

1 INTRODUCTION

This document, the Creekside Estates Focused Environmental Impact Report (EIR), has been prepared in accordance with the California Environmental Quality Act of 1970, Pub. Res. Code §§ 21000-21178, as amended (CEQA) and the Guidelines for Implementation of the California Environmental Quality Act, Cal. Code Regs. Title 14, §§ 15000-15387 (CEQA Guidelines).

A Public Draft Initial Study and Proposed Mitigated Negative Declaration for the Creekside Estates Tentative Subdivision Map TSM 18-0001 was prepared and finalized on August 23, 2019. A Public Hearing to review the Initial Study was held on August 13 2019. The Butte County Planning Division and the Planning Commission recommended preparation of an Environmental Impact Report due to public concerns and questions about information regarding certain aspects of the project design and potential for environmental impacts.

1.1 SCOPE OF THE ENVIRONMENTAL ASSESSMENT

The scope of the environmental assessment was determined by the Butte County Planning Division based on their review and public comments on the draft Initial Study. The EIR was focused on the areas of the environment in which there were questions concerning the adequacy of the information presented in the draft Initial Study.

1.1.1 *IMPACTS NOT FOUND TO BE SIGNIFICANT*

Sufficient information was found during the preparation of the Initial Study to determine that there were no adverse impacts in the following areas of the CEQA checklist: Aesthetics, Geologic Processes, Mineral Resources, Population and Housing, Public Services, and Recreation.

Impacts found to be less than significant with the adoption of mitigation measures designed to reduce the impacts, were found in the areas of Air Quality, Biological Resources, Cultural Resources, Greenhouse Gases, Hydrology, Noise, Traffic and Transportation Systems, and Utilities and Service Systems. The following mitigation measures were recommended in the draft Initial Study.

Mitigation Measure AIR-1: Construction Requirements.

Consistent with the guidance from the BCAQMD, the project applicant shall implement the following measures during construction of the project.

- Maintain all construction equipment in proper tune according to manufacturer's specifications.
- To the extent feasible, maximize the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines.
- Water shall be applied by means of truck(s), hoses and/or sprinklers as needed prior to any land clearing or earth movement to minimize dust emission.
- Haul vehicles transporting soil into or out the property shall be covered.

- A water truck shall be on site at all times. Water shall be applied to disturbed areas a minimum of 2 times per day or more as necessary.
- On-site vehicles limited to a speed (15 mph) which minimizes dust emissions on unpaved roads.
- Post a 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 District Rule 200 & 205.
- Vehicles entering or exiting construction areas shall travel at a speed which minimizes dust emissions.
- Construction workers shall park in designated parking areas.
- Soil pile surfaces shall be moistened if dust is being emitted from the pile(s).
- Limit dust producing construction activities during wind events exceeding 15 mph.

Plan Requirements: The Butte County Department of Development Services and Department of Public Works shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. The contractor(s) shall be responsible for implementing the above mitigation conditions.

Timing: Measures a-k, above, shall be enforced through all construction activities. Measure 1, above, shall be enforced over the life of the project.

Monitoring: The Building Division of Butte County Department of Development Services and the inspection staff shall monitor this condition for compliance. Violations of District Rules shall be reported to BCAQMD immediately.

Significance after Mitigation: Implementation of this measure will reduce construction impacts to a level which would not violate air quality standards.

Mitigation Measure BIO-1

If the project will include vegetation removal (including grasses) or earthwork of any kind during the nesting season (February 1 through August 31), CDFW recommends a pre-construction nesting bird survey be conducted by a qualified biologist to identify the absence or presence of active (i.e. with eggs or young) nests. The survey area should include the project site and a minimum 300-foot buffer around the project site. To minimize the chance of nests becoming established between the time the survey is conducted and when construction begins, CDFW recommends the preconstruction survey be conducted no more than three (3) days before the start of vegetation removal and/or ground disturbing activities. Please also note that Fish and Game Code section 3503 protects the nests and eggs of all birds, not just migratory birds and birds of prey. If active nests are observed during the pre-construction survey a species-appropriate no-disturbance buffer should be established to protect the active nest. Nesting birds' tolerance of disturbance varies greatly depending on species, intensity of disturbance, whether the

