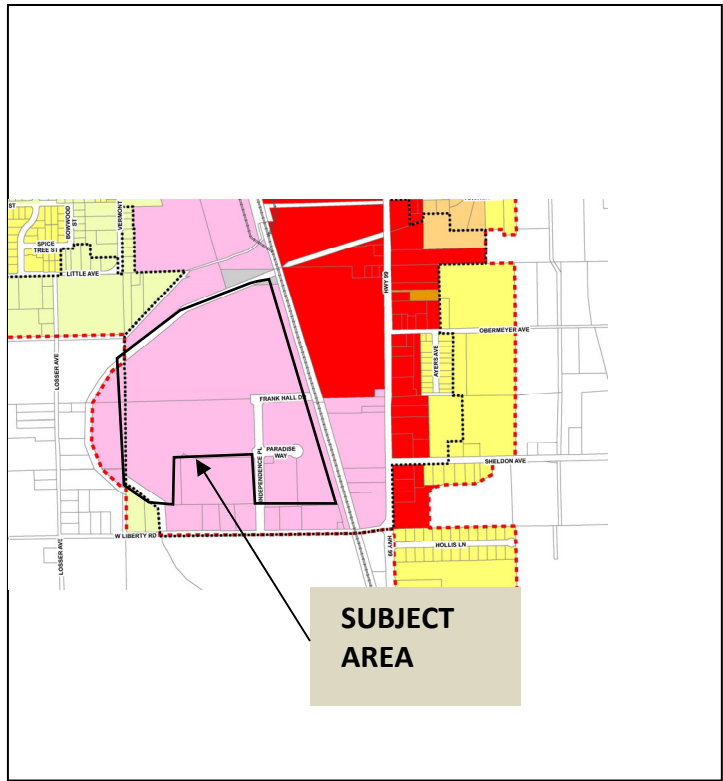
APPROVED AS TO FORM:

Anthony Galyean, City Attorney

EXHIBIT A



Figure 1: Location Map



Existing Zoning

From existing:

Heavy Industrial (M-2)

To proposed:

Heavy Industrial (M-2), Open
Space (OS), and Public-Quasi-
Public (PQP).

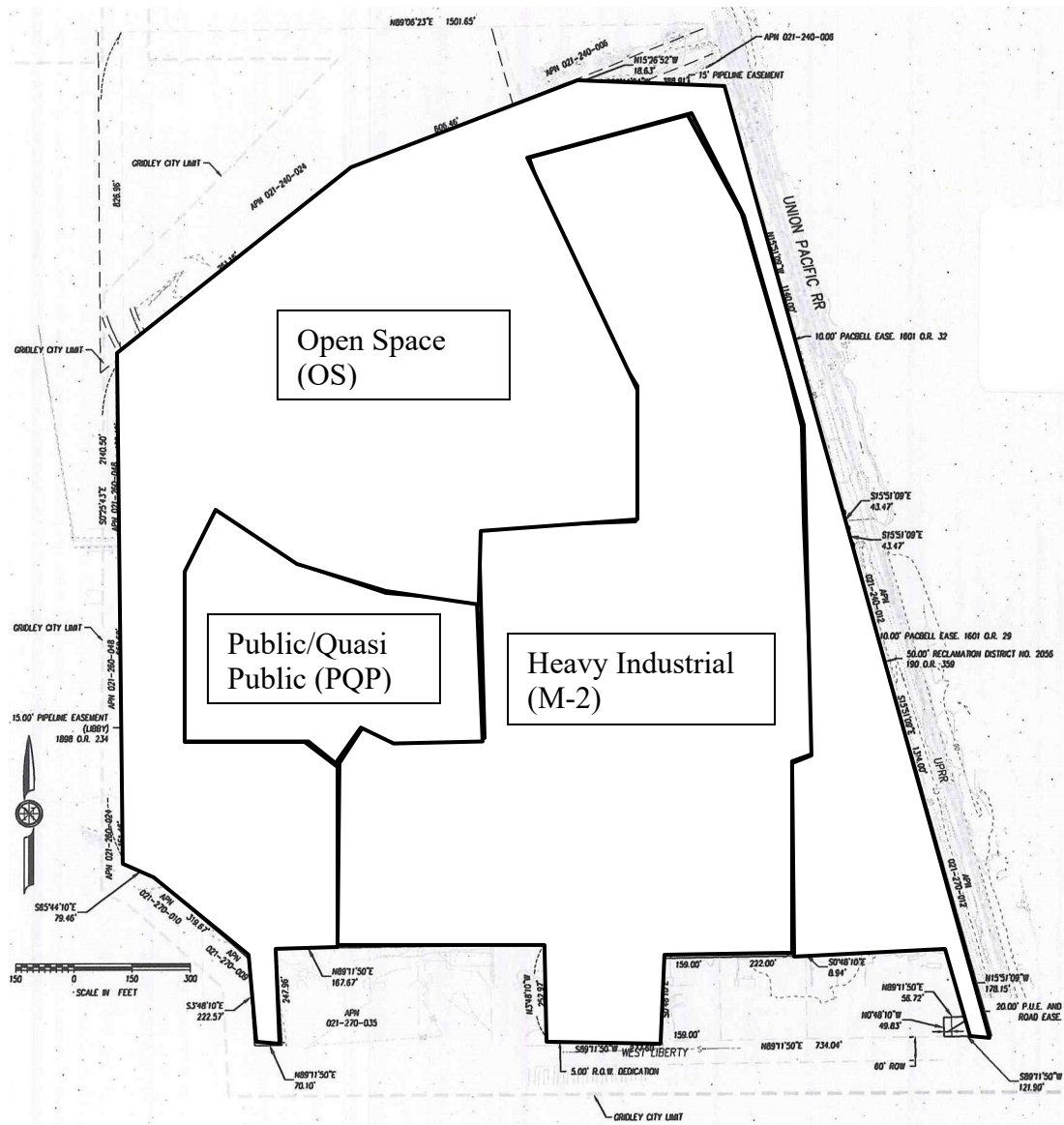


Figure 2: General Plan Land Use Designations

City Council Item #3
Staff Report

Date: September 19, 2022

To: Mayor, Councilmembers

From: Donna Decker, Planning Department

X	Regular
	Special
	Closed
	Emergency

Subject: **Resolution No. 2022-R-031:** A Resolution of the Gridley City Council to amend the General Plan Land Use Designation of approximately 8.49-acres from Residential, Very Low Density to Residential, Medium Density and to adopt a Mitigated Negative Declaration pursuant to a CEQA finding there is less than significant environmental impact. (APN 010-270-076)

Resolution No. 2022-R-032: A Resolution of the Gridley City Council Approving Tentative Subdivision Map 1-22 to subdivide an existing 8.49-acres into forty-six (46) parcels located on the west side of Randolph Avenue at the terminus of Laurel Street. (APN 010-270-076)

Introduction and First Reading of Ordinance 840-2022: An ordinance to rezone approximately 8.49 Acres from Avenue Residential Suburban (R-S) to Single to Low Density Residential (R-1) for a proposed density of 5.41 du/ac located on the west side of Randolph Avenue at the terminus of Laurel Street. (APN 010-270-076)

Recommendation

City staff respectfully recommends the City Council adopt Resolution No. 2022-R-031, Resolution No. 2022-R-032, and accept the first introduction of Ordinance No. 840-2022, by reading of title only.

Summary

The applicant submitted a tentative subdivision map to develop 8.49-acres into a forty-six-lot single-family residential subdivision. The site had been previously approved for a tentative subdivision map which expired. The proposed map has increased the number of lots to meet the tremendous need for additional housing both locally and regionally due to catastrophic loss from the Camp Fire and other fires experienced in Butte County and northern California.

The project was reviewed by the Planning Commission at its July 20, 2022 public hearing and presented to the City Council for consideration on September 6, 2022. The project was continued to allow additional time to consider an agreement for drainage and dedication of land to RD 833.

Location and site characteristics



Page 2 of 2

Project Description

The applicant proposes to subdivide the 8.49 acres into a 46-lot subdivision for single-family detached residences. The development has created lots ranging from 4,850 square feet to 7,120 square feet. The average lot size is 5,800 square feet overall. To facilitate the development to move forward, the applicant has applied to:

- Amend the General Plan of the City of Gridley to reflect the proposed land use density;
- Rezone the property to be consistent with the City of Gridley General Plan land use designations; and,
- Provided a Tentative Subdivision Map to create 46 single-family lots.

General Plan

The General Plan amendment would provide a land use designation reflecting the land use density of 5.41 du/ac for the development. The existing General Plan designation is Residential, Very Low Density. This designation allows a density of 1-2 units per acre; therefore, the maximum number of units would be 17 units. These would be very large lots and challenging to develop with the increases in construction costs currently experienced by builders today. The proposed General Plan amendment would amend the General Plan to Residential, Medium Density to allow up to 8 units per acre. The proposed General Plan Amendment will provide consistency with the zoning since a greater density is allowed by the Single-Family R-1 zoning district.

Rezone

The zoning designation would be changed from Residential Suburban to Single-Family Residential zoning district (R-1). The single-family residential district has four (4) designations:

1. R-1A Parcels sized from 1,700 – 3,500 square feet
2. R-1B Parcels sized from 3,501 – 5,999 square feet
3. R1-C Parcels sized from 6,000 – 7,499 square feet
4. R-1 Parcels sized from 7,500 and greater

The tentative subdivision map will create 46 lots for new single-family residential units. The frontage of the lots is generally a minimum of 50-53 feet in with some variation on corner lots. The lot sizes of the proposed zoning designation will support standard setbacks and housing sizes from small single-story (1,500 square feet) to larger two-story homes (2,500 square feet). Staff supports the rezoning of the property.

Tentative Subdivision Map

In 2005, the applicant had a map approved for a 32-lot subdivision. The applicant and engineer met with staff to discuss changes to the approved map providing smaller lots and a mixture of lot sizes to accommodate varying home sizes for the community. The proposal would serve as an opportunity for the development to provide housing for varying income levels, home types

for single people, family without children, and families, as well as “empty nesters”, i.e., families who have raised their children and looking for a smaller home.

In addition to creating an opportunity for a vibrant, diverse neighborhood, the city is also conscious of our obligation to provide land area to support the Regional Housing Needs Allocation (RHNA). This is a figure that is determined by the State and refined as to the number allotted to the city from the Butte County Association of Governments (BCAG). The city is responsible for the provision of land area that can be developed into housing.

The proposed map provides an additional 14 parcels from the Housing Element analysis. The Housing Element Policy HP-2.4 also supports this development:

“The City will encourage infill development in meeting the housing needs required by expanding populations.”

The city encourages an increase in units for subdivisions, in that, it will provide additional housing stock for both local and regional needs due to the losses suffered by the Camp Fire and Bear Fire of 2018 as well as others lost since those events due to fires each year in northern California.

Utilities

The city can provide utilities to the development. The city recently underwent a process to replace existing underground improvements from Randolph Ave to Butte View Drive. The enlargement of the pipes will provide service to Edler Estates. The city can provide power, water, sanitary sewer and storm drainage. The site storm water will be collected in an underground storm drain system and piped into a detention basin which will then discharge into the RD 833 canal.

Circulation

Access to the development will be from Laurel Street. The 2005 traffic analysis indicated that there were no significant impacts; the addition of 16 additional lots will not likely have a significant impact. The undeveloped property to the west and northwest have had subdivision maps approved and subsequently expired. When those subdivisions do become approved, the city had ensured that the street layout will connect to Edler Estates and have full circulation from Randolph Ave to Sycamore Avenue.

The city engaged with the school district to purchase a 30-foot strip of land along the north boundary of the district site. The City Council approved staff to proceed with an appraisal of the property in order to construct a full-width street from Edler Estates to Randolph Ave. The appraisal was conducted by Jodi White; the appraisal was forwarded to the district for discussion and to enter into an agreement to purchase. The District’s Board determined the appraisal did not reflect the value they held the strip to be. The city was not in a position to purchase land above a market value or to agree to additional design requirements; therefore the

negotiations ended. Due to the status of these discussions, Edler Estates will enter and exit the subdivision on the currently improved paved 30-foot-wide Laurel Street until such time the district lands are developed and surface improvements constructed at that time.

Drainage

The site storm water will be collected in an underground storm drain system and piped to a detention basin where it will be retained until discharge to RD 833's canal. At the time the project was reviewed by the Planning Commission (July 20, 2022), the design of the storm water collection and discharge intended to utilize the ditch located on the east boundary of the project area. They proposed to excavate the ditch wider to manage the additional storm drainage. The ditch is located on the Gridley Unified School District's land and is the ditch that the Butte View Subdivision and other surrounding area's storm water is discharged into, prior to going into the RD 833 canal. The city met with the district to discuss the design proposal and after a review of the project, the district determined they did not wish to have the project use the ditch and required an alternative design be pursued. The applicant has requested to create a detention basin on the property to the west of the subject site. The property is owned by the Banes family and has had a previous tentative subdivision map which expired. The applicant, James Ratliff, will enter into an agreement with the Banes family to share a detention basin for both projects; there is adequate area for planning the future subdivision to meet the requirement for it and Edler Estates. This basin will detain storm water and discharge to the RD 833 canal at the south property line.

The city has had communication from Jeff Spence, Engineer for Reclamation District 833. The Reclamation District reviewed the project and expressed concern related to the development of housing and the potential for an increased population having children who will climb fences and play or swim in or around the district canal. The district has requested the city require the development to mitigate this potential impact by encasing (piping) the portion of the canal that is contiguous to the development to the south.

Cities can impose fees or require improvements where there is a relationship between a development and the requirement to upgrade or construct facilities. The Mitigation Fee Act states:

Government Code Section 66001(a) of the Mitigation Fee Act (Section 66000-66025) requires that any city or county that establishes, imposes, or increases a fee as a condition of development approval do all of the following: (1) identify the purpose of the fee, (2) identify the use to which the fee is to be put, (3) determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed, and (4) determine how there is a reasonable relationship between the need for the public facility and the type of development project upon which the fee is imposed.

There does not appear to be a direct relationship or nexus between the Edler Estates development and the desire to pipe the district canal. The canal would remain exposed both upstream and downstream of the site with only a portion piped should that be a requirement.

The canal is located within an easement on the property controlled by the district. Fencing will be constructed at the rear property lines adjacent to the canal.

The applicant has indicated the cost to pipe approximately 356 linear feet would be at least \$500/linear foot resulting in an additional cost to the project of \$178,000 and likely more due to the prevailing wage requirements for public facility construction. The cost is unknown because the Reclamation District has not developed design standards or what the required pipe material and sizes, or other components for piping the canals. The applicant has indicated that this cost is not acceptable and the project would not be able to successfully absorb it if it were required to do so. The Reclamation District believes that there is a responsibility of the developer to pipe the canal because the canal will become an attractive nuisance and endangers children who may live in the new subdivision.

If there is no nexus between the development and the district canal, then the requirement could be detrimental to the completion and construction of the development. Uniform fencing along the south boundary will need to be constructed.

Approval process

The approval process for subdivision maps is not discretionary in that the City Council determines that the map meets the requirements of the Subdivision Map Act. The City Council will need to make the required findings for approval.

What is discretionary is the request to modify the zoning and general plan land use designations.

Public Notice

A notice was posted in the Gridley Herald 10 days in advance of the September 6, 2022 City Council meeting, posted at City Hall, and mailed 300 feet from the boundary of the property, made available at the Administration public counter, and placed on the City website for review. The project was continued at the City Council meeting; therefor public notice requirements are met.

Environmental Review

The proposed project requires a Mitigated Negative Declaration. At the time of this report, no significant impacts had been identified that could not be mitigated.

Attachments –

- | | | |
|----|---------------------------|---|
| 1. | Resolution No 2022-R-031 | General Plan Amendment and Mitigated Negative Declaration |
| 2. | Resolution No. 2022-R-032 | Tentative Subdivision Map (TSM) 1-22 |
| 3. | Ordinance No. 840-2022 | Ordinance to Rezone |
| 4. | Initial Study | |

**A RESOLUTION OF THE GRIDLEY CITY COUNCIL TO AMEND THE GENERAL PLAN
LAND USE DESIGNATION OF APPROXIMATELY ±8.49 ACRES FROM RESIDENTIAL,
VERY LOW DENSITY TO RESIDENTIAL, MEDIUM DENSITY AND TO ADOPT A MITIGATED
NEGATIVE DECLARATION PURSUANT TO CEQA FINDING THERE IS A
LESS-THAN-SIGNIFICANT ENVIRONMENTAL IMPACT
(APN 010-270-076)**

WHEREAS, the Planning Commission held a publicly noticed hearing on July 20, 2022 regarding the proposal to amend the General Plan land use designation from Residential, Very Low Density to Residential, Medium Density for an ±8.49-acre parcel located on the south side of Little Avenue; and,

WHEREAS, at the close of the July 20, 2022 public hearing, the Planning Commission recommended that the City Council approve the amendment of the General Plan land use designation for the ±8.49-acre parcel; and,

WHEREAS, the City Council reviewed the recommendation of the Planning Commission at its September 6, 2022 public hearing also considering the Initial Study, continuing the project to September 19, 2022 after having the project presented for consideration, and did find the change in General Plan land use designation, rezone, and tentative subdivision map could not have a significant effect on the environment; and,

WHEREAS, the City Council accepts the Initial Study and the published Mitigated Negative Declaration. A Notice of Intent to adopt a Negative Declaration was published and provided the required 20 day minimum period for public review and comment;

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council of the City of Gridley amends the General Plan land use designation of the Assessor Parcel Number 010-270-076 from Residential, Very Low Density to Residential Medium Density; and,
2. The City Council of the City of Gridley adopts a Mitigated Negative Declaration finding that the project could not have a significant effect on the environment.
3. The General Plan Map of the City of Gridley on file with the City Clerk, designating and dividing the City into land use districts, is hereby amended, in accordance with the herein description and Exhibit A.

RESOLUTION NO. 2022-R-031

I HEREBY CERTIFY that the foregoing resolution was introduced and adopted by the City Council of the City of Gridley at a regular meeting held on the 19th day of September, 2022 by the following vote:

AYES: COUNCIL MEMBERS _____

NOES: COUNCIL MEMBERS _____

ABSTAIN: COUNCIL MEMBERS _____

ABSENT: COUNCIL MEMBERS _____

The undersigned City Clerk and Mayor of the City of Gridley, do hereby attest and certify that the forgoing is a true and full copy of a resolution of the City of Gridley adopted at a duly convened meeting on the date above-mentioned, which has not been altered, amended or repealed.

ATTEST:

APPROVE:

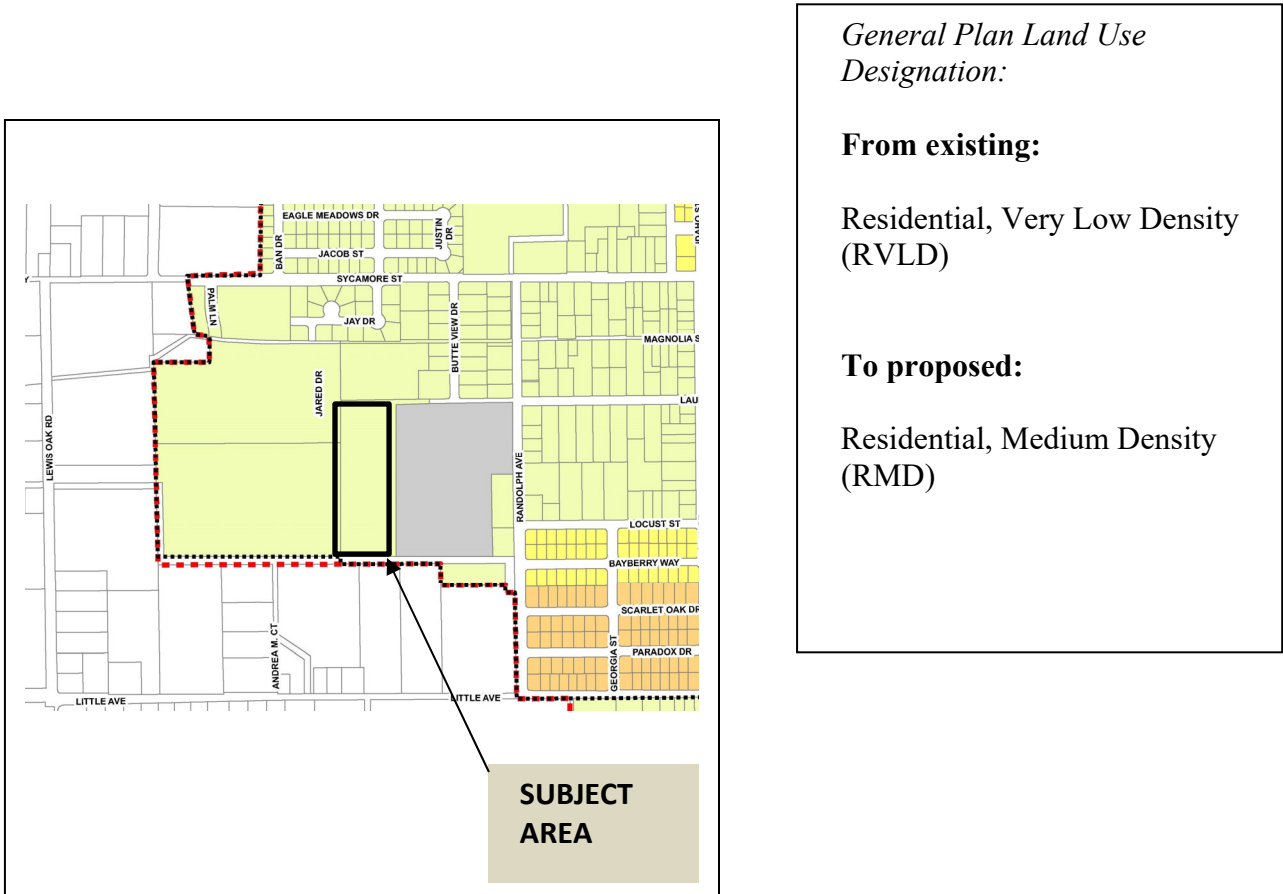
Cliff Wagner, City Administrator

Bruce Johnson, Mayor

EXHIBIT A



Figure 1: Location Map



General Plan Land Use Designation:

From existing:

Residential, Very Low Density (RVLD)

To proposed:

Residential, Medium Density (RMD)

ATTACHMENT 2
RESOLUTION NO. 2022-R-032

**A RESOLUTION OF THE GRIDLEY CITY COUNCIL APPROVING TENTATIVE SUBDIVISION MAP
NO. 1-22 TO SUBDIVIDE ONE PARCEL CONSISTING OF APPROXIMATELY
8.49 ACRES INTO FORTY-SIX (46) PARCELS
(APN: 010-270-076)**

WHEREAS, the City of Gridley has received an application to consider a Tentative Subdivision Map request to subdivide an approximately 8.49-acre parcel to create forty-six (46) lots for single-family residential use on property located west of Randolph Avenue in the manner illustrated on a tentative parcel map received by the City (Exhibit "A" attached); and,

WHEREAS, the subject property consists of one parcel designated as Assessor's Parcel Number 010-270-076 and the proposed Tentative Subdivision Map has been assigned the file number Tentative Subdivision Map No. 1-22 (TSM 1-22); and,

WHEREAS, the Planning Commission considered Tentative Subdivision Map No. 1-22 at a noticed regular public hearing on July 20, 2022, considered the staff report regarding the proposed tentative map design and required public improvements, and recommended the City Council approve the Tentative Map 1-22; and,

WHEREAS, the General Plan designation is Residential, Medium Density in accordance with 2022-R-031; and,

WHEREAS, the proposed zoning designation for the subject parcel is R-1 Single Family Residential District in accordance with Ordinance No. 840-2022; and,

WHEREAS, the City Council finds that Tentative Subdivision Map No. 1-22, including the proposed use and improvements to the property, is consistent with Gridley's General Plan including the policies contained therein as well as the land use diagram, and also finds that based on the conditions of approval, the site is physically suitable for development as proposed; and,

WHEREAS, the City Council determined that the described tentative map and its design and improvements are consistent with Gridley's General Plan and Zoning Ordinance of the Gridley Municipal Code, Chapter 17, regulations and policies regarding the use and division of land; and,

WHEREAS, the City Council, having further considered the Initial Study prepared for the project in order to adopt a Mitigated Negative Declaration; and,

WHEREAS, the City Council finds that this tentative subdivision map complies with all State and City regulations governing the division of land, and that division and development of the property in the manner set forth on the tentative parcel map as shown on Exhibit A will not unreasonably interfere with the free and complete use of existing public and/or public utility easements or rights-of-way.

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RESOLUTION NO. 2022-R-032

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRIDLEY,
AS FOLLOWS:**

SECTION 1: FINDINGS FOR APPROVAL OF THE TENTATIVE SUBDIVISION MAP

1. That the proposed project is consistent with the City of Gridley General Plan and does not exceed density and intensity standards within the Land Use Element, as amended.

The Residential, Medium Density residential standards of the City's General Plan establish a maximum density of eight units per acre. The proposed project has a gross density of approximately 5.4 dwelling units per acre of residentially developed land.

2. That the site is physically suitable for the type of development proposed.

The proposed residential use is consistent with adjacent residential uses. No hazards exist on the site which would make the property inappropriate for people or residential uses.

3. That the site is physically suited for the density of development.

The proposed R-1, Single-Family Residential zoning district allows for the development of single-family residential dwelling units. The proposed Tentative Subdivision Map has a proposed density of 5.4 dwelling units per gross acre which conforms to the requirements of the R-1 zone district and the Residential, Medium Density General Plan land use designation. The project site has slopes of less than 2%, it is not within a 100-year flood plain and can accommodate drainage facilities necessary for the proposed density, it has adequate access to public roads which have the capacity to serve the development.

4. That the designs of the subdivision or the proposed improvements are not likely to cause serious public health problems.

As conditioned, the project will provide adequate sanitary sewer, a public water supply, storm drainage facilities, and roadway and construction conditions and mitigation measures. Standard subdivision improvements will include fire hydrants, streetlights and roadways designed for residential traffic.

