City of Wheatland
General Plan

Final Environmental Impact Report

May, 2006

Prepared by:

Raney Planning & Management, Inc.

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1.0 INTRODUCTION AND LIST OF COMMENTERS

Introduction

This Final Environmental Impact Report (FEIR) contains public and agency comments received during the public review period of the Wheatland General Plan Update Draft Environmental Impact Report (DEIR). This document has been prepared by the City of Wheatland in accordance with the California Environmental Quality Act (CEQA).

Background

A Notice of Preparation (NOP) for the DEIR was released June 28, 2005 for a 30-day review period. The comments received from the NOP were addressed in the Wheatland General Plan Update DEIR. The Wheatland General Plan Update DEIR is an informational document intended to disclose the environmental consequences of approving and implementing the Wheatland General Plan Update. All written comments regarding the project and received during the 45-day DEIR public review period (December 23, 2005 to February 6, 2006) are addressed in this FEIR.

Summary of Text Changes

Chapter 2, Revisions to the DEIR Text, identifies all changes to the DEIR. These changes are the result of either staff-initiated changes or in response to comments on the DEIR made by the public during the public review period. The changes do not result in changes to the environmental analysis conducted in the EIR.

Responses to Comments

Responses to comments received on the DEIR during the public comment period are presented in Chapter 3, Comments and Responses. Each comment letter received has been numbered at the top and then bracketed to indicate how the letter has been divided into individual comments. Each comment is given a number with the letter number appearing first, followed by the comment number. For example, the first comment in Letter 1 would have the following format: 1-1. The bracketed letter precedes responses to the letter's comments in Chapter 3 of the FEIR.

List of Commenters

Comments on the Draft EIR for the Wheatland General Plan Update were received during public comment period between December 23, 2005 and February 6, 2006.

Written Comments

State/Local Organizations

1. Phillip A. Frantz, P.E. Associate Civil Engineer,
Placer County Community Development Resource Agency 3-2
2. Doug Libby, AICP, Senior Planner,
Sutter County Community Services Department 3-4
3. Denis J. O'Bryant, Acting Assistant Director,
California Department of Conservation, Division of Land Resource Protection. 3-8
4. Sandra Morey, Regional Manager,
California Department of Fish and Game 3-11
5. Terry Roberts, Director, Governor's Office of Planning and Research,
State Clearinghouse Planning Unit 3-18
6. William A. Davis, Acting Chief,
Department of Transportation 3-21
7. Mike Mirmazaheri, Chief,
Department of Water Resources, Floodway Protection Section 3-31

Private Sector/Individual Commenters

8. Brigit S. Barnes,
Brigit S. Barnes & Associates, Inc. 3-33
9. Lee Bastien,
Resident 3-43
10. Thomas W. Eres,
Office of Thomas W. Eres Attorney at Law. 3-52
11. Gregory M. Guth,
Klinedinst Attorneys at Law. 3-59
12. Kathleen R. O'Connor,
Landowner/Orchardist (dated February 2, 2006) 3-72
13. Kathleen R. O'Connor,
Landowner/Orchardist (dated February 6, 2006) 3-82
14. Craig M. Sandberg,
Law Offices of Sandberg, Lo Duca & Aland, LLP. 3-111
15. Marilyn B. Waltz,
Landowner. 3-115

Verbal Comments

Private Sector/Individual Commenters

16. Thomas W. Eres,
Office of Thomas W. Eres Attorney at Law. 3-120

2.0 REVISIONS TO THE DEIR TEXT

INTRODUCTION

This chapter presents all of the revisions made to the DEIR as a result of either staff-initiated changes or in response to comments received. New text is double underlined and deleted text is struck through. Text changes are presented in the page order in which they appear in the DEIR. The revisions identified below result in no changes to the environmental effects of the Wheatland General Plan Update as currently evaluated in the Wheatland General Plan Update Project DEIR.

TEXT CHANGES

NOTE: New text is double underlined; deleted text is struck through.

2.0 EXECUTIVE SUMMARY

A typographical error on Page 2-2, fourth paragraph, first sentence is hereby revised to read:

> The EIR concludes that the change in visual character of Wheatland ~~doe~~ due to implementation of the General Plan Update would be a *significant* impact because feasible mitigation measures to not exist to reduce the impact to a *less-than-significant* level.

A typographical error in the text of Goal 1.C, which appears on pages 2-17, 2-27, 4.3-9 and 4.3-20 is hereby revised to read:

> Goal 1.C To provide for ~~now~~ new residential development in planned neighborhoods to be developed in an orderly style and designed to promote walking, bicycling, and transit use.

A typographical error in the text of Policy 1.C.4, which appears on pages 2-18, 2-29, 4.3-9 and 4.3-20 is hereby revised to read:

> g. Distribution and location of neighborhood commercial centers, parks, schools, child care centers, and other ~~public and~~ public and quasi-public facilities.

In addition, Table 2-1 of the DEIR is hereby amended according to the revisions:

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		4.1 Aesthetics	
4.1-1 Development associated with the proposed General Plan Update would have substantial adverse impacts on scenic vistas and natural resources within the City of Wheatland.	LTS	**Proposed General Plan Update** Goal 1.J To maintain and enhance the quality of Wheatland's major travel corridors, city entrances, landscape, and streetscape. Policy1.J.5. The City shall promote efforts to improve the visual quality of entrances to Wheatland and to Downtown. Goal 8.D To preserve and enhance open space lands to maintain the natural resources of the Wheatland area. Policy 8.D.1. The City shall support the preservation and enhancement of natural landforms, natural vegetation, and natural resources as open space to the maximum extent feasible. Policy 8.D.4. The City shall support the maintenance of open space and natural areas that are interconnected and of sufficient size to protect biodiversity, accommodate wildlife movement, and sustain ecosystems. Policy 8.D.5. The City shall encourage the development of natural open space areas in regional, community, and neighborhood parks. Policy 8.D.7. The City shall plan and establish natural open space parkland as a part of the overall City park system. **Mitigation Measures** *None Required.*	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
4.1-2 Development associated with the proposed General Plan Update would substantially damage scenic resources.	LTS	**Proposed General Plan Update** Goal 1.J To maintain and enhance the quality of Wheatland's major travel corridors, city entrances, landscape, and streetscape Policy1.J.2. The City shall encourage increased building setbacks and wider landscape areas along major corridors. Policy1.J.6. The City shall work with state highway officials concerning landscaping maintenance of state highway property. Goal 8.C To preserve and protect the valuable vegetation resources of the Wheatland area. Policy 8.C.2. The City shall support the preservation of outstanding areas of natural vegetation, including, but not limited to, oak woodlands and riparian areas. Policy 8.C.3. The City shall require that new development preserve natural woodlands to the maximum extent possible. Policy 8.C.4. The City shall encourage the planting of native trees, shrubs, and grasslands in order to preserve the visual integrity of the landscape, provide habitat conditions suitable for native wildlife, and ensure that a maximum number and variety of well-adapted plants are maintained. Goal 8.D To preserve and enhance open space lands to maintain the natural resources of the Wheatland area.	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Policy 8.D.1. The City shall, where appropriate, permanently protect as open space areas of natural resource value, including wetlands preserves, riparian corridors, woodlands, and floodplains. Policy 8.D.3. The City shall require that new development be designed and constructed to preserve significant stands of vegetation and any areas of special ecological significance as open space to the maximum extent feasible. **Mitigation Measures** *None Required.*	
4.1-3 Development associated with the proposed General Plan Update would not substantially degrade the existing visual character or quality of the City or its surroundings.	S	**Proposed General Plan Update** Goal 1.A To grow in an orderly pattern consistent with economic, social and environmental needs, while preserving Wheatland's small town character, and historic significance. Policy 1.A.1. The City shall strive to preserve Wheatland's traditional small-town qualities and historic heritage, while expanding its residential and employment base. Goal 1.B To accommodate the housing needs of all income groups expected to reside in Wheatland. Policy 1.B.1. The City shall require residential project design to reflect and consider natural features, noise exposure of residents, visibility of structures, circulation, access, and the relation-	SU

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***		***Level of Significance after Mitigation***
			ship of the project to surrounding uses. Residential densities and lot patterns will be determined by these and other factors.	
		Goal 1.E	To designate adequate commercial land for development of local and regional commercial uses compatible with surrounding land uses, that will meet the present and future needs of Wheatland residents and visitors, and enhance Wheatland's economic vitality.	
		Policy 1.E.6.	The City shall require new commercial development to be designed to minimize the visual impact of parking areas on public roadways.	
		Goal 1.J	To maintain and enhance the quality of Wheatland's major travel corridors, city entrances, landscape, and streetscape	
		Policy1.J.1.	New development within major transportation corridors must comply with the following minimum building requirements: a. All outdoor storage of goods, materials, and equipment, and loading docks areas shall be screened from major roadways. b. Developments with multiple buildings should have a uniform design theme and sign program. c. Earth tones shall be used as the dominant color; colors such as white, black, blue, and red should be used as	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		accents. Building surfaces should have color schemes that reduce their apparent size. d. Metal buildings will be allowed only with enhanced architectural and landscaping treatment (such as use of trim bands, wing walls, parapets, and reveals). e. All exterior elevations visible from major roadways should have architectural treatment to alleviate long void surfaces. This can be accomplished through varying setbacks, breaking buildings into segments, pitched roof elements, columns, indentations, patios, and incorporating landscaping into architectural design Policy 1.J.2. The City shall encourage increased building setbacks and wider landscape areas along major corridors. Policy 1.J.3. The City shall require that all new development incorporate the planting of trees and other vegetation that extends the vegetation pattern of older adjacent neighborhoods into new development. Policy1.J.4. As a condition of the approval of larger development projects, the City shall require establishment of funding mechanisms for the ongoing maintenance of street trees and landscape strips. The City shall explore the potential for putting all new development in a master landscape and lighting district for maintenance of street trees and land-scape strips.	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact		***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
			Mitigation Measures *None Feasible.*	
4.1-4	Development associated with the proposed General Plan Update would create new sources of substantial light and glare that would adversely affect day or nighttime views in the City of Wheatland.	LTS	**Proposed General Plan Update** Goal 1.E To designate adequate commercial land for development of local and regional commercial uses compatible with surrounding land uses, that will meet the present and future needs of Wheatland residents and visitors, and enhance Wheatland's economic vitality. Policy 1.E.7. New commercial development adjacent to residential development shall provide buffers from noise, trespassing, lighting, or other annoyances, through methods such as landscaping or fencing. **Mitigation Measures** *None Required.*	N/A
4.2 Agricultural Resources				
4.2-1	Development associated with the proposed General Plan Update would convert Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to non-agricultural use.	S	**Proposed General Plan Update** Goal 1.I To maintain the productivity and minimize developments affects on agricultural lands surrounding Wheatland. Policy 1.I.1. The City shall discourage leapfrog development and development in peninsulas extending into agricultural lands to avoid adverse effects on agricultural operations. Policy 1.I.2. The City shall support the local agricultural economy by encouraging the location of agricultural support industries in the city, establishing and promoting marketing of local farm products, exploring economic incentives, and support	SU

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		for continuing agricultural uses adjacent to the city, and providing its fair share of adequate housing to meet the needs of agricultural labor. Policy 1.I.3. The City shall promote good neighbor policy between residential property owners and adjacent farming operations by supporting the right of the farmers and ranchers to conduct agricultural operations in compliance with state laws. **Mitigation Measures** *None Feasible.*	
4.2-2 Development associated with the proposed General Plan Update would conflict with existing zoning for agricultural use.	S	**Proposed General Plan Update** Goal 1.A To grow in an orderly pattern consistent with economic, social and environmental needs, while preserving Wheatland's small town character, and historic significance. Policy 1.A.8. The City shall establish a Memorandum of Understanding with Yuba County in order to maintain agricultural preservation zoning on farmland surrounding the city. **Mitigation Measures** *None Feasible.*	SU
4.2-3 Development associated with the proposed General Plan Update would not conflict with the Williamson Act contract.	NI	**Proposed General Plan Update** *N/A* **Mitigation Measures** *None Required.*	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
4.2-4 Development associated with the proposed General Plan Update would involve other changes in the existing environment, which could result in conversion of Farmland to non-agricultural use.	S	**Proposed General Plan Update** Goal 1.H To maintain land as Urban Reserve for consideration for future development. Policy 1.H.1. No urban development of Urban Reserve areas will be permitted without a General Plan amendment. No General Plan amendment will be considered without an analysis that includes the factors listed in Policy 1.H.2. Policy 1.H.2. The City shall, when deemed necessary, consider the appropriateness of development of Urban Reserve lands based upon the following factors: a) Possible location and mix of land uses; b) Implications for overall community form and relationship to the existing community and Downtown Wheatland; c) Flooding and drainage implications; d) Market feasibility of development in this area, including the expected rate of absorption; e) Availability of water supply; f) Consideration of circulation patterns and improvements;	SU

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		g) Effect on and compatibility with existing City infrastructure (e.g., wastewater treatment plant); h) Implications of providing law enforcement and fire protection services; i) Potential impacts on sensitive biological resources; j) Noise contour implications of Beale Air Force Base. **Mitigation Measures** *None Feasible.*	
		4.3 Air Quality	
4.3-1 Increased Potential for Air Quality Land Use Conflicts.	PS	**Proposed General Plan Update** Goal 1.C To provide for new ~~now~~ residential development in planned neighborhoods to be developed in an orderly style and designed to promote walking, bicycling, and transit use. Policy l.C.4. The City shall require that development plans for new residential neighborhoods address the following: a. The distribution, location, and extent of land uses, including standards for land use intensity. b. Compatibility of new development with adjacent existing and proposed development. c. Provision of a range of housing types to ensure socially and economically-integrated neighborhoods. d. Distribution and location of roadways, including	LTS