nesting pair is accustomed to disturbance, the location of the nest, the stage of development of nestlings, etc. Disturbance too close to the nest may impact the parents' ability to forage effectively and reduce nestlings' chances of survival. In some cases, disturbance can cause the parents to abandon the nest completely. For these reasons the size of the no-disturbance buffer should be determined by the qualified biologist. CDFW is available to provide comments and feedback on nesting bird avoidance strategies if desired. However, it should be noted that CDFW cannot guarantee that any specific buffer width will be sufficient to completely avoid take in any given situation, and therefore CDFW cannot approve or disapprove specific buffer proposals.

Plan Requirements: Perform protocol-level surveys for migratory birds protected by the California Department Fish & Game Code and the Migratory Bird Treaty Act. This measure shall be recorded on an additional map sheet to the Parcel Map.

Timing: Requirements of the condition shall be adhered to prior to and during construction activities planned to occur during nesting seasons for CDFC and MBTA species (between February 1 and August 31).

Monitoring: The Butte County Department of Development Services and the Public Works Department shall ensure that the note is recorded on an additional map sheet of the Parcel Map. Department of Development Services shall ensure the condition is met at the time of construction activities.

Mitigation Measure BIO-2

Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: "Any ground disturbance or vegetation removal within the project area should be conducted during the non-breeding season (September 16 through February 28). If construction activities occur during the breeding season (March 1-September 15) then a pre-construction raptor survey will be conducted by a qualified biologist to identify any active Swainson's hawk nests within and in the vicinity of the BSA. The pre-construction survey will take place in accessible areas within a 0.5-mile radius of the area where construction activities would occur. The required survey radius may be reduced on a case-by-case basis if approved by CDFW, but in no case will be less than 500 feet. At least one survey will be conducted no more than one week prior to the initiation of construction. If no active nests are located, no further measures are necessary to avoid impacts to Swainson's hawk nests. If active nests are identified, the following measures will be implemented:

1. A no-disturbance buffer zone will be established around the nest. The width of the buffer will be determined by a qualified biologist in coordination with CDFW. Determination of the required width will consider the distance of the nest from construction activities, existing level of disturbance, etc.
2. A qualified biologist will monitor active nests within 500 feet (or the width of the buffer zone) of construction activities. The first monitoring event will coincide with the initial implementation of construction activities and monitoring will continue at least once a week until the young have fledged. If the biologist determines that construction is disturbing the birds and nest failure is possible, CDFW will be notified immediately. Measures to avoid nest failure will be implemented

in coordination with CDFW and may include halting some or all construction activities until the young have fledged. For monitored nest sites, a monitoring report will be submitted to CDFW within two weeks after termination of monitoring activities.

Plan Requirements: The above referenced mitigation shall be placed on a separate document which is to be recorded concurrently with the final map or an additional map sheet.

Timing: Requirements of the condition shall be adhered to prior to construction activities.

Monitoring: The Butte County Department of Development Services and the Public Works Department shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. Department of Development Services shall ensure the condition is met at the time of development and during construction activities.

Mitigation Measure CUL-1: Cultural Resource Protection.

Place a note on a separate document, which is to be recorded concurrently with the Final Map or on an additional map sheet and on all building and site development plans, that includes the following:

The project engineer shall create a map of based on the Jensen and Associates 1991 Cultural Resources Report that indicates the area of the prehistoric site of potential historical significance with a 100-foot buffer and labeled "Environmentally Sensitive Area." No ground- disturbing work shall be allowed within this area.