5. The design of the project will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed project.

The project will not impact or conflict with any easements or land acquired by the public.

6. The Tentative Subdivision Map conforms to the provisions of the Subdivision Map Act and to the provisions of Gridley Municipal Code Title 16 - Subdivisions (GMC Section 16.15).

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The tentative subdivision map complies with the required form and content of tentative subdivision maps, as set forth by the city and based upon the provisions of Title 16 of the Gridley Municipal Code.

7. The tentative parcel map is consistent with good planning and engineering practice (GMC Section 16.15).

The City Engineer has reviewed the tentative subdivision map, and has attached conditions that have been incorporated within the Conditions of Approval. All lots comply with the requirements in the City of Gridley Land Division Standards and Improvement Standards.

8. The project will not be harmful to the public health and safety or the general welfare of the persons residing or working in the area.

The project applicant proposes to develop the lots for residential uses. This type of development is not considered potentially harmful to the public health and safety or to the general welfare of persons residing in the vicinity.

9. The project will not result in substantial environmental damage.

The tentative subdivision map would not result in substantial damage to the environment. Development proposed under the subdivision map would be consistent with the type of development in the vicinity, and would not substantially damage the physical environment of the area. The site is located within the Sphere of Influence, within the city boundary, and has been previously evaluated and approved for development.

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RESOLUTION NO. 2022-R-032

SECTION 2: THE CITY COUNCIL OF THE CITY OF GRIDLEY:

Approves Tentative Subdivision Map 1-22 as described subject to the following conditions of approval:

1. The applicant/property owner shall file a Declaration of Acceptance of the Conditions of Approval within 30 days of approval for the Tentative Subdivision Map 1-22.
2. The Tentative Subdivision Map 1-22 shall expire after a two (2) year period. An extension to the approval for up to five years may be approved; an application would need to be filed 30 days in advance of the expiration of the map.
3. Use of the 8.49-acre project site is subject to all zoning regulations described in Gridley Municipal Code as applicable to "R-1 Single Family" residential zoning districts, the General Plan requirements, and all applicable requirements of the Gridley Municipal Code.
4. Physical development of the site shall conform to the design approved for Tentative Subdivision Map No. 1-22 and to all of the conditions of approval of that Tentative Subdivision Map.
5. The project shall be required to pay all applicable impact fees for the development of the project.
6. Minor changes may be approved by the Planning Director upon receipt of a substantiated request by the applicant, or their respected designee. Prior to such approval, verification shall be made by each Department that the modification is consistent with the approved application. Changes deemed to be major or significant in nature shall require a formal application for amendment.
7. In the event of the discovery or recognition of prehistoric or historic resources in the area subject to development activity, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie similar resources and a professional archaeologist shall be consulted. Further, if human remains are discovered, the coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required. If the County Coroner determines the remains to be Native American, the coroner shall contact the Native American heritage Commission within 24 hours.

Upon completion of the site examination, the archeologist shall submit a report to the City describing the significance of the finds and make recommendations as to its disposition. If human remains are unearthed during construction, the provisions of California Health and Safety Code Section 7050.5 shall apply. Under this section, no

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further disturbance of the remains shall occur until the County Coroner has made the necessary findings as to origin and disposition, pursuant to California Public Resources Code Section 5097.98. Mitigation measures, as recommended by the archaeologist and approved by the City, shall be implemented prior to recommencement of construction activity within the 50-foot perimeter.

8. The project will implement all recommended mitigation measures identified within the Initial Study; an omission on the list of conditions does not absolve the need to implement the mitigations identified in the Initial Study.
9. Prior to any site work, the project applicant shall submit a geotechnical report to the City, prepared by a certified engineering geologist. The project applicant shall incorporate any recommended measures into the final site plan.
10. Construction of the project shall comply with the requirements of the National Pollution Discharge Elimination (NPDES) Permit and obtain a WDID from the State of California in conformance with the General Construction Storm Water Permit; Storm Water Pollution Prevention Plan (SWPPP) shall be prepared prior to construction activities.
11. Upon commencement of grading and construction activities, the applicant shall implement measures to offset particulate matter and emissions from construction equipment as specified by Butte County Air Quality Management District.
12. Prior to recordation of a Final Map, the applicant shall submit for review and approval improvement plans that shall include, not limited to, details related to above and underground infrastructure; piping and service laterals, meters, drop inlets, manholes, curb, gutter, and sidewalk, roadway, pavement markings, lighting, hydrants, street signs, electrical, transformer pedestals, and any and all components as required by the City of Gridley, the City Engineer, the Utility Supervisor, and Public Works Manager. Plans shall meet all required state and local ordinances, regulations, and Public Works Development Standards. Omissions on the plans does not constitute approval for the omission. Plans shall be reviewed and approved by the City Engineer and the Gridley Municipal Services Division.
13. Prior to recordation of the final map, the applicant shall coordinate with the Butte County Assessor's Office and Tax Collector to segregate any assessments against the properties and pay any delinquent, current, and future taxes and/or assessments against the properties as required.
14. Dedicate and improve as required the maximum portion up to 30 feet in width of the north one-half street section of Laurel Street from Randolph Ave to the westerly limits of the

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proposed subdivision to the requirements of the City Engineer meeting the Public Works Standards.

15. Enter into an agreement for fair share costs for the construction of the south half of Laurel Street to be assessed at a future date as required for the construction thereof.
16. Dedicate and improve the 50-foot width local residential street right-of-way for the interior subdivision streets to the satisfaction of the City Engineer.
17. Dedicate a 10-foot public services easement adjacent to all public right-of-way frontages.
18. Prior to approval of a Final Map all of the following requirements shall be completed:
19. A registered engineer shall prepare and submit the following information to Gridley Department of Public Works for review and approval:
 - a. Calculations identifying the estimated rate of peak stormwater runoff from the gross area of the undivided site and abutting streets - as they exist at the time of approval of the tentative subdivision map- during currently adopted design storm event. The calculations shall be prepared in a manner consistent with the Gridley Public Works Construction Standards, and with standard engineering practice. The Drainage Analysis shall be on the prescribed and adopted format used by the city.
 - b. The applicant shall enter into an agreement at the time of improvement plan approval, Subdivision Agreement, or Final Map to construct and share a detention basin on the property to the west, APN 010-270-122, currently owned by James and Colleen Banes.
 - c. Construction details, plans and profiles, typical sections, specifications, and maintenance plans for any proposed stormwater detention facilities to be constructed to serve the parcels created by this subdivision.
 - d. The developer/developer engineer shall provide material submittals that have been reviewed and approved by engineer of record prior to submittal being submitted specification sheets for all materials to be used in the construction of all underground and all materials within the right of way.
 - e. Prior to any construction, the developer and team shall schedule a pre-construction site meeting to discuss the project.

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- f. The developer shall provide a construction schedule to the City Engineer prior to commencement of construction.
- g. An assessment against the development and individual parcels shall be established to fund the on-going maintenance costs associated with any approved stormwater detention facilities, lighting, landscape, and drainage components as determined by the City Engineer.
- h. Dedication of the area for the detention facilities, if required shall be made to the City of Gridley as a condition of recordation of the Final Map.
- i. The design of surface detention facilities, if required, shall minimize use of the facility by mosquitoes for breeding by incorporating some or all of the features recommended by the Butte County Mosquito and Vector Control District.
- j. All drainage improvements shall be constructed in conformance with the Gridley Public Works Construction Standards, the City of Gridley Master Drainage Plan, and the details shown on approved construction plans. The developer shall have a registered engineer prepare and submit construction details, plans and profiles, typical sections, specifications, and cost estimates to the Department of Public Works for review and approval prior to the recordation of the Final Map.
- k. Developer's engineer of record shall determine whether State of California Variances are required and shall prepare all documents for review and approval to the City Engineer.
- l. No work or construction shall commence prior to the approval of all improvement plans, grading plans, rough grading, import or other activities.
- m. A geotechnical report is required to be prepared. If ground water is discovered, a groundwater discharge plan (Dewatering) shall be prepared, submitted and reviewed and approved by the City Engineer. All state and local permits for dewatering shall be obtained prior to commencement of work. The contractor is advised that groundwater levels vary depending on the irrigation season.
- n. Construction shall ensure that compaction testing shall be done within roadways with a map depicting where tests were done and submitted to the City Engineer. The Engineer of Record shall ensure, by statement, that the results comply with all requirements of the geotechnical report.

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- o. A traffic control plan shall be submitted for review and approval by the City Engineer prepared by a traffic engineer, registered civil engineer, or a certified American Traffic Safety Services Association person.
- 20. Telephone, cable television, and gas service shall be provided to all parcels in accordance with the Gridley Public Works Construction Standards, the Gridley Municipal Code, and the requirements of the agencies providing these services, without exception.
- 21. If any existing utilities must be relocated as a result of this subdivision, the agencies that own the facilities may require the developer to pay the cost of such relocations.
- 22. The lots shall be graded in conformance with the Gridley Public Works Construction Standards and the Gridley Municipal Code. The developer shall submit grading details, plans and specifications prepared by a registered engineer to the Department of Public Works for review and approval prior to the start of any work.
- 23. The Applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to the plaintiff in an action challenging the validity of this tentative subdivision map or any environmental or other documentation related to approval of this tentative subdivision map.
- 24. Provide existing topo 100 feet beyond boundary and proposed finish grade contour lines both at 1 foot contour intervals.
- 25. Provide water distribution plan, proposed sizes and tie in locations.
- 26. Develop conceptual sewer plan, proposed sizes, slopes, sewer manholes and tie in locations.
- 27. Develop conceptual drainage plan, sizes and overland release and detention facilities.
- 28. Show public utility easements (PUE) on plan. Provide Landscape Plan for street landscaping from Randolph Ave to the subdivision for review and approval by the Planning Department. A street tree master plan shall be developed for the subdivision for review and approval.
- 29. Show all existing public facilities within 100-feet beyond the site boundary.

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30. Show proposed building setbacks for each parcel or provide a typical set back detail for interior lots and corner lots.
31. All overhead utilities shall be underground within subdivision.
32. Street lighting shall be provided interior of the subdivision and as required along the Laurel Street extension from Randolph Ave. The lighting layout will be approved by the city and will be decorative acorn lighting.
33. Street names to be reviewed and approved by the Planning Department.
34. Electrical and Water to be looped into existing infrastructure. The applicant shall coordinate with Gridley Electric specific to the design needs.
35. Meet requirements of Reclamation District 833. The proposed development shall mitigate the increased stormwater runoff such that RD 833 facilities and properties served by the district aren't impacted due to the increased stormwater. The water surface elevation within the district canals, and any existing flooding duration within the district shall not be increased.

Reclamation District 833 shall review and approve the storm drainage design with costs being reimbursed by the developer to the district. RD 833 will bill the developer independent of the city of Gridley.

Fencing along the south boundary contiguous to the RD 833 lands whether owned in fee or by easement shall be reviewed and approved by the city Planning Department.

36. Provide detailed information, recorded easements, related to the site proposed to be used for discharge by the project and by the city for storm water discharge able to be designed to meet the retention needs for storm water metering. Refer to 19 (b) above.
37. The applicant may enter into a Subdivision Agreement in order to record the Final Map prior to all improvements constructed. The agreement is a document approved by Council resolution.
38. The applicant may request a grading permit and pay all applicable fees as reviewed and approved by the City Engineer.
39. The applicant/developer may develop the subdivision in phases at the review and approval of the city.

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40. All costs related for plan review, design, and improvement plan approval by city staff and/or consultants will be the responsibility of the applicant/developer at actual cost.
41. Segregate any assessments against the properties.
42. Pay any delinquent taxes and/or assessments against the properties.
43. Note on a separate document to be recorded simultaneously with the Subdivision Map, the requirement for payment of school impact fees, as levied by the Gridley Unified School District in accordance with State legislation at the currently adopted rate per square foot of building area.
44. Note on a separate document to be recorded simultaneously with the Subdivision Map, the requirement for payment of drainage fees levied and must be paid to the City at the time a building permit is issued for development of each parcel, as required.
45. Install street name signs, traffic control signs, pavement markings and barricades in conformance with the Gridley Public Works Construction Standards.
46. Dedication of the total area of the detention basin, park, open space, frontage improvements and all pedestrian connection trails, shall be made to the city of Gridley in fee title as a condition of recordation of the Final Map.
47. If surface detention facilities are proposed, the design shall minimize use of the facility by mosquitoes for breeding by incorporating some or all of the features recommended by the Butte County Mosquito and Vector Control District.
48. All homes on the new lots created by this subdivision shall be connected to the city sanitary sewer system prior to issuance of a Certificate of Occupancy.
49. All sanitation facilities shall be constructed in conformance with the Gridley Public Works Construction Standards and the Gridley Municipal Code. The developer shall submit construction details, plans and profiles, typical sections, specifications, and cost estimates that have been prepared by a registered engineer to the Department of Public Works for review and approval prior to start of any work.
50. All homes on the new lots created by this subdivision shall be connected to the municipal water system.
51. All water facilities shall be constructed in conformance with the Gridley Public Works Construction Standards and the Gridley Municipal Code. The developer shall submit construction details, plans and profiles, typical sections, specifications, and cost estimates that have been prepared by a registered engineer for review and approval prior to start of any work.

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52. The City and the developer shall coordinate with RD 833 for the construction of appropriate decorative fencing to prohibit access to the canal.
53. The developer shall install fire hydrants in conformance with the requirements of the Uniform Fire Code as interpreted by the local division of the California Division of Forestry, the City of Gridley's contract Fire Department. The number of hydrants installed, as well as the exact location and size of each hydrant and the size of the water main serving each hydrant, shall be as specified in the Code.
54. All residential structures shall provide a fire sprinkler system that meets or exceeds the requirements of the Fire Code.
55. All residential units are required to provide an operable solar system sized to the expected demand. Plans showing the proposed solar design and technical data sheets shall be submitted to the Electric Department for review and approval prior to submitting to Butte County for a building permit.
56. Telephone, cable television, internet, and natural gas service shall be provided to all parcels in accordance with the Gridley Public Works Construction Standards, the Gridley Municipal Code, and the requirements of the agencies providing these services.
57. If any existing utilities must be relocated as a result of this subdivision, the agencies that own the facilities may require the developer to pay the cost of such relocations.
58. The applicant/developer is responsible for paying all costs for a third-party inspector during the construction of any or all phases of development.
59. Fencing of the rear yards for the project shall occur at the time of housing construction and shall be the responsibility of the developer. Fencing throughout the project shall be consistent from lot to lot as reviewed and approved by the Planning Department. Fencing adjacent to the RD 833 canal shall be 7 feet in height.
60. Form an assessment district to cover on-going maintenance costs of facilities within the subdivision including landscaping areas and the drainage detention basin.
61. Construction practices shall conform to the standards adopted by the Butte County Air Quality Management District, which requires that 1) fugitive dust emissions related to construction of public improvements for the subdivision be controlled at all times, 2) all clearing, grading, earth moving or excavation activities must cease during periods of wind exceeding 15 miles per hour averaged over one hour, and 3) large off-road diesel equipment used for grading at the site must be maintained in good operating conditions.
62. Note on a document to be recorded concurrently with the Final Map that agricultural spraying and keeping of livestock may occur on surrounding properties and that such

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agricultural uses are permitted by the zoning of those properties and will not be abated unless the zoning changes.

63. All of the mitigation measures identified within the Initial Study are added herein and considered a condition of approval.
64. Comply with the mitigation measures identified within the Initial Study to reduce impacts to a less-than-significant level and are incorporated herein.

MM 1.1 In conjunction with the submittal of improvement plans, the applicant shall submit a lighting plan for the review and approval of the Planning Department. The lighting plan shall indicate the provision of shielding for all street light fixtures to avoid nighttime lighting spillover effects on adjacent land uses and nighttime sky conditions. In addition, the lighting plan shall address limiting light trespass and glare through the use of shielding and directional lighting methods including, but not limited to, fixture location, design, and height as required by the Gridley Municipal Code.

MM 3.1 The project shall implement the following measures during construction:
Use adequate fugitive dust control measures for all construction activities during all phases of construction.

Provide energy-efficient lighting and process systems.

No open burning of vegetative material on the project site.

Use temporary traffic control as appropriate at all stages of construction.

Design streets to maximize pedestrian access to transit stops, where feasible.

MM 3.2 Construction dust and equipment exhaust emission measures shall be implemented:

Water all active construction sites at least twice daily.

Use chemical stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).

On-site vehicle limited to a speed of 15 mph on unpaved roads.

Construction equipment exhaust emissions shall not exceed BCAQMD Rule 201, Visible Emission limitations.

The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained.

Utilize existing power sources (e.g., power poles) or clean fuel generator rather than temporary power generators.

Minimize equipment idling time to 10 minutes.

Land clearing, grading, earthmoving or excavation activities suspended when winds exceed 20 miles per hour.

Non-toxic binders (e. g. latex acrylic copolymer) should be applied to exposed areas after cut and fill operations.

Plant vegetation ground cover in disturbed areas as soon as possible.

Cover inactive storage piles.

Paved streets adjacent to the development site should be swept or washed at the end of the day as necessary to remove excessive accumulations of silt and/or mud which

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may have accumulated as a result of activities on the development site. Post publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours. The telephone number of the BCAQMD shall also be visible to ensure compliance with BCAQMD Rule 201 and 207 (Nuisance and Fugitive Dust Emissions). Prior to final occupancy, the applicant demonstrates that all ground surfaces are covered or treated sufficiently to minimize fugitive dust emissions.

MM 4.1 The project applicant shall conduct preconstruction surveys to determine if Sanford's arrowhead, Giant garter snake, Northern harrier, Swainson's hawk, Greater sandhill crane, Burrowing owl, and Silver-haired bat exist on the site. Should any of the listed be discovered, the applicant shall obtain the necessary approvals for Incidental Take from the CDFW.

Burrowing Owl

Within 14 days prior to any ground disturbing activities for each phase of construction, the project applicant shall retain a qualified biologist to conduct a preconstruction survey of the site, any off-site improvement areas, and all publicly accessible potential burrowing owl habitat within 500 feet of the project construction footprint. The survey shall be performed in accordance with the applicable sections CDFW Staff Report on Burrowing Owl Mitigation. The qualified biologist shall be familiar with burrowing owl identification, behavior, and biology, and shall meet the minimum qualifications for such preconstruction survey. If the survey does not identify any nesting burrowing owls on the site, further mitigation is not required for that phase unless activity ceases for a period in excess of 14 days in which case the survey requirements and obligations shall be repeated. If active burrowing owl dens are found within the survey area in an area where disturbance would occur, the project applicant shall implement measures as determined by the qualified biologist. During the breeding season (February 1 through August 31), the following measures will be implemented:

Disturbance-free buffers will be established around the active burrow. During the peak of the breeding season, between April 1 and August 15, a minimum of a 500-foot buffer will be maintained. Between August 16 and March 31, a minimum of a 150-foot buffer will be maintained. The qualified biologist will determine, in consultation with the City of Gridley Planning Division and CDFW, if the buffer should be increased or decreased based on-site conditions, breeding status, and non-project-related disturbance at the time of construction. Monitoring of the active burrow will be conducted by the qualified biologist during construction on a weekly basis to verify that no disturbance is occurring. After the qualified biologist determines that the young have fledged and are foraging independently, or that breeding attempts were not successful, the owls may be excluded in accordance with the non-breeding season measures below. Daily monitoring will be conducted for one week prior to exclusion to verify the status of owls at the burrow.

During the non-breeding season (September 1 to January 31), owls occupying burrows that cannot be avoided will be passively excluded consistent with Appendix E of the 2012 CDFW

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Staff Report:

Within 24 hours prior to installation of one-way doors, a survey will be conducted to verify the status of burrowing owls on the site.

Passive exclusion will be conducted using one-way doors on all burrows suitable for burrowing owl occupation.

One-way doors shall be left in place a minimum of 48 hours to ensure burrowing owls have left the burrow before excavation.

While the one-way doors are in place, the qualified biologist will visit the site twice daily to monitor for evidence that owls are inside and are unable to escape. If owls are trapped, the device shall be reset and another 48-hour period shall begin. After a minimum of 48 hours, the one-way doors will be removed and the burrows will be excavated using hand tools to prevent reoccupation. The use of a pipe is recommended to stabilize the burrow to prevent collapsing until the entire burrow has been excavated and it can be determined that no owls reside inside the burrow. After the owls have been excluded, the excavated burrow locations will be surveyed a minimum of three times over two weeks to detect burrowing owls if they return. The site will be managed to prevent

reoccupation of burrowing owls (e.g., disking, grading, manually collapsing burrows) until development is complete. If burrowing owls are found outside the project site during preconstruction surveys, the qualified biologist shall evaluate the potential for disturbance. Passive exclusion of burrowing owls shall be avoided to the maximum extent feasible where no ground disturbance will occur. In cases where ground disturbance occurs within the no-disturbance buffer of an occupied burrow, the qualified biologist shall determine in consultation with the City of Gridley Planning Division and CDFW whether reduced buffers, additional monitoring, or passive exclusion is appropriate.

Compensatory Mitigation, if Active Owl Dens are Present: If active burrowing owl dens are present and the project would impact active dens, the project applicant shall provide compensatory mitigation in accordance with the requirements of the CDFW. Such mitigation shall include the permanent protection of land, which is deemed to be suitable burrowing owl habitat through a conservation easement deeded to a non-profit conservation organization or public agency with a conservation mission, or the purchase of burrowing owl conservation bank credits from a CDFW-approved burrowing owl conservation bank. In determining the location and amount of acreage required for permanent protection, the project applicant, in conjunction with the City of Gridley

Planning Division, shall seek lands that include the same types of vegetation communities and fossorial mammal populations found in the lost foraging habitat.

Swainson's Hawk

If project construction plans require ground disturbance that represents potential nesting habitat for migratory birds or other raptors including Swainson's hawk, the project contractor shall initiate such activity between September 1st and January 31st, outside the bird nesting season, to the extent feasible. If tree removal must occur during the avian breeding season (February 1st to August 31st), a qualified biologist shall conduct a survey for ground-nesting birds. The survey shall be conducted 14 days prior to the commencement

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of construction and include all potential ground-nesting sites and trees and shrubs within 75 feet of the entire project site. The findings of the survey shall be submitted to the City of Gridley Planning Department. If nesting passerines or raptors are identified during the survey within 75 feet of the project site, a 75-foot buffer around the ground nest or nest tree shall be fenced with orange construction fencing. If the ground nest or nest tree is located off the project site, then the buffer shall be demarcated as per above. The size of the buffer may be altered if a qualified biologist conducts behavioral observations and determines the nesting passerines are well acclimated to disturbance. If acclimation has occurred, the biologist shall prescribe a modified buffer that allows sufficient room to prevent undue disturbance/harassment to the nesting birds. Construction or earth-moving activity shall not occur within the established buffer until a qualified biologist has determined that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones, which typically occurs by July 15th. However, the date may be earlier or later, and would have to be determined by a qualified biologist. If a qualified biologist is not hired to watch the nesting passerines, then the buffers shall be maintained in place through the month of August and work within the buffer may commence September 1st.

Prior to the issuance of a grading permit, the dedication of land suitable for replacement Swainson's hawk foraging habitat shall be dedicated by the project applicant at a ratio of 1:1 for all existing unpaved areas within the project site. The location of the replacement foraging habitat shall be coordinated with, and approved by, the CDFW, and shall be acquired prior to development of the project site. Proof of CDFW approval shall be submitted to the City of Gridley Planning Department.

Giant Garter Snake

During the pre-construction survey, the biologist shall investigate the site for habitat or evidence of the Giant Garter Snake on or proximate to the subject site. Protective fencing shall be erected on the north, east, and south property lines to mitigate migration into the site during construction.

MM 4.2 The biologist shall submit a report documenting the site investigation and findings prior to the onset of construction activities. This includes any installation of BMPs required by the General Construction Permit, clearing or grubbing, demolition of existing structures and/or roughgrading. The report shall be submitted to the City of Gridley Planning Department for review and acceptance of the findings of the biologic site review.

MM 5.1 Prior to the commencement of construction, an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate shall be retained to conduct a survey of the site and a thorough records search. The archaeologist shall be required to submit to the Planning Department for review and approval a report of the findings and method of curation or protection of the resources. During construction, the developer shall submit plans to the Planning Department for review and approval which indicate (via notation on the improvement plans) that if historic and/or cultural resources are encountered during site grading or other site work, all such

ATTACHMENT 2
RESOLUTION NO. 2022-R-032

work shall be halted immediately within 100 feet and the developer shall immediately notify the Planning Department of the discovery. In such case, the developer shall be required, at their own expense, to retain the services of a qualified archaeologist

MM 5.2 If human remains, or remains that are potentially human, are found during construction, a professional archeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance. The archaeologist shall notify the Butte County Coroner (per §7050.5 of the State Health and Safety Code). The provisions of §7050.5 of the California Health and Safety Code, §5097.98 of the California Public Resources Code, and Assembly Bill 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, then the coroner will notify the Native American Heritage Commission (NAHC), which then will designate a Native American Most Likely Descendant (MLD) for the project (§5097.98 of the Public Resources Code). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the applicant does not agree with the recommendations of the MLD, the NAHC can mediate (§5097.91 of the Public Resources Code). If an agreement is not reached, the qualified archaeologist or most likely descendent must rebury the remains where they will not be further disturbed (§5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center, using an open space or conservation zoning designation or easement, or recording a reinternment document with the county in which the property is located (AB 2641). Work cannot resume within the no-work radius until the City of Gridley, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.

MM 8.1 Prior to the start of construction activities, the project applicant shall submit a construction equipment inventory list to the City Engineer demonstrating compliance with U.S. EPA CARB, and BCAQD requirements. The list shall be updated if additional equipment will be used to ensure the compliance. The use of alternatively fueled construction equipment, such as hybrid electric or natural gas-powered equipment, would also be acceptable, given that such technologies are implemented to a level sufficient to achieve similar emission reductions.

MM 8.2 Prior to the issuance of building permits, the project applicant/developer shall submit a Landscaping Plan for review and approval by the Planning Department. The Landscaping Plan shall be prepared to reflect the design for the linear park, detention basin park, and play area. The design shall also provide a subdivision tree planting plan.