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		design standards for and the precise alignment of arterial, collector, and local streets, and bikeways. e. Provisions for the extension of the existing city roadway system into new development areas. New development shall be linked to adjacent existing neighborhoods and planned neighborhoods by collector and local streets. f. Provisions for adequate schools and child care facilities. g. Distribution and location of neighborhood commercial centers, parks, schools, child care centers, and other public- and quasi-public facilities. h. Provisions for linking residential neighborhoods, parks, schools, Downtown, shopping areas, and employment centers through a system of pedestrian pathways, bicycle routes, and linear open-space corridors along sloughs, Dry Creek, and the Bear River. i. Provisions for development phasing to ensure orderly and contiguous development consistent with population projections of the General Plan, and Policy 1.A.4. j. Provisions for minimizing conflicts between new development and agricultural uses. Goal 1.G To support development of employment uses to meet the present and future needs of Wheatland residents for jobs and to maintain Wheatland's economic vitality.	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Policy l.G.2. The City shall only approve new employment development that has adequate infrastructure and services. Employment development shall be required to provide sufficient buffering from residential areas to avoid impacts associated with noise, odors and the potential release of hazardous materials. Policy 1.G.7. The City shall ensure that intensive industrial or manufacturing uses are located in areas compatible with adjacent use. Goal 1.I To maintain the productivity and minimize developments affects on agricultural lands surrounding Wheatland. Policy 1.I.1. The City shall discourage leapfrog development and development in peninsulas extending into agricultural lands to avoid adverse effects on agricultural operations. Policy 1.I.2. The City shall require residential development within or adjacent to agricultural areas to provide a buffer in order to minimize conflicts with adjacent agricultural uses. Policy 1.I.4. The City shall promote good neighbor policy between residential property owners and adjacent fanning operations by supporting the right of farmers and ranchers to conduct agricultural operations in compliance with state laws.	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Mitigation Measures *4.3-1* *Add to Policy I.C.4 the following:* *k. Provisions for minimizing the exposure of residences, schools, childcare facilities and other sensitive receptors to mobile source Toxic Air Contaminants from major traffic sources.* l. *The City shall consider the recommendations of the Air Quality and Land Use Handbook (April 2005) in reviewing new development projects.*	
4.3-2 Changes in Local Carbon Monoxide Levels.	LTS	**Proposed General Plan Update** Goal 2A To provide for the long-range planning and development of the City's roadway system to ensure the safe and efficient movement of people and goods. Policy 2.A.2. The City shall develop and manage its roadway system to maintain LOS "C" or better on all roadways, except within one-quarter mile of state highways. In these areas, the City shall strive to maintain LOS " D" or better. Policy 2.A.3. The City shall identify economic, design and planning solutions to improve existing levels-of-service currently below the LOS specified above. Where physical mitigation is infeasible, the City shall consider developing programs that enhance alternative access or otherwise minimize travel demand. Policy 2.A.5. The City shall strive to meet the level of service standards	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		through a balanced transportation system that provides alternatives to the automobile and by promoting pedestrian, bicycle, and transit connections between employment areas and major residential and commercial areas. Policy 2.A.6. The City shall require an analysis of the effects of traffic from proposed major development projects. Each such project shall construct or fund improvements necessary to mitigate the effects of traffic from the project. Such improvements may include a fair share of improvements that provide benefits to others. Policy 2.A.11. The City shall ensure that highways and arterial streets within its jurisdiction provide for the efficient flow of traffic. Therefore, the following shall be undertaken: • Minimize the number of intersections along arterials. • Reduce curb cuts along arterials through the use of common access easements, backup lots and other design measures. • Provide grade separations at all major railroad crossings with arterials, except for an at-grade crossing of the major arterial in the north. • Extend arterials over waterways, railroads and through developed and undeveloped areas to provide for the continuous flow of through traffic and appropriate area access.	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Mitigation Measures *None Required.*	
4.3-3 Construction activities associated with buildout of the General Plan Update study area.	PS	**Proposed General Plan Update** *N/A* **Mitigation Measures** *4.3-3(a) Implement the FRAQMD Fugitive Dust Control Plan, which may be downloaded at http://www.fraqmd.org/PlanningTools.htm.* • *All grading operations on a project should be suspended when winds exceed 20 miles per hour or when winds carry dust beyond the property line despite implementation of all feasible dust control measures.* • *Construction sites shall be watered as directed by the Department of Public Works or Air Quality Management District and as necessary to prevent fugitive dust violations.* • *An operational water truck should be onsite at all times. Apply water to control dust as needed to prevent visible emissions violations and offsite dust impacts.* • *Onsite dirt piles or other stockpiled particulate matter should be covered, wind breaks installed, and water and/or soil stabilizers employed to reduce wind blown dust emissions. Incorporate the use of approved non-toxic soil stabilizers according to manufacturer's specifications to all inactive construction areas.*	~~LTS~~SU

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		• *All transfer processes involving a free fall of soil or other particulate matter shall be operated in such a manner as to minimize the free fall distance and fugitive dust emissions.* • *Apply approved chemical soil stabilizers according to the manufacturers' specifications, to all-inactive construction areas (previously graded areas that remain inactive for 96 hours) including unpaved roads and employee/equipment parking areas.* • *To prevent track-out, wheel washers should be installed where project vehicles and/or equipment exit onto paved streets from unpaved roads. Vehicles and/or equipment shall be washed prior to each trip. Alternatively, a gravel bed may be installed as appropriate at vehicle/equipment site exit points to effectively remove soil buildup on tires and tracks to prevent/diminish track-out.* • *Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the project site.* • *Provide temporary traffic control as needed during all phases of construction to improve traffic flow, as deemed appropriate by the Department of Public Works and/or Caltrans and to reduce vehicle dust emissions. An effective measure is to enforce vehicle traffic speeds at or below 15 mph.* • *Reduce traffic speeds on all unpaved surfaces to 15 miles per hour or less and reduce unnecessary vehicle*	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		traffic by restricting access. Provide appropriate training, onsite enforcement, and signage. • *Reestablish ground cover on the construction site as soon as possible and prior to final occupancy, through seeding and watering.* • *Disposal by Burning: Open burning is yet another source of fugitive gas and particulate emissions and shall be prohibited at the project site. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (trash, demolition debris, et. al.) may be conducted at the project site. Vegetative wastes should be chipped or delivered to waste to energy facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials offsite for disposal by open burning.* *4.3-3(b)* *Prior to construction activities, the project applicant shall assemble a comprehensive inventory list (i.e. make, model, engine year, horsepower, emission rates) of all heavy-duty off-road (portable and mobile) equipment (50 horsepower and greater) that will be used an aggregate of 40 or more hours for the construction project* ~~*and apply the following mitigation measure:*~~*.* *4.3-3(c)* *Prior to construction activities, the project applicant shall provide a plan for approval by FRAQMD demonstrating that the heavy-duty (equal to or greater than 50 horsepower) off-road equipment to be used in the*	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***		***Level of Significance after Mitigation***
			construction project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at time of construction. A Construction Mitigation Calculator (MS Excel) may be downloaded from the SMAQMD web site to perform the fleet average evaluation http://www.airquality.org/ceqa/index.shtml.	
		4.3-3(d)	*During construction, the project contractor shall regulate construction equipment exhaust emissions, as to not exceed FRAQMD Regulation III, Rule 3.0, Visible Emissions limitations (40 percent opacity or Ringelmann 2.0). Operators of vehicles and equipment found to exceed opacity limits shall take action to repair the equipment within 72 hours or remove the equipment from service. Failure to comply may result in a Notice of Violation.*	
		4.3-3(e)	*During construction, the project contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained.*	
		4.3-3(f)	*During construction, the project contractor shall regulate construction vehicles to minimize idling time to 10 minutes.*	
		4.3-3(g)	*During construction, the project contractor shall ensure that an operational water truck is onsite at all times. Apply water to control dust as needed to prevent dust impacts offsite.*	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		4.3-3(h) *During construction, the project contractor shall utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators.*	
		4.3-3(i) *During construction, the project contractor shall develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.*	
		4.3-3(j) *During construction, the project contractor shall ensure that no open burning of removed vegetation occurs during infrastructure improvements. Vegetative material should be chipped or delivered to waste to energy facilities.*	
		4.3-3(k) *Portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, may require California Air Resources Board (ARB) Portable Equipment Registration with the State or a local district permit. The owner/operator shall be responsible for arranging appropriate consultations with the ARB or the District to determine registration and permitting requirements prior to equipment operation at the site.*	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		The above mitigation measures are based on current FRAQMD requirements. Future development applications will be reviewed by the City and the most current air district regulations will be applied.	
4.3-4 Regional Emissions Increases.	S	**Proposed General Plan Update** Goal 1.B To provide adequate land in a range of residential densities to accommodate the housing needs of all income groups expected to reside in Wheatland. Policy 1.B.3. The City shall discourage the development of isolated, remote, disconnected, and/or gated residential projects, which do not contribute to the sense of an integrated community. Policy 1.B.4. The City shall encourage multi-family housing to be located throughout the community, but especially near transportation corridors, Downtown, major commercial areas, neighborhood commercial centers, and employment centers. Goal 1.C To provide for new ~~now~~ residential development in planned neighborhoods to be developed in an orderly style and designed to promote walking, bicycling, and transit use. Policy l.C.1. The City shall promote new residential development in a range of residential densities that reflects the positive qualities of Wheatland's existing residential neighborhoods (e.g., street trees, pedestrian-orientation, mix of housing	SU

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		types and sizes). Policy l.C.2. The City shall encourage the creation of well-defined residential neighborhoods. Each neighborhood should have a clear focal point, such as a park, school, or other open space and community facility, and shall be designed to promote pedestrian convenience. Policy I.C.3. The City shall encourage the development of new neighborhoods that are walkable and connected to the existing City core as well as each other. Policy l.C.4. T'he City shall require that development plans for new residential neighborhoods address the following: a. The distribution, location, and extent of land uses, including standards for land use intensity. b. Compatibility of new development with adjacent existing and proposed development. c. Provision of a range of housing types to ensure socially and economically-integrated neighborhoods. d. Distribution and location of roadways, including design standards for and the precise alignment of arterial, collector, and local streets, and bikeways. e. Provisions for the extension of the existing city roadway system into new development areas. New development shall be linked to adjacent existing neighborhoods and planned neighborhoods by collector and local streets.	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		f. Provisions for adequate schools and child care facilities. g. Distribution and location of neighborhood commercial centers, parks, schools, child care centers, and other public- and quasi-public facilities. h. Provisions for linking residential neighborhoods, parks, schools, Downtown, shopping areas, and employment centers through a system of pedestrian pathways, bicycle routes, and linear open-space corridors along sloughs, Dry Creek, and the Bear River. i. Provisions for development phasing to ensure orderly and contiguous development consistent with population projections of the General Plan, and Policy 1.A.4. j. Provisions for minimizing conflicts between new development and agricultural uses. Policy 1.C.5. The City shall require residential subdivisions to provide well-connected internal and external street, bicycle, and pedestrian systems. Policy l.C.6. The City shall encourage installation of current and emerging technological infrastructure in new and existing development for home telecommuting anti electric vehicles charging. Goal 1.D To conserve and enhance the best qualities of existing residential neighborhoods as the City grows.	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***		***Level of Significance after Mitigation***
		Policy 1.D.3.	The City shall encourage infill and reuse in existing neighborhoods that maintain the character and quality of the surrounding neighborhood and does not negatively affect surrounding land uses.	
		Goal 1.E	To designate adequate commercial land for development of local and regional commercial uses compatible with surrounding land uses, that will meet the present and future needs of Wheatland residents and visitors, and enhance Wheatland's economic vitality.	
		Policy 1.E.4.	Commercial facilities should be designed to encourage and promote transit, pedestrian, and bicycle access. The City shall require that new commercial development be designed to encourage and facilitate pedestrian circulation within and between commercial sites and nearby residential areas.	
		Policy 1.E.5.	The City shall require pedestrian and bicycle access in the design of sound walls, buffers, detention basins, fencing or other physical features between commercial and residential uses.	
		Goal 2.E	To promote a safe and efficient transit system to reduce congestion, improve the environment, and provide viable non-automotive means of transportation in and through Wheatland.	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***		***Level of Significance after Mitigation***
		Policy 2.E.1.	The City shall work with Yuba-Sutter Transit to implement bus transit services that are timely, cost-effective, and responsive to growth patterns and existing and future transit demand.	
		Policy 2.E.4.	The City shall encourage the creation of rail transit to link Wheatland and Marysville/Yuba City and the Sacramento Area.	
		Goal 2.F	To provide a safe, comprehensive, and integrated system of facilities for non-motorized transportation for both transportation and recreation.	
		Policy 2.F.1.	The City shall promote the development of a comprehensive and safe system of recreational and commuter bicycle routes that provide connections between the City's major employment and housing areas, between its existing and planned bikeways, and between schools, parks, retail shopping, and residential neighborhoods.	
		Policy 2.F.2.	The City shall require developers to finance and install pedestrian pathways, bikeways, and multi-purpose paths in new development, as appropriate.	
		Policy 2.F.3.	The City shall encourage the development of adequate, convenient, and secure bicycle parking at employment centers, schools, recreational facilities, transit terminals, commercial businesses, the Downtown, and in other locations where people congregate.	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Policy 2.F.4. The City shall consider the needs of bicyclists when new roadways are constructed and existing roadways are upgraded. Policy 2.F.5. The City shall consider the needs of bicyclists when determining street widths. Policy 2.F.6. The City shall develop safe and pleasant pedestrian ways. To this end, the City shall ensure sidewalks are wide enough for pedestrian convenience. Policy 2.F.7. The City shall cooperate with the schools in maintaining and updating the Safe Routes to School program. Policy 2.F.8. The City shall require crosswalks and other pedestrian safety measures be designed and installed according to City of Wheatland Ordinances. Policy 2.F.9. The City shall encourage major employment centers (50 or more total employees) to install showers, lockers, and secure parking areas for bicyclists as part of any entitlement. Policy 2.F.10. The City shall ensure that bikeways are maintained in a manner that promotes their local and regional use. Goal 8.E To protect and improve air quality in the Wheatland area with the goal of attaining state and federal health-based air	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		quality standards. Policy 8.E.1. The City shall cooperate with other agencies to develop a consistent and effective approach to regional air quality planning and management. Policy 8.E.2. The City shall support the Feather River Air Quality Management District in its development of improved ambient air quality monitoring capabilities and the establishment of standards, thresholds, and rules to more adequately address the air quality impacts of new development. Policy 8.E.3. The City shall require major new development projects to submit an air quality analysis for review and approval. Based on this analysis, the City shall require appropriate mitigation measures. Policy 8.E.4. In cooperation with the Feather River Air Quality Management District, the City shall develop emission thresholds to serve as the basis for requiring air quality analysis and mitigation. Policy 8.E.5. The City shall solicit and consider comments from local and regional agencies on proposed projects that may affect regional air quality. The City shall submit development proposals to the Feather River Air Quality Management District for review and comment in compliance with the California Environmental Quality Act (CEQA) prior to	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***		***Level of Significance after Mitigation***
			consideration by the City.	
		Policy 8.E.6.	In reviewing project applications, the City shall require consideration of alternatives or amendments that reduce emissions of air pollutants.	
		Policy 8.E.7.	The City shall require the use of EPA-certified woodstoves and fireplace inserts in lieu of wood burning indoor fireplaces in new development.	
		Policy 8.E.8.	The City shall encourage inclusion of exterior electrical outlets and natural gas hookups in new residential development to encourage the use of electric, rather than gas-powered, equipment, and to encourage the use of natural gas-fired barbecues.	
		Goal 8.G	To encourage energy conservation in new and existing developments.	
		Policy 8.G.1.	In addition to the energy regulations of Title 24, the City shall encourage the energy efficiency of new development. Possible energy efficiency design techniques include: provisions for solar access; building siting to maximize natural heating and cooling; and landscaping to aid passive cooling and the protection from winter winds.	
		Policy 8.G.2.	The City shall encourage the planting of shade trees along all City streets to reduce radiation heating.	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Mitigation Measures *4.3-4* *Revise Policy 8.E.3 as follows:* *The City shall require major new development projects to submit an air quality analysis for review and approval. Projects whose impacts are not significant will be required to implement Standard Mitigation Measures (SMM) for construction and operation, as defined by the Feather River AQMD. Projects whose impact are significant will be required to implement Best Available Mitigation Measures (BAMM) for construction and operation as defined by the Feather River AQMD or voluntary offsite mitigation.* ~~*Based on this analysis, the City shall require appropriate mitigation measures.*~~	
		4.4 Biological Resources	
4.4-1 Development associated with the proposed General Plan Update would result in the removal of substantial flora and fauna habitat.	S	**Proposed General Plan Update** Goal 8.B To protect, restore, and enhance habitats that support fish and wildlife species so as to maintain populations at viable levels. Policy 8.B.1. The City shall support preservation of the habitats of federally or state-listed rare, threatened, endangered, and/or other special status species. Federal and state agencies, as well as other resource conservation organizations, shall be encouraged to acquire and manage endangered species' habitats. Policy 8.B.2. The City shall support and cooperate with efforts of other local, state, and federal agencies and private entities	SU