The note shall include the following language: "A qualified archaeological monitor shall be hired and be present to inspect all ground-breaking activities including tree removal. Should grading activities reveal the presence or prehistoric or historic cultural resources (i.e. artifact concentrations, including arrowheads and other stone tools or chipping debris, cans glass, etc.; structural remains; human skeletal remains) work within 50 feet of the find shall immediately cease until a qualified professional archaeologist can be consulted to evaluate the find and implement appropriate mitigation procedures. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner. Should the County Coroner determine that the remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State law, to arrange for Native American participation in determining the disposition of any remains." The provisions of this note shall be followed during construction of all subdivision improvements, including land clearing, road construction, utility installation, and building site development.

Plan Requirements: This note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and shall be shown on all site development and building plans.

Timing: This measure shall be implemented during all site development activities involving ground disturbance.

Monitoring: Should cultural resources be discovered, the landowner shall notify the Planning Division and a professional archaeologist. The Planning Division shall coordinate with the developer and

appropriate authorities to avoid damage to cultural resources and determine appropriate action. State law requires the reporting of any human remains.

Significance after Mitigation: Implementation of this measure will reduce construction impacts to a level which would not exceed thresholds of significance for the protection of natural resources.

Mitigation Measure GHG-1: Greenhouse Gases Construction Codes.

The project applicant shall incorporate the following measures into project design and construction:

- Support expansion of renewable energy systems. Prewire all new residential development to support photovoltaic system installation;
- Support efficiency in vehicles and landscaping equipment. Install electrical vehicle outlets on external walls or in garages in all new residential development;
- Install electrical vehicle outlets on external walls or in garages in all new residential development. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than 3 minute. Use clean or alternative fuel equipment;
- Construction of the proposed project shall utilize recycled-content construction materials to the extent feasible;
- Project design shall comply with the Green Building Standards adopted by the California Standards Commission at the time of building permit application, including requirements about low- or no-toxicity building materials;
- The project shall meet all appropriate green planning standards; and
- The project design shall maximize energy efficiency and meet the guidelines of the California Energy Star New Homes Program and demonstrate detailed energy conservation measures.

Plan Requirements: The Building Division of Butte County Department of Development Services and Department of Public Works shall ensure that a note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet.

Timing: Pre-construction, Construction.

Monitoring: The Building Division of the Butte County Department of Development Services and Department of Public Works shall ensure that the above mitigation conditions are met before a building permit is approved and shall verify compliance through their inspection processes.

Significance after Mitigation: Implementation of this measure will comply with the requirements for reduction of greenhouse gases to the extent feasible.

Mitigation Measure HYD-1: Drainage Plans.

Prior to recordation of the Final Map, a plan for a permanent solution for drainage shall be submitted to and approved by the Department of Public Works. The drainage plans shall detail existing drainage conditions and shall specify how drainage waters shall be detained or retained onsite. If storm drainage facilities serve new public roads, the developer must complete the formation of a County Service Area (CSA), Zone of Benefit within a Permanent Road Division (PRD), or other Department of Public Works approved entity prior to recordation of the Final Map. The formation process will require the developer to fund the service until the beginning of the first fiscal year in which service charges can be collected and agree to an annual maximum service charge to ensure continued operation of the facilities.

Plan Requirements: Submit drainage plans and calculations to the Department of Public Works for review and approval.

Timing: The drainage plan shall be submitted and approved prior to approval of the improvement plans, and the required drainage improvements constructed or bonded for construction prior to recordation of the Final Map.

Monitoring: The Department of Public Works shall ensure that the required plan is submitted and ensure that the drainage improvements are constructed or bonded for construction prior to recordation of the Final Map.

Mitigation Measure NOI-1: Construction Timing and Limitations.

Butte County Code §41A-9(F) allows the following regarding construction noise: Noise sources associated with construction, repair, remodeling, demolition, paving or grading of any real property or public works project located within one thousand (1,000) feet of residential uses, provided said activities do not take place between the following hours:

- • Sunset to sunrise on weekdays and non-holidays;
- • Friday commencing at 6:00 p.m. through and including 8:00 a.m. on Saturday, as well as not before 8:00 a.m. on holidays;
- • Saturday commencing at 6:00 p.m. through and including 10:00 a.m. on Sunday; and,
- • Sunday after the hour of 6:00 p.m.