MM 14.1 Project noise-generating construction activities shall occur within the hours identified in Gridley Municipal Code.

MM 14.2 All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition.

MM 14.3 All mobile or fixed noise-producing equipment used on the project site that are regulated for noise by Title 7 of the Gridley Municipal Code, §17.74.030 and shall comply with such regulations while in the course of project activity.

MM 14.4 Electrically powered equipment shall be used, where feasible, instead of pneumatic or internal-combustion-powered equipment.

ATTACHMENT 2
RESOLUTION NO. 2022-R-032

MM 14.5 Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.

MM 14.6 Project area and site access road speed limits shall be established by conditions of approval to the project and enforced during the construction period in conjunction with MM 14.8 below.

MM 14.7 Nearby residences shall be notified of construction schedules by posting a minimum of 48 hours in advance, so that arrangements can be made, if desired, to limit their exposure to short-term increases in ambient noise levels.

MM 14.8 The engineer shall coordinate with the City of Gridley to potentially employ the design of traffic calming measures on Little Avenue in order to ensure speed reductions due to the excessively long, straight alignment that will be conducive to greater speeds and potentially an increase in general traffic ambient noise. No design shall be constructed until approved by the City of Gridley.

I HEREBY CERTIFY that the foregoing resolution was duly introduced and adopted at the regular City Council meeting of the City of Gridley held on the 19th day of September, 2022, by the following vote:

AYES:	COUNCIL MEMBERS	_____
NOES:	COUNCIL MEMBERS	_____
ABSTAIN:	COUNCIL MEMBERS	_____
ABSENT:	COUNCIL MEMBERS	_____

ATTEST:

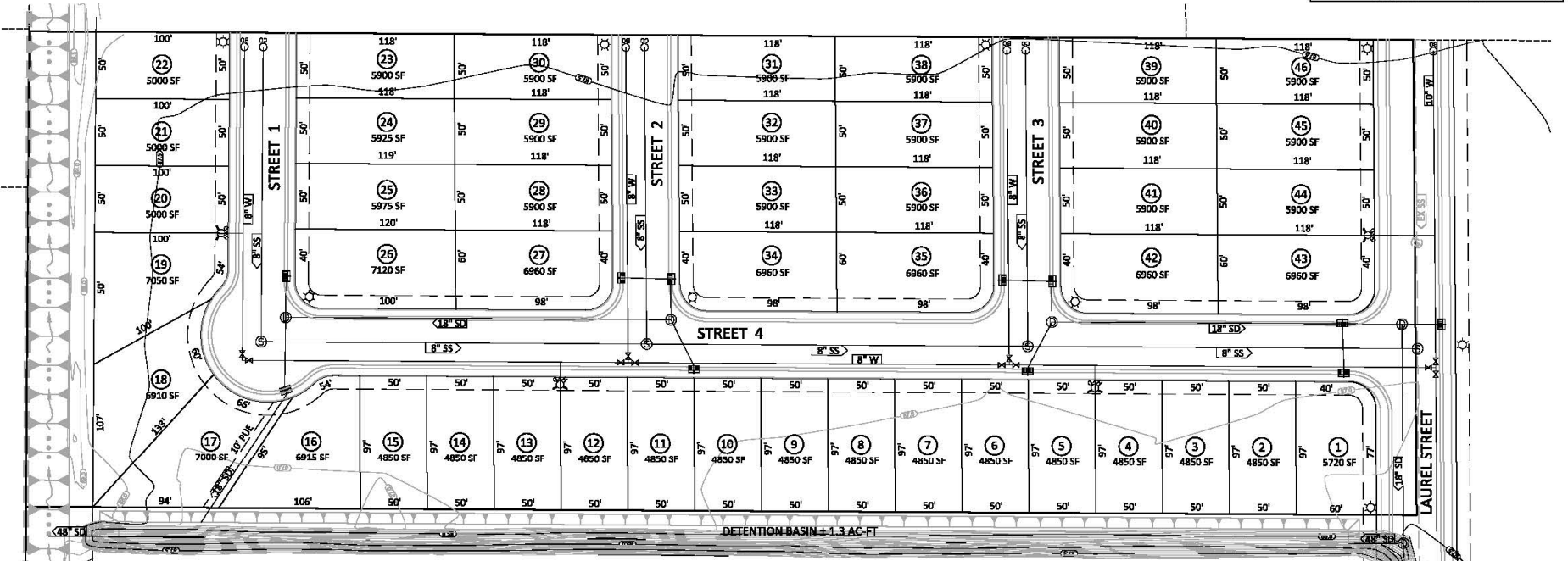
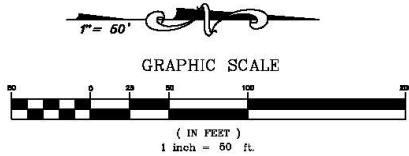
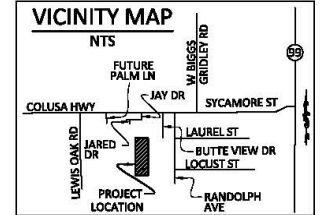
APPROVE:

Cliff Wagner, City Administrator

Bruce Johnson, Mayor

TENTATIVE SUBDIVISION MAP NO.
EDLER ESTATES
CITY OF GRIDLEY, COUNTY OF BUTTE, CALIFORNIA
12/01/2021

8.49-ACRE TENTATIVE SUBDIVISION MAP
BEING A PORTION OF SECTION 2
T. 17N., R. 2E., M.D.B. & M.



PROJECT NOTES

OWNER/DEVELOPER/SUBDIVIDER
JAMES M. RATLIFF
PO BOX 750
MARYSVILLE, CA 95901

PROJECT ENGINEER



EXISTING USE
VACANT, AGRICULTURAL
ZONING: RS (RESIDENTIAL SUBURBAN)
GENERAL PLAN: RESIDENTIAL VERY LOW DENSITY
PROPOSED USE
SINGLE FAMILY RESIDENTIAL - 46 LOTS
PHASING: PER MARKET CONDITIONS
LOT AREAS: 4850 TO 7050 SF
ZONING: R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT)
GENERAL PLAN: RESIDENTIAL MEDIUM DENSITY
GROSS AREA: ± 8.49 ACRES
DENSITY: 6 LOTS PER ACRE

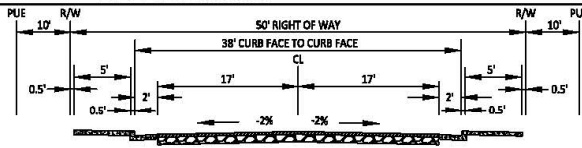
PROJECT LOCATION
APN: 010-270-076
GRIDLEY, CA
UTILITIES
STORM DRAIN: CITY OF GRIDLEY/RD 833
SEWAGE: CITY OF GRIDLEY
WATER: CITY OF GRIDLEY
FIRE PROTECTION: CITY OF GRIDLEY
NATURAL GAS: PG & E
ELECTRICAL: CITY OF GRIDLEY
TELEPHONE: AT&T
PUBLIC SERVICE DEDICATIONS
WATER, SEWER, STORM DRAIN, AND STREET
IMPROVEMENTS SHALL BE DEDICATED
TO THE CITY OF GRIDLEY IN FEE.
STREET NAMES
STREET NAMES ARE PRELIMINARY ONLY.
FINAL NAMES WILL BE ASSIGNED UPON
SUBMITTAL TO AND APPROVAL BY THE
CITY OF GRIDLEY.

ABBREVIATIONS
EX - EXISTING
PROP - PROPOSED
PL - PROPERTY LINE
ROW - RIGHT OF WAY
W - WATER
SS - SANITARY SEWER
SD - STORM DRAIN
ESMT - EASEMENT
PUE - PUBLIC UTILITY EASEMENT
TYP - TYPICAL
LINETYPES
EX PL
PROP PL
CENTER LINE
10' PUE
CITY LIMIT

STORM DRAIN
ALL SD PIPE 12" UNLESS OTHERWISE NOTED

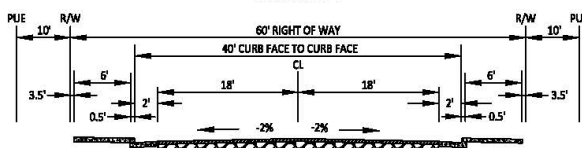
STREET SECTIONS

MINIMUM STRUCTURAL SECTION
2" AC, 8" AB
T₁ = 4.0, R = 23
VERTICAL CURB AND GUTTER



STREETS 1-4

MINIMUM STRUCTURAL SECTION
3" AC, 9" AB
T₁ = 4.0, R = 23
VERTICAL CURB AND GUTTER



LAUREL STREET

NEW PAVED
ROAD TO
RANDOLPH AVE
FOR EMERGENCY
ACCESS ONLY
540' ± SOUTH

BUTTE
VIEW DR.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRIDLEY TO REZONE AN APPROXIMATELY 8.49-ACRES FROM RESIDENTIAL SUBURBAN (RS) TO SINGLE FAMILY RESIDENTIAL DISTRICT (R-1) (APN 010-270-076)

WHEREAS, the Planning Commission held a publicly noticed hearing on July 20, 2022 regarding the proposal to rezone approximately 8.49-acres from Residential Suburban (RS) to Single Family Residential (R-1); and,

WHEREAS, at the close of the July 20, 2022 public hearing the Planning Commission recommended the City Council approve rezoning the property; and,

WHEREAS, the City Council reviewed the recommendation of the Planning Commission, considered the Initial Study and Mitigated Negative Declaration, and has found that the proposed rezone could not have a significant effect on the environment; and,

WHEREAS, the City Council reviewed the project presented at its September 6, 2022 public hearing continuing the item for additional information; and,

WHEREAS, the City Council accepted the General Plan amendment and Mitigated Negative Declaration by adopting Resolution Number 2022-R-031, and adopted Resolution No. 2022-R-032 approving the Tentative Subdivision Map 1-22 on September 19, 2022; and,

WHEREAS, the City Council duly introduced Ordinance 840-2022 by reading of title only at a regular meeting of the City Council held on September 19, 2022; and,

WHEREAS, the City Council of the City of Gridley ordains as follows:

SECTION 1: The City Council finds that the rezone of Assessor Parcel Number 010-270-076 is consistent with the 2030 General Plan and the amendment adopted thereto as 2022-R-031 in addition to adopting the Mitigated Negative Declaration.

SECTION 2: The City Council of the City of Gridley approves the rezone of Assessor Parcel Number 010-270-076 of 8.49-acres Residential Suburban (RS) to Single Family Residential District (R-1).

SECTION 3: The Zoning Map of the City of Gridley on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended, in accordance with the herein description and Exhibit A.

SECTION 4: This ordinance shall be effective thirty (30) days from the date of the second reading of the ordinance.

I HEREBY CERTIFY that the foregoing resolution for the property rezone of APN 010-270-076 as noted in Sections 1-4 and as shown on Exhibit A was duly introduced by reading of title only at the regular City Council meeting of the City of Gridley held on the 19th day of September, 2022, by the following vote:

AYES: COUNCIL MEMBERS _____

NOES: COUNCIL MEMBERS _____

ABSTAIN: COUNCIL MEMBERS _____

ABSENT: COUNCIL MEMBERS _____

ATTEST:

APPROVE:

Cliff Wagner, City Administrator

Bruce Johnson, Mayor

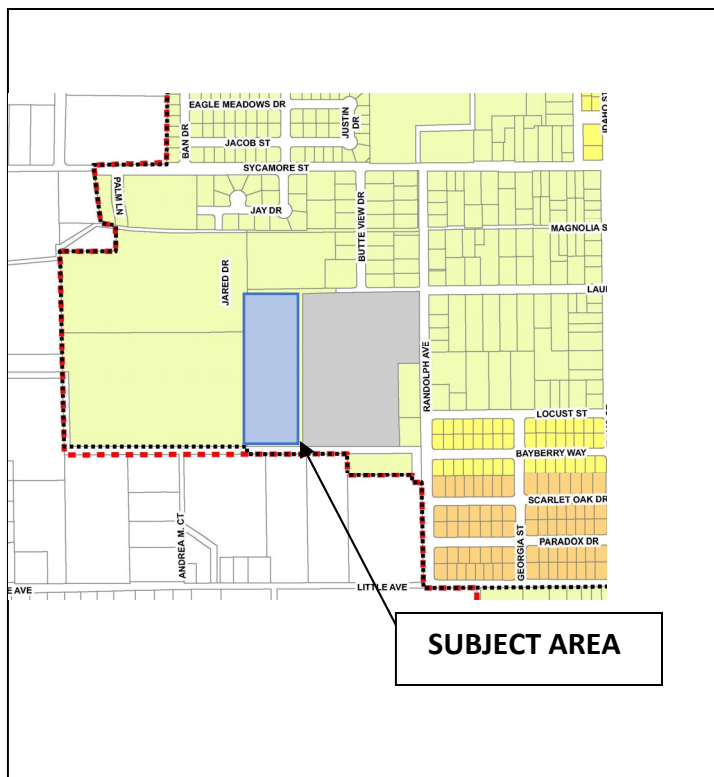
APPROVED AS TO FORM:

Anthony Galyean, City Attorney

EXHIBIT A



Figure 1: Location Map



Existing Zoning

From existing:

Residential Suburban

To proposed:

Single-Family Residential
(R-1)

***Edler Estates
Gridley, California***

**Initial Study/Mitigated
Negative Declaration**

June, 2022

Prepared by the City of Gridley

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Appendix A – Cultural resources outreach
Northeastern Information Center Response

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A. INTRODUCTION

This document, a CEQA Initial Study, is a review of the potential environmental issues that may exist for a proposed development. The review is a precursor to the determination of the environmental impact leading to the CEQA document: Negative Declaration, Mitigated Negative Declaration, or an Environmental Impact Report for the purposes of determining mitigations, if needed, for project approval.

The Initial Study process identifies and analyzes the potential environmental impacts of the proposed project. The information and analysis presented in this document is organized in accordance with the order of the California Environmental Quality Act (CEQA) checklist in Appendix G of the CEQA Guidelines. Where the analysis provided in this document identifies potentially significant environmental effects of the project, mitigation measures are recommended. Mitigation measures, for the purposes of this environmental review, are recommendations to mitigate an impact to less than significant. These measures can take many forms often through the implementation of policy documents and/or conditions for the entitlement approval for the project. These measures would be incorporated into the project through conditions of approval for the project by the City of Gridley approval body, the City of Gridley City Council. The City may also adopt findings and potentially develop a Mitigation Monitoring/Reporting Program in the project conditions of approval for the project in conjunction with approval of the project.

The City of Gridley adopted its comprehensive General Plan Update (GPU) on December 4, 2009. An EIR was prepared for the GPU. The GPU EIR is a program EIR, prepared pursuant to Section 15168 of the CEQA Guidelines (Title 14, California Code of Regulations, Sections 15000 et seq.). The Gridley GPU EIR analyzed full implementation and buildout of the City of Gridley GPU which include those areas outside the incorporated boundary. The GPU EIR determined several significant and unavoidable impacts. The General Plan EIR states that impacts those mitigations are provided for, cannot reduce the impact to a less-than-significant level. Implementation of the 2030 General Plan will have significant effects related to land use, air quality, noise, transportation and circulation, hydrology and water resources, agricultural resources, and aesthetic resources; therefore, they remain significant and unavoidable at the programmatic level. Table 2-3 GPU is a summary of impacts and related mitigation measures. Specifically, each element identifies potential impacts, then identifies policies and actions that reduce impacts to less-than-significant if possible. Where elements were identified as significant and unavoidable, the City of Gridley City Council approved the General Plan update with findings of overriding consideration. Whereas the GPU is a programmatic analysis of the urbanization of undeveloped lands, the analysis is applicable to the project level of this review.

Per Public Resources Code (PRC) Section 21083.3, if a development project is consistent with the local general plan and zoning, the environmental analysis should be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior EIR. Therefore, in accordance with PRC Section 21083.3, the analysis within this environmental review will also rely on analysis included in the General Plan EIR, as applicable, and as noted above.

B. PROJECT INFORMATION

1. Project Title: Edler Estates
2. Lead Agency: City of Gridley
Planning Department
685 Kentucky Street
Gridley, CA 95948
3. Contact Person: Donna Decker, Planning Director
Planning Department
Phone: (530) 846-3631
Planningdept@gridley.ca.us
4. Project Location: APN 010-270-076
West terminus of Laurel Street
5. Project Sponsor's Name and Address: James Ratliff
PO Box 907
Marysville, CA 95901
6. Existing General Plan Designation: Residential, Very Low Density, City of Gridley
Proposed General Plan amendment: Residential, Medium Density
7. Existing Zoning Designation: Residential Suburban (RS)
Proposed rezone: Single Family Residential (R-1)
8. Required Approvals from Public Agencies: City of Gridley
General Plan Amendment
Rezone
Tentative Subdivision Map
Final Map
9. Surrounding Land Uses and Setting:

The City of Gridley is located in the southwest portion of Butte County and has an average elevation of 90-95 feet. The area is relatively flat with slopes generally from 1-3% creating some design constraints to provide for positive drainage in new developments. The climate ranges in low to mid-20's during the winter season to over 95 degrees over short periods in the summer months. Precipitation in this area of the Sacramento Valley is generally 20-22", annually.

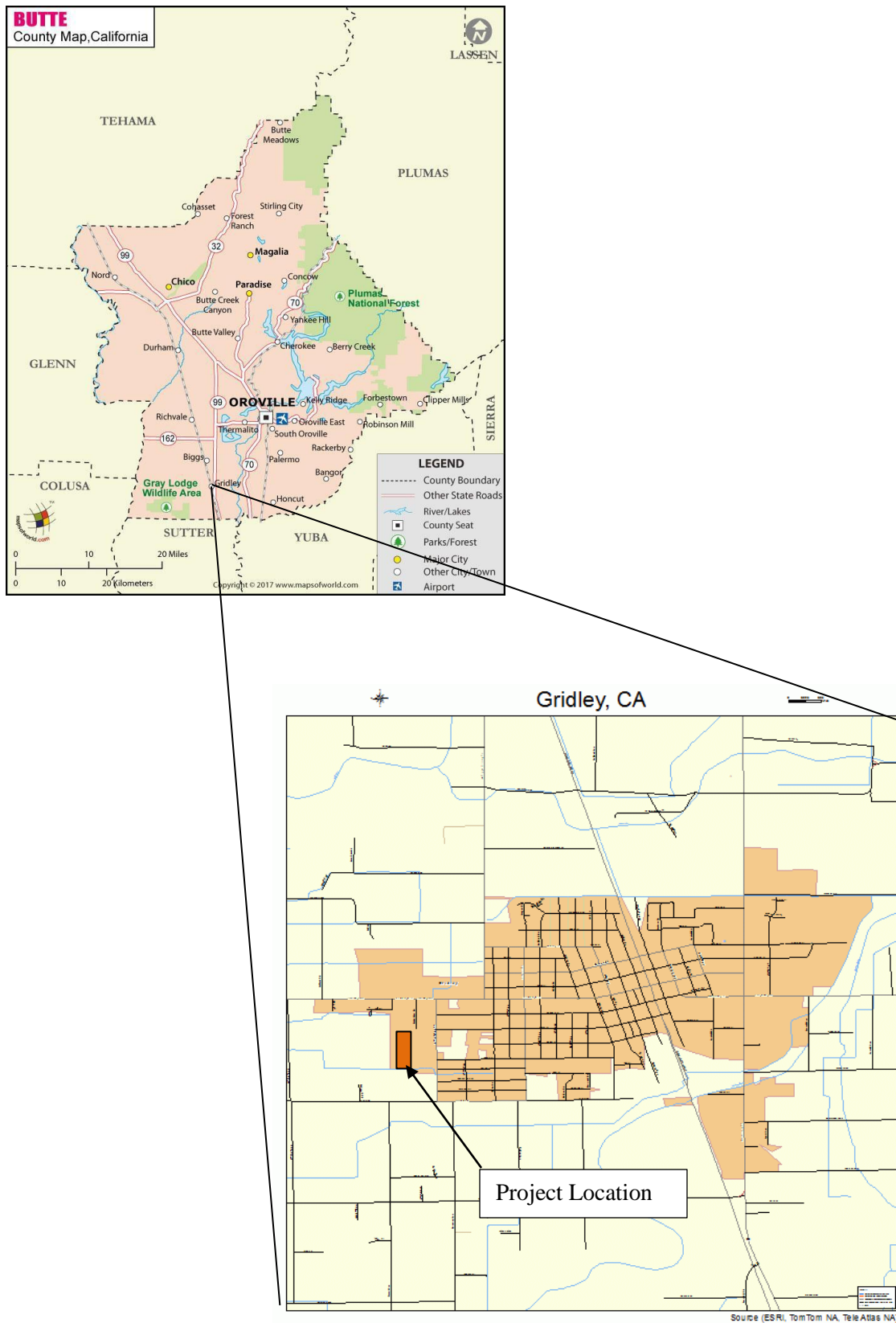


Figure 1: Location of the City of Gridley in Butte County

The project site consists of approximately 8-acres and is located on the southwest portion of the City of Gridley. The site is located on the west side of the Gridley Unified School District (District) property located on Randolph Avenue and south of Laurel Street. The Reclamation District 833 channel is located off property at the south boundary of the proposed development. The proposed subdivision does not encroach into the RD 833 lands.

Residential development is located northeast of the subject site at Butte View Drive, agriculture uses on the west, north and south sides, and the vacant, unused District property is located on the east side of the subject site. The subject site is vacant. The site is in the incorporated area of the City of Gridley and its Sphere of Influence.



Figure 2: Project Location

10. Project Description Summary:

The applicant proposes to subdivide the 8-acre parcel into a 46-lot subdivision for single-family housing. The development has created lots ranging from 4,850 square feet to 7,120 square feet. The average lot size is generally 5,800 square feet. To facilitate the development to move forward, the applicant has applied to:

- Amend the General Plan of the City of Gridley;
- Rezone the property to be consistent with the City of Gridley General Plan land use designations;
- Develop the site with a Tentative Subdivision Map to create 46 single-family lots;

Edler Estates would develop the site with frontage improvements along Laurel Street, provide an internal circulation system, dedication of right-of-way for all streets, and participate in widening Laurel Street if feasible. Improvements will also include landscaping along the frontage and throughout the development.

13. Status of Native American Consultation Pursuant to Public Resources Code Section 21080.3.1: In compliance with Assembly Bill (AB) 52 (Public Resources Code Section 21080.3.1), a project notification letter was distributed to representatives of the Tsi Akim Maidu, United Auburn Indian Community of the Auburn Rancheria, Mooretown Rancheria of Maidu Indians, Mechoopda Indian Tribe, and the KonKow Valley Band of Maidu. At the time of the writing of this Initial Study, no response or recommendations had been received.

C. ENVIRONMENTAL FACTORS

This Environmental Review provides an assessment of the California Environmental Quality Act (CEQA) for the proposed project consisting of the annexation to the city of Gridley from Butte County of approximately 19.59-acres and to pre-zone the property low density residential to create a 94-lot single-family residential subdivision, a detention basin/park, and other pedestrian open space amenities.

In accordance with CEQA Section 15070, this environmental review may identify potentially significant effects, but:

1. Revisions in the project plans or proposals made by or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and,
2. There is no substantial evidence, in light of the whole record before the agency, that the project as proposed may have a significant effect on the environment prior to a negative declaration and initial study being released for public review.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

D. ANALYSIS/DETERMINATION:

On the basis of this environmental review:

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



June 20, 2022

Donna Decker
Planning Director
City of Gridley

Date

E. ENVIRONMENTAL CHECKLIST

The following checklist contains the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist form is used to describe the impacts of the Proposed Project. A discussion follows each environmental issue identified in the checklist.

For this project, the following designations are used:

Potentially Significant Impact:

An impact that could be significant and for which no mitigation has been identified. If any potentially significant impacts are identified, an EIR must be prepared.

Less Than Significant With Mitigation Incorporated:

An impact that requires mitigation to reduce the impact to a less-than-significant level.

Less Than Significant:

Any impact that would not be considered significant under CEQA relative to existing standards.

No Impact:

Any impact that does not apply to the project.

A discussion of the answers related to the checklist in each section summarizes the level of significance. If an environmental issue exists, then, mitigation will be considered that could be incorporated into the design, or, as a measure through the construction process of the development.

1. AESTHETICS

Environmental Setting

The project site consists largely of agricultural land; to the west, south and north of the site is rural residential and agricultural uses. To the northwest is urban single family residential. The subject site is inside the city boundary, lying within the City Sphere of Influence boundary. The drainage channel belonging to RD 933 is located contiguous to the south boundary, not within the property boundary.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Have a substantial adverse effect on a scenic vista;
- Substantially alter or degrade the existing visual character or quality of the project site;
- Have a substantial adverse effect on a scenic resource; or,
- Substantially increase light or glare in the project site or vicinity which would adversely affect day or night time views.

Issues	Potentially Significant Impact	Less Than Significant With Mitiga- tion Incorporated	Less Than Significant Impact	No Impact

Aesthetics

Would the project:

- | | | | | |
|--|--|---|---|---|
| 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 | | |

Discussion

- a) Examples of typical scenic vistas include mountain ranges, ridgelines, or bodies of water as viewed from a highway, public space, or other area designated for the express purpose of viewing and sightseeing.

Prominent views in the City of Gridley include the Sutter Buttes, expanses of agricultural lands, and views to the Sierra Nevada range as a visual background resource to the east and the Cascades to the west. The proposed project will urbanize an otherwise agricultural area impeding views other residences may enjoy to the Sutter Buttes and distant mountain ranges as described above. The General Plan policies:

Conservation Policy 9.1: The City will consider views of the Sutter buttes in the orientation of new roadways and trails and maintain visual connections where feasible.

Design Policy 8.2: Streets should be located and oriented to define the edges of neighborhoods and oriented so that major views terminate in parks, natural landmarks or civic landmarks to the greatest extent feasible.

The 2030 General Plan EIR states there is no feasible mitigation for this impact (GP EIR Pg. 4.11-3). The impact of development on visual resources and aesthetics is considered significant and unavoidable; therefore, the City Council approved the 2030 General Plan with findings of overriding consideration.