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		engaged in the preservation and protection of significant biological resources from incompatible land uses and development. Significant biological resources include endangered, threatened, or rare species and their habitats, wetland habitats, wildlife migration corridors, and locally-important species/communities. Policy 8.B.3. The City shall support preservation, restoration, and enhancement of the designated habitats of State or Federally listed rare, threatened, endangered and/or other sensitive and special status species. Policy 8.B.4. The City shall support the management of wetland and riparian plant communities for passive recreation, groundwater recharge, and wildlife habitats. Where possible and appropriate, such communities shall be restored or expanded. Policy 8.B.5. The City shall require careful planning of new development in areas that are known to have particular value for biological resources to maintain sensitive vegetation and wildlife habitat. Policy 8.B.6. The City shall review development proposals in accordance with applicable Federal, State, and local statues protecting special-status species and jurisdictional wetlands. Policy 8.B.7. The City shall impose appropriate mitigation measures using protocols defined by the applicable statute (e.g.,	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		USFWS, CDFG, etc.). Policy 8.B.8. On sites that have the potential to contain critical or sensitive habitats or special-species or are within 100 feet of such areas, the City shall require the project applicant to have the site surveyed by a qualified biologist. A report on the findings of this survey shall be submitted to the City as part of the application process. Goal 8.C To preserve and protect the valuable vegetation resources of the Wheatland area. Policy 8.C.1. The City shall require developers to use native and compatible non-native species, especially drought-resistant species, to the extent possible in fulfilling landscaping requirements imposed as conditions of permits or for project mitigation. Policy 8.C.2. The City shall support the preservation of outstanding areas of natural vegetation, including, but not limited to, oak woodlands and riparian areas. Policy 8.C.3. The City shall require that new development preserve natural woodlands to the maximum extent possible. Policy 8.C.4. The City shall encourage the planting of native trees, shrubs, and grasslands in order to preserve the visual integrity of the landscape, provide habitat conditions suitable for native wildlife, and ensure that a maximum	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		number and variety of well-adapted plants are maintained. Goal 8.D — To preserve and enhance open space lands to maintain the natural resources of the Wheatland area. Policy 8.D.1. — The City shall support the preservation and enhancement of natural land forms, natural vegetation, and natural resources as open space to the maximum extent feasible. Policy 8.D.2. — The City shall, where appropriate, permanently protect as open space areas of natural resource value, including wetlands preserves, riparian corridors, woodlands, and floodplains. Policy 8.D.3. — The City shall require that new development be designed and constructed to preserve significant stands of vegetation and any areas of special ecological significance as open space to the maximum extent feasible~~.ned~~ and constructed to preserve significant stands of vegetation and any areas of special ecological significance as open space to the maximum extent feasible. **Mitigation Measures** *None Feasible.*	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
4.4-2 Development associated with the proposed General Plan Update may result in impacts to special-status vernal pool invertebrates in the General Plan study area.	LTS	**Proposed General Plan Update** Goal 8.B To protect, restore, and enhance habitats that support fish and wildlife species so as to maintain populations at viable levels. Policy 8.B.3. The City shall support preservation, restoration, and enhancement of the designated habitats of State or Federally listed rare, threatened, endangered and/or other sensitive and special status species. Policy 8.B.5. The City shall require careful planning of new development in areas that are known to have particular value for biological resources to maintain sensitive vegetation and wildlife habitat. Policy 8.B.6. The City shall review development proposals in accordance with applicable Federal, State, and local statutes protecting special-status species and jurisdictional wetlands. Policy 8.B.7. The City shall impose appropriate mitigation measures using protocols defined by the applicable statute (e.g., USFWS, CDFG, etc.). Policy 8.B.8. On sites that have the potential to contain critical or sensitive habitats or special-species or are within 100 feet of such areas, the City shall require the project applicant to have the site surveyed by a qualified biologist. A report on the findings of this survey shall be submitted to the City as part of the application process.	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Goal 8.D To preserve and enhance open space lands to maintain the natural resources of the Wheatland area. Policy 8.D.3. The City shall require that new development be designed and constructed to preserve significant stands of vegetation and any areas of special ecological significance as open space to the maximum extent feasible. **Mitigation Measures** *None Required.*	
4.4-3 Development associated with the proposed General Plan Update may result in impacts to valley elderberry longhorn beetle (VELB) in the General Plan study area.	LTS	**Proposed General Plan Update** Goal 8.B To protect, restore, and enhance habitats that support fish and wildlife species so as to maintain populations at viable levels. Policy 8.B.3. The City shall support preservation, restoration, and enhancement of the designated habitats of State or Federally listed rare, threatened, endangered and/or other sensitive and special status species. Policy 8.B.5. The City shall require careful planning of new development in areas that are known to have particular value for biological resources to maintain sensitive vegetation and wildlife habitat. Policy 8.B.6. The City shall review development proposals in accordance with applicable Federal, State, and local statutes protecting special-status species and jurisdictional wetlands.	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Policy 8.B.7. The City shall impose appropriate mitigation measures using protocols defined by the applicable statute (e.g., USFWS, CDFG, etc.). Policy 8.B.8. On sites that have the potential to contain critical or sensitive habitats or special-species or are within 100 feet of such areas, the City shall require the project applicant to have the site surveyed by a qualified biologist. A report on the findings of this survey shall be submitted to the City as part of the application process. Goal 8.D To preserve and enhance open space lands to maintain the natural resources of the Wheatland area. Policy 8.D.3. The City shall require that new development be designed and constructed to preserve significant stands of vegetation and any areas of special ecological significance as open space to the maximum extent feasible. **Mitigation Measures** *None Required.*	
4.4-4 Development associated with the proposed General Plan Update may result in impacts to special-status reptiles in the General Plan study area.	LTS	**Proposed General Plan Update** Goal 8.B To protect, restore, and enhance habitats that support fish and wildlife species so as to maintain populations at viable levels. Policy 8.B.3. The City shall support preservation, restoration, and enhancement of the designated habitats of State or	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Federally listed rare, threatened, endangered and/or other sensitive and special status species. Policy 8.B.5. The City shall require careful planning of new development in areas that are known to have particular value for biological resources to maintain sensitive vegetation and wildlife habitat. Policy 8.B.6. The City shall review development proposals in accordance with applicable Federal, State, and local statutes protecting special-status species and jurisdictional wetlands. Policy 8.B.7. The City shall impose appropriate mitigation measures using protocols defined by the applicable statute (e.g., USFWS, CDFG, etc.). Policy 8.B.8. On sites that have the potential to contain critical or sensitive habitats or special-species or are within 100 feet of such areas, the City shall require the project applicant to have the site surveyed by a qualified biologist. A report on the findings of this survey shall be submitted to the City as part of the application process. Goal 8.D To preserve and enhance open space lands to maintain the natural resources of the Wheatland area. Policy 8.D.3. The City shall require that new development be designed and constructed to preserve significant stands of vegetation and any areas of special ecological significance as open	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		space to the maximum extent feasible. **Mitigation Measures** *None Required.*	
4.4-5 Development associated with the proposed General Plan Update may result in impacts to nesting special-status and common raptor species within the General Plan study area.	LTS	**Proposed General Plan Update** Goal 8.B To protect, restore, and enhance habitats that support fish and wildlife species so as to maintain populations at viable levels. Policy 8.B.3. The City shall support preservation, restoration, and enhancement of the designated habitats of State or Federally listed rare, threatened, endangered and/or other sensitive and special status species. Policy 8.B.5. The City shall require careful planning of new development in areas that are known to have particular value for biological resources to maintain sensitive vegetation and wildlife habitat. Policy 8.B.6. The City shall review development proposals in accordance with applicable Federal, State, and local statutes protecting special-status species and jurisdictional wetlands. Policy 8.B.7. The City shall impose appropriate mitigation measures using protocols defined by the applicable statute (e.g., USFWS, CDFG, etc.). Policy 8.B.8. On sites that have the potential to contain critical or sensitive habitats or special-species or are within 100 feet	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		of such areas, the City shall require the project applicant to have the site surveyed by a qualified biologist. A report on the findings of this survey shall be submitted to the City as part of the application process. Goal 8.D To preserve and enhance open space lands to maintain the natural resources of the Wheatland area. Policy 8.D.3. The City shall require that new development be designed and constructed to preserve significant stands of vegetation and any areas of special ecological significance as open space to the maximum extent feasible. **Mitigation Measures** *None Required.*	
4.4-6 Development associated with the proposed General Plan Update would result in impacts to Swainson's hawk foraging habitat within the General Plan study area.	S	**Proposed General Plan Update** Goal 8.B To protect, restore, and enhance habitats that support fish and wildlife species so as to maintain populations at viable levels. Policy 8.B.3. The City shall support preservation, restoration, and enhancement of the designated habitats of State or Federally listed rare, threatened, endangered and/or other sensitive and special status species. Policy 8.B.5. The City shall require careful planning of new development in areas that are known to have particular value for biological resources to maintain sensitive vegetation and wildlife habitat.	SU

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Policy 8.B.6. The City shall review development proposals in accordance with applicable Federal, State, and local statutes protecting special-status species and jurisdictional wetlands. Policy 8.B.7. The City shall impose appropriate mitigation measures using protocols defined by the applicable statute (e.g., USFWS, CDFG, etc.). Policy 8.B.8. On sites that have the potential to contain critical or sensitive habitats or special-species or are within 100 feet of such areas, the City shall require the project applicant to have the site surveyed by a qualified biologist. A report on the findings of this survey shall be submitted to the City as part of the application process. Goal 8.D To preserve and enhance open space lands to maintain the natural resources of the Wheatland area. Policy 8.D.3. The City shall require that new development be designed and constructed to preserve significant stands of vegetation and any areas of special ecological significance as open space to the maximum extent feasible. **Mitigation Measures** *None Feasible.*	
4.5 Cultural Resources			
4.5-1 Development associated with the proposed General Plan Update could	LTS	**Proposed General Plan Update** Goal 7.A To preserve and maintain sites, structures, and landscapes	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***		***Level of Significance after Mitigation***
cause a substantial adverse change in the significance of a historical resource.			that serve as significant, visible connection to the city's social, architectural, and agricultural history.	
		Policy 7.A.1.	The City shall establish a Historic Resources Inventory to include all historically and architecturally significant buildings, sites, landscapes, signs, and features within the city limits.	
		Policy 7.A.2.	The City shall seek to develop incentives for owners of historically significant income-producing buildings to have their buildings designated a City Historic Landmark.	
		Policy 7.A.3.	The City shall give highest restoration priority to those buildings and open space areas identified as having historic, cultural, or architectural significance that are in imminent danger of decay or demolition.	
		Policy 7.A.4	The City shall encourage the incorporation of natural resources such as land and water into historic sites and structures when they are important to the understanding and appreciation of the history of the site.	
		Policy 7.A.5.	The City shall consult with property owners early in the process of designating properties or buildings as historically and/or architecturally significant.	
		Goal 7.B	To combine historic preservation and economic development so as to encourage owners of historic properties to upgrade and preserve their properties in a	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		manner that will conserve the integrity of such properties in the best possible condition. Policy 7.B.1. The City shall consider waiving building permit fees and/or providing other appropriate incentives for owners of small properties with historic significance who are unable to benefit from other government programs for historic preservation and for historic preservation projects that provide low-income housing or essential city services. Goal 7.C To promote community awareness and appreciation of Wheatland's history and architecture. Policy 7.C.1. The City shall formally recognize private and public quality rehabilitation and restoration work through awareness ceremonies. Policy 7.C.2. The City shall encourage Wheatland schools to integrate local architectural history into their curriculum. Policy 7.C.3. The City shall coordinate historic preservation efforts with other agencies and organizations, including the Yuba-Feather Historical Association and other historic societies. **Mitigation Measures** *None Required.*	
4.5-2 Development associated with the proposed General Plan Update could cause a substantial adverse change in	PS	**Proposed General Plan Update** Goal 7.D To protect Wheatland's Native American heritage.	LTS