Construction activities shall be limited to the times excluding those listed above with no construction activity on Sundays or holidays. The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained. When feasible, existing power sources, such as power poles, or clean fuel generators should be used, rather than temporary power generators. Minimize idling time to 10 minutes.

Plan Requirements: This note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and shall be shown on all site development and building plans.

Timing: The mitigation shall be applicable during all construction activities.

Monitoring: The developer and the construction foreman shall be responsible for ensuring compliance with this mitigation and shall respond to all complaints of noise. The Code of Enforcement Division of the Department of Development Services shall investigate all complaints of excess construction-related noise.

Significance after Mitigation: Implementation of this measure will reduce constructions noise impacts to a level of less than significant.

Mitigation Measure TT-1: Line of Sight Maintenance.

Areas within the line of sight along Durham- Dayton Highway, which extends 25 feet south of the edge of the pavement, must be kept clear of vegetation, signage, and other obstacles to maintain the adequate sight distance.

Plan Requirements: This note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and shall be shown on all site development and building plans.

Timing: Construction, Post-construction.

Monitoring: The Butte County Department of Development Services and Department of Public Works.

Mitigation Measure TT-2: Signage and Shoulder to Minimize Conflicts with Farm Equipment.

Provide signage indicating “turning vehicles” near access points and tractor symbol signage.

Plan Requirements: The Building Division of Butte County Department of Development Services and Department of Public Works shall ensure that a note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet.

Timing: Pre-Construction, Construction

Monitoring: The Building Division of the Butte County Department of Development Services and Department of Public Works shall ensure that the above mitigation conditions shall verify compliance through their inspection processes.

Mitigation Measure Util-1: Formation of a Community Services District.

Prior to recording of the Final Map, the project proponent shall, on terms and conditions acceptable to the Butte County Department of Development Services and Butte County Director of Public Works, ensure formation of a Community Service District pursuant to the requirements of Butte Local Agency Formation Commission and the Durham Dayton Nelson Plan Urban Reserve Policy to own, maintain, operate, and inspect the following subdivision improvements and amenities:

- Pedestrian/bike paths; and

- Street lighting

The Board of Supervisors will be and will remain the Board of Directors of the CSD until such time as 50% of the completed residences have been sold to future residents.

Plan Requirements: Formation of a Community Services District.

Timing: Prior to recording of Final Map Project Name: Creekside Estates Subdivision.

Monitoring: Butte County Department of Public Works.

The Project Proponents have modified the project design, wherever possible, to incorporate the mitigations detailed in the draft Initial Study to minimize impacts.

1.1.2 *POTENTIALLY SIGNIFICANT IMPACTS*

The Butte County Planning Division found that there were potentially significant impacts requiring further analysis in an EIR in the areas of Agricultural Resources, Air Quality and Greenhouse Gas Emissions, Hydrology, Land Use and Planning, Public Services and Transportation and Traffic. These are the areas that are the focus of this EIR.

1.1.3 *POTENTIAL AREAS OF CONTROVERSY*

Potential areas of controversy is loss of agricultural land and traffic. Many residents of Durham have chosen to live there because of they enjoy the rural nature of the area and dislike development projects in their community that could change that rural character. Many of the local residents are farmers with strong concerns and emotions about the loss of farmland that has been occurring statewide over the past several decades.

1.2 LEAD, RESPONSIBLE AND TRUSTEE AGENCIES

The County of Butte is the Lead Agency for environmental review of the project and will be the primary agency responsible for its approval. California Department of Fish & Wildlife and Caltrans are Trustee Agencies.

1.3 ENVIRONMENTAL REVIEW PROCESS

1.3.1 *NOTICE OF PREPARATION*

A Notice of Preparation for this EIR was prepared and filed with the State Clearinghouse by the Lead Agency (County of Butte) on August 20, 2019 (see Appendix).