- b) The subject site is located more than a mile from the Golden State Highway 99 corridor. This corridor is not considered a scenic vista; however, the State of California does review projects to ensure they are not detrimental to the view corridor. This project does not impact the State Highway 99 viewshed corridor. There are no scenic resources related to tree groves, rock outcroppings of importance, nor historic buildings or those registered with the State of California List of Historic Landmarks. Therefore, this is considered **no impact**.
- c) The project site is currently undeveloped with the exception of the one residential home and outbuildings on the westerly portion of the subject site. The visual quality of the site is characterized by naturally flat, open lands used in the past for agriculture. The visual character will be impacted in that it will be changed from agricultural land to developed residential property. Therefore, this is considered as a **less-than-significant impact**.
- d) The proposed project will generate new sources of light and glare where none currently exist. Anticipated new sources of light include outdoor street lighting, residential lighting, glare from windows, and light associated with vehicles entering and exiting the site. The amount of glare depends on the intensity and direction of sunlight, which is more acute at sunrise and sunset because the angle of the sun is lower during these times. A source of glare during the nighttime hours is artificial light. Increased nighttime lighting and illumination could result in adverse effects to adjacent land uses through the spilling over of light into these areas and sky glow conditions. The proposed development would be subject to existing City development and design standards set forth in the City's Municipal Code. The Code requires exterior lighting be functional, architecturally integrated with the site and building design, and, that it be directed onto the site and away from adjacent properties. Additionally, exterior lighting within or adjacent to residential districts is required to be shielded so as to be direct light onto the site on which the lights are installed. Shielded is defined as no more than 20 percent of the light rays

emitted by a fixture being directed outside the boundaries of the site. Adherence to existing City standards and to the Municipal Code would reduce the impacts of daytime glare and nighttime lighting by requiring design guidelines and standards to limit lighting leakage and glare. Therefore, this impact is considered **less than significant with mitigation incorporated**.

Mitigation Measures

Implementation of the following mitigation measure would reduce the above potential impact to a less-than-significant level.

MM 1.1 In conjunction with the submittal of improvement plans, the applicant shall submit a lighting plan for the review and approval of the Planning Department. The lighting plan shall indicate the provision of shielding for all street light fixtures to avoid night time lighting spillover effects on adjacent land uses and nighttime sky conditions. In addition, the lighting plan shall address limiting light trespass and glare through the use of shielding and directional lighting methods including, but not limited to, fixture location, design, and height as required by the Gridley Municipal Code.

2. AGRICULTURAL RESOURCES

Environmental Setting

The California Department of Conservation, Division of Land Resource Protection administers the Farmland Mapping and Monitoring Program (FMMP). The land is rated based on its soil characteristics and irrigation status. Butte County has three Important Farmland types: Prime Farmland, Farmland of Statewide Importance, and Unique Farmland. The FMMP has mapped 231 acres of Important Farmland within the City of Gridley incorporated boundary and 1,155 acres within its Planned Growth Area (GP EIR pg. 4.8-6) The subject property is categorized as Farmland of Statewide Importance. The regional and local plans strive to conserve agricultural lands from urbanization. Butte County and the City of Gridley recognize the likely urbanization and annexation of agricultural land into incorporated city boundaries. There is no action that can mitigate the permanent loss of productive agricultural lands. Butte County has been working on an ordinance for Agriculture mitigation that would: 1) Have a developer pay fees for future purchase of similar lands to be kept in agriculture in perpetuity, and 2) Have a developer purchase property of the same size as the proposed development to maintain agricultural lands kept in perpetuity.

The City of Gridley General Plan conservation policies (GP EIR pg. 4.38-8) identify strategies that would mirror Butte County's efforts to mitigate loss of agricultural resources. To implement, the City of Gridley would need to base fees and mitigations on a Nexus study, develop a conservation program, and develop an in-lieu fee structure for the purpose of agricultural land acquisition as described above. The conservation programs have not been implemented. Recognizing the loss of agricultural resources are difficult to mitigate, the City Council prepared a Findings of Fact and adopted the 2030 General Plan with a Statement of Overriding Considerations. Although this is at the programmatic level, it is also applicable to this project.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses;
- Conflict with or result in the cancellation of a Williamson Act contract;
- Adversely affect agricultural production.

Issues	Potentially Significant Impact	Less Than Significant	Less Than Significant Impact	No Impact
		With Mitiga- tion Incorporated		

Agricultural Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland

- | | |
|--|---|
| Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | 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, forest land (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? in the existing environment. | 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 |

Discussion

- a & e) The soil type on the site is Gridley taxadjunct loam (127) and considered as Farmland of Statewide Importance and Live Oak Sandy Loam (126) considered Prime Farmland if Irrigated. The conversion or loss of farmland to urbanization was analyzed during the Gridley General Plan Update and the Butte County General Plan Update.

Butte County General Plan EIR

The Butte County General Plan EIR received significant comment and concern related to the conversion of lands developed in the Agriculture district. The Butte County General Plan identified that approximately 980 acres of farmland surrounding Gridley and Gridley would be designated for residential uses ranging from Rural Residential to Medium High Density Residential (660 acres), as well as Retail and Office (10 acres), Industrial (30 acres), and Public (5 acres). In addition, approximately 280 acres of farmland are designated for Agricultural Services. Policy AG-P2.1 directs the County to work with the Local Agency Formation Commission (LAFCO) to create and maintain a consistent approach to the conservation of agricultural land through the designation of reasonable and logical Sphere of Influence (SOI) boundaries. Additionally, AG-P2.3 provides direction for the conversion of agriculture to an urban/developed designation when it can be demonstrated that:

- a. The lot(s) for which conversion is requested is adjacent to uses other than agriculture or agricultural support uses (e.g., receiving plants, hulling plants).
- b. The conversion will not be detrimental to existing agricultural operations.
- c. The conversion land is adjacent to existing urban infrastructure and conversion will constitute a logical contiguous extension of a designated urban area.
- d. No feasible alternative exists that is less detrimental to agriculture.
- e. Full mitigation of impacts to the extent allowed under the law is provided, including, but not limited to, roads, drainage, schools, fire protection, law enforcement, recreation, sewage and lighting.

City of Gridley General Plan EIR

The City of Gridley General Plan EIR recognized that if the city is to grow, it will need to convert lands that provide agricultural resources. The City's desire is to retain a compact urban form and proposed annexations be contiguous to existing urban areas. The city is surrounded by agricultural land, and any annexation and development consistent with the General Plan would convert areas currently in agricultural production at this date to urban uses. This conversion of agricultural lands would include Prime Farmland, Farmland of Statewide Importance, as found at the subject site. The proposed City of Gridley General Plan policies and actions do not completely offset the loss of important farmland, and no feasible mitigation measures are available to avoid this impact. The impact was considered significant and unavoidable; the City of Gridley City Council approved the General Plan update with Findings of Fact and adopted the 2030 General Plan with a Statement of Overriding Considerations.

Conversion of agricultural lands to urban uses is an issue of concern in both Butte County and the City of Gridley, although the amount of lands converted adjacent to the City of Gridley is very small relative to the region or other valley areas. The proposed project will contribute to the conversion of agricultural lands. The City of Gridley GPU EIR found the loss of agricultural resources due to urbanization as significant and unavoidable; Loss and Conversion of Agricultural Land and Cumulative Impacts to Agricultural Resources. The loss of agricultural resources is a significant impact that cannot be fully mitigated nor are programs in place at either the regional or local level to replace the loss of agricultural lands, if that could be attained.

The City of Gridley adopted the General Plan Update and accepted the Findings of Fact and adopted the 2030 General Plan with a Statement of Overriding Considerations. The City Council determined that for the health and growth of the city, a loss of agricultural resources would occur. Therefore, the project is consistent with the General Plan.

- b-d) There is no Williamson Act contract established for the property and will not conflict with agricultural zoning in that the request is to prezone the property for low density residential use. It will not result in the loss or conversion of forest lands to non-forest use; thus, no impact would occur. The project will not cause other changes for loss of agricultural resources in addition to those noted in the discussion (a).

Mitigation Measures

No mitigation is required for the loss of agricultural use. The impact was considered significant and unavoidable in the city of Gridley GPU EIR and approved the General Plan update with Findings of Fact and adopted the 2030 General Plan with a Statement of Overriding Considerations.

3. AIR QUALITY

Environmental Setting

The California Air Resources Board (CARB) divides the state into air basins that share similar meteorological and topographical features. The City of Gridley is located in the 11-county Sacramento Valley Air Basin (SVAB). Prevailing winds are moderate in strength and vary from dry land flows from the north to moist ocean breezes from the south. The mountains surrounding the SVAB create a barrier to air flow which, under certain meteorological conditions, trap pollutants in the valley. The entire air basin is currently designated as non-attainment for the State 24-hour, and PM10 standards. Butte County is designated as non-attainment for 8-hour ozone. The data used by the City of Gridley General Plan was the most available 2009 data. The General Plan indicates that additional growth may be a significant impact to non-attainment. In 2017, Butte County, and the City of Chico, requested consideration for the re-designation of the status of non-attainment to attainment. The California Air Resources Board (CARB) staff report recommended the same to the Federal EPA in that levels had continued to decrease with the exception of 8-hour ozone. Most recently, CARB and the US EPA identified that as of October, 2020, Butte County has a designation of non-attainment for 8-hour ozone, as marginal, with the remainder as conforming to its air quality maintenance plan and attainment for other air quality pollutants of concern. A designation of marginal for Ozone nonattainment is the lowest level of classification and means ozone concentrations are less than 10 parts per billion (ppb) above the standard.

Standards of Significance.

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Result in pollution emission levels above those established by BCAQMD in either short term (construction related) or long term (traffic).

Issues	Potentially significant Impact	Less Than Significant	Less Than Significant Impact	No Impact
		With Mitiga- tion Incorporated		

Air Quality

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

- | | |
|--|---|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | X |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality | 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

Discussion

- a) The proposed project will not conflict with or obstruct implementation of the current air quality plan. The Gridley General Plan and Sphere of Influence update provided a land use designation of Residential, Very Low Density. The General Plan amendment will re-designate 8-acres to Residential, Medium Density. The development of the site during construction would be required to meet the mitigation measures of the Butte County Air Quality Management District. Development of the site will be consistent with the current plan and its implementation thereof. This impact is considered less than significant.
- b) The proposed project may unintentionally violate the current air quality plan in that short-term impacts related to the construction of the site will be mitigated by measures (MM 3.1 and 3.2, below) implemented at that time; therefore, this would be less than significant with mitigation incorporated.
- c) The project may contribute to a minor increase in Ozone levels because of additional traffic and small engine use; however, the site has been designated to be developed with single family residential since the 2030 City of Gridley General Plan was adopted. The General Plan outlined the possibility that the Plan would violate the 2009 Air Quality Attainment Plan for the Sacramento Valley. The Council made Findings of Fact and adopted the 2030 General Plan with a Statement of Overriding Considerations.
- d) As noted above, in 2017 both Butte County, and the City of Chico, requested consideration for the re-designation of the status of non-attainment to attainment. The evaluation found a continued decrease in all areas except for the 8-hour Ozone levels which remain as non-attainment (October, 2020).

A single project is not sufficient in size to, by itself, result in nonattainment of Ozone levels. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant. In developing thresholds of significance for air pollutants, BCAQMD has considered the emission levels for which a project's individual emissions would be cumulatively considerable. The thresholds of significance represent the levels at which a project's individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the existing air quality conditions. Due to the proposed size of the project, it would result in emissions below the applicable thresholds of significance and would not result in a cumulatively considerable contribution to the region's existing air quality conditions.

- e) It is unknown if there are specific sensitive receptors living within or surrounding the subject site. The project would not create substantial pollutant concentrations. Air pollution created during construction will be mitigated effectively; therefore, this would be less than significant with mitigation incorporated. (MM 3.2).

Mitigation Measures

Implementation of the following mitigation measure would reduce the above potential impact to a less-than-significant level.

MM 3.1 The project shall implement the following measures during construction:

- 1) Use adequate fugitive dust control measures for all construction activities during all phases of construction.
- 2) Provide energy-efficient lighting and process systems.
- 3) No open burning of vegetative material on the project site.
- 4) Use temporary traffic control as appropriate at all stages of construction.
- 5) Design streets to maximize pedestrian access to transit stops, where feasible.

MM 3.2 Construction dust and equipment exhaust emission measures shall be implemented:

- 1) Water all active construction sites at least twice daily.
- 2) Use chemical stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
- 3) On-site vehicle limited to a speed of 15 mph on unpaved roads.
- 4) Construction equipment exhaust emissions shall not exceed BCAQMD Rule 201, Visible Emission limitations.
- 5) The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained.
- 6) Utilize existing power sources (e.g., power poles) or clean fuel generator rather than temporary power generators.
- 7) Minimize equipment idling time to 10 minutes.
- 8) Land clearing, grading, earthmoving or excavation activities suspended when winds exceed 20 miles per hour.
- 9) Non-toxic binders (e. g. latex acrylic copolymer) should be applied to exposed areas after cut and fill operations.
- 10) Plant vegetation ground cover in disturbed areas as soon as possible.
- 11) Cover inactive storage piles.
- 12) Paved streets adjacent to the development site should be swept or washed at the end of the day as necessary to remove excessive accumulations of silt and/or mud which may have accumulated as a result of activities on the development site.
- 13) Post publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours. The telephone number of the BCAQMD shall also be visible to ensure compliance with BCAQMD Rule 201 and 207 (Nuisance and Fugitive Dust Emissions).
- 14) Prior to final occupancy, the applicant demonstrates that all ground surfaces are covered or treated sufficiently to minimize fugitive dust emissions.

4. BIOLOGICAL RESOURCES

Environmental Setting

The site, currently fallow, has been utilized in the past as agricultural uses. The site is a result of an area highly disturbed to create a monoculture of agriculture in support of those activities. The RD 833 canal is located on the south side of the proposed development; not within the subject property boundary.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Adversely affect, either directly or through habitat modification, any endangered, threatened or rare species, as listed in Title 14 of the California Code of Regulations (Sections 670.5) or in Title 50, Code of Regulations (Sections 17.11 or 17.12 or their habitats (including but not limited to plants, fish, insects, animals, and birds);
- Have a substantial adverse impact, either directly or through habitat modification, on any species identified as a candidate, sensitive or special-status species in local or regional plans, policies, or regulations or by the CDFG or USFWS;
- Have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFG or USFWS;
- Adversely affect federally protected wetlands (including but not limited to marsh, vernal pool, coastal, etc.) either individually or in combination with the known or probable impacts of other activities through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites; or,
- Conflict with any local or regional policies or ordinances designed to protect or enhance biological resources, such as a tree preservation policy or ordinance.

Issues	Potentially Significant Impact	Less Than Significant	Less Than Significant Impact	No Impact
		With Mitiga- tion Incorporated		

Biological Resources

Would the project:

- | | |
|--|---|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | X |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or | X |

by the California Department of Fish and Game or US Fish and Wildlife Service?

- 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

Discussion

- a) The Butte County General Plan EIR, dated April 8, 2010, identified the project area located in the Sacramento Valley in the western portion of Butte County as a geographic subregion. Most of the biological communities in the Sacramento Valley portion of the county have been substantially altered since the mid-1800s, when the area was first hydraulically mined, then dredged for gold, and then developed for agriculture. (BCGP EIR, pg. 4.4-8). The quality of habitat for wildlife is greatly diminished when the land is converted to agricultural uses and intensively managed. Many species of rodents and birds have adapted to agricultural lands, but they are often controlled by fencing, trapping, and poisoning to prevent excessive crop losses. (BCGP EIR pg.4.4-25).

The Gridley GP EIR, noted that due to the high degree of disturbance, agricultural areas generally have a low habitat value for wildlife, though some species can adapt to disturbed conditions (GPUpg. 4.6-9). The open water canals provide habitat for birds and other small mammals. The canals create a habitat that meets the breeding and aestivation (summer sleep to conserve the body during high heat) requirements for the giant garter snake. The canals also provide connectivity for movement of the species through the area.

The Gridley GP EIR determined that although policies could be put into place to alleviate project impacts, development would have cumulative biological resource impacts and implementation of the General Plan would have considerable and unavoidable impacts. The City of Gridley City Council approved the General Plan update with Findings of Fact and adopted a Statement of Overriding Consideration that included the impacts found for biological resources that would directly or indirectly impact habitats. Mitigation Measures 4.1 and 4.2 are added requiring precon-

struction surveys, and if species are found, the necessary approvals will be obtained for Incidental Take from the CDFW.

- b) The project may disturb those areas for the construction of both vehicular and pedestrian crossings and possible culvert construction within the canal area. Mitigation measures 4.1 and 4.2 will help reduce the impact by identifying evidence of the listed species prior to the onset of construction. The City of Gridley City Council approved the General Plan update with Findings of Fact and adopted a Statement of Overriding Consideration that included the impacts found for biological resources that would directly or indirectly impact habitats. Mitigation Measures 4.1 and 4.2 are added requiring preconstruction surveys, and if species are found, the necessary approvals will be obtained for Incidental Take from the CDFW.
- c) Mitigation Measures 4.1 and 4.2 are added requiring preconstruction surveys, and if species are found, the necessary approvals will be obtained for Incidental Take from the CDFW.
- d) The General Plan studied the biological resources for plants, invertebrates, fish, amphibians, reptiles, birds, and mammals. There was suitable habitat within the Gridley Planning Area. The list below indicates a high potential of successful habitat:
 - Sanford's arrowhead Potential habitat within drainages
 - Brazilian Watermeal Potential habitat within drainages
 - Brown Fox sedge Potential habitat within drainages
 - Woolly Rose Mallow Potential habitat within drainages
 - Giant garter snake The site is suitable habitat for travel within or between the connected canals, and for habitat during dormant times of the year, November to mid-March.
 - Northern harrier Available habitat
 - Swainson's hawk Available habitat
 - Silver-haired bat Available habitat
 - Burrowing Owl Available habitat

Refer to additional information below in the Mitigation Measures for detailed information on the species noted above. Although the site may be conducive to habitat, there is no record indicating these species have been identified on the site (BCGP EIR 2010, and 2030 Gridley GP EIR) Mitigation will include a species review and evaluation prior to the onset of construction. Therefore, this is considered less than significant with mitigation incorporated.

- e) A key goal of the General Plan policies is to accommodate anticipated growth in a compact urban form. This strategy is intended to reduce the amount of undeveloped land needed to meet the city's future housing and jobs needs when compared to a more "business-as-usual" sprawling growth pattern. The proposed project is consistent with the Gridley General Plan for a residential development with single-family homes. Growth accommodated under the General Plan seeks to avoid the growth effects of sprawl development patterns, such as the loss of biological resources. In addition, future development allowed under the proposed General Plan would be required to comply with Gridley Municipal Code. Therefore, the project seeks to implement the General Plan and its policies and development direction, thus considering this as no impact.
- f) Land uses and development consistent with the proposed General Plan amendment would not conflict with any adopted habitat conservation plan, natural community conservation plan, or other

approved conservation plan. Currently, no such conservation plans have been adopted encompassing all or portions of Gridley; however, the Planning Area is located within the Butte Regional Conservation Plan/Natural Community Conservation Plan planning area. This plan is currently under preparation by various local agencies. The geographic area that will be addressed in the conservation plan covers approximately 560,000 acres of the lowland portion of Butte County up to and including the foothill oak woodlands. Therefore, this is considered as no impact.

Mitigation Measures

Implementation of the following mitigation measure would reduce the above potential impact to a less-than-significant level.

MM 4.1 The project applicant shall conduct preconstruction surveys to determine if San- ford's arrowhead, Giant garter snake, Northern harrier, Swainson's hawk, Greater sandill crane, Burrowing owl, and Silver-haired bat exist on the site. Should any of the listed be discovered, the applicant shall obtain the necessary approvals for Incidental Take from the CDFW.

Burrowing Owl

Within 14 days prior to any ground disturbing activities for each phase of construction, the project applicant shall retain a qualified biologist to conduct a preconstruction survey of the site, any off-site improvement areas, and all publicly accessible potential burrowing owl habitat within 500 feet of the project construction footprint. The survey shall be performed in accordance with the applicable sections CDFW Staff Report on Burrowing Owl Mitigation. The qualified biologist shall be familiar with burrowing owl identification, behavior, and biology, and shall meet the minimum qualifications for such preconstruction survey. If the survey does not identify any nesting burrowing owls on the site, further mitigation is not required for that phase unless activity ceases for a period in excess of 14 days in which case the survey requirements and obligations shall be repeated. If active burrowing owl dens are found within the survey area in an area where disturbance would occur, the project applicant shall implement measures as determined by the qualified biologist.

During the breeding season (February 1 through August 31), the following measures will be implemented:

Disturbance-free buffers will be established around the active burrow. During the peak of the breeding season, between April 1 and August 15, a minimum of a 500-foot buffer will be maintained. Between August 16 and March 31, a minimum of a 150-foot buffer will be maintained. The qualified biologist will determine, in consultation with the City of Gridley Planning Division and CDFW, if the buffer should be increased or decreased based on site conditions, breeding status, and non-project-related disturbance at the time of construction. Monitoring of the active burrow will be conducted by the qualified biologist during construction on a weekly basis to verify that no disturbance is occurring. After the qualified biologist determines that the young have fledged and are foraging independently, or that breeding attempts were not successful, the owls may be excluded in accordance with the non-breeding season measures below. Daily monitoring will be conducted for one week prior to exclusion to verify the status of owls at the burrow.

During the non-breeding season (September 1 to January 31), owls occupying burrows that cannot be avoided will be passively excluded consistent with Appendix E of the 2012 CDFW Staff Report:

- Within 24 hours prior to installation of one-way doors, a survey will be conducted to verify the status of burrowing owls on the site.

- Passive exclusion will be conducted using one-way doors on all burrows suitable for burrowing owl occupation.
- One-way doors shall be left in place a minimum of 48 hours to ensure burrowing owls have left the burrow before excavation.

While the one-way doors are in place, the qualified biologist will visit the site twice daily to monitor for evidence that owls are inside and are unable to escape. If owls are trapped, the device shall be reset and another 48-hour period shall begin. After a minimum of 48 hours, the one-way doors will be removed and the burrows will be excavated using hand tools to prevent reoccupation. The use of a pipe is recommended to stabilize the burrow to prevent collapsing until the entire burrow has been excavated and it can be determined that no owls reside inside the burrow. After the owls have been excluded, the excavated burrow locations will be surveyed a minimum of three times over two weeks to detect burrowing owls if they return. The site will be managed to prevent reoccupation of burrowing owls (e.g., disking, grading, manually collapsing burrows) until development is complete. If burrowing owls are found outside the project site during preconstruction surveys, the qualified biologist shall evaluate the potential for disturbance. Passive exclusion of burrowing owls shall be avoided to the maximum extent feasible where no ground disturbance will occur. In cases where ground disturbance occurs within the no-disturbance buffer of an occupied burrow, the qualified biologist shall determine in consultation with the City of Gridley Planning Division and CDFW whether reduced buffers, additional monitoring, or passive exclusion is appropriate.

Compensatory Mitigation, if Active Owl Dens are Present: If active burrowing owl dens are present and the project would impact active dens, the project applicant shall provide compensatory mitigation in accordance with the requirements of the CDFW. Such mitigation shall include the permanent protection of land, which is deemed to be suitable burrowing owl habitat through a conservation easement deeded to a non-profit conservation organization or public agency with a conservation mission, or the purchase of burrowing owl conservation bank credits from a CDFW-approved burrowing owl conservation bank. In determining the location and amount of acreage required for permanent protection, the project applicant, in conjunction with the City of Gridley Planning Division, shall seek lands that include the same types of vegetation communities and fossorial mammal populations found in the lost foraging habitat.

Swainson's Hawk

If project construction plans require ground disturbance that represents potential nesting habitat for migratory birds or other raptors including Swainson's hawk, the project contractor shall initiate such activity between September 1st and January 31st, outside the bird nesting season, to the extent feasible. If tree removal must occur during the avian breeding season (February 1st to August 31st), a qualified biologist shall conduct a survey for ground-nesting birds. The survey shall be conducted 14 days prior to the commencement of construction and include all potential ground-nesting sites and trees and shrubs within 75 feet of the entire project site. The findings of the survey shall be submitted to the City of Gridley Planning Department. If nesting passerines or raptors are identified during the survey within 75 feet of the project site, a 75-foot buffer around the ground nest or nest tree shall be fenced with orange construction fencing. If the ground nest or nest tree is located off the project site, then the buffer shall be demarcated as per above. The size of the buffer may be altered if a qualified biologist conducts behavioral observations and determines the nesting passerines are well acclimated to disturbance. If acclimation has occurred, the biologist shall prescribe a modified buffer that allows sufficient room to prevent undue disturbance/harassment to the nesting birds. Construction or earth-moving activity shall not occur within the established buffer until a qualified biologist

has determined that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones, which typically occurs by July 15th. However, the date may be earlier or later, and would have to be determined by a qualified biologist. If a qualified biologist is not hired to watch the nesting passerines, then the buffers shall be maintained in place through the month of August and work within the buffer may commence September 1st.

Prior to the issuance of a grading permit, the dedication of land suitable for replacement Swainson's hawk foraging habitat shall be dedicated by the project applicant at a ratio of 1:1 for all existing unpaved areas within the project site. The location of the replacement foraging habitat shall be coordinated with, and approved by, the CDFW, and shall be acquired prior to development of the project site. Proof of CDFW approval shall be submitted to the City of Gridley Planning Department.

Giant Garter Snake

During the pre-construction survey, the biologist shall investigate the site for habitat or evidence of the Giant Garter Snake on or proximate to the subject site. Protective fencing shall be erected on the north, east, and south property lines to mitigate migration into the site during construction.

MM 4.2 The biologist shall submit a report documenting the site investigation and findings prior to the onset of construction activities. This includes any installation of bmps required by the General Construction Permit, clearing or grubbing, demolition of existing structures and/or roughgrading. The report shall be submitted to the City of Gridley Planning Department for review and acceptance of the findings of the biologic site review.