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
the significance of an archeological, or unique paleontological resource.		Policy 7.D.1. The City shall refer development proposals that may adversely affect archaeological sites to the California Archaeological Inventory, Northwest Information Center, at Sonoma State University. Policy7.D.2. The City shall not knowingly approve any public or private project that may adversely affect an archaeological site without first consulting the Archaeological Inventory, Northwest Information Center, conducting a site evaluation as may be indicated, and attempting to mitigate any adverse impacts according to the recommendations of a qualified archaeologist. City implementation of this policy shall be guided by Appendix K of the *CEQA Guidelines.* **Mitigation Measures** *4.5-~~1~~2(a)* *In the event that any archeological features or deposits, including locally darkened soil (midden), that could conceal cultural deposits, animal bone, shell, obsidian, mortars, or human remains, are uncovered during construction, work within 100 feet of the find shall cease, and the City of Wheatland and a qualified archaeologist shall be contacted to determine if the resource is significant and to determine appropriate mitigation. Any artifacts uncovered shall be recorded and removed to a location to be determined by the archaeologist.* *4.5-2(b)* *Revise Policy 7.D.1 as follows:* *The City shall refer development proposals that may*	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		adversely affect archaeological sites to the North Central Information Center at California State University, Sacramento, and the Northeast Information Center at California State University, Chico. *4.5-~~3~~2(c)* *Revise Policy 7.D.2 as follows:* *The City shall not knowingly approve any public or private project that may adversely affect an archaeological site without first consulting the California Archaeological Inventory; North Central Information Center at California State University, Sacramento; Northeast Information Center at California State University, Chico; conducting a site evaluation as may be indicated; and attempting to mitigate any adverse impacts according to the recommendations of a qualified archaeologist.*	
		4.6 Geology and Soils	
4.6-1 Development associated with the proposed General Plan Update would expose people or structures to potential seismic events and related ground shaking.	LTS	**Proposed General Plan Update** Goal 9.A To protect the community from injury and damage resulting from natural catastrophes and hazardous conditions. Policy 9.A.1. The City shall prepare and regularly update emergency services plans. Policy 9.A.4. The City shall consider safety hazards in formulating capital improvements. Policy 9.A.5. The City shall incorporate safety provisions in City	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		ordinances whenever applicable. Policy 9.A.6. The City shall permit development only in areas where the potential danger to the health and safety of people can be mitigated to an acceptable level. Policy 9.A.7. The City shall ensure that during natural catastrophes and emergencies the City can continue to provide essential emergency public services. Policy 9.A.8. The City shall update building, fire, and other codes to address earthquakes, fire, and other hazards. Policy 9.A.9. The City shall coordinate disaster preparedness planning with other public agencies and organizations Goal 9.B To minimize the loss of life, injury, and property damage due to seismic and geological hazards. ~~Policy 9.B.2 The City shall require that new structures intended for human occupancy be designed and constructed to minimize risk to the safety of occupants due to groundshaking.~~ Policy 9.B.2 The City shall require submission of a preliminary soils report, prepared by a registered civil (geotechnical) engineer and based upon adequate test borings, for every subdivision.	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***		***Level of Significance after Mitigation***
		Policy 9.B.3	The City shall require that new structures intended for human occupancy be designed and constructed to minimize risk to the safety of occupants due to ~~ground-shaking~~ groundshaking.	
		Policy 9.B.4.	The City shall require that new structures and alterations to existing structures comply with the current edition of the Uniform Building Code.	
		Policy 9.B.5.	The City shall develop evacuation routes and a disaster plan in the remote event that an earthquake does occur, especially in the Camp Far West Dam inundation area.	
		Policy 9.B.6.	The City shall require that new structures intended for human occupancy, public facilities (i.e., treatment plants and pumping stations, major communication lines, evacuation routes, etc.), and emergency/disaster facilities (i.e., police and fire stations, etc.) are designed and constructed to minimize risk to the safety of people due to ground shaking.	
		Policy 9.B.7.	The City shall require all proposed developments, reconstruction, utilities, or public facilities situated within areas subject to geologic-seismic hazards as identified in the soils engineering and geologic-seismic analysis to be sited, designed, and constructed to mitigate the risk associated with the hazard (e.g., expansive, liquefaction, etc.).	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Policy 9.B.8. The City shall require that alterations to existing buildings and all new buildings be built according to the seismic requirements of the Uniform Building Code. Policy 9.B.9. The City shall support and encourage seismic upgrades to older buildings that may be structurally deficient. Policy 9.B.10. The City shall inventory unreinforced masonry structures, including emergency facilities and other critical facilities constructed prior to 1948, used for human occupancy (excluding single family residential structures), and evaluate the facilities for seismic safety. If found below acceptable standards, the City shall implement a program to mitigate potential hazards. **Mitigation Measures** *None Required.*	
4.6-2 Development associated with the proposed General Plan Update could place buildings on expansive soils, thus potentially causing structural damage.	LTS	**Proposed General Plan Update** Goal 9.A To protect the community from injury and damage resulting from natural catastrophes and hazardous conditions. Policy 9.A.1. The City shall prepare and regularly update emergency services plans. Policy 9.A.4. The City shall consider safety hazards in formulating capital improvements. Policy 9.A.5. The City shall incorporate safety provisions in City	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***		***Level of Significance after Mitigation***
			ordinances whenever applicable.	
		Policy 9.A.6.	The City shall permit development only in areas where the potential danger to the health and safety of people can be mitigated to an acceptable level.	
		Policy 9.A.7.	The City shall ensure that during natural catastrophes and emergencies the City can continue to provide essential emergency public services.	
		Policy 9.A.8.	The City shall update building, fire, and other codes to address earthquakes, fire, and other hazards.	
		Goal 9.B	To minimize the loss of life, injury, and property damage due to seismic and geological hazards.	
		Policy 9.B.1.	The City shall require the preparation of a soils engineering and geologic-seismic analysis prior to permitting development in areas prone to geological or seismic hazards (i.e., groundshaking, liquefaction, expansive soils).	
		Policy 9.B.2.	The City shall require submission of a preliminary soils report, prepared by a registered civil (geotechnical) engineer and based upon adequate test borings, for every major subdivision.	
		Policy 9.B.4.	The City shall require that new structures and alterations to existing structures comply with the current edition of the	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		California Building Code. Policy 9.B.7. The City shall require all proposed developments, reconstruction, utilities, or public facilities situated within areas subject to geologic-seismic hazards as identified in the soils engineering and geologic-seismic analysis to be sited, designed, and constructed to mitigate the risk associated with the hazard (e.g., expansive, liquefaction, etc.). **Mitigation Measures** *None Required.*	
4.6-3 Liquefaction could occur in the study area, subjecting structures or people to harm and/or damage.	LTS	**Proposed General Plan Update** Goal 9.A To protect the community from injury and damage resulting from natural catastrophes and hazardous conditions. Policy 9.A.4. The City shall consider safety hazards in formulating capital improvements. Policy 9.A.5. The City shall incorporate safety provisions in City ordinances whenever applicable. Policy 9.A.6. The City shall permit development only in areas where the potential danger to the health and safety of people can be mitigated to an acceptable level. Goal 9.B To minimize the loss of life, injury, and property damage due to seismic and geological hazards.	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Policy 9.B.3. The City shall require that new structures intended for human occupancy be designed and constructed to minimize risk to the safety of occupants due to ground-shaking. Policy 9.B.4. The City shall require that new structures and alterations to existing structures comply with the current edition of the California Building Code. Policy 9.B.6. The City shall require that new structures intended for human occupancy, public facilities (i.e., treatment plants and pumping stations, major communication lines, evacuation routes, etc.), and emergency/disaster facilities (i.e., police and fire stations, etc.) are designed and constructed to minimize risk to the safety of people due to ground shaking. Policy 9.B.7. The City shall require all proposed developments, reconstruction, utilities, or public facilities situated within areas subject to geologic-seismic hazards as identified in the soils engineering and geologic-seismic analysis to be sited, designed, and constructed to mitigate the risk associated with the hazard (e.g., expansive, liquefaction, etc.). Policy 9.B.8. The City shall require that alterations to existing buildings and all new buildings be built according to the seismic requirements of the Uniform Building Code.	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Mitigation Measures *None Required.*	
4.6-4 Development associated with the proposed General Plan Update could result in soil erosion.	PS	**Proposed General Plan Update** Goal 5.E To collect and dispose of stormwater in a manner that protects the city's residents and property from the hazards of flooding, manages stormwater in a manner that is safe and environmentally sensitive, and enhances the environment. Policy 5.E.4. The City shall prohibit grading activities during the rainy season, unless adequately mitigated, to avoid sedimentation of storm drainage facilities. **Mitigation Measures** *4.6-4 For future development projects, applicants shall prepare and submit to the City Engineer an erosion control plan prior to grading permit issuance. The erosion control plan shall utilize standard construction practices to limit the erosion effects during construction. Measures could include, but are not limited to the following:* • *Hydro-seeding;* • *Placement of erosion control measures within drainageways and ahead of drop inlets;* • *The temporary lining (during construction activities) of drop inlets with "filter fabric" (a specific type of geotextile fabric);*	LTS

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		• *The placement of straw wattles along slope contours;* • *Directing subcontractors to a single designation "wash-out" location (as opposed to allowing them to wash-out in any location they desire);* • *The use of siltation fences; and* • *The use of sediment basins and dust palliatives.*	
4.7 Hazards and Hazardous Materials			
4.7-1 Development associated with the proposed General Plan Update would create potential hazards related to the public or the environment through the routine transport, use, disposal or reasonably foreseeable upset and accidental release of hazardous materials.	PS	**Proposed General Plan Update** Goal 9.F To minimize the risk of loss of life, injury, serious illness, damage to property, and economic and social dislocations resulting from the use, transport, treatment, and disposal of hazardous materials and hazardous materials wastes. Policy 9.F.1. The City shall ensure that the use and disposal of hazardous materials in the city complies with local, state, and federal safety standards. Policy 9.F.2. The City shall strictly regulate the storage of hazardous materials and wastes. Policy 9.F.3. The City shall ensure that industrial facilities are constructed and operated in accordance with current safety and environmental protection standards. Policy 9.F.4. The City shall require that new industries that store and process hazardous materials provide a buffer zone between the installation and the property boundaries sufficient to	LTS

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		protect public safety. The adequacy of the buffer zone shall be determined by the City. Policy 9.F.5. The City shall require that applications for discretionary development projects that will generate hazardous wastes or utilize hazardous materials include detailed information on hazardous waste reduction, recycling, and storage. Policy 9.F.6. The City shall require that any business that handles a hazardous material prepare a plan for emergency response to a release or threatened release of a hazardous material. Policy 9.F.7. The City shall work with other agencies to ensure an adequate countywide response capability to hazardous materials emergencies. **Mitigation Measures** *4.7-1 For agricultural parcels proposed for development, prior to the issuance of grading permits, project applicants shall provide to the City a detailed environmental assessment pertaining to on-site soils in order to address the presence of soil contaminants (i.e., pesticides). The environmental assessment shall be reviewed by the City Engineer.*	
4.7-2 Development associated with the proposed General Plan Update would not be included on a list of hazardous materials sites pursuant to Government Code Section 65962.5, which would result in a significant	NI	**Proposed General Plan Update** *N/A* **Mitigation Measures** *None Required.*	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact		***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
	hazard to the public or the environment.			
4.7-3	Development associated with the proposed General Plan Update would be located within an airport land use plan, and may create potential safety hazards for people residing or working in the project area.	LTS	**Proposed General Plan Update** Goal 2.G To support the continued operation of Beale Air Force Base and its associated facilities while ensuring compatibility between urban development in Wheatland and aircraft operations. Policy 2.G.1. The City shall work closely with appropriate agencies, including Beale Air Force Base and the Sacramento Area Council of Governments (SACOG), to ensure compatibility of land uses that fall within overflight zones. Policy 2.G.2. The City shall work with Beale Air Force Base to coordinate changes to their flight patterns with land use decisions. Goal 9.E To minimize the risk of loss of life, injury, damage to property, and economic and social dislocations resulting from aircraft hazards. Policy 9.E.1. The City shall work with Beale Air Force Base to ensure that new development does not create safety hazards such as lights from direct or reflective sources, smoke, electrical interference, hazardous chemicals, or fuel storage in violation of adopted safety standards. Policy 9.E.2. The City shall ensure that development within the Beale Air Force Base approach and departure zones comply with	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Part 87 of the Federal Aviation Administration Regulations (objects affecting navigable airspace). **Mitigation Measures** *None Required.*	
4.7-4 Development associated with the proposed General Plan Update would not interfere with an adopted emergency response plan or emergency evacuation plan.	LTS	**Proposed General Plan Update** Goal 9.A To protect the community from injury and damage resulting from natural catastrophes and hazardous conditions. Policy 9.A.1. The City shall prepare and regularly update emergency services plans. Policy 9.A.2. The City shall have major public and private development proposals reviewed by fire and police departments as well as other City department heads to insure compatibility with safety objectives. Policy 9.A.4. The City shall consider safety hazards in formulating capital improvements. Policy 9.A.5. The City shall incorporate safety provisions in City ordinances whenever applicable. Policy 9.A.6. The City shall permit development only in areas where the potential danger to the health and safety of people can be mitigated to an acceptable level. Policy 9.A.7. The City shall ensure that during natural catastrophes and	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		emergencies the City can continue to provide essential emergency public services. Policy 9.A.9. The City shall coordinate disaster preparedness planning with other public agencies and organizations. **Mitigation Measures** *None Required.*	
4.7-5 Development associated with the proposed General Plan Update would not expose people or structures to a significant risk or loss, injury or death involving wildland fires.	LTS	**Proposed General Plan Update** Goal 9.A To protect the community from injury and damage resulting from natural catastrophes and hazardous conditions. Policy 9.A.3. The City shall initiate fire inspection programs for buildings and premises to identify safety objectives. Policy 9.A.8. The City shall update building, fire, and other codes to address earthquakes, fire, and other hazards. Goal 9.D To minimize the risk of loss of life, injury, and damage to property and watershed resources resulting from fires. Policy 9.D.1. The City shall require that new development meets state and local standards for fire protection. The City Fire Department shall review development proposals for compliance with fire safety standards. Policy 9.D.2. The City shall ensure that existing and new buildings of public assembly incorporate adequate fire protection mea-	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***		***Level of Significance after Mitigation***
			sures to reduce the potential loss of life and property in accordance with state and local codes and ordinances.	
		Policy 9.D.3.	The City shall encourage and promote installation and maintenance of smoke detectors in existing residences and commercial facilities that were constructed prior to the requirement for their installation.	
		Policy 9.D.4.	The City shall develop high-visibility fire prevention programs, including those offering voluntary home inspections and promoting awareness of home fire prevention measures.	
		Policy 9.D.5.	The City shall enforce building and fire codes and city ordinances in regard to fire and fire protection.	
		Policy 9.D.6.	The City shall continue to improve fire protection services, equipment, and facilities as required and as economically as possible.	
		Policy 9.D.7.	The City shall require and maintain adequate street widths, clearances around structures, and turning radii to provide for fire and safety protection and access.	
		Policy 9.D.8.	The City shall maintain water supply requirements for fire fighting needs in accordance with the Insurance Services Office "Fire Suppression Rating Schedule".	
		Policy 9.D.9.	The City shall require that areas within the natural / urban	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact		***Level of Significance prior to Mitigation***	***Mitigation Measures***		***Level of Significance after Mitigation***
				interface, at a minimum, provide fire and safety protection that meet California Department of Forestry and Fire Protection (CDF) Fire Safe standards. **Mitigation Measures** *None Required.*	
4.8 Hydrology and Water Quality					
4.8-1	New development in the study area associated with the General Plan Update would result in increased runoff, therefore leading to potential flooding. The General Plan Land Use Plan, and circulation proposals could also result in the location of projects in flood zones, or alter the course of floodwaters.	LTS	**Proposed General Plan Update** Goal 5.E Policy 5.E.1. Policy 5.E.2. Policy 5.E.3. Policy 5.E.4.	 To collect and dispose of stormwater in a manner that protects the City's residents and property from the hazards of flooding, manages stormwater in a manner that is safe and environmentally sensitive, and enhances the environment. The City shall prepare a Storm Drainage Master Plan and Flood Protection Master Plan to assure adequate protection for residents and property. The City shall encourage project designs that minimize drainage concentrations and impervious coverage. The City shall prohibit grading activities during the rainy season, unless adequately mitigated, to avoid sedimentation of storm drainage facilities. The City shall require projects that have significant impacts on the quantity and quality of surface water runoff	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		to incorporate mitigation measures for impacts related to urban runoff. Policy 5.E.5. Future drainage system requirements shall comply with applicable state and federal pollutant discharge requirements. Policy 5.E.6. The City shall allow stormwater detention facilities to mitigate drainage impacts and reduce storm drainage system costs. To the extent practical, stormwater detention facilities should be designed for multiple purposes, including recreational (e.g., parks, ball fields, etc.) and/or stormwater quality improvement. Policy 5.E.7. The City shall consider using stormwater of adequate quality to replenish local groundwater basins, restore wetlands and riparian habitat, and irrigate agricultural lands. Policy 5.E.8. The City shall require detention storage with measured release to ensure that the capacity of downstream creeks and sloughs will not be exceeded. To this end: a) Outflow to creeks and sloughs shall be monitored and controlled to avoid exceeding downstream channel capacities; b) Storage facilities shall be coordinated and managed to prevent problems caused by timing of storage	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		outflows. Policy 5.E.9. The City shall require the preparation of watershed drainage plans for proposed developments. These plans shall define needed drainage improvements and estimate construction costs for these improvements. **Mitigation Measures** *None Required.*	
4.8-2 Development associated with the General Plan Update would be within the 100-Year flood hazard area.	LTS	**Proposed General Plan Update** Goal 9.C To protect the lives and property of the citizens of Wheatland from hazards and manage floodplains for their open space and natural resource values. Policy 9.C.1. The City shall continue to implement floodplain zoning and undertake other actions required to comply with state floodplain requirements, and to maintain the City's eligibility under the Federal Flood Insurance Program. Policy 9.C.2. The City shall require evaluation of potential flood hazards prior to approval of development projects. The City shall require proponents of new development to submit accurate topographic and flow characteristics information. Policy 9.C.3. The City shall not allow development in areas subject to flooding unless adequate mitigation is provided, to include project levees designed for a standard project flood.	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***		***Level of Significance after Mitigation***
		Policy 9.C.4.	The City shall require flood-proofing of structures and outdoor storage areas for hazardous materials in areas subject to flooding. Hazardous materials and wastes shall be contained within floodproofed structures or storage areas.	
		Policy 9.C.5.	The City shall prohibit the construction of facilities essential for emergencies and large public assembly in the 100-year floodplain, unless the structure and road access are free from flood inundation.	
		Policy 9.C.6.	The City shall continue to work closely with the U.S. Army Corps of Engineers, Reclamation Districts 2103 and 817, the Federal Emergency Management Agency (FEMA), and the State Department of Water Resources in defining existing and potential flood problem areas and solutions.	
		Policy 9.C.7.	The City shall preserve floodways and floodplains for non-urban uses, except that development may be allowed in a floodplain with mitigation measures that are in conformance with the City's Flood Protection Master Plan.	
		Policy 9.C.8.	The City shall formulate emergency management plans for the safe evacuation of people from areas subject to inundation from dam failure. Plans shall be reviewed and periodically updated.	
		Policy 9.C.9.	The City shall participate in the National Flood Insurance	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Program. Policy 9.C.10. The City shall require that roadway systems for areas protected from flooding by levees be designed to provide multiple escape routes for residents in the event of a levee failure. Policy 9.C.11. The City shall develop evacuation routes and a disaster plan in the remote event of a failure to Camp Far West Dam. **Mitigation Measures** *None Required.*	
4.8-3 Development in the study area could result in erosion, sedimentation, and subsequent degradation of the surface water quality.	PS	**Proposed General Plan Update** Goal 5.E To collect and dispose of stormwater in a manner that protects the City's residents and property from the hazards of flooding, manages stormwater in a manner that is safe and environmentally sensitive, and enhances the environment. Policy 5.E.1. The City shall prepare a Storm Drainage Master Plan and Flood Protection Master Plan to assure adequate protection for residents and property. Policy 5.E.2. The City shall encourage project designs that minimize drainage concentrations and impervious coverage. Policy 5.E.3. The City shall prohibit grading activities during the rainy season, unless adequately mitigated, to avoid	LTS