5. CULTURAL RESOURCES

Environmental Setting

Since the time of its founding in 1870 to its incorporation as a city in 1905 and extending to the present time, Gridley has undergone a slow but steady growth. The city has evolved from a regional agriculture community supporting dry-land crops, orchards, and livestock to a more urbanized area while continuing to support its farming community.

The project site is located near the boundary of three ethnographic groups-the Konkow, the Patwin, and the Nisenan. They all spoke Maiduan languages, with various dialects within the groups. The areas these groups generally inhabited were along the lower part of the Feather River Canyon, the Middle and South Fork Feather Rivers, the lower foothill stream courses, and the Sacramento Valley Floor¹. Villages were generally nomadic as required with hunter-gatherer characteristics.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Cause a substantial change in the significance of a historical or archeological resource as defined in the CEQA Guidelines Section 15064.5; or,
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Issues	Potentially Significant Impact	Less Than Significant	Less Than Significant Impact	No Impact
		With Mitiga- tion Incorporated		

Cultural Resources

Would the project:

- | | | | | |
|---|--|---|---|--|
| 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 archaeological resource pursuant to §15064.5? | | X | | |
| c) Directly or indirectly destroy a unique Paleontological resource or site or unique geologic feature? | | X | | |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | | X | | |

Discussion

- a) CEQA Guidelines §15064.5 (b) states that if there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared.

The 2030 General Plan identifies previous cultural resource investigations conducted in the Plan Area. Little evidence has been found in research and surveys; however, the area is known as a location of potential for archaeological resources.

There are no known sites that have been determined within the boundaries of the proposed project. The General Plan did not determine resources existed within the Planning Area.

- b-d) The site has been disturbed with the lands cultivated up to 1.5 feet in depth which may have disturbed any archaeological resource. The site has been farmed for many years and not located in a known area of high archeological potential based upon the archaeological resource record searches through the Chico State Northeast Center of the California Historical Resources Information System.

The RD 833 canals are man-made and do not follow historic drainage or river patterns, rather are a diversion of those waters of the Feather River. Settlements would have been adjacent to historic river locations² greatly changed from that time by levees, dikes, and channeling of the river. The territory (See figure below) of the Valley Maidu (Mechoopda or Mechoopda) includes 23 named villages and is believed to have extended along the Sacramento Valley floor from Rock Creek on the north to the old town site of Jacinto some 18 miles to the south (Merriam 1967:314). The western boundary is formed by the Sacramento River, although which tribal group, Maidu or Wintun, held which bank of the river has long been disputed (see K. Johnson 1990:121-124). On the east, Valley Maidu land reached the base of the Sierra Nevada foothills and probably intruded a little further into the hills along some of the creeks but certainly ended somewhere west of the present town of Paradise. Estimated area held by the Mechoopda groups is 90 square miles.³

¹ Johnson, Michael G. (2014). *Encyclopedia of Native Tribes of North America*. Buffalo, New York: Firefly Books. p. 198. [ISBN 978-1-77085-461-1](#).

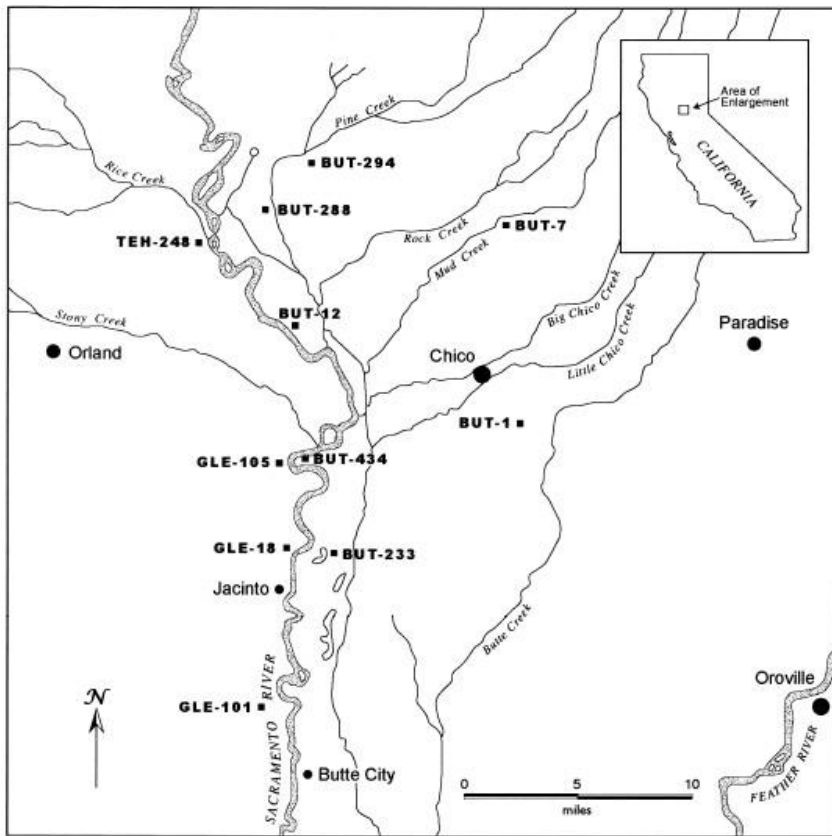


Figure 7.1 Maaidu/Wintun territory in the Sacramento Valley of California.

To comply with the Gridley General Plan Conservation Implementation Strategy 4.1, additional cultural resource analysis is required. A request for record search was submitted to the Northeast Center of the California Historical Resources Information System, Chico State University, Chico. No record of archaeological resources was determined. A recommendation to have an archaeologist review and research the site was recommended. During construction resources may be encountered; Mitigation Measures 5.1 and 5.2 are included and the impact would be considered less than significant with mitigation incorporated. Mitigation will include an archaeological investigation.

² Ibid.

³ Johnson, Keith L. Archaeological Identification of the Valley Maaidu in Northern California, January, 2005, California State University, Chico, CA

Mitigation Measures

Implementation of the following mitigation measure would reduce the above potential impact to a less-than-significant level.

MM 5.1 Prior to the commencement of construction, an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate shall be retained to conduct a survey of the site and a thorough records search. The archaeologist shall be required to submit to the Planning Department for review and approval a report of the findings and method of curation or protection of the resources.

During construction, the developer shall submit plans to the Planning Department for review and approval which indicate (via notation on the improvement plans) that if historic and/or cultural resources are encountered during site grading or other site work, all such work shall be halted immediately within 100 feet and the developer shall immediately notify the Planning Department of the discovery. In such case, the developer shall be required, at their own expense, to retain the services of a qualified archaeologist

MM 5.2 If human remains, or remains that are potentially human, are found during construction, a professional archeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance. The archaeologist shall notify the Butte County Coroner (per §7050.5 of the State Health and Safety Code). The provisions of §7050.5 of the California Health and Safety Code, §5097.98 of the California Public Resources Code, and Assembly Bill 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, then the coroner will notify the Native American Heritage Commission (NAHC), which then will designate a Native American Most Likely Descendant (MLD) for the project (§5097.98 of the Public Resources Code). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the applicant does not agree with the recommendations of the MLD, the NAHC can mediate (§5097.91 of the Public Resources Code). If an agreement is not reached, the qualified archaeologist or most likely descendent must rebury the remains where they will not be further disturbed (§5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center, using an open space or conservation zoning designation or easement, or recording a reinternment document with the county in which the property is located (AB 2641). Work cannot resume within the no-work radius until the City of Gridley, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.

6. TRIBAL CULTURAL RESOURCES

Environmental Setting

As noted in Section 5, Cultural Resources, the site is located near the boundary of three ethnographic groups-the Konkow, the Patwin, and the Nisenan. They all spoke Maiduan languages, with various dialects within the groups. The areas these groups generally inhabited were along the lower part of the Feather River Canyon, the Middle and South Fork Feather Rivers, the lower foothill stream courses, and the Sacramento Valley Floor. Refer to Section 5, b-d for a discussion of the villages located on the Sacramento Valley Floor and their locations close to water sources such as the Feather River, Sacramento River and the tributaries upstream.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC §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.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

Tribal Cultural Resources

Would the project:

- | | |
|--|---|
| a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC §5020.1(k). | 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 PRC §5024.1. In applying the criteria set forth in subdivision (c) of PRC §5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe. | X |

Discussion

- a-b) As noted in Section 5, Cultural Resources, above, there are no known sites as reflected in the previously discussed archaeological resource record searches for the previous Gridley General Plan (prior to the 2010 update), Butte County 2010 General Plan EIR, and the Gridley General Plan EIR, 2010 that have been determined within the boundaries of the proposed project.

The Butte County General Plan EIR, 2010 states:

The county included the territories of four groups of Native American peoples: the Maidu (mountain Maidu), the Nisenan (southern Maidu), the Konkow (northwestern Maidu), and the

Yana. Many Native Americans continue to reside in the area. The northern county was Maidu territory. They inhabited the mountain valleys from Honey Lake to Lassen Peak, generally at altitudes higher than 4,000 feet. The Nisenan territory was generally bounded by the Sacramento River to the west, the lower Feather River to the south, and the crest of the Sierra Nevada mountains to the east. The Konkow people inhabited the Feather River area, from west of Richbar almost to the Sutter Buttes, and the Sacramento River area from Butte City in the south to Butte Meadows in the north. The Yana people occupied a wide range of the county, from the edge of the Sacramento Valley to the crests of the Cascade and Sierra Nevada mountains. The last member of the Yana tribe was a man called Ishi. Ishi was also the last Native American in northern California to live the majority of his life outside of European American influence. Ishi and his ancestors occupied the foothill region near Mount Lassen, which is modern-day Butte County. Previous studies in the general region provide reasonable expectations for the range of archaeological property types likely to occur in Butte County. Pre historic site types include habitation sites, limited occupation sites, hunting/processing camps, lithic reduction stations, milling stations, quarries... The most common prehistoric sites found in the Butte County area are temporary occupation sites. Habitation sites are locations of long-term occupation. These sites were typically located near streams and springs... (BC GP EIR pgs. 4.5-6, 4.5-7)

The Gridley General Plan EIR did not determine resources existed within the extent of the Planning Area for the City of Gridley. In compliance with AB52, a project notification was sent to five Native American Indian Tribe representatives: Konkow Indian Tribe, Mechoopda Indian Tribe, Mooretown Rancheria of Maidu Indians, Tsi Akin Maidu, and the United Auburn Indian Community. As of the date of this Initial Study, no response has been received.

The potential exists for previously unknown tribal cultural resources to be encountered during ground-disturbing activities associated with development for such impacts to resources to occur. Although resources have not been found, the possibility exists that during construction tribal cultural resources may be uncovered, thus an impact to resources could exist. Therefore, this is mitigated and considered less than significant with mitigation incorporated.

Mitigation Measures

Implementation of **MM 5.1** and **MM 5.2** would reduce the above potential impact to a less-than-significant level.

7. GEOLOGY AND SOILS

Environmental Setting

The City of Gridley is located on two geologic formations – Riverbank and Modesto, both of the Pleistocene era. The terrace deposits generally consist of sand and silt over alluvial gravels and clay. The Gridley area is part of the Great Valley Fan deposits with a favorable capacity for agricultural production. As noted in Section 2, Agricultural Resources, the site consists of soils that are of Farmland of Statewide Importance and Prime Farmland if Irrigated. The site is flat with slopes of 1-2 percent.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Result in a project being built that will either introduce geologic, soils, or seismic hazard by allowing the construction of the project on such a site without protection against those hazards.

Issues	Potentially Significant Impact	Less Than Significant With Mitiga- tion Incorporated	Less Than Significant Impact	No Impact

Geology and Soils

Would the project:

- | | | | | |
|--|--|--|---|---|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | X | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | | | 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 geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | X |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform 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 |

Discussion

a-i- iv) The subject site is located outside the Alquist-Priolo Earthquake Fault Zone as delineated by the California Division of Mines and Geology. The project would not be subject to potential damage from earthquake ground shaking as a greater than the maximum MMI VII of the Modified Mercalli Scale.

The State of California provides minimum standards for building design through the California Building Standards Code (California Code of Regulations (CCR), Title 24). The California Uniform Building Code is based on the UBC and has been modified for California conditions with numerous more detailed and/or stringent regulations. The State earthquake protection law requires that buildings be designed to resist stresses produced by lateral forces caused by earthquakes. The city implements the requirements of the California Code through its building permit process. There are no known geologic features that would place this site at greater risk than otherwise can be mitigated by compliance with the California Building Code. The site is flat therefore it would not be subject to landslides. Compliance with the currently adopted building code will protect structures from damage, therefore these are considered less than significant and no impact related to landslides.

- b) Natural erosion is frequently accelerated by human activities such as site preparation for construction and alteration of topographic features. The State of California adopted the General Construction permit which provides measures to reduce the loss of soils during wind and storm events by requiring best management practices be deployed prior to the onset of construction, thus this impact is less than significant.
- c) Gridley is located in the Butte Basin area and not susceptible to subsidence based on current and historical levels of groundwater. There is concern in that, the State of California has experienced several years of drought. In combination with drought and the high number of wells drilled historically for agriculture, it may be found that the draw down becomes greater in the future with minor subsidence experienced. The site will be using the City of Gridley water distribution system for potable water. Subsidence is unlikely based on historical record; therefore, this is considered less than significant.

- d) The soil types on the subject site may exhibit expansive shrink swell characteristics. Prior to obtaining building permits, the project will be required to provide a soils report identifying the geotechnical criteria for construction. The combination of this investigation, engineering, and the permitting process will mitigate risk to the development; therefore, this is considered less than significant.
- e) The project will connect to the City of Gridley underground sewerage collection system of which there is capacity. Any septic systems on site will be abandoned and not used for this project; therefore, this is considered no impact.

Mitigation Measures

The project does not have impacts related to geology and soils resources that need to be mitigated, therefore, no mitigation measures are required.

8. GREENHOUSE GAS EMISSIONS

Environmental Setting

Greenhouse gases are gases that cause and contribute to climate change. “Greenhouse gas” is a term that refers to all of the following types of gases: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Greenhouse gases vary in their potency (or potential to cause climate change) and are often measured in tons or million metric tons of carbon dioxide equivalents. Transportation is the largest source of California’s greenhouse gas emissions, followed by electricity generation and natural gas used in buildings.

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on Earth. An individual project’s GHG emissions are at a micro-scale level relative to global emissions and effects to global climate change.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Result in a project being built that will cause and contribute to climate change and a local increase of greenhouse gas emission.

Issues	Potentially Significant Impact	Less Than Significant	Less Than Significant Impact	No Impact
		With Mitigation Incorporated		

Greenhouse Gas Emissions

Would the project:

- | | |
|--|---|
| 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 |

Discussion

a-b) Implementation of the project could be considered as attributing more GHG emissions associated with increases of carbon dioxide (CO₂) and, to a lesser extent, other GHG pollutants, such as methane (CH₄) and nitrous oxide (N₂O) associated with area sources, mobile sources or vehicles, and utilities (electricity and natural gas). The primary source of GHG emissions for the project would be mobile source emissions. The common unit of measurement for GHG is expressed in terms of annual metric tons of CO₂ equivalents (MTCO_{2e}/yr.). The General Plan describes the GHG in conjunction to the effects of climate change and global warming. While the terms are thought of interchangeably, they are not; however, additional residential development will increase vehicular travel that is anticipated in the General Plan. The project will be required to adhere to the California Green Building Code, the State legislated requirement for each home to have a functioning solar system and to provide charging stations for electric vehicles. The provision of street trees and subdivision planting implements the General Plan policies. The project is minor to such environmental impacts therefore, considered less than significant with mitigation incorporated; however, the City Council of the City of Gridley determined that the build-out of the General Plan related to Greenhouse Gas and Climate Change was cumulatively considerable, significant and unavoidable. The City Council approved the General Plan update with Findings of Fact and Statement of Overriding Consideration related to Greenhouse Gases and Climate Change.

Mitigation Measures

Implementation of the following mitigation measure would reduce the above potential impact to a less-than-significant level.

MM 8.1 Prior to the start of construction activities, the project applicant shall submit a construction equipment inventory list to the City Engineer demonstrating compliance with U.S. EPA CARB, and BCAQD requirements. The list shall be updated if additional equipment will be used to ensure the compliance. The use of alternatively fueled construction equipment, such as hybrid electric or natural gas-powered equipment, would also be acceptable, given that such technologies are implemented to a level sufficient to achieve similar emission reductions.

MM 8.2 Prior to the issuance of building permits, the project applicant/developer shall submit a Landscaping Plan for review and approval by the Planning Department. The Landscaping Plan shall be prepared to reflect the design for the linear park, detention basin park, and play area. The design shall also provide a subdivision tree planting plan.

9. **ENERGY**

Environmental Setting

The City of Gridley partners with the City of Biggs to fund the Gridley Electric Department, which is responsible for the operation and maintenance of its system. This provides a reliable distribution of electricity to residential and commercial customers from the City's interconnection with PG&E's 60-thousand-volt (60kv) transmission line. Gridley has a substation at Fairview Drive serving the community.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Result in a project being built that will cause and contribute to wasteful and inefficient energy use.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

Energy

Would the project:

- | | |
|---|---|
| a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? | X |
| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? | X |

Discussion

- a-b) The development will not result in wasteful, inefficient consumption of energy. The 2019 California Green Building Standards Code, otherwise known as the CALGreen Code (CCR Title 24, Part 11), is a portion of the CBSC, which became effective with the rest of the CBSC on January 1, 2020. The purpose of the CALGreen Code is to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices. The CALGreen standards regulate the method of use, properties, performance, types of materials used in construction, alteration repair, improvement and rehabilitation of a structure or improvement to property. The provisions of the code apply to the planning, design, operation, construction, use, and occupancy

of every newly constructed building or structure throughout California. Requirements of the CALGreen Code include, but are not limited to, the following measures:

- Compliance with relevant regulations related to future installation of Electric Vehicle charging infrastructure in residential and non-residential structures;
- Indoor water use consumption is reduced through the establishment of maximum fixture water use rates;
- Outdoor landscaping must comply with the California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELO), or a local ordinance, whichever is more stringent, to reduce outdoor water use;
- Diversion of 65 percent of construction and demolition waste from landfills; and
- Mandatory use of low-pollutant emitting interior finish materials such as paints, carpet, vinyl flooring, and particle board.

The 2019 Building Energy Efficiency Standards is a portion of the CBSC, which expands upon energy efficiency measures from the 2016 Building Energy Efficiency Standards, resulting in a seven percent reduction in energy consumption from the 2016 standards for residential structures. Energy reductions relative to the 2016 Building Energy Efficiency Standards would be achieved through various regulations including requirements for the use of high efficacy lighting, improved water heating system efficiency, and high-performance attics and walls.

One of the improvements included within the 2019 Building Energy Efficiency Standards is the requirement that new residential developments include functioning on-site solar energy systems. The developments are still subject to all other applicable portions of the 2019 Building Energy Efficiency Standards. Once rooftop solar electricity generation is factored in, homes will use approximately 53 percent less energy.

Construction activities associated with development would involve on-site energy demand and consumption related to use of oil in the form of gasoline and diesel fuel for construction worker vehicle trips, hauling and materials delivery truck trips, and operation of off-road construction equipment. In addition, gas/diesel-fueled portable generators may be necessary to provide additional electricity demands for temporary on-site lighting, welding, and for supplying energy to areas of the sites where energy supply cannot be met via a hookup to the existing electricity grid.

Even during the most intense period of construction, due to the different types of construction activities (e.g., site preparation, grading, building construction), only portions of the project site would be disturbed at a time, with operation of construction equipment occurring at different locations on the project site. All construction equipment and operation thereof are regulated per the CARB In-Use Off-Road Diesel Vehicle Regulation. The In-Use Off-Road Diesel Vehicle Regulation is intended to reduce emissions from in-use, off-road, heavy-duty diesel vehicles in California by imposing limits on idling, requiring all vehicles to be reported to CARB, restricting the addition of older vehicles into fleets, and requiring fleets to reduce emissions by retiring, replacing, or repowering older engines, or installing exhaust retrofits. The In-Use Off-Road Diesel Vehicle Regulation would subsequently help to improve fuel efficiency and reduce GHG emissions. Technological innovations and more stringent standards are being researched, such as multi-function equipment, hybrid equipment, or other design

changes, which could help to reduce demand on oil and emissions associated with construction.

The CARB has recently prepared the *2017 Climate Change Scoping Plan Update* (2017 Scoping Plan), which builds upon previous efforts to reduce GHG emissions and is designed to continue to shift the California economy away from dependence on fossil fuels. Appendix B of the 2017 Scoping Plan includes examples of local actions (municipal code changes, zoning changes, policy directions, and mitigation measures) that would support the State's climate goals. The examples provided include, but are not limited to, enforcing idling time restrictions for construction vehicles, utilizing existing grid power for electric energy rather than operating temporary gasoline/diesel-powered generators, and increasing use of electric and renewable fuel-powered construction equipment. The CARB Diesel Vehicle Regulation described above, with which the proposed project must comply, would be consistent with the intention of the 2017 Scoping Plan and the recommended actions included in Appendix B of the 2017 Scoping Plan.

Based on the above, the temporary increase in energy use occurring during construction would not result in a significant increase in peak or base demands or require additional capacity from local or regional energy supplies. Construction activities would be required to comply with all applicable regulations related to energy conservation and fuel efficiency, which would help to reduce the temporary increase in demand. Furthermore, development of the project site with residential uses would be consistent with the General Plan land use designation; thus, development of the site and associated energy demands have been previously anticipated by the city and evaluated in the General Plan EIR.

Energy use associated with operation of residential uses involves electricity and natural gas for interior and exterior building lighting, heating, ventilation, and air conditioning (HVAC), electronic equipment, refrigeration, appliances, and more. Maintenance activities during operations, such as landscape maintenance, would involve the use of electric or gas-powered equipment. In addition to on-site energy use, would result in transportation energy use associated with vehicle trips generated by the proposed single-family homes.

In addition, the proposed residential project would be subject to all relevant provisions of the most recent update of the CBSC, including the Building Energy Efficiency Standards. Adherence to the most recent CALGreen Code and the Building Energy Efficiency Standards would ensure that the proposed structures would consume energy efficiently through the incorporation of such features as efficient water heating systems, high performance attics and walls, and high efficacy lighting. Required compliance with the CBSC would ensure that the building ng energy use associated with the proposed project would not be wasteful, inefficient, or unnecessary. In addition, electricity supplied to the project site would comply with the State's Renewable Portfolio Standard (RPS), which requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 33 percent of total procurement by 2020 and to 60 percent by 2030. Thus, a portion of the energy consumed during operation would originate from renewable sources.

As discussed above, the proposed development would not result in wasteful, inefficient, or unnecessary consumption of energy resources or conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Thus, a less than significant impact would occur.

Mitigation Measures

The project does not have impacts that need to be mitigated, therefore, no mitigation measures are required.

10. HAZARDS AND HAZARDOUS MATERIALS

Environmental Setting

The project consists of a tentative subdivision map to create forty-six parcels of single-family standard residential lots corresponding land use designations of the City of Gridley.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Result in exposing people to existing contaminated soil during construction activities;
- Result in exposing people to asbestos containing materials;
- Result in exposing people to contaminated groundwater if dewatering activities take place.

Issues	Potentially Significant Impact	Less Than Significant	Less Than Significant Impact	No Impact
		With Mitiga- tion Incorporated		

Hazards And Hazardous Materials

Would the project:

- | | |
|--|---|
| 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 within one-quarter mile of an existing or proposed school? | X |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | 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 | X |

residing or working in the project area?

- 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

Discussion

- a-h) The project, a single-family residential development will not create a hazardous environment by the continued transport of hazardous materials. The construction of the site from agricultural lands to residential will create dust and odors associated with road construction. This is a short-term impact and not a function of the determination of long-term hazardous material transport and handling within the subdivision. Adjacent existing agricultural uses exist adjacent to the site which may use pesticide and herbicides that must be consistent with the Butte County Agricultural Commissioner and the State of California. These activities are independent of the development of residential uses at the project site. The project itself will not create a hazardous environment. The site is not known to harbor hazardous materials and not on a list of hazardous material sites. It is not located within an airport land use plan, nor within the vicinity of a private air strip. The project will not interfere with an emergency response plan nor expose people to hazardous risk due to the implementation of the development. The project is consistent with the General Plan and the locational criteria for the growth expansion of the City of Gridley; therefore, this is considered no impact.

Mitigation Measures

The project does not have related hazard impacts that need to be mitigated, therefore, no mitigation measures are required.

11. HYDROLOGY AND WATER QUALITY

Environmental Setting

The National Pollutant Discharge Elimination System (NPDES) was established in the Clean Water Act to regulate municipal and industrial discharges to surface waters of the U.S. Non-point sourced diffuse and originate over a wide area rather than from a definable point. Two types of non-point source discharges are controlled by the NPDES program; discharges caused by general construction activities and general quality of storm water in municipal stormwater systems.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Result in substantially degrading water quality or violate any water quality objectives set by the State Water Resources Control Board due to increased sediments or other contaminants generated by consumption and/or operation activities;
- Result in exposing people or property to the risk of injury and damage in the event of a 100-year flood.

Issues	Potentially Significant Impact	Less Than Significant With Mitiga- tion Incorporated	Less Than Significant Impact	No Impact

Hydrology and Water Quality

Would the project:

- | | |
|---|---|
| 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 which 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 which would result in substantial erosion or siltation on- or off-site? | X |
| d) Substantially alter the existing drainage pattern | X |

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?

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

Discussion

- a-f) The development of the project will not violate any water quality standards or waste discharge requirements. For the duration of the construction of the development, until the last structure is completed, the Construction General Permit requires best management practices and inspections during good and inclement weather to ensure the construction practices are adhered to. If these are not implemented, the developer may suffer significant fines and in having the project halted. These requirements have been in place for a long time such that no contractor cannot claim to have no knowledge of such. Prior to construction, developments are required to obtain a WDID number and ensure that measures are complied with. Therefore, no additional mitigation is required above the existing laws and regulations in place.

The existing drainage patterns will not change substantially in that, the site has an overall sheet flow of 1-2% overland. The development of the site will accept storm water into the City of Gridley storm drain system identified to have capacity for discharge from the system. The project will not alter a natural water course nor result in erosion to such existing systems that accept the flows into the Feather River or Sacramento River in an indirect manner; therefor considered a less than significant impact.

- g-h) The site is located in the FEMA mapping and analysis as Zone X. The development will not independently cause a flood hazard. Localized flooding may occur during first storm flush events or periods of intense storms; however, these conditions are short-lived and systems are

in place to reduce the likelihood of continued site flooding. The project will be detaining storm water in the detention basin and metered outfall consistent with existing conditions into the RD 833 canal. A fully detailed design of the stormwater cfs flows during storm events will be submitted at the time improvement plans are developed for review and approval. This is considered a less than significant impact.

- i) The development of the project site will not create significant risk. There is a concern that the failure of the Oroville Dam may have significant flooding from Oroville through the low-lying areas of Gridley and Gridley. It has been estimated that should such a failure occur, flood waters of up to 2 feet may be experienced. Though it may take time to recede, such flooding is not believed to cost loss of life. In 2017, the Dam experienced excessive water infiltration that created excessive releases over the spillways which sustained damages. Repairs have been underway, both temporary and permanent to mitigate the same event. It is not anticipated the Dam will fail; however, this is considered a less than significant impact.
- j) Tsunamis are defined as sea waves created by undersea fault movement, whereas a seiche is a long-wavelength, large-scale wave action set up in a closed body of water such as a lake or reservoir. The project site is not located in proximity to a coastline and would not be affected by flooding risks associated with tsunamis. Seiches do not pose a risk in that the site is not proximate to a large closed body of water, albeit the Thermalito Afterbay is approximately 6-8 miles north of the project site. Based on the above, the proposed project would not pose a risk related to the release of pollutants due to project inundation from flooding, tsunami, or seiche, and this is then considered no impact.

Mitigation Measures

The project does not have hydrology or water quality impacts that need to be mitigated, therefore, no mitigation measures are required.

12. LAND USE AND PLANNING

Environmental Setting

The subject sites land use designation is a General Plan Residential, Very Low Density and zoned Residential Suburban. The application includes an amendment to the General Plan to Residential, Medium Density and complementary zoning of R-1, Single-Family Residential.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Substantially alter an approved land use plan that would result in physical change to the environment.

Issues	Potentially Significant Impact	Less Than Significant	Less Than Significant Impact	No Impact
		With Mitiga- tion Incorporated		

Land Use and Planning

Would the project:

- | | |
|--|---|
| 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, local coastal program, 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 |

Discussion

- a) A project risks dividing an established community if the project would introduce infrastructure or alter land use so as to change the land use conditions in the surrounding community or isolate an existing land use. Implementation project would develop approximately 8-acres creating 46 single-family residences. Surrounding land uses include vacant/ag land/rural residential to the south, east, and west. Urban residential is developed on the northeast side. The proposed project would be consistent with the plans for expansion of the City of Gridley as reflected in the General Plan concentrating urbanized residential areas. The development would not physically divide an established community. As such, impacts associated with buildout related to land use and planning have been previously analyzed in the General Plan EIR, and would not be more severe than what was previously anticipated. As such, the proposed project would not physically divide an established community and a *less than significant* impact would occur.

- b) The project does not conflict with the General Plan land use policies. In addition, the proposed project would be required to comply with all development standards established by the City's Municipal Code; standards regarding maximum lot coverage, building heights, and building setback requirements. The City of Gridley is required to provide adequate lands that support housing as determined by the State of California. In conjunction with forecasting regional growth, BCAG, evaluates the State's figures and determines the fair share for RHNA. The City of Gridley was recently determined to need an additional land area to support 345 housing units. The existing demand that is met by available lands to develop housing is 879 units. The project will provide additional land area to meet the requirement to provide available land for housing. The project would be consistent with all land use designations and policies, therefore considered less than significant impact.

Environmental justice is not a CEQA issue and is not required to be analyzed. Nonetheless, a brief summary of the topic related to the proposed project is provided for informational purposes. Government Code Section 56668(o) that "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. With approval of the proposed project all future public services would be provided by the City. Therefore, the proposed project would not result in environmental injustice issues with respect to the provision of public services. In addition, as discussed in the Public Services, Recreation, and Utilities and Services sections, any impacts related to public services and utilities would be less-than-significant.

- c) Butte County is in the process of developing a Habitat Conservation Plan. It is currently under review; there is no active or in place Habitat Conservation Plan at this time, therefore, this would be no impact.

Mitigation Measures

The project does not create related impacts that need to be mitigated, therefore, no mitigation measures are required.

13. MINERAL RESOURCES

Environmental Setting

The subject site has not been identified to have mineral resource deposits; the project is an amendment of land use designations, for the creation of three parcels to annex the property into the City of Gridley.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Result in the depletion of a mineral resource.

Issues	Potentially Significant Impact	Less Than Significant	Less Than Significant Impact	No Impact
		With Mitiga- tion Incorporated		

Mineral Resources

Would the project:

- | | |
|---|---|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | 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 |

Discussion

- a-b) The proposed project site is not included or delineated as a Mineral Resource Zone. The subject site would not be considered sizable enough to bear the tremendous costs of the initial investment and operations to create a commercial commodity through mining. Therefore, the subject site would not result in the loss of availability of any known mineral resources or resource recovery sites and no impact would occur.

Mitigation Measures

The project does not have mineral resource impacts that need to be mitigated, therefore, no mitigation measures are required.

14. **NOISE**

Environmental Setting

The subject site is located in the southwest area of the City of Gridley. The site will experience short term noise from new construction of single-family residences on the site. Additional noise may come from seasonal agricultural work from the surrounding area.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Result in exterior noise levels above the acceptable level of 60 dBA, (70 dBA daytime);
- Result in interior noise levels exceeding 45 dBA.;
- Result in construction noise levels that do not meet the City of Gridley Noise Ordinance.

Issues	Potentially Significant Impact	Less Than Significant	Less Than Significant Impact	No Impact
		With Mitiga- tion Incorporated		

Noise

Would the project:

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

Discussion

- a-b) The purpose of the initial study is to determine impacts on the environment the proposed project may create. Noise generated from the project to the surrounding area will generally be related to daily living activities such as vehicle traffic and/or deliveries of goods to the subdivision. Noise would also include general play by children, music, and outdoor maintenance equipment such as lawn mowers and blowers. Noise that may be experienced to the new residents of the subdivision would include general ambient similar sound from the subdivision to the south and equipment used in agricultural processing. None of the sounds are an exposure considered as extended noise intervals in excess of the noise ordinance. Construction standards and insulation mitigate the majority of exterior noise that the proposed project or nearby residents may experience; therefore, this is considered less than significant.
- c) The project would generate an increase in existing traffic noise levels on Laurel Street and Butte View Street. Generally, traffic for single-family trips (per unit): 10 trips per day, 1 per peak hour. The increased traffic may create additional increases in ambient noise to the rural residential areas. The increase of traffic creating the additional noise has been considered in the General Plan and the amended Sphere of Influence to support the expansion of the city. Planning for the expansion of the City would implement the General Plan noise policies which would reduce the potential traffic noise impacts. Additionally, noise levels would be similar to surrounding residential uses and less than other agricultural processing uses in the area; therefore, this is considered less than significant.
- d) Construction noise levels at and near locations on the project site would fluctuate depending on the particular type, number, and duration of use of construction equipment. The effect of construction noise would also depend on the distance between construction activities, and the nearest noise receptors in relationship to the construction. Temporary construction and its short-term noise would take place between working hours generally between 7:00 am and 5:00 pm. Therefore, this would be considered less than significant.
- e-f) The project is not located near a municipal or private airstrip; therefore, this is considered no impact.

Mitigation Measures

Implementation of the following mitigation measures would reduce the above potential impact to a less-than-significant level.

MM 14.1 Project noise-generating construction activities shall occur within the hours identified in Gridley Municipal Code.

MM 14.2 All noise-producing project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition.

MM 14.3 All mobile or fixed noise-producing equipment used on the project site that are regulated for noise by Title 7 of the Gridley Municipal Code, §17.74.030 and shall comply with such regulations while in the course of project activity.

MM 14.4 Electrically powered equipment shall be used, where feasible, instead of pneumatic or internal-combustion-powered equipment.

MM 14.5 Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.

MM 14.6 Project area and site access road speed limits shall be established by conditions of approval to the project and enforced during the construction period in conjunction with MM 14.8 below.

MM 14.7 Nearby residences shall be notified of construction schedules by posting a minimum of 48 hours in advance, so that arrangements can be made, if desired, to limit their exposure to short-term increases in ambient noise levels.

MM 14.8 The engineer shall coordinate with the City of Gridley to potentially employ the design of traffic calming measures on W Biggs-Gridley Road in order to ensure speed reductions due to the excessively long, straight alignment that will be conducive to greater speeds and potentially an increase in general traffic ambient noise. No design shall be constructed until approved by the City of Gridley.

15. **POPULATION AND HOUSING**

Environmental Setting

The 2020 U.S. Census determined the population of the City of Gridley to be 7,421. The population in 2010 was 6,584. The 10-year increase represents an average 12.7% increase over a ten-year period; 1.2% annual increase in the city.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Induce substantial growth that is inconsistent with the approved land use plans in place;
- Displace affordable housing.

Issues	Potentially Significant Impact	Less Than Significant	Less Than Significant Impact	No Impact
		With Mitiga- tion Incorporated		

Population and Housing

Would the project:

- | | |
|---|---|
| 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 |

Discussion

- a) The proposed project is not growth inducing. The site is within the Sphere of Influence the General Plan land use was designated as residential from the time of the 1999 General Plan land use map. The growth inducing impacts are considered when extensions of public service utilities create a greater opportunity for urban sprawl. The General Plan and Sphere of Influence amendment critically considered the impacts of development and found it compatible with its direction to enable it to provide additional housing stock meeting future required RHNA numbers. This project implements the General Plan goals and policies for growth in a measured manner.
- b) The project will not displace existing housing. Therefore, replacement housing will not need to be constructed and the impact is no impact.

Mitigation Measures

The project does not have population and housing related impacts that need to be mitigated, therefore, no mitigation measures are required.

16. PUBLIC SERVICES

Environmental Setting

The City of Gridley has public services and infrastructure in place for the proposed project. The City provides much of its public services consisting of electric, and police protection. The City contracts with CalFire for the Gridley Fire Department. While these services are contracted, it does not diminish the high level of service provided for its residents. The city provides overall administrative services, recreation and park services and coordination, and partners with the Gridley Unified School District.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Create an increase in demand for police protection services which could substantially interfere with the ability of the Police Department to provide adequate response time to the project site;
- Create an increased demand for fire protection services that would substantially interfere with the ability of the Fire Department to provide adequate response time to the project site;
- Create an increased demand for schools that would exceed existing school capacity; or,
- Create an increased demand for parks and other public facilities that would exceed existing capacity.

Issues	Potentially Significant Impact	Less Than Significant With Mitiga- tion	Less Than Significant	No
		Incorporated	Impact	Impact

Public Services

Would the project:

- | | |
|---|---|
| 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 governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | X |
| i. Fire protection? | X |
| ii. Police protection? | X |
| iii. Schools? | X |

- | | | |
|-----|--------------------------|---|
| iv. | Parks? | X |
| | | |
| v. | Other public facilities? | X |

Discussion

- a) The City of Gridley partners with Cal Fire to provide fire protection services to the community as well as emergency medical services. The addition of 46 single-family residential units could increase the population by 154 persons (3.34 (ratio of persons per household x 46 units)). The provision of fire protection is based upon community need and the City will continue to maintain its high level of service through its partnership with Cal Fire. A less than significant impact is considered.
 - i. The City of Gridley provides the community with police protection and has enjoyed a safe community. The ratio of sworn officers to population may increase slightly but it is not anticipated to diminish service or compromise it by the addition of the development; therefore, this is considered less than significant.
 - ii. The development is anticipated to be families that would have children. Most of the school age children would be attending schools in the Gridley Unified School District. There would be an increase demand for school facilities and services. Development impact fees are collected at the time new homes are constructed to offset these demands and to add to the District's reserves to construct additional facilities as needed. At the time the General Plan studied impacts to growth by the City to its school facility enrollment capability, it was found there has been a general decline in enrollment; therefore, adequate capacity exists. This is considered less than significant.
 - iii. The city owns and maintains parks near Downtown, including: Vierra Community Park (12.5 acres); Daddow Plaza, Rotary Park, and Quota Park (totaling 4.4 acres); and the skateboard/water park (1.01 acres). Parks are also provided in residential areas, including: August Boeger Park (1.9 acres) and Eagle Meadows Park (6.01 acres of private parkland). There was a total of 19.8 acres of City-owned parkland, or 3.1 acres per thousand residents, as of the writing of the 2030 General Plan. This total does not include Eagle Meadows Park (private) or the city-owned boat launch area on the Feather River. The General Plan established a goal of 5 acres per 1,000 residents. An increase in demand for parks will occur; park in-lieu fees are collected in order to add park amenities to the city.
 - iv. Other public facilities for roads, sewer, water, and storm drain will have additional demands. The project will be required to design systems that will provide such services. Additionally, development impact fees are collected in order to offset additional maintenance costs for these services; therefore, this is considered less than significant.

Mitigation Measures

The project does not create related impacts that need to be mitigated, therefore, no mitigation measures are required.

17. **RECREATION**

Environmental Setting

The city owns and maintains parks near Downtown, including: Vierra Community Park (12.5 acres); Daddow Plaza, Rotary Park, and Quota Park (totaling 4.4 acres); and the skateboard/water park (1.01 acres). Parks are also provided in residential areas, including: August Boeger Park (1.9 acres) and Eagle Meadows Park (6.01 acres of private parkland). There was a total of 19.8 acres of City-owned parkland, or 3.1 acres per thousand residents, as of the writing of the 2030 General Plan. This total does not include Eagle Meadows Park (private) or the city-owned boat launch area on the Feather River. The General Plan established a goal of 5 acres per 1,000 residents. An increase in demand for parks will occur; park in-lieu fees are collected in order to add park amenities to the city.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Result in the failure to meet city standards for the provision of parkland.

Issues	Potentially Significant Impact	Less Than Significant	Less Than Significant Impact	No Impact
		With Mitiga- tion Incorporated		

Recreation

Would the project:

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

Discussion

- a-b) The current park ratio is approximately 3.1 acres of parkland not including open space to 1,000 residents. This ratio will fall somewhat with the addition of approximately 154 persons to the city population. The additional population will not result in the deterioration of the physical facility. No new parks are proposed with this project.

Mitigation Measures

The project does not create related impacts that need to be mitigated, therefore, no mitigation measures are required.

18. TRANSPORTATION AND TRAFFIC

Environmental Setting

The City of Gridley street circulation is a grid pattern layout. The City of Gridley enjoys public transportation by Butte County Transit with daily bus trips to Gridley. The development proposes a primary access point at West Biggs Gridley Road and Spruce Street to enter the subdivision. The development will also be connected to the Eagle Meadows subdivision to the west.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Conflict with a program, plan, ordinance, or policy for transportation, conflict with CEQA, increase hazard, or create inadequate emergency access.

Issues	Potentially Significant Impact	Less Than Significant	Less Than Significant Impact	No Impact
		With Mitiga- tion Incorporated		

Transportation and Traffic

Would the project:

- | | |
|---|---|
| a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities? | X |
| b) Conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)? | X |
| c) Substantially increase hazards due to geometric design features or incompatible uses? | X |
| d) Result in inadequate emergency access? | X |

Discussion

- a-d) The CEQA Statute and Guidelines were revised in 2018 to change how transportation impacts are addressed. As stated above, environmental impacts from the development project are no longer to include vehicle delay, roadway capacity, or intersection levels of services. These effects may be considered for planning purposes, but are not considered environmental impacts.

Level of Service and Vehicle Miles Traveled

Level of service has been used in the past in CEQA documents to identify the significance of a project's impact on traffic operating conditions. As noted in the Cali-

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

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

Vehicle Miles Traveled Significance Threshold

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

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

Impacts on Vehicle Miles Traveled

As noted previously in the *Vehicle Miles Traveled Significance Threshold* section the percent change in vehicle miles traveled is determined by comparing the amount of travel associated with the project as proposed to travel associated with development potential of the project site without approval of the proposed project using a city VMT rate. BCAG provides a TAZ trip multiplier which is used on the number of units proposed to the number of units at its greatest capacity.

The project proposes 46 single family units on approximately 8-acres. The density of the proposed project is 5.7 du/ac. The development could result in 64 dwelling units a density of 8 du/ac. The proposed project is being developed at 70% of its capacity, less than the maximum of a 15% reduction as described above; this is a less than significant impact.

The project will construct interior local streets and will not create a hazard; they will be designed to be consistent with the requirements of the City of Gridley development standards. The proposed layout and road design will not delay emergency response to the development; therefore, a less than significant impact.

Mitigation Measures

The project does not create related impacts that need to be mitigated, therefore, no mitigation measures are required.

19. UTILITIES AND SERVICE SYSTEMS

Environmental Setting

The city has public services and infrastructure planned to meet the build out of the General Plan; this project does not impact the public service planning goals.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Result in the construction of new water facilities or expansion of existing facilities;
- Result in exceeding the wastewater treatment requirements of the Regional Water Quality Control Board;
- Result in or require the construction or expansion of existing wastewater treatment facilities;
- Be served by a land fill that has inadequate permitted capacity.

Issues	Potentially Significant Impact	Less Than Significant With Mitiga- tion Incorporated	Less Than Significant Impact	No Impact

Utilities and Service Systems

Would the project:

- | | |
|--|---|
| 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 existing facilities, the construction of which could cause significant environmental effects? | X |
| 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 |

Discussion

- a-d) The proposed project would require new connections to water lines, wastewater lines, and other utilities; however, these facilities are not anticipated to result in significant environmental effects.

The City of Gridley provides water via wells. The City has had an ongoing review of water availability and has found that there is capacity for the build out of the General Plan including the areas that were added when the Sphere of Influence was amended to increase the

boundary. Although the area has experienced long periods of drought, it appears that through normal, dry and multiple dry years, adequate water reserves are available to serve the existing community in addition to the proposed development.

Therefore, there is less than significant and no impact to the current or projects service levels.

Mitigation Measures

The project does not create related impacts that need to be mitigated, therefore, no mitigation measures are required.

20. **WILDFIRE**

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Result in the failure to meet standards that not in place could exacerbate loss from wildfire.

Issues	Potentially Significant Impact	Less Than Significant With Mitiga- tion	Less Than Significant	No
		Incorporated	Impact	Impact

Wildfire

Would the project:

- | | |
|---|---|
| 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 concentrations from a wildfire or the uncontrolled spread of a wildfire? | X |
| 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 |

Discussion

- a-b) The proposed development will not alter any emergency response plan or evacuation plan and will not impact the deployment of the plans. The City of Gridley participated in the development of the Butte County Hazard Mitigation Plan and adopted the Butte County Hazard Mitigation Plan. The plan is used to help develop emergency response and preparedness plans.

The location of the site will not exacerbate exposure of air pollutants due to prevailing winds, wildfire, or other. The site will experience the impact of such in that it is located in the Sacramento Valley basin and smoke and, etc. sink into the valley from other areas as well as pushed by delta breezes northward.

The project will not require the installation of firebreaks or additional roads for emergency use and will not expose people to significant risks. New homes are required to have sprinklers installed as a requirement of the California Building Code. The project site is not located within or near a state responsibility area or lands classified as a Very High Fire Hazard Severity Zone (VHFHSZ).

Therefore, the proposed project would not be subject to substantial risks related to wildfires, and a less than significant and no impact would occur.

Mitigation Measures

The project does not create related impacts that need to be mitigated, therefore, no mitigation measures are required.

21. MANDATORY FINDINGS OF SIGNIFICANCE

Issues	Potentially Significant Impact	Less Than Significant	Less Than Significant	No
		With Mitiga- tion Incorporated	Impact	Impact

Mandatory Findings of Significance

Would the project:

- | | |
|--|---|
| 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 examples of the major periods of California history or prehistory? | X |
| 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)? | X |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | X |

Discussion

As described within the Initial Study, with appropriate mitigation measures, the proposed residential development does not have the potential to 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 or eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. The project site is located within the City of Gridley Sphere of Influence and within the city incorporated boundary and is adjacent to existing residential and rural residential developments. There are potential impacts to aesthetics, air quality, biological resources, cultural resources, tribal cultural resources, and noise. These are reduced to less than significant levels by mitigation measures identified within each section.

Accordingly, the City of Gridley has determined that, with mitigation measures incorporated, the proposed project would not substantially degrade the quality of the environment.

There is no indication that this project could result in substantial adverse effects on human beings. While there would be a variety of effects during construction on the project site related to traffic, noise, air quality and greenhouse gases, these impacts would be less than significant based on compliance with applicable regulatory requirements and established impact thresholds, as well as the prescribed mitigation measures. Potential long-term effects would include emission of air pollutants and greenhouse gases and impacts to public utility capacity, but these impacts are expected to be below applicable significance thresholds.

Altogether, the project would not cause environmental effects that cause substantial direct or indirect adverse effects on human beings with the adoption and implementation of the mitigation measures, as well as with compliance with applicable federal, state and local policies, and regulations described throughout this document.

Appendix A

California Historical Resources Information System

BUTTE
GLENN
LASSEN
MODOC
PLUMAS
SHASTA

SIERRA
SISKIYOU
SUTTER
TEHAMA
TRINITY

Northeast Information Center
1074 East Avenue, Suite F
Chico, California 95926
Phone (530) 898-6256
neinfoctr@csuchico.edu

July 5, 2022

City of Gridley
685 Kentucky Street
Gridley, CA 95948
Attn: Donna Decker

I.C. File # J22-1 Project Review

RE: 19-048 Edler Estates
T17N, R2E, Section 2 MDBM
USGS Gridley (1973) 7.5' & Gridley (1952) 15' quadrangle maps
8 acres (Butte County)

Dear Ms. Decker,

In response to your request, a records search for the project cited above was conducted by examining the official maps and records for cultural resources and surveys in Butte County. Please note that use of the term cultural resources includes both archaeological sites and historical buildings and/or structures.

Results:

Archaeological Resources:

Resources within or adjacent to the project area:	No resources were located in the project area
---	---

In addition, five resources have been recorded within the 1-mile vicinity. Unrecorded prehistoric and/or historic archaeological resources may be located within the project area.

Historic Properties: According to our records, no resources of this type have been recorded within or adjacent to the project boundaries. The Built Environment Resources Directory (BERD), which includes listings of the California Register of Historical Resources, California State Historical Landmarks, California State Points of Historical Interest, and the National Register of Historic Places, lists no properties within or adjacent to the project area. The BERD is available online at: https://ohp.parks.ca.gov/?page_id=30338

The USGS Gridley (1973) 7.5' & Gridley (1952) 15' quadrangle maps indicate archaeological sensitive regions within the project area such as an orchards. Trails, roads,

buildings, structures, the town of Gridley, Morrison Slough, canals are located the general project vicinity.

Previous Investigations: According to our records, the project area has not been surveyed for cultural resources.

Literature Search: The official records and maps for archaeological sites and surveys in Butte County were reviewed. Also reviewed: **National Register of Historic Places - Listed properties and Determined Eligible Properties** (2012); **California Inventory of Historic Resources** (1976); **California Historical Landmarks** (2012); **Built Environment Resource Directory** (2021).

Sensitivity Assessment and Recommendations:

Based upon the above information and the local topography, the project is located in an area considered to be moderately sensitive for cultural resources. Flats near rivers, creeks, streams, springs, and seeps are sensitive for archaeological sites.

Therefore, because the project area has not been surveyed for cultural resources, we recommend that a professional archaeologist be contacted prior to any ground disturbance. The project consultant can offer recommendations for avoidance and protection of any existing or newly identified resources. If the proposed project contains buildings or structures that meet the minimum age requirement (45 years in age or older) it is recommended that the resources be assessed by a qualified specialist familiar with architecture and history of the county. Review of the available historic building/structure data has included only those sources listed above and should not be considered comprehensive. A list of qualified consultants is available online at www.chrisinfo.org.

During any phase of parcel development, if any potential prehistoric, protohistoric, and/or historic cultural resources are encountered, all work should cease in the area of the find pending an examination of the site and materials by the project archaeologist. This request to cease work in the area of a potential cultural resource find is intended for accidental discoveries made during construction activities and is not intended as a substitute for the recommended cultural resources survey.

If human remains are discovered, California Health and Safety Code Section 7050.5 requires you to protect the discovery and notify the county coroner, who will determine if the find is Native American. If the remains are recognized as Native American, the coroner shall then notify the Native American Heritage Commission (NAHC). California Public Resources Code Section 5097.98 authorizes the NAHC to appoint a Most Likely Descendant (MLD) who will make recommendations for the treatment of the discovery.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily

represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the OHP are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Finally, Native American tribes have historical resource information not in the CHRIS Inventory, and the NAHC should be contacted at (916) 373-3710 for information regarding Native American representatives in the vicinity of the project.

Payment for this project review was received. Thank you for your dedication preserving Butte County's and California's irreplaceable cultural heritage, and please feel free to contact us if you have any questions or need any further information or assistance.

Sincerely,

A handwritten signature in cursive script that reads "Ashlyn Weaver".

Ashlyn Weaver, M.A.
Assistant Coordinator
Northeast Information Center

Appendix B

Heartscale

Heartscale is a California-endemic annual herb in the Chenopodiaceae family. It is listed by CNPS as a list 1B.2 plant species. It has been known to occur in Alameda, Butte, Fresno, Glenn, Kern, Madera, Merced, San Joaquin, San Luis Obispo, Solano, Stanislaus, Tulare, and Yolo Counties. Heartscale grows in chenopod scrub, meadows and seeps, and saline or alkaline valley and foothill grassland habitats at elevations ranging from 1 to 375 meters above sea level. It blooms from April to October, producing inconspicuous flowers held above the leaf axis. Heartscale has potential to occur within moist agricultural land which holds a higher amount of alkalinity and/or salinity due to farming practices.