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		sedimentation of storm drainage facilities. Policy 5.E.4. The City shall require projects that have significant impacts on the quantity and quality of surface water runoff to incorporate mitigation measures for impacts related to urban runoff. Policy 5.E.5. Future drainage system requirements shall comply with applicable state and federal pollutant discharge requirements. Policy 5.E.6. The City shall allow stormwater detention facilities to mitigate drainage impacts and reduce storm drainage system costs. To the extent practical, stormwater detention facilities should be designed for multiple purposes, including recreational (e.g., parks, ball fields, etc.) and/or stormwater quality improvement. Policy 5.E.7. The City shall consider using stormwater of adequate quality to replenish local groundwater basins, restore wetlands and riparian habitat, and irrigate agricultural lands. Policy 5.E.8. The City shall require detention storage with measured release to ensure that the capacity of downstream creeks and sloughs will not be exceeded. To this end: a. Outflow to creeks and sloughs shall be monitored and controlled to avoid exceeding downstream	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		channel capacities; b. Storage facilities shall be coordinated and managed to prevent problems caused by timing of storage outflows. Policy 5.E.9. The City shall require the preparation of watershed drainage plans for proposed developments. These plans shall define needed drainage improvements and estimate construction costs for these improvements. Goal 8.A To protect and enhance the natural quantity and qualities of the Wheatland area's rivers, creeks, sloughs, and ground-water. Policy 8.A.1. The City shall cooperate with Yuba County in the conservation of Bear River and Dry Creek for the protection of water resources and open space qualities. Policy 8.A.5. The City shall require proposed developments to comply with streambed alteration and watershed protection regulations as administered by the California Department of Fish and Game and regulations adopted by the Environmental Health Department. Policy 8.A.8. The City shall endeavor to protect, preserve, and improve riparian corridors. **Mitigation Measures**	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		4.8-3 *For future development projects, applicants shall obtain NPDES Construction General Permit, which requires the submittal of a Notice of Intent (NOI) with applicable fee to the State Water Resources Control Board (SWRCB) and the preparation of a Stormwater Pollution Prevention Plan (SWPPP) to be submitted to the City Engineer for review.*	
4.8-4 Development in the study area could result in loss of groundwater supplies or interfere substantially with groundwater recharge.	LTS	**Proposed General Plan Update** Goal 5.C To ensure a safe and reliable water supply sufficient to meet the future needs of the City. Policy 5.C.1. The City shall protect the groundwater basin from overdraft from City use of groundwater. To this end, the City shall study, working closely with other public and private entities as deemed appropriate, the safe yield of the groundwater basin. Water management programs such as conjunctive use and recharge programs will also be considered. The City shall use this information to determine the most appropriate long-term water supply to serve Wheatland. Policy 5.C.2. If the results of studies undertaken pursuant to Policy 5.C.1 indicate an imbalance between safe groundwater yield and projected water requirements, the City shall develop a response plan to address the imbalance. This response plan will include an appropriate mix of water conservation measures, reuse, surface water supplements, and other water management techniques. Policy 5.C.3. The City shall promote efficient water use and reduced	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		water demand by: a) Requiring water-conserving building design and equipment in new construction; b) Encouraging water-conserving landscaping and other conservation measures; and c) Encouraging retrofitting of existing development with water-conserving devices. Policy 5.C.4. The City shall work with other agencies to promote water conservation measures countywide for both urban and agricultural uses. Policy 5.C.5. The City shall only approve new development that relies on an adequate City water supply and delivery system**.** Policy 5.C.6. The City shall plan, secure funding for, and procure sufficient water treatment capacity and infrastructure to meet projected water demands. Policy 5.C.7. The City shall investigate processes for monitoring water demand growth trends to anticipate water supply needs. Policy 5.C.8. The City shall monitor water quality regularly to ensure that safe drinking water standards are met and maintained in accordance with State and EPA regulations and take necessary measures to prevent contamination. Policy 5.C.9. The City shall ensure that water supply capacity and	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***		***Level of Significance after Mitigation***
			infrastructure are in place prior to granting building permits for new development.	
		Policy 5.C.10.	The City shall ensure through the development review process that public facilities and infrastructure are designed to meet ultimate capacity needs, pursuant to a master plan, to avoid the need for future replacement to achieve upsizing.	
		Policy 5.C.11.	The City shall ensure adequate water pressure throughout the urban area for fire protection purposes.	
		Goal 8.A	To protect and enhance the natural quantity and qualities of the Wheatland area's rivers, creeks, sloughs, and ground-water.	
		Policy 8.A.1.	The City shall cooperate with Yuba County in the conservation of Bear River and Dry Creek for the protection of water resources and open space qualities.	
		Policy 8.A.2.	The City shall monitor any activities that may degrade the aquifers of Bear River or Dry Creek as it impacts City water supply and shall support the maintenance of high water quality in these water bodies.	
		Policy 8.A.3.	The City shall cooperate with other jurisdictions in jointly studying the potential for using surface water sources to balance the groundwater supply so as to protect against aquifer overdrafts and water quality degradation.	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Policy 8.A.4. The City shall help protect groundwater resources from overdraft by promoting water conservation and groundwater recharge efforts. Policy 8.A.5. The City shall require proposed developments to comply with streambed alteration and watershed protection regulations as administered by the California Department of Fish and Game and regulations adopted by the Environmental Health Department. Policy 8.A.7. The City shall retain to the extent feasible the environmental and ecological features of the creeks, sloughs and rivers in their natural state. Policy 8.A.8. The City shall endeavor to protect, preserve, and improve riparian corridors. Policy 8.A.9. The City shall require runoff controls in conjunction with development projects and agriculture production to limit toxics and nutrients from entering waterways. **Mitigation Measures** *None Required.*	
		4.9 Land Use and Planning	
4.9-1 The General Plan Update would not physically divide an established community, or detract from existing areas within the City of Wheatland.	LTS	**Proposed General Plan Update** Goal 1.A To grow in an orderly pattern consistent with economic, social and environmental needs, while preserving Wheatland's small town character, and historic	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***		***Level of Significance after Mitigation***
			significance.	
		Policy 1.A.2.	The City shall ensure that development occurs in an orderly sequence based on the logical and practical extension of public facilities and services.	
		Policy 1.A.5.	The City shall encourage the acquisition of Community Development Block Grants (CDBG) to revitalize infill areas.	
		Policy 1.A.11.	The City shall require future large planning efforts, including specific plans, to provide an appropriate jobs-housing balance to ensure an adequate mix of economic and residential opportunities.	
		Goal 1.B	To provide adequate land in a range of residential densities to accommodate the housing needs of all income groups expected to reside in Wheatland.	
		Policy 1.B.1.	The City shall support residential development at a manageable pace to achieve its fair share of regional housing needs and provide for orderly extension of infrastructure and public services.	
		Policy 1.B.2.	The City shall require residential project design to reflect and consider natural features, noise exposure of residents, visibility of structures, circulation, access, and the relationship of the project to surrounding uses. Residential densities and lot patterns will be determined by these and other	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***		***Level of Significance after Mitigation***
			factors.	
		Policy 1.B.3.	The City shall discourage the development of isolated, remote, disconnected, and/or gated residential projects, which do not contribute to the sense of an integrated community.	
		Policy 1.B.4.	The City shall encourage multi-family housing to be located throughout the community, but especially near transportation corridors, Downtown, major commercial areas, neighborhood commercial centers, and employment centers.	
		Policy 1.B.5.	The City shall discourage leapfrog development and development in peninsulas extending into agricultural lands to avoid adverse effects on agricultural operations.	
		Goal 1.C	To provide for new residential development in planned neighborhoods to be developed in an orderly style and designed to promote walking, bicycling, and transit use.	
		Policy 1.C.1.	The City shall promote new residential development in a range of residential densities that reflects the positive qualities of Wheatland's existing residential neighborhoods (e.g., street trees, pedestrian-orientation, mix of housing types and sizes).	
		Policy 1.C.2.	The City shall encourage the creation of well-defined residential neighborhoods. Each neighborhood should	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		have a clear focal point, such as a park, school, or other open space and community facility, and shall be designed to promote pedestrian convenience. Policy 1.C.3. The City shall encourage the development of new neighborhoods that are walkable and connected to the existing city core as well as each other. Policy 1.C.4. The City shall require that development plans for new residential neighborhoods address the following: a. The distribution, location, and extent of land uses, including standards for land use intensity. b. Compatibility of new development with adjacent existing and proposed development. c. Provision of a range of housing types to ensure socially- and economically-integrated neighborhoods. d. Distribution and location of roadways, including design standards for and the precise alignment of arterial, collector, and local streets, and bikeways. e. Provisions for the extension of the existing city roadway system into new development areas. New development shall be linked to adjacent existing neighborhoods and planned neighborhoods by collector and local streets. . f. Provisions for adequate schools and child care facilities.	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		g. Distribution and location of neighborhood commercial centers, parks, schools, child care centers, and other ~~public and~~ public and quasi-public facilities. h. Provisions for linking residential neighborhoods, parks, schools, Downtown, shopping areas, and employment centers through a system of pedestrian pathways, bicycle routes, and linear open-space corridors along sloughs, Dry Creek, and the Bear River. i. Provisions for development phasing to ensure orderly and contiguous development consistent with population projections of the General Plan, and Policy 1.A.4. j. Provisions for minimizing conflicts between new development and agricultural uses. Policy 1.C.5. The City shall require residential subdivisions to provide well-connected internal and external street, bicycle, and pedestrian systems. Policy 1.C.6. The City shall encourage installation of current and emerging technological infrastructure in new and existing development for home telecommuting and electric vehicles charging. Goal 1.D To conserve and enhance the best qualities of existing residential neighborhoods as the city grows.	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***		***Level of Significance after Mitigation***
		Policy 1.D.1.	The City shall ensure that decisions concerning land use and development are not detrimental to the positive character and identity of Wheatland's existing residential neighborhoods.	
		Policy 1.D.2.	The City shall sponsor community volunteer clean-up campaigns.	
		Policy 1.D.3.	The City shall encourage infill and reuse in existing neighborhoods that maintain the character and quality of the surrounding neighborhood and does not negatively affect surrounding land uses.	
		Policy 1.D.4.	The City shall promote street tree planting and maintenance and seek ways to establish ongoing funding for street tree maintenance.	
		Policy 1.D.5.	The City shall provide for infrastructure improvements in older neighborhoods through redevelopment funding.	
		Policy 1.D.6.	The City shall enforce City nuisance and fire safety ordinances for property and buildings that become eyesores and present health and safety problems.	
		Goal 1.F	To develop and maintain an economically, socially, and physically attractive Downtown.	
		Policy 1.F.1.	The City shall work with downtown property and business owners to revitalize and extend the downtown east to the	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		proposed civic center. Policy 1.F.2. The City shall form a Redevelopment Agency to initiate Downtown revitalization programs. Policy 1.F.3. The City shall work with Downtown property and business owners to form a Downtown Improvement Association. Policy 1.F.4. The City shall work jointly with Downtown property and business owners to create and support programs that improve the appearance of Downtown. These can include clean-ups, active Building Code and other City Code enforcement, and beautification programs. Policy 1.F.5. The City shall promote the overall safety in Downtown through greater police visibility, increased lighting, and protection for pedestrians. **Mitigation Measures** *None Required.*	
4.9-2 Development associated with the General Plan Update would substantially alter the character of Wheatland.	S	**Proposed General Plan Update** Goal 1.A To grow in an orderly pattern consistent with economic, social and environmental needs, while preserving Wheatland's small town character, and historic significance. Policy 1.A.1. The City shall strive to preserve Wheatland's traditional small-town qualities and historic heritage, while expanding its residential and employment base.	SU