Lesser Saltscale

Lesser saltscale is a California-endemic annual herb in the Chenopodiaceae family. It is listed by the CNPS as a list 1B.1 plant species. It is known only from occurrences in Butte, Fresno, Kern, Madera, Merced, Stanislaus, and Tulare Counties. The lesser saltscale grows in chenopod scrub, playa, and alkaline, sandy valley and foothill grassland habitats at elevations ranging from 15 to 200 meters above sea level. It flowers from May through October, producing inconspicuous yellow flowers formed at the leaf axis.

Within the Plan Area, lesser saltscale has potential to occur in dry agricultural land which holds a higher level of alkalinity and/or salinity in the soil due to farming practices.

Sanford's Arrowhead

Sanford's arrowhead is a CNPS List 1B.2 species, meaning it is considered fairly endangered in California and is also rare, threatened, or endangered outside of California. This species is found in shallow, standing, fresh water and sluggish waterways including marshes, swamps, ponds, vernal pools, lakes, reservoirs, sloughs, ditches, canals, streams and rivers at elevations from 10 to 2,000 feet.

The CNDDDB provided a record within 1 mile of the Study Area (Exhibit 4.6-2). Sanford's arrowhead has potential to occur within sluggish, slow moving water in irrigation ditches and canals within the Plan Area.

Subtle Orache

Subtle orache is a California-endemic annual herb in the Chenopodiaceae family. It is listed by the CNPS as a list 1B.2 plant species. It is known only from approximately 25 occurrences in Butte, Fresno, Kings, Kern, Madera, Merced, and Tulare Counties. The subtle orache grows in valley and foothill grassland habitats at elevations ranging from 40 to 100 meters above sea level. It blooms from June through August and rarely into October, producing inconspicuous white flowers within the leaf axis.

Within the Plan Area, subtle orache has potential to occur in sandy or dry agricultural land which holds a higher level of alkalinity and/or salinity in the soil due to farming practices.

Woolly Rose-mallow

Woolly rose-mallow is a CNPS List 2.2 species, meaning it is considered fairly endangered in California (i.e., 20–80 percent of known occurrences in California are threatened), but is more common outside of California. This species is found in freshwater marshes and swamps.

The CNDDDB provided a record within 5 miles of the study area (Exhibit 4.6-2) and this species has a moderate potential to occur in the study area. Woolly rose mallow has potential to occur within fresh emergent wetlands and seasonally wet irrigation ditches and canals within the Plan Area.

Special-Status Wildlife

Due to the degree of human disturbance in the Plan Area, few special-status wildlife species have potential to occur in the project vicinity. A target list of special-status animal species was developed in 2008, using data from the USFWS and CNDDB. This list included Swainson's hawk (*Buteo swainsoni*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) and giant garter snake (GGS). The complete target list of the wildlife species and their potential for occurrence within the Plan Area is presented in Table 4.6-2.

Table 4.6-2 Target List of Wildlife Species and their Potential to Occur within the Plan Area			
Common Name (Scientific Name)	Status Fed/State/ CNPS	Associated Habitats	Potential for Occurrence*
INVERTEBRATES			
Valley Elderberry Longhorn Beetle (<i>Desmocerus californicus dimorphus</i>)	FT/ __/ __	Blue elderberry shrubs usually associated with riparian areas.	<u>High</u> . Potential habitat may occur adjacent to drainages.
Vernal Pool Fairy Shrimp (<i>Branchinecta lynchi</i>)	FT/ __/ __	Vernal pools, swales, and ephemeral freshwater habitat.	<u>Moderate</u> . Potential habitat within seasonal wetlands.
Vernal Pool Tadpole Shrimp (<i>Lepidurus packardii</i>)	FE/ __/ __	Vernal pools, swales, and ephemeral freshwater habitat.	<u>Moderate</u> . Potential habitat within seasonal wetlands.
REPTILES AND AMPHIBIANS			
California tiger salamander (<i>Ambystoma californiense</i>)	FT/CSC/ _	Vernal pools and seasonal ponds in grassland and oak savannah.	<u>Low</u> . Not likely present due to past conversion of vernal pool habitat to agriculture.
Coast Horned Lizard (<i>Phrynosoma coronatum</i>)	_ / CSC / _	Openings in valley/ foothill hardwood, coniferous & riparian, pine/cypress, juniper, annual grasslands with sandy soils and ants.	<u>Moderate</u> . Potential habitat in sandy soils within the Plan Area.
Giant garter snake (<i>Thamnophis gigas</i>)	FT/ST/ __	Agricultural wetlands, irrigation/drainage canals, low gradient streams, marshes, ponds, sloughs, small lakes, adjacent uplands.	<u>High</u> . Potential habitat in, and adjacent to, drainages and in rice fields.
Northwestern Pond Turtle (<i>Actinemys marmorata marmorata</i>)	__/CSC/ __	Permanent ponds, lakes, streams, ditches, and permanent pools along intermittent streams.	<u>Moderate</u> . Potential pond habitat within some Plan Area drainages.
Western Spadefoot (<i>Spea hammondi</i>)	_ /CSC/ _	Grassland, woodland and vernal pools without aquatic brood predators.	<u>Low</u> . Not likely present due to past conversion of vernal pool habitat to agriculture.
FISH			
Central Valley Spring-Run Chinook Salmon (<i>Oncorhynchus tshawytscha</i>)	FT/ST/ __	Sacramento River and tributaries.	<u>None</u> . No suitable drainages within the Plan Area.

**Table 4.6-2
Target List of Wildlife Species and their Potential to Occur within the Plan Area**

Common Name (Scientific Name)	Status Fed/State/ CNPS	Associated Habitats	Potential for Occurrence*
Central Valley Steelhead (<i>Oncorhynchus mykiss</i>)	FT/ _ / _	Sacramento and San Joaquin Rivers and their tributaries.	<u>None</u> . No suitable drainages within the Plan Area.
Delta Smelt (<i>Hypomesus transpacificus</i>)	FT/ST/ _	Sacramento-San Joaquin Estuary.	<u>None</u> . No suitable drainages within the Plan Area.
Green Sturgeon (<i>Acipenser medirostris</i>)	FT/CSC/ _	Spawn in freshwater, recently-documented spawning locations are in Klamath, Sacramento, and Rogue rivers on the west coast of N. America.	<u>None</u> . No suitable drainages within the Plan Area.
MAMMALS			
American Badger (<i>Taxidea taxus</i>)	_ /CSC/ _	Grasslands, savannahs, and mountain meadows with friable soils.	<u>Low</u> . Not likely present due to amount of disturbance from agricultural activities.
Marysville California Kangaroo Rat (<i>Dipodomys californicus eximius</i>)	_ /CSC/ _	Sandy/silty soils in annual grassland, mixed chaparral, occasionally valley foothill hardwood and valley foothill hardwood-conifer.	<u>Moderate</u> . Moderately suitable habitat occurs within the Plan Area.
Pallid Bat (<i>Antrozous pallidus</i>)	_ _ /CSC/ _	Arid and semi-arid habitats; roosts in rock crevices, caves, and mine shafts.	<u>Moderate</u> . Moderate roosting habitat and high foraging habitat potential within the Plan Area.
BIRDS			
Bank Swallow (<i>Riparia riparia</i>)	_ _ /ST/ _	Nests in steep riverbank cliffs, gravel pits, and highway cuts.	<u>Low</u> . Marginal habitat present within some drainages.
Burrowing owl (<i>Athene cunicularia</i>)	_ _ /CSC/ _	Nests in burrows on the ground, often old ground squirrel or badger burrows, within open dry grasslands and deserts.	<u>Moderate</u> . Potential habitat in open agricultural fields.
Greater Sandhill Crane (<i>Grus canadensis tabida</i>)	_ /ST/ _	Wet meadows, shallow lacustrine, fresh emergent wetlands. Winters in San Joaquin/ Sacramento Valleys.	<u>Moderate</u> . Potential habitat within irrigated and flooded fields.
Loggerhead Shrike (<i>Lanius ludovicianus</i>)	MBTA / CSC / _	Open with sparse shrubs and trees, other suitable perches, bare ground, low or sparse herbaceous cover.	<u>Low</u> . Sub-marginal riparian habitat in the Plan Area.
Northern Harrier (<i>Circus cyaneus</i>)	_ /CSC/ _	Meadows, grasslands, open rangelands, desert sinks, fresh/saltwater emergent wetlands.	<u>High</u> . Suitable habitat within the Plan Area.

**Table 4.6-2
Target List of Wildlife Species and their Potential to Occur within the Plan Area**

Common Name (Scientific Name)	Status Fed/State/ CNPS	Associated Habitats	Potential for Occurrence*
Swainson's hawk (<i>Buteo swainsoni</i>)	MBTA/ST/___	Nests in isolated trees or riparian woodlands adjacent to suitable foraging habitat including grasslands, grain/alfalfa fields, livestock pastures.	<u>High</u> . Suitable habitat within the Plan Area.
Tri-colored blackbird (<i>Agelaius tricolor</i>)	___/CSC/___	Nests in dense blackberry, cattail, tules, willow, wild rose in emergent wetlands in the Central Valley and surrounding foothills.	<u>Moderate</u> . Potential habitat within fresh emergent wetlands within the Plan Area.
Osprey (<i>Pandion haliaetus</i>)	MBTA/ CSC/___	Wetland, open water.	<u>Low</u> . Sub-marginal riparian habitat in the Plan Area.
Western Yellow-billed Cuckoo (<i>Coccyzus americanus occidentalis</i>)	FC/SE/___	Structured dense riparian forests, generally willows.	<u>Low</u> . Sub-marginal riparian habitat in the Plan Area.
Yellow Warbler (<i>Dendroica petechia</i>)	___/CSC/___	Very partial to riparian woodlands of lowlands and foothill canyons.	<u>Low</u> . Sub-marginal riparian habitat in the Plan Area.
Migratory Birds and Raptors	MBTA	Nests/forages in variety of habitats: hardwood woodlands, coniferous forests, meadows, grasslands and riparian.	<u>High</u> . Suitable foraging habitat present within the Plan Area.

CODE DESIGNATIONS

FE = Federally-listed Endangered
 FT = Federally-listed Threatened
 FC = Federal Candidate Species
 SE = State-listed Endangered
 ST = State-listed Threatened

CSC = CDFG Species of Special Concern
 FP = CDFG Fully Protected Species
 MBTA = protected by the federal Migratory Bird Treaty Act

***Potential for occurrence:** for plants it is considered the potential to occur during the survey period; for birds and bats it is considered the potential to breed, forage, roost, over-winter, or stop-over in the project area during migration. Any bird or bat species could fly over the project area, but this is not considered a potential for occurrence. The categories for the potential for occurrence include:

- None: The species or natural community is known not to occur, and has no potential to occur in the project area based on sufficient surveys, the lack of suitable habitat, and/or the project area is well outside of the known distribution of the species.
- Low: Potential habitat in the project area is marginal, but the species is known to occur in the vicinity of the project area; or suitable habitat is present, but the species is not known to occur in the vicinity of the project area.
- Moderate: Suitable habitat is present in the project area and the species is known to occur in the vicinity of the project area.
- High: Habitat in the project area is highly suitable for the species and there are reliable records close to the project area, but the species was not observed.
- Known: Species was detected in the project area or a recent reliable record exists for the project area.

The special-status wildlife species with a moderate to high potential of occurring within the Plan Area are briefly discussed below.

Valley Elderberry Longhorn Beetle

The valley elderberry longhorn beetle (VELB), a federally threatened species, occurs in the Central Valley of California below 3,000 feet. It is distributed primarily within riparian habitats from Shasta City to Kern City. The beetle is dependent solely on blue elderberry shrubs (*Sambucus mexicana*) or red elderberry shrubs (*S. racemosa*) to complete its lifecycle. The adult beetles emerge from the elderberry stems from April to early June. The adults mate and the females lay eggs on the tips of twigs. The eggs hatch and the larva bore into twigs and feed on the pith. Before a larva pupates, it makes an exit hole in the elderberry stem. These holes serve as an indication of the occurrence of VELB in elderberry shrubs. Following pupation in the spring, the adult beetle emerges, creating a hole in the bark of the stem or branch. Adults feed on foliage and are present from March through early June. Besides exhibiting a preference for “stressed” elderberry (Kellner 1986), VELB prefer shrubs with stems of a certain size class. Exit holes have been found more frequently in trunks or branches that are 5 to 20 cm (2–8 in) in diameter, or at least 1.0 inch or greater at ground height (USFWS 1999) and less than one meter off the ground. Research also shows that exit holes more consistently occur in clumps or stands than in isolated shrubs (Collinge et al. 2001).

Blue elderberry shrubs have potential to occur in the Plan Area along irrigation ditches and canals and therefore potential habitat for VELB may be present.

Vernal Pool Fairy Shrimp

The vernal pool fairy shrimp has known populations that extend from Stillwater Plain in Shasta County through most of the length of the Central Valley to Pixley in Tulare County. Along the central coast, they range from northern Solano County to Pinnacles National Monument in San Benito County. Four additional, disjunct populations exist: one near Soda Lake in San Luis Obispo County, one in the mountain grasslands of northern Santa Barbara County, one on the Santa Rosa Plateau in Riverside County, and one near Rancho California in Riverside County. The vernal pool fairy shrimp occupies a variety of different vernal pool habitats, from small, clear, sandstone rock pools to large, turbid, alkaline, grassland valley floor pools. Although the species has been collected from large vernal pools including one exceeding 25 acres, it tends to occur in smaller pools. It is most frequently found in pools measuring less than 0.05 acre. These are most commonly in grass or mud bottomed swales, or basalt flow depression pools in unplowed grasslands. Vernal pool fairy shrimp have been collected from early December to early May.

Within the Plan Area, vernal pool fairy shrimp have a moderate potential to occur within seasonally wet features.

Vernal Pool Tadpole Shrimp

The vernal pool tadpole shrimp is a small crustacean in the Triopsidae family. Their diet consists of organic debris and living organisms, such as fairy shrimp and other invertebrates. They inhabit vernal pools containing clear to highly turbid water, ranging in size from 54 square feet in the former Mather Air Force Base area of Sacramento County, to the 89-acre Olcott Lake at Jepson Prairie. The vernal pool tadpole shrimp is known from 18 populations in the Central Valley, ranging from east of Redding in Shasta County south to the San Luis National Wildlife Refuge in Merced County, and from a single vernal pool complex on the San Francisco Bay National Wildlife Refuge in the City of Fremont, Alameda County.

Within the Plan Area, vernal pool tadpole shrimp have a moderate potential to occur within seasonally wet features.

Coast Horned Lizard

The coast horned lizard occurs in the Sierra Nevada foothills from Butte to Kern Counties and throughout the central and southern California coast. They can be found in sandy soils in valley-foothill hardwood, conifer, riparian, pine-cypress, juniper, and annual grassland habitats. They primarily occur at elevations below 600

meters, but have been observed as high as 1,200 meters in the Sierra Nevada foothills. The coast horned lizard forages in open areas between shrubs and often near ant nests. Their primary prey is ants but they also eat small beetles when in large quantities, wasps, grasshoppers, flies, and caterpillars. They rely on camouflage for protection and bask on the ground or elevated objects in the early morning. In extreme heat and during winter hibernation, the coast horned lizard burrows under objects, such as logs or rocks, or use mammal burrows or crevices. The reproductive season varies from year to year and geographically depending on local conditions. Clutch sizes can range from 6 to 16 eggs which typically hatch after 2 months.

The coast horned lizard has potential to occur within sandy soils in the Plan Area.

Giant Garter Snake

The GGS is a federal and state listed threatened species. The GGS is endemic to the Sacramento and San Joaquin valleys where it inhabits agricultural wetlands and other waterways, such as irrigation and drainage canals, sloughs, ponds, small lakes, low gradient streams, and adjacent uplands (USFWS 1999). Because of the loss of natural habitat, the GGS relies heavily on rice fields in the Sacramento and San Joaquin Valley, but also uses managed marsh areas in federal national wildlife refuges and state wildlife areas. Giant garter snakes are typically absent from larger rivers because of lack of suitable habitat and emergent vegetative cover, and from wetlands with sand, gravel, or rock substrates. Riparian woodlands typically do not provide suitable habitat because of excessive shade, lack of basking sites, and absence of prey populations. However, some riparian woodlands adjacent to watercourses and other potential GGS aquatic habitat do provide good cover habitat.

Primary GGS habitat requirements consist of:

- 1) adequate water during the snake's active season (early-spring through mid-fall) to provide food and cover;
- 2) emergent, herbaceous wetland vegetation, such as cattails and bulrushes, for escape cover and foraging habitat during the active season;
- 3) upland habitat, such as grassy banks and openings in waterside vegetation for basking; and,
- 4) higher elevation uplands for cover and refuge from floodwaters during the snake's dormant season (USFWS 1999).

When abundant cover is available, GGS may be able to persist with numerous predators that share the same habitats.

GGS has been documented within three miles of the Plan Area and suitable habitat is present in the agricultural ditches present throughout the Plan Area. Thus, this species has a high potential to occur within rice fields and irrigation ditches and canals in the Plan Area. The CNDDDB identifies a giant garter snake occurrence within 5 miles of the Study Area (Exhibit 4.6-2).

Northwestern Pond Turtle

The northwestern pond turtle can be found throughout California and is the only abundant native turtle in California. They are associated with permanent or nearly permanent water in a wide variety of habitats at elevations ranging from near sea level to 1,430 meters. They require basking sites including partially submerged logs, rocks, mats of floating vegetation, or open mud banks. The northwestern pond turtle hibernates in colder areas underwater on muddy bottoms. Nesting sites are typically constructed along the banks of permanent water in soils at least 10 cm deep and must have high internal humidity for eggs to develop and hatch.

The northwestern pond turtle has potential to occur within ponds and very slow moving standing water within the Plan Area.

Marysville (California) Kangaroo Rat

The Marysville, or California, kangaroo rat occurs in California from the Oregon border south to San Francisco Bay and in the Sacramento Valley and Sierra Nevada foothills from El Dorado County north. It is found in open areas with friable soils, preferably annual grassland and mixed chaparral habitats, at elevations ranging from 400 to 1,300 meters above sea level. The kangaroo rat can also be found in valley foothill hardwood and valley foothill hardwood-conifer habitats. They require soils with sand or silts for dust bathing. They feed on the seeds of various grasses, forbs, and shrubs and their burrows are often found at the bases of shrubs or along the edges of rocks. They breed from February through September and often have only 2 to 4 young per a litter.

The Marysville kangaroo rat has potential to occur within open areas with silty or sandy soils in the Plan Area.

Pallid Bat

The pallid bat is a rather large, pale, yellowish-brown bat with long prominent ears, a blunt snout, and pinkish-brown or gray wing and tail membranes. Pallid bats tend to roost alone or in small groups and are known to use day and night roosts in crevices of rocky outcrops and cliffs, caves, mines, trees (bole cavities of oaks, exfoliating Ponderosa pine and valley oak bark, deciduous trees in riparian areas, and fruit trees in orchards), and various man-made structures such as bridges and buildings. The pallid bat primarily preys on a variety of arthropods, grasshoppers, crickets, beetles, moths, occasionally small reptiles and rodents, and has developed a mechanism to prey upon scorpions. This species of bat is very vulnerable to disturbance that many times results in mass displacement of the species.

If the species is detected, actions to coax the bat out of the area should be taken prior to the end of October when the bat seeks its winter hibernacula, isolation measures should be installed to prevent re-entry to the roost (Sherwin 1998).

The pallid bat has potential to occur within trees, under bridges, and within crevices of some buildings within the Plan Area.

Burrowing Owl

Burrowing owls inhabit dry, open grasslands. Nests are usually in small burrows that have been constructed and abandoned by small mammals, such as ground squirrels or badgers, however, they have also been known to use man-made structures, including cement culverts, cement, asphalt or wood piles, and openings under pavement. The breeding season for burrowing owls is from late March through May, and they often reuse burrows year after year. They perch on top of the burrows and other low structures to forage and watch for other predators. Their diet consists of insects, small reptiles or amphibians and small mammals.

Within the Plan Area, burrowing owls have the potential to occur within agricultural fields and vacant lots where friable soils or culverts are present for them to establish burrows.

Greater Sandhill Crane

The greater sandhill crane currently breeds only in Siskiyou, Modoc, and Lassen Counties and in Sierra Valley, Plumas and Sierra Counties. During the summer, the crane can be found in and near freshwater wet meadow, shallow lacustrine, and fresh emergent wetland habitats, and during winters the crane typically inhabits annual and perennial grassland, moist cropland, and open emergent wetland habitats in the Sacramento and San Joaquin valleys from Tehama County south to Kings County.

The greater sandhill crane prefers to forage over open short-grass plains, grain fields, and open wetlands where it feeds on grasses, forbs, various seeds, cereal crops, roots/tubers, earthworms, insects; and on occasion larger prey including mice, small birds, snakes, frogs, and crayfish. They roost at night in flocks standing in moist fields or

standing water and have also been known to roost in dry grasslands, islands, and wide sandbars. In moist areas, nests are large mounds made from wetland plants in shallow water, ideally screened by tules or cattails. On dry sites, nests are scooped out depressions lined with grasses.

Peak breeding occurs from May until July with their solitary nests typically completed by late August. The greater sandhill crane is monogamous, and have an average clutch size of 2. Once hatched, the young begin flying after 70 days, but remain with the adults for up to a year.

The CNDDB provided a record of the greater sandhill crane within 5 miles of the Plan Area (Exhibit 4.6-2). Sandhill cranes have potential to occur within flooded agricultural fields within the Plan Area.

Northern Harrier

Northern harriers are a raptor commonly found near wetlands and open grasslands perched on or flying close to the ground. The northern harrier is one of the few birds of prey that is frequently polygynous when ecological conditions permit. Nests are constructed on the ground, typically in dense, low vegetation that provides a visual barrier and cover. In drier habitats, the nest consists of a loose, thin layer of sticks. In wetter situations, nests are larger, more substantial structures. Nests are built by the female and typically consist of grass, reeds, and small sticks. Breeding activity begins in April, concluding in September, with a peak in activity from June to July. A single brood of four to six eggs are incubated by the female. Incubation begins with the last egg and lasts about 29–39 days. Females brood the young for about 4 weeks while males provision the female and young with prey items. Young begin to leave the nest, moving around into the surrounding vegetation, at about 2 weeks of age. The amount of time spent at the nest steadily decreases after this point until fledging. First flight generally occurs at 29–34 days of age. Young remain in the vicinity of the nest until dispersal. Northern harriers have the potential to forage within moist agricultural fields and pastures within the Plan Area.

Swainson's Hawk

The Swainson's hawk is a state threatened species and a long-distance migrant with nesting grounds in western North America. The Swainson's hawk population that nests in the Central Valley winters primarily in Mexico, while the population that nests in the interior portions of North America winters primarily in Argentina. Swainson's hawks arrive in the Central Valley between March and early April to establish breeding territories, and breeding occurs from late March to late August, peaking in late May through July. In the Central Valley, Swainson's hawks nest in isolated trees, small groves, or large woodlands, next to open grasslands or agricultural fields. This species typically nests near riparian areas; however, it has been known to nest in urban areas as well. Nest locations are usually in close proximity to suitable foraging habitats, which include fallow fields, irrigated pastures, alfalfa and other hay crops, and low-growing row crops. Swainson's hawks leave their breeding grounds to return to their wintering grounds in late August or early September.

The CNDDB provided a record for the Swainson's hawk within 3 miles of the Study Area and this species has a moderate potential to occur in the Study Area. Potential foraging habitat includes agricultural fields and pastures and nesting habitat includes tall, mature trees adjacent to foraging habitat. Exhibit 4.6-2 illustrates CNDDB records within 5 miles of the Plan Area.

Tri-colored Blackbird

The tri-colored blackbird occurs throughout California's Central Valley and in coastal habitats from Sonoma County south. The tri-colored blackbird requires dense fresh emergent wetlands to nest and breed, and forages in grassland and cropland habitats. Its nests are made from mud and plant materials, forming colonies from 50 pair to as many as 30,000 pair. Tri-colored blackbirds require open, accessible water, protective nesting substrates (flooded, thorny, or spiny vegetation), and suitable foraging space within a few miles of the nesting colony. In response to loss of fresh emergent wetland habitat, tri-colored blackbirds have been increasingly observed to

utilize Himalayan blackberry (*Rubus discolor*), elderberry, poison oak (*Toxicodendron diversilobum*), and grain fields for colony establishment.

The CNDDDB provided a record of the tri-colored blackbird within 5 miles of the Plan Area. Tri-colored blackbirds have the potential to occur within dense stands of cattails and/or tule in fresh emergent wetlands within the Plan Area.

Migratory Birds and Raptor Species

Migratory birds and raptors in the orders Falconiformes (hawks, eagles, and falcons) and Strigiforms (owls) are protected in varying degrees under California Fish and Game Code, Section 3503.5 and the Migratory Bird Treaty Act (MBTA). The many of the habitat types occurring within the Plan Area provide suitable nesting and/or foraging habitat for a variety of these species. Direct take of active nests, eggs, or birds is prohibited by CDFG and measures must be taken to minimize disturbance.

SENSITIVE NATURAL COMMUNITIES AND HABITAT TYPES

The CNDDDB identifies Sensitive Natural Communities (SNC), which includes those communities that, if eliminated or substantially degraded, would sustain a significant adverse impact as defined under CEQA. Sensitive Natural Communities are important ecologically because their degradation and destruction could threaten populations of dependent plant and wildlife species and significantly reduce the regional distribution and viability of the community. If the number and extent of SNC continue to diminish, the status of rare, threatened, or endangered species could become more precarious, and populations of common species (i.e., non special-status species) could become less viable. Loss of SNC also can eliminate or reduce important ecosystem functions, such as water filtration by wetlands and bank stabilization by riparian woodlands.

The Office of Planning and Research define project effects that substantially diminish habitat for fish, wildlife or plants, or that disrupt or divide the physical arrangement of an established community as significant impacts under CEQA (Public Resources Code §21083 and CEQA Guidelines §15382). This definition applies to certain SNC because of their scarcity and ecological values and because the remaining occurrences are vulnerable to elimination.

A list of SNC identified during the CNDDDB 9-quad search and their potential to occur within the Plan Area is presented in Table 4.6-3.

Great Valley Cottonwood Riparian Forest

Riparian forests are associated with alluvial fans in the floodplains and along the banks of streams and drainages throughout California's Central Valley and foothills. Soils in riparian forests are intermittently or seasonally flooded. Riparian habitats are critical for many species, even those that primarily use surrounding oak woodlands and annual grasslands. This habitat-type provides food, water, migration, dispersal corridors, and escape, nesting and thermal cover for a very high density of California's wildlife. The dominant or important tree species in this particular type of riparian forest is Fremont's cottonwood. Other vegetation in the canopy typically includes black willow, California sycamore, and valley oak. Sub-canopy tree species include Arroyo willow, box elder, and Oregon ash. Typical understory plants included wild grape, wild rose, California blackberry, blue elderberry, poison oak, and a variety of willow species. The herbaceous layer consists of a variety of sedges, rushes, and grasses.

Great Valley Mixed Riparian Forest

Riparian forests are associated with alluvial fans in the floodplains and along the banks of streams and drainages throughout California's Central Valley and foothills. Soils in riparian forests are intermittently or seasonally flooded. Riparian habitats are critical for many species, even those that primarily use surrounding oak woodlands

Table 4.6-3

List of Sensitive Natural Communities and their Potential to Occur in the Plan Area

Sensitive Natural Community	Habitat Description	Potential for Occurrence
Great Valley Cottonwood Riparian Forest	Perennial creeks and rivers in the Central Valley.	<u>Moderate</u> . May occur along Plan Area drainages.
Great Valley Mixed Riparian Forest	Tall, dense, winter-deciduous, broadleaved forest. Tree canopy usually fairly well closed; moderately to densely stocked with several species including <i>Acer negundo</i> , <i>Juglans hindsii</i> , <i>Platanus racemosa</i> , <i>Populus fremontii</i> , <i>Salix</i> spp.	<u>High</u> . May occur along the drainages within the Plan Area.
Great Valley Valley Oak Riparian Forest	Deep alluvial soils of higher floodplain terraces associated with river systems. Can be found in other upland communities.	<u>High</u> . May occur along Plan Area drainages.
Great Valley Willow Scrub	Pioneer riparian community on depositional areas near the edge of intermittent and perennial creeks and rivers.	<u>High</u> . May occur along Plan Area drainages.
Northern Basalt Flow Vernal Pool	Low-mid elevation, seasonal flooded depressions on impermeable soils.	<u>None</u> . Not present within the Plan Area.
Northern Hardpan Vernal Pool	Seasonally flooded depressions on impermeable soils or rock.	<u>Low</u> . Not likely present due to past conversion of vernal pool habitat to agriculture.
Northern Volcanic Mud Flow Vernal Pool	Seasonally flooded depressions on impermeable soils or rock.	<u>None</u> . Not present within the Plan Area.

and annual grasslands. This habitat-type provides food, water, migration, dispersal corridors, and escape, nesting and thermal cover for a very high density of California's wildlife similar to those found in valley-foothill riparian habitat types. The tree species in this particular type of riparian forest is co-dominated by any combination of Fremont's cottonwood, black willow, California sycamore, and valley oak. Sub-canopy tree species include Arroyo willow, box elder, and Oregon ash. Typical understory plants include wild grape, wild rose, California blackberry, blue elderberry, poison oak, and a variety of willow species. The herbaceous layer consists of a variety of sedges, rushes, and grasses including pacific rush, Santa Barbara sedge, slender rush, Dallisgrass, barnyard grass, and iris-leaved rush.

Great Valley Valley Oak Riparian Forest

Riparian forests are associated with alluvial fans in the floodplains and along the banks of streams and drainages throughout California's Central Valley and foothills. Soils in riparian forests are intermittently or seasonally flooded. Riparian habitats are critical for many species, even those that primarily use surrounding oak woodlands and annual grasslands. This habitat-type provides food, water, migration, dispersal corridors, and escape, nesting and thermal cover for a very high density of California's wildlife. The dominant or important tree species in this particular type of riparian forest is valley oak. Other vegetation in the canopy typically includes black willow, California sycamore, and Fremont's cottonwood. Sub-canopy tree species include Arroyo willow, box elder, and Oregon ash. Typical understory plants include wild grape, wild rose, California blackberry, blue elderberry, poison oak, and a variety of willow species. The herbaceous layer consists of a variety of sedges, rushes, and grasses.

Appendix C

References

The following documents are referenced information sources used for the purposes of this Initial Study:

1. California Department of Conservation. California Important Farmland Finder. Available at: <https://maps.conservation.ca.gov/DLRP/CIFF/>. Accessed January 2020.
2. California Department of Conservation. Farmland of Local Importance. 2016.
3. California Department of Conservation. Fault Activity Map of California. Available at: <http://maps.conservation.ca.gov/cgs/fam/>. Accessed January 2020.
4. California Department of Forestry and Fire Protection. Butte County, Fire Hazard Severity Zones
5. California Department of Transportation. ArcGIS: California Scenic Highways.
6. California Geologic Survey. Earthquake Zones of Required Investigation. Available at: <https://maps.conservation.ca.gov>.
7. City of Gridley. General Plan EIR. November 2009..
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9. City of Gridley. Housing Element, 2014-2022.
10. Federal Emergency Management Agency. Butte County, California Flood Insurance Rate Map 06067C0606J. Effective October 20, 2016.
11. Butte County Air Quality Management District. Available at: <http://2arb.ca.gov/butte-county-air-quality-management-district>.
12. US EPA. Federal Register Notices Related to 8-hour ozone, Designations and Classifications, dated October 31, 2020.
13. California Air Resources Board. Available at: <http://www.ww2.arb.ca.gov/ghg-inventory-data>
14. United States Census Bureau. QuickFacts: Biggs, California. Available at: <https://www.census.gov>.
15. United States Department of Agriculture Natural Resources Conservation Service. Web Soil Survey. Available at: websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Accessed February 2020.

City Council Agenda Item #4

Staff Report

Date: September 19th, 2022

To: Mayor and City Council

From: Elisa Arteaga, Finance Director

Subject: Award of Project Proposal for 2018 CDBG-DR Multifamily Housing Program – Orchard View Apartments II

X	Regular
	Special
	Closed
	Emergency

Recommendation

Staff respectfully requests the City Council review, consider, and approve Orchard View Apartments II Project Proposal and authorize the City Administrator to sign all documentation required per CDBG HUD per 2018 CDBG Multi-Family Housing Program guidelines.

Background

The City of Gridley is a recipient of a \$2.3 million-dollar CDBG Disaster Recovery Program (CDBG-DR). This program will assist the City of Gridley to recover for disasters especially in low-income areas. The program guidelines require agencies assisted by this program to report to HUD and other federal agencies. There is a broad range of activities that can help communities that requires oversight and must meet national objectives; benefit to low- and moderate-income persons, aid in the prevention or elimination of slums or blight and meet any urgent needs. These activities include disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted areas. Staff previously received approval for administrative oversight with Housing Tools. With the assistance of Housing Tools, the Request for Proposals and application information was made available and published on the City website for all interested parties. The Requests for Proposals was for multi-family housing program project an allowable use per use grant guidelines. One application was submitted and attached to this staff report are the project details for Council consideration. To date no other applications have been submitted and staff is recommending approval of the project proposal.

Fiscal Impact

Funding is provided through 2018 CDBG-DR Multifamily Housing Program as outlined in grant guidelines.

Attachments

Orchard View II Project Summary

Compliance with City Council Strategic Plan or Budget Goals

The City Council and City staff are committed to provide the best possible financial practices and the highest possible transparency regarding all financial transactions. This presentation is consistent with our ongoing effort to be responsive and transparent regarding all financial matters, as well as be congruent with best financial practices.

City of Gridley CDBG-DR Program

Request For Proposals

Recommendation for Funding— Orchard View Apartments II

CDBG-DR Program Overview

In response to the deadliest year of wildfires in California's history, the Federal Emergency Management Agency (FEMA) made disaster assistance available through presidentially declared disaster DR-4407 for Butte, Los Angeles, and Ventura Counties. The impact of the Camp Fire that occurred in November 2018 in Butte County changed the housing landscape and created a dire shortage of housing in the region. In recognition of the unmet recovery needs due to the Camp Fire, the City of Gridley received \$2,394,037 in Community Development Block Grant—Disaster Recovery, Multifamily Housing Funds (DR-MHP) from the U.S. Department of Housing and Urban Development (HUD) to benefit low- and moderate-income households.

The State Department of Housing and Community Development (HCD) is the grantee administering the CDBG-DR funds allocated to the State of California. HCD performed an Unmet Needs Assessment as outlined in the 2018 Action Plan submitted to HUD. Based on the results of the Unmet Needs Assessment, HCD developed several programs to address unmet needs, including housing, infrastructure, and economic development activities. As one of these programs, DR-MHP is intended to assist in meeting unmet rental housing needs, including the needs of individuals displaced from rental homes and individuals who became homeless as a result of the Camp Fire. The projects intended for funding with DR-MHP include apartment complexes and mixed-use developments. A Master Standard Agreement between HCD and the City of Gridley committing \$2,392,037 in DR-MHP funds to the City of Gridley and outlining grant requirements was executed on October 15, 2021.

Request for Proposals Overview

While HCD provides oversight and monitoring of DR-MHP statewide, local jurisdictions are responsible for: soliciting for project proposals, review and evaluation of proposals, and monitoring projects for compliance with HCD policies and procedures. On March 30, 2022, the City of Gridley entered into contract with consultant Housing Tools to assist in fulfilling these responsibilities. On July 21, 2022, the City and Housing Tools issued a Request for Proposals (RFP) to solicit project proposals that comply with federal and state requirements for the DR-MHP program. The due date for proposal submissions was set in the RFP for August 31, 2022.

The RFP includes the following sections:

- Introduction and Background— Funding program purpose; HCD, City of Gridley, and Applicant Developer roles, local priorities, and timeline;

- Funding— general loan terms for DR-MHP funds, a description of loan documents, and minimum and maximum funding amounts;
- Eligibility Requirements— applicants, activities, costs, project size, site control, HCD Project Type, affordability, HCD Priority Criteria, and environmental review threshold;
- Scoring Criteria— developer experience, project feasibility, addressing local priorities, and affordability
- Application Requirements;
- Application Submission and Review Process; and
- Federal and State requirements.

The RFP states that applications will be received and reviewed on an “over-the-counter” basis. Applications that meet funding and eligibility requirements, and score a minimum of 80 points based on the scoring criteria, will be recommended for award. However, if two or more applications are received within five or fewer business days of one another, the applications will be scored competitively.

Recommendation for Funding

Applications Received

In response to the RFP, one application was submitted by Pacific West Communities, Inc. for the Orchard View Apartments II Project on August 31, 2022. No other applications were submitted within five business days of August 31, 2022, which ended on September 7, 2022.

Project Summary

The Orchard View Apartments II Project has requested the entire amount of DR-MHP funds made available through the RFP of \$2,034,932. It is a 36-unit large family project that features two-, three-, and four-bedroom units. The on-site manager at the adjacent Orchard View Apartments I will manage the project.

Project Location

The project is located on a portion of APN 021-110-033 which is located on Highway 99 between Evelyn and Archer Avenues. The site is currently being used as an orchard and is 2.61

acres in size. It is currently zoned for the intended use with a Mixed Use Combining Zone Overlay, which can accommodate 30 dwelling units per acre. This project will be adjacent to Orchard View Apartments I. That project is a 48-unit senior affordable housing project that was funded in 2021 by Butte County from their DR-MHP allocation.

Design and Construction Description

The project will consist of four two-story wood-frame buildings on concrete slab on grade foundations. Architectural accents will be incorporated to provide an aesthetically appealing exterior that blends with the surrounding neighborhood and community of Gridley. Units will include 16 two-bedroom/one-bathroom units (approx. 770 square feet), 12 three bedroom/two-bathroom units (approx. 1,012 square feet), and 8 four-bedroom/two-bathroom units (approx. 1,190 square feet). It will include a stand-alone laundry building, and residents will have access to common amenities of Orchard View Apartments I, including the community room and computer room. Tenants will enjoy access to a playground and bocce ball court on the site, as well as a picnic area with pergola, tables, seating areas, and a barbecue. The project will provide 73 parking spaces, with 37 of the spaces covered and 8 of the spaces ADA compliant.

Project Budget

Construction Sources:

Construction Loan	\$10,086,066
Tax Credit Equity	\$ 2,646,437
City of Gridley DR-MHP	\$ 2,034,932
Deferred Developer Fee	\$ 2,135,660
<u>Other Deferred Costs</u>	<u>\$ 81,243</u>
Total	\$16,984,338

Permanent Sources:

Tax Credit Equity	\$12,671,736
Permanent Loan	\$ 1,800,000
City of Gridley DR-MHP	\$ 2,034,932
<u>Deferred Developer Fee</u>	<u>\$ 477,670</u>
Total	\$16,984,338

Uses:

Land Cost	\$ 360,000
New Construction	\$11,122,031
Financing Costs	\$ 1,033,600
Soft Costs and Reserves	\$ 2,333,047
<u>Developer Fee</u>	<u>\$ 2,135,660</u>

Total \$16,984,338

Unit Mix

Number of Bedrooms	Number of Units	Income Limit (% of AMI)
2	1	30%
2	2	40%
2	5	50%
2	8	60%
3	2	30%
3	2	40%
3	5	50%
3	3	60%
4	1	30%
4	2	40%
4	4	50%
4	1	60%
TOTAL	36	
TOTAL w/ Manager Units	36	

Project Timeline

Site Acquisition	04/2023
Design Review	11/2022
Building Permit	12/2023
Construction Loan Close	12/2023
Construction Start	12/2023
Construction Completion	12/2024
Placed In Service	12/2024
Full Occupancy	03/2025
Perm Loan Close	05/2025

Application Review

Pacific West Communities submitted a complete application that met all eligibility and threshold criteria necessary for funding. Below is a description of the application review in terms of eligibility, scoring, and underwriting.

Eligibility

The applicant has experience developing and operating at least one publicly subsidized, rent restricted rental housing project. The project has at least eight rental units and has site control. The project qualifies as a Large Family project per DR-MHP regulations, with at least 25% of units with three or more bedrooms, and at least 25% of units with two bedrooms. All units are rent restricted and affordable, meeting the requirement that at least 30% of total units are restricted to rents equal to or below the High HOME Rents level. The project meets one of the four HCD and City of Gridley priorities, meeting the Extremely Low Income priority with more than 10% of units affordable to households earning 30% of Area Median Income (AMI) or less. The project also passed threshold for initial NEPA environmental review because the site is not located in a Special Flood Hazard Zone or Airport Runway Clear Zone.

Scoring

The application scored as summarized below and exceeded the 80-point threshold required for funding eligibility.

Category	Possible Points	Scored Points
Experience (Developer and Property Manager)	40	40
Feasibility (Site, Financing Plan, Timeline)	40	40
Addresses Local Priorities	10	10
Affordability	10	5.28
Total	100	95.28

Underwriting

The applicant has requested \$2,034,932 in DR-MHP funds from the City of Gridley, which is 12% of total development costs. This is well below the maximum DR-MHP loan amount of 40% of

total development costs, and well below the maximum DR-MHP loan amount per assisted unit, which totals \$9,165,192 for this project.

The project's total development cost per unit is in line with comparable projects, at \$471,787 per unit. The budget has a hard cost contingency of \$551,100, which meets the underwriting standard of at least 5% of total construction costs. The project has adequate reserves, with an \$81,243 capitalized operating reserve (three months of operating expenses, replacement reserve deposits, and debt service) and annual \$18,000 deposits to a replacement reserve (\$500/unit). The 20-year cashflow proforma shows that the project is subsidized at an appropriate level and meets standard underwriting criteria, with Year 1 cashflow between 110% and 120% of annual debt service. Year 1 operating expenses are less than 80% of Effective Gross Income (rents minus projected vacancies), at 56%. Projected income covers expenses over the first 20 years of operations. Partnership Fees and Sponsor Distributions are less than maximum allowable levels.

Recommendation

The Orchard View Apartments II proposal was the only submission received in response to the RFP. The application shows that the proposed project meets eligibility requirements, scored more than the minimum required 80 points, and met underwriting criteria. It is proposed that the City recommend a commitment of the requested \$2,034,932 in DR-MHP funds to the project. This recommendation and the application materials would then be sent to HCD for their review and approval. Following HCD approval, HCD will provide a conditional commitment letter to the applicant and the City of Gridley.

City Council Agenda Item #5
Staff Report

Date: September 19, 2022

To: Mayor and City Council

From: Cliff Wagner, City Administrator

Subject: Amended Cooperative Agreement among Groundwater Sustainability Agencies in the Butte Subbasin

X	Regular
	Special
	Closed
	Emergency

Recommendation

Staff respectfully requests Council review and approve the attached agreement and authorize the Mayor to sign the Amended Cooperation Agreement Among Groundwater Sustainability Agencies in the Butte Subbasin.

Background

On September 16, 2014, Governor Jerry Brown signed into law a three-bill legislative package. SGMA requires governments and water agencies of [high and medium priority basins](#) to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge. Under SGMA, these basins should reach sustainability within 20 years of implementing their sustainability plans. For critically over-drafted basins, that will be 2040. For the remaining high and medium priority basins, 2042 is the deadline.

Through the Sustainable Groundwater Management Program, DWR provides ongoing support to local agencies through guidance and financial and technical assistance. SGMA empowers local agencies to form [Groundwater Sustainability Agencies \(GSAs\)](#) to manage basins sustainably and requires those GSAs to adopt [Groundwater Sustainability Plans \(GSPs\)](#) for crucial groundwater basins in California.

On August 19, 2019, the City of Gridley approved the Cooperative Agreement to join other Groundwater Sustainability Agencies in the Butte Subbasin. The Cooperative Agreement gives Gridley the opportunity to participate in a regional sub-basin Ground Water Management Plan (GWMP), rather than develop a separate one.

Fiscal Impact

Initial costs will include staff time, engineering involvement, Councilmember involvement. Subbasin Board is seeking an initial annual funding commitment, beginning in 2022, in the amount of \$8,000. Non-participation could cost the City upwards of \$500,000 to develop our own GWMP.

Compliance with City Council Strategic Plan or Budget Goals

The City Council and City staff are committed to providing effective leadership while providing quality cost effective local government services.

Attachment

First Amendment to Cooperative Agreement among Groundwater Sustainability Agencies in Butte Subbasin

FIRST AMENDMENT TO COOPERATION AGREEMENT AMONG THE GROUNDWATER SUSTAINABILITY AGENCIES IN THE BUTTE SUBBASIN

This FIRST AMENDMENT (“Amendment”) for the allocation of implementation costs among the Butte Subbasin Groundwater Sustainability Agencies (GSAs) is made and entered into and effective upon the date when the last Member signs this Agreement (“Effective Date”) by and among the undersigned public agencies.

Recitals

WHEREAS, each Member is a Butte Subbasin GSA, as defined by the Sustainable Groundwater Management Act (“SGMA”); and

WHEREAS, in 2019, the Members entered into a Cooperation Agreement establishing cooperation in the development and implementation of the Butte Subbasin Groundwater Sustainability Plan (GSP); and

WHEREAS, under Article 12 of the Cooperation Agreement, the Cooperation Agreement may be amended by unanimous written agreement of the Members to provide for the allocation of cost-sharing for expenditures and contracts made pursuant to the Cooperation Agreement; and

WHEREAS, in December of 2021, the Members adopted the Butte Subbasin GSP pursuant to SGMA; and

WHEREAS, each Member has an obligation to satisfy ongoing obligations under SGMA and under the Cooperation Agreement, including the implementation of the Butte Subbasin GSP; and

WHEREAS, the Members have determined that cost-sharing is required to implement the Butte Subbasin GSP, consistent with Article 12 of the Cooperation Agreement; and

WHEREAS, the Members desire to cover costs of implementation of the GSP pursuant to SGMA, including costs associated with the preparation and submittal of annual reports, inter- and intra-basin coordination, technical and administrative support, and basin management; and

WHEREAS, the Members intend to execute a contract with a grant writer to assist the Members in submitting grant proposals and in securing grant funding for SGMA implementation; and

WHEREAS, the Members additionally intend to explore retaining the services of a technical consultant(s) for basin administration and GSP implementation services; and

WHEREAS, the Members intend to authorize individual Member agencies to enter into contracts on behalf of the Members consistent with Article 12 of the Butte Subbasin Cooperation Agreement.

NOW THEREFORE, in consideration of the matters recited and the mutual promises, covenants, and conditions set forth in this Amendment, the Members hereby agree to amend the Butte Subbasin Cooperation Agreement as follows:

1. **Restatement of Cooperation Agreement.** Each and every term of the Cooperation Agreement is incorporated herein by reference and restated as if fully set forth herein.
2. **Member Contributions.** Each Member shall make an annual contribution (“Member Contribution”) for the administration and implementation of the Butte Subbasin Groundwater Sustainability Plan. Each Member Contribution shall be eight thousand dollars (\$8,000) in 2022, due within 60 days of the execution of this Amendment.

Fund Administrator. Member Contributions shall be made to a Fund Administrator, who shall account for and administer the Member Contributions consistent with this Amendment, the Cooperation Agreement, and applicable law. The Fund Administrator shall be County of Butte GSA-Butte Subbasin. The Members may from time to time designate a different Fund Administrator by unanimous consent. If the Fund Administrator is a Member or a Member’s officer, employee, or department, the other Members may designate a different Fund Administrator by unanimous consent. The fund administrator will provide budget updates to the GSA Managers no less than quarterly

3. **Contracting Party Requirements.** Any and all contracts executed pursuant to this Amendment shall comply with Article 12 of the Cooperation Agreement, including the following requirements:
 - 4.1 Any and all contracts shall be drafted in a manner that reflect that consultants, vendors, or contractors hired to perform work under this Amendment are working on behalf of the Members and will be expected to work with the Members on a collective basis and with each Member on an individual basis, as needed. Such contracts shall be made enforceable by the Members, except that a Member may execute a contract on behalf of the Members as specifically provided herein. The contracts shall include appropriate indemnity and insurance provisions that comply with the Members’ requirements for contracts. In the event a Member acts as the official contracting party and executes a contract on behalf of the Members (the “Contracting Party”), the Contracting Party:
 - 4.1.1 shall comply with all applicable local, state, and federal laws, including, without limitation, the California Public Contract Code and California Labor Code;
 - 4.1.2 shall provide the other Members a reasonable opportunity to review any bids received and to review and provide input on any draft contract prior to its execution;
 - 4.1.3 shall not approve any change orders that increase the cost of the original contract by more than 10% without prior consultation and written consent of the other Members;

- 4.1.4 shall provide diligent oversight of the work conducted by any contractor, vendor, or consultant under contract executed pursuant to this Amendment; and
 - 4.1.5 shall maintain complete, accurate, and clearly identifiable records with respect to all contracts executed and provide to the other Members, upon reasonable request, all records, documents, reports, conclusions, work product, and additional information related in any way to any contract executed on behalf of the Members pursuant to this Amendment.
- 4. **Contract for Grant Writer.** The Fund Administrator shall cooperate with the Members to retain a grant writer to assist the Members in drafting and submitting grant application(s) and proposal(s).
- 5. **Contract for Technical Consultants.** The Fund Administrator shall work in cooperation with the Members to consider retaining a consultant (or consultants) to assist the Members in GSP implementation, including but not limited to the completion of annual reports pursuant to SGMA and the provision of technical services and support as needed.
- 6. **Other Contracts.** The Fund Administrator and the Members may propose additional contracts for GSP implementation and administration services as needed. No contract shall be executed on behalf of the Members without complying with this Amendment, the Cooperation Agreement, and all applicable local, state, and federal laws. This does not preclude individual GSAs from executing contracts for individual projects.
- 7. **Surplus Funds.** Any surplus funds remaining after expenditures made pursuant to this Amendment shall be maintained by the Fund Administrator and applied to the following year's balance for the duration of the Cooperation Agreement. The annual contribution for the following year shall be reduced as necessary based upon surplus funds available. In the event that the Cooperation Agreement is terminated pursuant to Article 13 of the Cooperation Agreement, surplus funds shall be returned to the Members.
- 8. **Additional Cost Allocations.** Nothing in this Amendment shall be construed as a limitation on the right of the Members to agree to other and further cost allocations as may be necessary to cover GSP implementation and administration costs.
- 9. **Responsibility for Expenditures.** If expenditures made pursuant to this Amendment exceed the total amount of Member Contributions collected, each Member shall be responsible for a pro-rata share of that year's expenditures made pursuant to this Amendment, less any Member Contribution collected from the Member. The Fund Administrator shall notify the Members of amounts due pursuant to this paragraph prior to exceedance. No expenditures in excess of budget or contract shall be authorized or

paid without approval of the Members. Members shall pay the amounts due within sixty 60 days.

10. **Representation.** The undersigned representatives warrant and represent that they are fully authorized and empowered to execute this Amendment on behalf of their respective Members. The undersigned representatives further warrant that they have attained any necessary approvals required by each Member's governing body or designee pursuant to that Member's contract approval procedures.

IN WITNESS WHEREOF, the parties hereto, pursuant to resolutions duly and regularly adopted by their respective governing boards, have caused their names to be affixed by their proper and respective officers as of the date of execution of this Amendment.

By: _____ Date: _____
Chair of the Board of Directors, Biggs West Gridley Water District

By: _____ Date: _____
Chair of the Board of Directors, Butte Water District

By: _____ Date: _____
Mayor, City of Biggs

By: _____ Date: _____
Mayor, City of Gridley

By: _____ Date: _____
Chair of the Board of Directors, Colusa Groundwater Authority

By: _____ Date: _____
Board of Supervisors Chair, County of Butte

By: _____ Date: _____
Board of Supervisors Chair, County of Glenn

By:_____ Date:_____
Chair of the Board of Trustees, Reclamation District 1004

By:_____ Date:_____
Chair of the Board of Trustees, Reclamation District 2106

By:_____ Date:_____
Chair of the Board of Directors, Richvale Irrigation District

By:_____ Date:_____
Chair of the Board of Directors, Western Canal Water District