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Policy 1.A.3. The City shall designate land for development consistent with the needs of the community and consistent with its efforts to maintain a positive fiscal balance for the City. Policy 1.A.11. The City shall require future large planning efforts, including specific plans, to provide an appropriate jobs-housing balance to ensure an adequate mix of economic and residential opportunities. Goal 1.G To support development of employment uses to meet the present and future needs of Wheatland residents for jobs and to maintain Wheatland's economic vitality. Policy 1.G.1. The City shall designate specific areas suitable for employment development and reserve such lands in a range of parcel sizes to accommodate a variety of employment uses. Policy 1.G.2. The City shall only approve new employment development that has adequate infrastructure and services. Employment development shall be required to provide sufficient buffering from residential areas to avoid impacts associated with noise, odors and the potential release of hazardous materials. Policy 1.G.3. The City shall promote the development of new high technology uses in the employment locations near the SR 65 bypass.	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Policy 1.G.4. The City shall promote the development of business park and research and development uses in Wheatland. Policy 1.G.5. The City shall require new developments projects to pay their fair share of infrastructure construction costs as pursuant to the City's Fee Study. Policy 1.G.6. The City shall require that proposed commercial, employment and residential development is phased in order to insure the continuation of an adequate tax base to fund necessary infrastructure and City services. Policy 1.G.7. The City shall ensure that intensive industrial or manufacturing uses are located in areas compatible with adjacent use. **Mitigation Measures** *None Feasible.*	
4.9-3 The General Plan Update may result in conflict with existing plans or regulations.	LTS	**Proposed General Plan Update** Goals 1.A To grow in an orderly pattern consistent with economic, social and environmental needs, while preserving Wheatland's small town character, and historic significance. Policy 1.A.6. The City shall work with the Sacramento Area Council of Governments (SACOG) and Yuba County to coordinate the City's General Plan with regional planning efforts.	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Policy 1.A.8. The City shall establish a Memorandum of Understanding with Yuba County in order to maintain agricultural preservation zoning on farmland surrounding the city. Policy 1.A.10. The City shall assure that the Zoning Ordinance and Zoning Map are consistent with the General Plan. Goal 1.H To maintain land as Urban Reserve for consideration for future development. Policy 1.H.1. No urban development of Urban Reserve areas will be permitted without a General Plan amendment. No General Plan amendment will be considered without an analysis that includes the factors listed in Policy 1.H.2. **Mitigation Measures** *None Required.*	
4.9-4 The General Plan Update may result in land use conflicts, and incompatibility between existing, and proposed land uses.	LTS	**Proposed General Plan Update** Goal 1.G To support development of employment uses to meet the present and future needs of Wheatland residents for jobs and to maintain Wheatland's economic vitality. Policy 1.G.1. The City shall designate specific areas suitable for employment development and reserve such lands in a range of parcel sizes to accommodate a variety of employment uses. Policy 1.G.2. The City shall only approve new employment development that has adequate infrastructure and services. Employment	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***		***Level of Significance after Mitigation***
			development shall be required to provide sufficient buffering from residential areas to avoid impacts associated with noise, odors and the potential release of hazardous materials.	
		Policy 1.G.3.	The City shall promote the development of new high technology uses in the employment locations near the SR 65 bypass.	
		Policy 1.G.4.	The City shall promote the development of business park and research and development uses in Wheatland.	
		Policy 1.G.5.	The City shall require new developments projects to pay their fair share of infrastructure construction costs as pursuant to the City's Fee Study.	
		Policy 1.G.6.	The City shall require that proposed commercial, employment and residential development is phased in order to insure the continuation of an adequate tax base to fund necessary infrastructure and City services.	
		Policy 1.G.7.	The City shall ensure that intensive industrial or manufacturing uses are located in areas compatible with adjacent use.	
		Goal 1.I	To maintain the productivity and minimize developments affects on agricultural lands surrounding Wheatland.	
		Policy 1.I.1.	The City shall discourage leapfrog development and	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		development in peninsulas extending into agricultural lands to avoid adverse effects on agricultural operations. Policy 1.I.2. The City shall support the local agricultural economy by encouraging the location of agricultural support industries in the city, establishing and promoting marketing of local farm products, exploring economic incentives, and support for continuing agricultural uses adjacent to the city, and providing its fair share of adequate housing to meet the needs of agricultural labor. Policy 1.I.3. The City shall promote good neighbor policy between residential property owners and adjacent farming operations by supporting the right of the farmers and ranchers to conduct agricultural operations in compliance with state laws. Policy 1.I.4. The City shall work with agribusiness to reduce vandalism, trespassing, roadway hazards, and other public safety issues. **Mitigation Measures** *None Required.*	
4.10 Mineral Resources			
4.10-1 Development associated with the proposed General Plan Update would not result in the loss of availability of a known mineral resource that would be of value to the region and the	NI	**Proposed General Plan Update** Goals 8.D To preserve and enhance open space lands to maintain the natural resources of the Wheatland area. Policy 8.D.1. The City shall support the preservation and enhancement	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact		***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
	residents of the state.		of natural land forms, natural vegetation, and natural resources as open space to the maximum extent feasible. **Mitigation Measures** *None Required.*	
4.10-2	Development associated with the proposed General Plan Update would not 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.	NI	**Proposed General Plan Update** Goals 8.D To preserve and enhance open space lands to maintain the natural resources of the Wheatland area. Policy 8.D.1. The City shall support the preservation and enhancement of natural land forms, natural vegetation, and natural resources as open space to the maximum extent feasible. **Mitigation Measures** *None Required.*	N/A
			4.11 Noise	
4.11-1	Development of noise-sensitive land uses within existing noise-impacted areas.	LTS	**Proposed General Plan Update** Goal 9.G To protect Wheatland residents from the harmful and annoying effects of exposure to excessive noise. Policy 9.G.1 The City shall prohibit development of new noise-sensitive land uses where the noise level due to non-transportation noise sources will exceed the noise level standards of Table 9-1 as measured immediately within the property line of the new development, unless effective noise mitigation measures have been incorporated into the development design to achieve the standards set out in Table 4.11-8.	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Policy 9.G.2. The City shall require that noise created by new non-transportation sources be mitigated so as not to exceed the noise level standards of Table 4.11-8 as measured immediately within the property line of lands designated for noise-sensitive uses. Policy 9.G.3 Where proposed non-residential land uses are likely to produce noise levels exceeding the performance standards of Table 9-1 at existing or planned noise-sensitive uses, the City shall require an acoustical analysis as part of the environmental review process so that noise mitigation may be included in the project design. The acoustical analysis shall meet the following requirements: a) It shall be the financial responsibility of the applicant. b) It shall be prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics. c) It shall include representative noise level measurements with sufficient sampling periods and locations to adequately describe local conditions and the predominant noise sources. d) It shall include estimates of existing and projected cumulative (20 years) noise levels in terms of Ldn or CNEL and/or the standards of Table 4.11-7, and compare those levels to the policies and standards of	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		this section of the General Plan. e) It shall recommend appropriate mitigation to achieve compliance with the policies and standards of this section of the General Plan, giving preference to proper site planning and design over mitigation measures which require the construction of noise barriers or structural modifications to buildings which contain noise-sensitive land uses. Where the noise source in question consists of intermittent single events, the report must address the effects of maximum noise levels in sleeping rooms in terms of possible sleep disturbance. f) It shall include estimates of noise exposure after the prescribed mitigation measures have been implemented. g) It shall describe a post-project assessment program, which could be used to evaluate the effectiveness of the proposed mitigation measures. Policy 9.G.4. The City shall prohibit new development of noise-sensitive land uses in areas exposed to existing or projected levels of noise from transportation noise sources which exceed the levels set out in Table 4.11-7, unless the project design includes effective mitigation measures to reduce exterior noise and noise levels in interior spaces to the levels set out in Table 4.11-7.	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Goal 9.H To protect the economic base of the City by preventing incompatible land uses from encroaching upon existing or planned noise-producing uses. Policy 9.H.1. Where noise-sensitive land uses are proposed in areas exposed to existing or projected exterior noise levels exceeding the levels set out in Table 4.11-7 or the performance standards of Table 4.11-7, an acoustical analysis shall be required as part of the environmental review process so that noise mitigation may be included in the project design. Policy 9.H.2. Where noise mitigation measures are required to achieve the standards of Tables 4.11-7 and 4.11-8, the emphasis in such measures shall be placed upon site planning and project design. The use of noise barriers shall be considered as a means of achieving the noise standards only after all other practical design-related noise mitigation measures have been integrated into the project. Policy 9.H.3. The City shall support the Right-to-Farm Ordinance, especially as it relates to noise emanating from the agricultural operations adjacent to urban uses. **Mitigation Measures** *None Required.*	
4.11-2 Construction of new roadways or improvements to existing roadways,	LTS	**Proposed General Plan Update** Goal 9.G To protect Wheatland residents from the harmful and	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
and various projects pursuant to the General Plan Update in Noise-Sensitive Areas.		annoying effects of exposure to excessive noise. Policy 9.G.5. The noise created by new transportation noise sources shall be mitigated so as not to exceed the levels specified in Table 4.11-8 at outdoor activity areas or interior spaces of existing noise-sensitive land uses. Policy 9.G.6. New roadway improvement projects will be needed to accommodate development permitted according to the Land Use Diagram. Where existing noise-sensitive uses may be exposed to increased noise levels due to increased roadway capacity and increases in travel speeds associated with roadway improvements, the City will apply the following criteria to determine the significance of increases in noise related to roadway improvement projects: a) Where existing traffic noise levels are less than 60 dB Ldn at the outdoor activity areas of noise-sensitive uses, a +5 dB Ldn increase in noise levels due to a roadway improvement project will be considered significant; and b) Where existing traffic noise levels range between 60 and 65 dB Ldn at the outdoor activity areas of noise-sensitive uses, a +3 dB Ldn increase in noise levels due to a roadway improvement project will be considered significant; and c) Where existing traffic noise levels are greater than 65	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		dB Ldn at the outdoor activity areas of noise-sensitive uses, a +1.5 dB Ldn increase in noise levels due to a roadway improvement project will be considered significant. Policy 9.G.7. An increase of 3 dB Ldn or greater due to additional traffic volumes is considered a potentially significant impact. **Mitigation Measures** *None Required.*	
4.11-3 Compatibility between Beale Air Force Base and noise-sensitive uses developed within the General Plan Update study area.	PS	**Proposed General Plan Update** Goal 9.H To protect the economic base of the City by preventing incompatible land uses from encroaching upon existing or planned noise-producing uses. Policy 9.H.4. The City shall work with the Sacramento Area Council of Governments (SACOG) to ensure that City's noise policies and contours are consistent with the Beale Air Force Base Land Use Plan. **Mitigation Measures** *4.11-3 The City shall review all development applications on a case-by-case basis for conflicts with the Beale Air Force Base Comprehensive Land Use Plan. If appropriate, adequate measures shall be incorporated into projects in order to prevent exposure to adverse noise levels.*	LTS
4.11-4 Compatibility between railroad noise and noise-sensitive uses developed within the General Plan Update study	LTS	**Proposed General Plan Update** Goal 9.G To protect Wheatland residents from the harmful and annoying effects of exposure to excessive noise.	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
area.		Policy 9.G.3 Where proposed non-residential land uses are likely to produce noise levels exceeding the performance standards of Table 4.11-7 at existing or planned noise-sensitive uses, the City shall require an acoustical analysis as part of the environmental review process so that noise mitigation may be included in the project design. The acoustical analysis shall meet the following requirements: a) It shall be the financial responsibility of the applicant. b) It shall be prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics. c) It shall include representative noise level measurements with sufficient sampling periods and locations to adequately describe local conditions and the predominant noise sources. d) It shall include estimates of existing and projected cumulative (20 years) noise levels in terms of Ldn or CNEL and/or the standards of Table 4.11-7, and compare those levels to the policies and standards of this section of the General Plan. e) It shall recommend appropriate mitigation to achieve compliance with the policies and standards of this section of the General Plan, giving preference to	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		proper site planning and design over mitigation measures which require the construction of noise barriers or structural modifications to buildings which contain noise-sensitive land uses. Where the noise source in question consists of intermittent single events, the report must address the effects of maximum noise levels in sleeping rooms in terms of possible sleep disturbance. f) It shall include estimates of noise exposure after the prescribed mitigation measures have been implemented. g) It shall describe a post-project assessment program, which could be used to evaluate the effectiveness of the proposed mitigation measures. Policy 9.G.4. The City shall prohibit new development of noise-sensitive land uses in areas exposed to existing or projected levels of noise from transportation noise sources which exceed the levels set out in Table 4.11-8, unless the project design includes effective mitigation measures to reduce exterior noise and noise levels in interior spaces to the levels set out in Table 4.11-8. **Mitigation Measures** *None Required.*	
4.11-5 Noise impacts associated with increased traffic on City streets	S	**Proposed General Plan Update** Goal 9.G To protect Wheatland residents from the harmful and	SU

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
resulting from buildout of the General Plan Update study area		annoying effects of exposure to excessive noise. Policy 9.G.6. New roadway improvement projects will be needed to accommodate development permitted according to the Land Use Diagram. Where existing noise-sensitive uses may be exposed to increased noise levels due to increased roadway capacity and increases in travel speeds associated with roadway improvements, the City will apply the following criteria to determine the significance of increases in noise related to roadway improvement projects: a. Where existing traffic noise levels are less than 60 dB L_{dn} at the outdoor activity areas of noise-sensitive uses, a +5 dB L_{dn} increase in noise levels due to a roadway improvement project will be considered significant; and b. Where existing traffic noise levels range between 60 and 65 dB L_{dn} at the outdoor activity areas of noise-sensitive uses, a +3 dB L_{dn} increase in noise levels due to a roadway improvement project will be considered significant; and c. Where existing traffic noise levels are greater than 65 dB L_{dn} at the outdoor activity areas of noise-sensitive uses, a + 1.5 dB L_{dn} increase in noise levels due to a roadway improvement project will be considered significant. Policy 9.G.7. An increase of 3 dB L_{dn} or greater due to additional traffic	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		volumes is considered a potentially significant impact. **Mitigation Measures** *4.11-5* *The City shall work to develop a citywide traffic noise abatement program for the express purpose of reducing traffic noise exposure at existing residential uses, which are affected by traffic noise levels in excess of the City's noise level standards. The program should include the following specific aspects for noise abatement consideration where reasonable and feasible:* *1. Noise barrier retrofits.* *2. Truck usage restrictions.* *3. Reduction of speed limits.* *4. Use of quieter paving materials.* *5. Building façade sound insulation.* *6. Traffic calming.* *7. Additional enforcement of speed limits and exhaust noise laws.* *8. Signal timing.*	
		4.12 Population and Housing	
4.12-1 Impacts related to the substantial increase in population.	LTS	**Proposed General Plan Update** Goal 5.A To ensure the timely development of public facilities and services, and the maintenance of specified service levels for public facilities. Policy 5.A.1. The City shall ensure through the development review process that adequate public facilities and services are available to serve new development. The City shall not	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		approve new development where existing facilities are inadequate unless the following conditions are met: a. The applicant can demonstrate that all necessary public facilities will be installed or adequately financed (through fees or other means); and b. The facility improvements are consistent with applicable master or facility plans adopted by the City. Policy 5.A.2. The City shall require development proposals to include plans for development and financing of public facilities and services. Policy 5.A.3. The City shall prepare and annually review facility master plans, and every five years update the plans to ensure compliance with appropriate state and federal laws, use of modern and cost-effective technologies, and compatibility with current land use policy. Policy 5.A.4. Through fiscal revenues generated by new development, the City shall expand, as needed, general government services (e.g., City administrative services) in connection with new development. Policy 5.A.5. The City shall prepare and annually review the Infrastructure Financing Plan (IFP) and every five years update the IFP to ensure the implementation and adequacy of the Plan.	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Policy 5.A.8. The City shall ensure through the development review process that public facilities and infrastructure are designed and constructed to meet ultimate capacity needs, pursuant to a master plan, to avoid the need for future replacement to achieve upsizing. Policy 5.A.9. The City shall ensure through the development review process that public facilities and infrastructure are designed to meet ultimate capacity needs, pursuant to a master plan, to avoid the need for future replacement to achieve upsizing. For facilities subject to incremental sizing, the initial design shall include adequate land area and any other elements not easily expanded in the future. **Mitigation Measures** *None Required.*	
4.12-2 Impacts related to the displacement of existing housing or people necessitating the construction of replacement housing elsewhere.	LTS	**Proposed General Plan Update** Goal 4.A Provide for the City's regional share of new housing for all income groups. Policy 4.A.1. The City shall continue to monitor residential land use designations and zoning annually to ensure that sufficient land is designated and zoned at various densities to meet the City's regional share of housing. Policy 4.A.2. The City shall designate and zone areas for higher density residential development that are within or adjacent to existing developed areas in which public facilities and	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***		***Level of Significance after Mitigation***
			services can be extended, or within large, master planned developments which have the financial capability of providing needed public facilities and services for higher density development.	
		Policy 4.A.3.	The City shall ensure that developers and residents are made aware of key housing programs and development opportunities.	
		Policy 4.A.5.	The City shall work with other public agencies and private organizations to build affordable housing.	
		Goal 4.B	Improve/conserve the supply of existing housing.	
		Policy 4.B.1.	The City shall encourage the preservation of existing neighborhoods and the provision of safe and sanitary housing for all residents.	
		Policy 4.B.2.	The City shall encourage the preservation and rehabilitation of the existing affordable housing stock.	
		Policy 4.B.3.	The City shall support efforts to prevent substandard homes from becoming dilapidated structures.	
		Policy 4.B.4.	The City shall inspect and identify code violations in residential buildings.	
		Policy 4.B.5.	The City shall require the abatement or demolition of substandard housing that is not economically feasible to	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***		***Level of Significance after Mitigation***
			repair.	
		Policy 4.B.6.	The City shall periodically survey housing conditions to maintain a current database on housing conditions.	
		Policy 4.B.7.	The City shall ensure that potential developers, landlords, and income-eligible homeowners are aware of available affordable rehabilitation programs provided by Yuba County.	
		Goal 4.C	Meet the special housing needs of homeless persons, seniors, large families, disabled persons and farm-workers.	
		Policy 4.C.1.	The City shall provide referrals for housing and services to homeless persons.	
		Policy 4.C.2.	The City shall promote increased housing opportunities for seniors, large families, and disabled persons.	
		Policy 4.C.3.	The City shall encourage developers of rental units to build units for large families.	
		Policy 4.C.4.	The City shall encourage the incorporation of childcare in residential areas and employment-based land uses to help households with young children.	
		Policy 4.C.5.	The City shall provide reasonable accommodation for individuals with disabilities to ensure equal access to housing.	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Mitigation Measures *None Required.*	
4.12-3 Impacts related to the housing/ jobs ratio in the City of Wheatland study area.	LTS	**Proposed General Plan Update** Goal 1.A To grow in an orderly pattern consistent with economic, social and environmental needs, while preserving Wheatland's small town character, and historic significance. Policy1.A.11. The City shall require future large planning efforts, including specific plans, to provide an appropriate jobs-housing balance to ensure an adequate mix of economic and residential opportunities. Goal 1.G To support development of employment uses to meet the present and future needs of Wheatland residents for jobs and to maintain Wheatland's economic vitality. Policy 1.G.1. The City shall designate specific areas suitable for employment development and reserve such lands in a range of parcel sizes to accommodate a variety of employment uses. **Mitigation Measures** *None Required.*	N/A
4.13 Public Services			
4.13-1 Development associated with the proposed General Plan Update would	PS	**Proposed General Plan Update** Goal 5.G To deter crime and to meet the growing demand for police	LTS

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
increase the demand for law enforcement.		services associated with increasing population and commercial/employment development in the city. Policy 5.G.1. Within the City's overall budgetary constraints, the City shall strive to maintain a staffing ratio of 2.0 personnel per 1,000 residents (0.5 non-sworn and 1.5 sworn). Policy 5.G.2. Within the City's overall budgetary constraints, the City shall provide police support (including patrol and other vehicles, necessary equipment, and support personnel) sufficient to maintain its service standards. Policy 5.G.3. The City shall require new development to develop or fund police facilities and equipment that, at a minimum, financially support standards identified in Policy 5.H.1. Policy 5.G.4. The City shall require new development, as demonstrated through positive fiscal impacts or through specific funding mechanisms in the event of fiscal deficits, to fund police personnel and operations and maintenance that, at a minimum, maintain the above standards. Policy 5.G.5. The City shall include facilities for the Police Department in the new Civic Center. Policy 5.G.6. The City shall promote, and work with Yuba County to support, public safety programs, including neighborhood watch, child identification and fingerprinting, substance abuse prevention, violence prevention, conflict resolution,	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		and other public education and crime prevention efforts. Policy 5.G.7. The City shall work with Yuba County to promote services for children at risk of abuse, neglect, youth violence and exploitation. Policy 5.G.8. The City shall consider public safety issues in all aspects of public facility, commercial, and residential project design, including crime prevention through environmental design. Policy 5.G.9. The City shall increase levels of traffic enforcement, particularly along State Route 65. **Mitigation Measures** *4.13-1* *Prior to the issuance of any building permits, the project proponent shall pay the applicable police development fees in accordance with applicable City AB1600 fees and local policies.*	
4.13-2 Development associated with the proposed General Plan Update would increase the demand for fire protection.	PS	**Proposed General Plan Update** Goal 5.H To protect residents, employees, and visitors in Wheatland from injury and loss of life and to protect property from fires. Policy 5.H.1. The City shall establish a full-time fire department. Policy 5.H.2. The City shall, through adequate staffing and patrol arrangements, endeavor to maintain the minimum feasible response times for fire and emergency medical service (EMS) calls. To this end, the City shall attempt to	LTS

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		maintain the following fire flow and response time standards shown in Table 4.13-3:	

Table 4.13-3
Fire Flow & Response Time Goals

Type of Development	**Fire Flow Standard**	**Response Standard**
Commercial and Employment	3,500 gallons per minute (GPM)	First response within 4 minutes
Multi-Family	2,500 GPM	First response within 4 minutes
Single-Family	1,500 GPM	First response within 4 minutes

Policy 5.H.3. The City shall comply with the provisions of the Uniform Fire Code.

Policy 5.H.4. The City shall require new development to develop or fund fire protection facilities that, at a minimum, maintain the above service level standards.

Policy 5.H.5. The City shall require new development, as demonstrated through positive fiscal impacts or through specific funding mechanisms in the event of fiscal deficits, to fund fire protection personnel and operations and maintenance that, at a minimum, maintain the above standards.

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Policy 5.H.6. The City shall assure consistent and full fire protection on both sides of Highway 65. Policy 5.H.7. The City Fire Department shall attempt to maintain response time of four minutes for emergency medical service (EMS) calls. Policy 5.H.8. The City shall include a fire station in the new Civic Center. **Mitigation Measures** *4.13-2 Prior to the issuance of any building permits, the project proponent shall pay the applicable fire development fees in accordance with applicable City AB1600 fees and local policies.*	
4.13-3 Development associated with the proposed General Plan Update would increase the demand for school facilities.	PS	**Proposed General Plan Update** Goal 6.D To provide for the educational needs of all Wheatland residents. Policy 6.D.1. The City shall work with the Wheatland School District and Wheatland Union High School District in providing quality education facilities that will accommodate projected student growth by requiring that impacts created by developments are mitigated in a manner acceptable to the School District, to the extent legally feasible. Policy 6.D.2. The City shall encourage the provision of social, recreational, and educational services that complement and enrich those provided by public, private, and parochial	LTS

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***		***Level of Significance after Mitigation***
			educational facilities.	
		Policy 6.D.3.	The City shall encourage the use of schools as community and neighborhood centers to provide a range of services.	
		Policy 6.D.4.	The City shall support the development of appropriately-located private school facilities to provide additional educational facilities in Wheatland.	
		Policy 6.D.5.	The City shall work with Yuba College and other institutions to provide post secondary education and to ensure that higher education programs and facilities are available to residents of Wheatland.	
		Policy 6.D.6.	The City shall seek to locate a higher education facility within the city limits to serve the needs of Wheatland residents and to support future economic growth.	
		Policy 6.D.7.	The City shall encourage educational facilities to offer job-training and retraining programs to assist Wheatland residents.	
		Policy 6.D.8.	The City, Wheatland School District, and Wheatland Union High School District shall explore the potential for joint financing and use of services and facilities for the community to meet mutual needs.	
		Goal 6.E	To ensure that adequate school facilities are available and appropriately located to meet the needs of Wheatland	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		residents. Policy 6.E.1. The City shall work cooperatively with the Wheatland School District and Wheatland Union High School District in monitoring housing, population, and school enrollment trends and in planning for future school facility needs, and shall assist the District in locating appropriate sites for new schools. Policy 6.E.2. The City's land use planning shall be coordinated with the planning of school facilities and shall involve the Wheatland School District and Wheatland Union High School District, in the early stages of the land use planning process. Policy 6.E.3. The City shall plan and approve residential uses that are accessible to school sites in order to enhance neighborhoods, minimize transportation requirements and costs, and minimize safety problems. Policy 6.E.4. The City shall encourage school facility siting that establishes schools as focal points within the neighborhood and community. Policy 6.E.5. The City shall encourage the location of schools in areas with safe pedestrian and bicycle access. Policy 6.E.6. The City shall encourage the design and improvement of school facilities to provide adequate off-street parking and	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		areas for student pick-up and drop-off to minimize safety problems and neighborhood impacts. Policy 6.E.7. The City shall work with the Wheatland School District and Wheatland Union High School District to obtain "Safe Routes to Schools" grants. These grants will provide safe bike routes to schools, crossing guards at intersections, designated vehicle drop off routes, and child drop off zones. Policy 6.E.8. The City shall work closely with the Wheatland School District and Wheatland Union High School District to secure adequate funding for new school facilities and, where legally feasible, the City shall provide a mechanism which, along with state and local resources, requires development projects to satisfy the district's financing program based upon their impaction. The funding should equate to the needs described in the District's School Facilities Master Plan by residential, commercial, and industrial land uses. Policy 6.E.9. The City and residential developers should coordinate with the Wheatland School District and Wheatland Union High School District to ensure that needed school facilities are available for use in a timely manner. **Mitigation Measures** *4.13-3* *Prior to issuance of any building permits, the project proponent shall pay the applicable fees to the Wheatland*	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		School District and the Wheatland Union High School District.	
4.13-4 Development associated with the proposed General Plan Update would increase the demand for educational facilities.	LTS	**Proposed General Plan Update** Goal 6.G To ensure that library facilities are available to all current and future Wheatland residents, in order to carry out the library's mission, which is "to inform, to enhance the quality of life, and to foster lifelong learning." Policy 6.G.1. The City shall develop library facilities as part of the new Civic Center. Policy 6.G.2. The City shall require new development to fund its fair share of new library facilities. Policy 6.G.3. The City shall strive to maintain library standards. Policy 6.G.4. The City shall work with the Wheatland School District, Wheatland Union High School District, Yuba County Library System, and Yuba College to provide library services to the community. **Mitigation Measures** *None Required.*	N/A
4.13-5 Impacts related to gas and electrical facilities.	LTS	**Proposed General Plan Update** Goal 5.J To promote adequate levels of utility services provided by private companies and to ensure that these are constructed in a fashion that minimize their negative effects on surrounding development.	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Policy 5.J.1. The City shall communicate its major development plans with utility companies and coordinate planning of facility extensions. Policy 5.J.2. The City shall require underground electrical distribution utility lines in new developments and areas that are redeveloped, except where infeasible for operational reasons. Policy 5.J.3. The City shall promote technological improvements and upgrading of utility services in Wheatland. Policy 5.J.4. The City shall coordinate with gas and electricity service providers to locate and design gas and electric systems to minimize environmental and other impacts to existing and future residents. **Mitigation Measures** *None Required.*	
4.13-6 Impacts related to telecommunications and information technology infrastructure.	LTS	**Proposed General Plan Update** Goal 5.K To expand the use of information technology as a communication tool in order to improve personal convenience, to reduce dependency on nonrenewable resources, to take advantage of the ecological and financial efficiencies of new technologies, and to develop a better-informed citizenry. Policy 5.K.1. The City shall facilitate and support development of the infrastructure necessary for all residents to use and benefit	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		from new communication technologies. Policy 5.K.2. The City shall formally monitor information technology development and city infrastructure issues (both planning and enforcement). Policy 5.K.3. The City shall work with Yuba County and other agencies to coordinate telecommunication infrastructure planning on a regional basis, both telephone and data. Policy 5.K.4. The City shall strive to make essential City documents available for immediate retrieval by electronic transfer technologies. Policy 5.K.5. The City shall incorporate a telecommunications center at the proposed Civic Center, which will allow video conferencing, telecommuting, and will provide an access point for electronic resources and general computer training to the public. Policy 5.K.6. The City shall require that all new residential, commercial, and employment areas be wired for modern information technologies. Policy 5.K.7. The City shall establish a website that will contain information about the City government, City services, and City produced documents in a downloadable format. Policy 5.K.8. To minimize the visual impact of wireless communication	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		facilities (e.g., cell towers), the City shall encourage that they meet the following conditions: a. Are located away from residential and open space areas; b. Are not visibly intrusive to residential neighborhoods or public right-of-way; c. When possible, are co-located with other wireless facilities on existing buildings, towers, poles, or other existing support structures; and, d. Are painted, camouflaged, or textured in a manner as to reduce their visual impacts. **Mitigation Measures** *None Required.*	
		4.14 Recreation	
4.14-1 Impacts related to neighborhood and regional parks or other recreational facilities.	LTS	**Proposed General Plan Update** Goal 6.A To establish and maintain a public park system, recreational, and civic facilities suited to the needs of Wheatland residents, employees, and visitors. Policy 6.A.1. The City shall initiate the financing, design, and development of a City-owned community park adjacent to the new Civic Center site, in accordance with the Land Use Diagram. Policy 6.A.2. The City shall develop and promote the use of its park system to include a balance of passive and active recreation opportunities.	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***		***Level of Significance after Mitigation***
		Policy 6.A.3.	The City shall strive to achieve the following standards for the development of City-owned park facilities, shown in Table 4.14-1.	
		Policy 6.A.4.	The City shall require new development to provide a minimum of 5 acres of parkland for every 1,000 new residents.	
		Policy 6.A.5.	The City shall strive to achieve the standards shown in Table 4.14-2 for existing or new sports and recreational facilities. These standards may be satisfied through any combination or joint development of public facilities, private recreational facilities, and school facilities.	
		Policy 6.A.6.	The City shall recognize that standards for neighborhood park acreage are distinct from standards for sports fields and facilities acreage for baseball, softball, and soccer fields, skate parks, pools, gyms, and youth, senior, or civic centers.	
		Policy 6.A.7.	The City shall seek to establish and maintain a linear park system of greenbelts, bicycle paths, and pedestrian walkways that link city park facilities and other key destinations. This linear park system should not be counted towards meeting acreage standards for neighborhood or community parks and recreation facilities.	
		Policy 6.A.8.	The City shall ensure that appropriate funding mechanisms are identified to adequately fund the development of new	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		parks and recreational facilities and the redevelopment of existing parks and recreational facilities. Policy 6.A.9. The City shall ensure that appropriate funding mechanisms are identified to cover the cost of maintaining parks and recreational facilities on an ongoing basis. Policy 6.A.10. The City shall consider the following factors in the design of new parks: a. Safety b. Security c. Maintenance d. Accessibility e. Landscaping complimentary to the surrounding environment f. Travel distance of users g. Passive vs. active use areas h. Restroom facilities i. Citizen input j. Adequacy of off-street parking k. Flexibility for programming activities Policy 6.A.11. The City shall investigate the potential for joint use agreements with the school districts for the use of shared-	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***		***Level of Significance after Mitigation***
			use park and school facilities.	
		Policy 6.A.12.	The City shall encourage local service clubs and non-profit organizations to participate in the development and improvement of City parks and recreation facilities.	
		Policy 6.A.13.	The City shall encourage the establishment or joint development of commercial or private recreation facilities within the Wheatland area.	
		Policy 6.A.14.	The City shall ensure that recreation facilities are sited to minimize negative impacts (i.e., parking, night lighting, excessive noise) on surrounding neighborhoods.	
		Policy 6.A.15.	The City shall prepare and implement a Parks Master Plan.	
		Policy 6.A.16.	The City shall provide supervision of park areas to protect the rights of the users of the parks and reduce vandalism, and shall work with law enforcement agencies to eliminate crime at parks and recreation facilities.	
		Goal 6.B	To develop a permanent, centralized home for City departments, while providing valuable public services and facilities within the Downtown area of Wheatland.	
		Policy 6.B.1.	The City shall develop a site plan for a Civic Center.	
		Policy 6.B.2.	The City shall develop the Civic Center, which will serve as the community gathering place and center for	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***		***Level of Significance after Mitigation***
			community events and recreation. The Civic Center shall reflect community history and help to establish the Downtown as a vibrant community center.	
		Policy 6.B.3.	The City shall develop the Civic Center to accommodate the Police Department, Fire Department, City Library and City Hall, and for possible expansion of Public Works and other City Departments as needed.	
		Policy 6.B.4.	The City shall locate the Civic Center west of the proposed Community Park along Spenceville Road (see the Land Use Diagram).	
		Policy 6.B.5.	The City shall actively seek funding for, and involve youth in the planning of, a citywide youth recreation center to be located on the Civic Center site, which will include gymnasium, game rooms, meeting rooms, offices, and a patio area.	
		Goal 6.C	To provide facilities which bring citizens together to meet their social, cultural, recreational, and educational needs.	
		Policy 6.C.1.	The City shall actively seek funding for, and involve senior citizens in the planning of, either the expansion of the current Senior Center or establishment of a new larger Senior Center. The Senior Center should include meeting rooms, offices, game rooms, dining areas/kitchens, and a patio area.	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Policy 6.C.2. The City shall site the Senior Center so that it is easily accessible to transit, the library and Civic Center, medical facilities, and other key destinations within the City. **Mitigation Measures** *None Required.*	
4.14-2 Impacts related to preservation and enhancement of open space lands.	LTS	**Proposed General Plan Update** Goal 6.A To establish and maintain a public park system, recreational, and civic facilities suited to the needs of Wheatland residents, employees, and visitors. Policy 6.A.7. The City shall seek to establish and maintain a linear park system of greenbelts, bicycle paths, and pedestrian walkways that link city park facilities and other key destinations. This linear park system should not be counted towards meeting acreage standards for neighborhood or community parks and recreation facilities. Policy 6.A.14. The City shall ensure that recreation facilities are sited to minimize negative impacts (i.e., parking, night lighting, excessive noise) on surrounding neighborhoods. Goal 8.D To preserve and enhance open space lands to maintain the natural resources of the Wheatland area. Policy 8.D.1. The City shall support the preservation and enhancement of natural land forms, natural vegetation, and natural resources as open space to the maximum extent feasible.	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Policy 8.D.2. The City shall, where appropriate, permanently protect as open space areas of natural resource value, including wetlands preserves, riparian corridors, woodlands, and floodplains. Policy 8.D.3. The City shall require that new development be designed and constructed to preserve significant stands of vegetation and any areas of special ecological significance as open space to the maximum extent feasible. Policy 8.D.4. The City shall support the maintenance of open space and natural areas that are interconnected and of sufficient size to protect biodiversity, accommodate wildlife movement, and sustain ecosystems. Policy 8.D.5. The City shall encourage the development of natural open space areas in regional, community, and neighborhood parks. Policy 8.D.6. The City shall serve as the steward of public open space and ensure that the use and maintenance of the open space is carried out in an environmentally-responsible manner. Policy 8.D.7. The City shall plan and establish natural open space parkland as a part of the overall City park system. **Mitigation Measures** *None Required.*	
4.15 Transportation and Circulation			

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
4.15-1 Development associated with the proposed General Plan Update would result in the increase of traffic volumes.	S	**Proposed General Plan Update** Goal 2.A To provide for the long-range planning and development of the City's roadway system to ensure the safe and efficient movement of people and goods. Policy 2.A.1. The City shall plan, design, and regulate the development of the City's street system in accordance with the functional classification system described in this chapter and reflected in the Circulation Diagram and the City's Street Standards and Specifications. Policy 2.A.2. The City shall develop and manage its roadway system to maintain LOS "C" or better on all roadways, except within one-quarter mile of state highways. In these areas, the City shall strive to maintain LOS "D" or better. Policy 2.A.3. The City shall identify economic, design and planning solutions to improve existing levels-of-service currently below the LOS specified above. Where physical mitigation is infeasible, the City shall consider developing programs that enhance alternative access or otherwise minimize travel demand. Policy 2.A.4. The City shall assure that new development effectively links both sides of State Route 65 and the railroad tracks at the north and south ends of town. Policy 2.A.5. The City shall strive to meet the level of service standards through a balanced transportation system that provides	SU

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		alternatives to the automobile and by promoting pedestrian, bicycle, and transit connections between employment areas and major residential and commercial areas. Policy 2.A.6. The City shall require an analysis of the effects of traffic from proposed major development projects. Each such project shall construct or fund improvements necessary to mitigate the effects of traffic from the project. Such improvements may include a fair share of improvements that provide benefits to others. Policy 2.A.7. The City shall proactively pursue financing in a timely manner for all components of the transportation system, particularly an eastern alignment of the State Route 65 bypass, to achieve and maintain adopted level of service standards. Policy 2.A.8. The City shall assess fees on new development sufficient to cover the fair share portion of that development's impacts on the local and regional transportation system. Policy 2.A.9. The City shall limit private access along arterial streets wherever possible. Policy 2.A.10. The City shall give priority to street and highway improvements that increase safety, minimize maintenance costs, and increase the efficiency of the street system. Policy 2.A.11. The City shall ensure that highways and arterial streets	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		within its jurisdiction provide for the efficient flow of traffic. Therefore, the following shall be undertaken: • Minimize the number of intersections along arterials. • Reduce curb cuts along arterials through the use of common access easements, backup lots and other design measures. • Provide grade separations at all major railroad crossings with arterials, except for an at-grade crossing of the major arterial in the north. • Extend arterials over waterways, railroads and through developed and undeveloped areas to provide for the continuous flow of through traffic and appropriate area access. **Mitigation Measures** *None Feasible.*	
4.15-2 Increased Delays at Intersections within the Wheatland study area.	S	**Proposed General Plan Update** Goal 2.A To provide for the long-range planning and development of the City's roadway system to ensure the safe and efficient movement of people and goods. Policy 2.A.10. The City shall give priority to street and highway improvements that increase safety, minimize maintenance costs, and increase the efficiency of the street system. Policy 2.A.11. The City shall ensure that highways and arterial streets within its jurisdiction provide for the efficient flow of	SU

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		traffic. Therefore, the following shall be undertaken: • Minimize the number of intersections along arterials. • Reduce curb cuts along arterials through the use of common access easements, backup lots and other design measures. • Provide grade separations at all major railroad crossings with arterials, except for an at-grade crossing of the major arterial in the north. • Extend arterials over waterways, railroads and through developed and undeveloped areas to provide for the continuous flow of through traffic and appropriate area access. **Mitigation Measures** *4.15-2(a)* *Prior to initiating roadway improvements, the plans for the Ring Road shall identify an overlap for the right turning vehicles and exclusion of westbound "U" turns from southbound SR 65 at the Ring Road. The plans shall be reviewed and approved by the City Engineer.* *4.15-2(b)* *Alternatively, if feasible, the City shall implement a separated-grade crossing at the North Ring Road/State Route 65 intersection. The plans shall be reviewed and approved by the City and Caltrans.* Since the preparation of the traffic study, the City has been considering a separated-grade crossing for the North Ring Road / SR 65 intersection.	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Therefore, the above intersection improvement may not be appropriate. Furthermore, the above improvements may not be feasible due to the uncertainty as to whether the Public Utilities Commission (PUC) or the Union Pacific Railroad (UPRR) would agree to another at-grade crossing. As a result, the impact would remain *significant and unavoidable*.	
4.15-3 Transit System Issues.	LTS	**Proposed General Plan Update** Goal 2.E To promote a safe and efficient transit system to reduce congestion, improve the environment, and provide viable non-automotive means of transportation in and through Wheatland. Policy 2.E.1. The City shall work with Yuba-Sutter Transit to implement bus transit services that are timely, cost-effective, and responsive to growth patterns and existing and future transit demand. Policy 2.E.2. The City shall consider the transit needs of senior, disabled, minority, low-income, and transit-dependent persons in making decisions regarding transit services and in compliance with the Americans with Disabilities Act. Policy 2.E.3. The City shall consider families' needs in transportation planning efforts and shall promote safe and convenient methods of transportation between school, home, retail shopping, and child care. Policy 2.E.4. The City shall encourage the creation of rail transit to link Wheatland with Marysville/Yuba City and the Sacramento Area.	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Mitigation Measures *None Required.*	
4.15-4 Street Safety Issues.	LTS	**Proposed General Plan Update** Goal 1.I To maintain the productivity and minimize developments affects on agricultural lands surrounding Wheatland. Policy 1.I.3. The City shall promote good neighbor policy between residential property owners and adjacent farming operations by supporting the right of the farmers and ranchers to conduct agricultural operations in compliance with state laws. Goal 2.A To provide for the long-range planning and development of the City's roadway system to ensure the safe and efficient movement of people and goods. Policy 2.A.1. The City shall plan, design, and regulate the development of the City's street system in accordance with the functional classification system described in this chapter and reflected in the Circulation Diagram and the City's Street Standards and Specifications. Goal 2.C To protect residential areas from high-volume and high-speed traffic and its effects and promote bicycling and walking on residential streets. Policy 2.C.1. The City shall consider the effects of new development on local streets in residential areas and require new	LTS

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		development to mitigate significant impacts on residential neighborhoods. Policy 2.C.2. The City shall promote street, alley, and sidewalk maintenance to encourage their safe use. Policy 2.C.3. The City shall consider future needs for street and sidewalk maintenance in approving new development. Policy 2.C.4. The City shall require ADA compliance for existing and proposed street sidewalks. Policy 2.C.5. The City shall promote elderly friendly roadways, including the use of bikeways for golf carts and motorized wheelchairs. Goal 9.A To protect the community from injury and damage resulting from natural catastrophes and hazardous conditions. Policy 9.A.1. The City shall prepare and regularly update emergency services plans. Policy 9.A.9. The City shall coordinate disaster preparedness planning with other public agencies and organizations. **Mitigation Measures** *4.15-4 The City shall design and implement a farm equipment and local roadway program to reduce the conflicts of urban*	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		traffic with farming operations. This program may include: *a. Installation and maintenance of traffic warning signs along City roads that are used by farm equipment.* *b. The City shall require that all farm equipment traveling on city roads must:* *i. Operate only on local roads;* *ii. Operate during daylight hours, unless absolutely necessary and only when vehicle and equipment is adequately lighted for night travel;* *iii. Display slow-moving-vehicle (SMV) signs if traveling slower than 25 mph;* *iv. Not allow extra riders at any time for any reason;* *v. Equip large trailers or equipment with separate brakes;* *vi. Securely tie down all equipment to transport trailers and/or truck beds;* *vii. Maintain speeds that are appropriate for the area, road conditions, and time of the year;* *viii. To the extent possible, make equipment as compact and narrow for the road;* *ix. Use pilot vehicles with flashing amber lights and oversized load signs to assist large machines, such as combines; and* *x. Drive slow moving vehicles as far to the right as possible while remaining on the road.*	
4.15-5 Potential conflicts for pedestrian and	LTS	**Proposed General Plan Update**	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***		***Level of Significance after Mitigation***
bicyclists.		Goal 2.F	To provide a safe, comprehensive, and integrated system of facilities for non-motorized transportation for both transportation and recreation.	
		Policy 2.F.1.	The City shall promote the development of a comprehensive and safe system of recreational and commuter bicycle routes that provide connections between the city's major employment and housing areas, between its existing and planned bikeways, and between schools, parks, retail shopping, and residential neighborhoods.	
		Policy 2.F.2.	The City shall require developers to finance and install pedestrian pathways, bikeways, and multi-purpose paths in new development, as appropriate.	
		Policy 2.F.3.	The City shall encourage the development of adequate, convenient, and secure bicycle parking at employment centers, schools, recreational facilities, transit terminals, commercial businesses, the Downtown, and in other locations where people congregate.	
		Policy 2.F.4.	The City shall consider the needs of bicyclists when new roadways are constructed and existing roadways are upgraded.	
		Policy 2.F.5.	The City shall consider the needs of bicyclists when determining street widths.	
		Policy 2.F.6.	The City shall develop safe and pleasant pedestrian ways.	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		To this end, the City shall ensure sidewalks are wide enough for pedestrian convenience. Policy 2.F.7. The City shall cooperate with the schools in maintaining and updating the Safe Routes to School program. Policy 2.F.8. The City shall require crosswalks and other pedestrian safety measures be designed and installed according to City of Wheatland Ordinances. Policy 2.F.9. The City shall encourage major employment centers (50 or more total employees) to install showers, lockers, and secure parking areas for bicyclists as part of any entitlement. Policy 2.F.10. The City shall ensure that bikeways are maintained in a manner that promotes their local and regional use. **Mitigation Measures** *None Required.*	
4.15-6 Parking Related Issues.	LTS	**Proposed General Plan Update** Goal 2.D To provide a sufficient amount of convenient, available, accessible, safe, and attractive parking to serve existing and new development throughout the City as needed. Policy 2.D.1. The City shall require provision of adequate off-street parking in conjunction with new development. The adequacy and appropriateness of parking requirements in the Zoning Ordinance shall be periodically reevaluated.	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Policy 2.D.2. The City shall require that parking lots be designed for maximum pedestrian safety and convenience, motorist convenience and safety, and handicapped access. Policy 2.D.3. The City shall continue to implement Zoning Ordinance parking standards that establish minimum and maximum number of spaces for parking lots. Policy 2.D.4. The City shall require new parking lots to be designed to minimize visual impacts on public roadways and neighboring areas. Policy 2.D.5. The City shall allow shared parking where different adjacent uses generate peak parking demand at different times. **Mitigation Measures** *None Required.*	
4.15-7 Air Traffic Impacts.	LTS	**Proposed General Plan Update** Goal 2.G To support the continued operation of Beale Air Force Base and its associated facilities while ensuring compatibility between urban development in Wheatland and aircraft operations. Policy 2.G.1. The City shall work closely with appropriate agencies, including Beale Air Force Base and the Sacramento Area Council of Governments (SACOG), to ensure compatibility of land uses that fall within over-flight zones.	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Policy 2.G.2. The City shall work with Beale Air Force Base to coordinate changes to their flight patterns with land use decisions. **Mitigation Measures** *None Required.*	
4.15-8 Cumulative Traffic Impacts.	S	**Proposed General Plan Update** *N/A* **Mitigation Measures** *None Feasible.*	SU
4.16 Utilities and Service Systems			
4.16-1 Increased demand for water.	PS	**Proposed General Plan Update** Goal 5.C To ensure a safe and reliable water supply sufficient to meet the future needs of the city. Policy 5.C.1. The City shall protect the groundwater basin from overdraft from City use of groundwater. To this end, the City shall study, working closely with other public and private entities as deemed appropriate, the safe yield of the groundwater basin. Water management programs such as conjunctive use and recharge programs will also be considered. The City shall use this information to determine the most appropriate long-term water supply to serve Wheatland. Policy 5.C.2. If the results of studies undertaken pursuant to Policy 5.C.1 indicate an imbalance between safe groundwater yield and projected water requirements, the City shall develop a	LTS

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		response plan to address the imbalance. This response plan will include an appropriate mix of water conservation measures, reuse, surface water supplements, and other water management techniques. Policy 5.C.3. The City shall promote efficient water use and reduced water demand by: a. Requiring water-conserving building design and equipment in new construction; b. Encouraging water-conserving landscaping and other conservation measures; and c. Encouraging retrofitting of existing development with water-conserving devices. Policy 5.C.4. The City shall work with other agencies to promote water conservation measures countywide for both urban and agricultural uses. Policy 5.C.5. The City shall only approve new development that relies on an adequate City water supply and delivery system. Policy 5.C.6. The City shall plan, secure funding for, and procure sufficient water treatment capacity and infrastructure to meet projected water demands. Policy 5.C.7. The City shall investigate processes for monitoring water demand growth trends to anticipate water supply needs. Policy 5.C.8. The City shall monitor water quality regularly to ensure	

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		that safe drinking water standards are met and maintained in accordance with State and EPA regulations and take necessary measures to prevent contamination. Policy 5.C.9. The City shall ensure that water supply capacity and infrastructure are in place prior to granting building permits for new development. Policy 5.C.10. The City shall ensure through the development review process that public facilities and infrastructure are designed to meet ultimate capacity needs, pursuant to a master plan, to avoid the need for future replacement to achieve upsizing. Policy 5.C.11. The City shall ensure adequate water pressure throughout the urban area for fire protection purposes. **Mitigation Measures** *4.16-1 In conjunction with submittal of a tentative map application for a subdivision that would increase water connections by 10 percent or more, a Water Supply Assessment consistent with the requirements of SB 610 and 221 shall be submitted for review and approval of the City Engineer.*	
4.16-2 Capacity at wastewater treatment facility.	LTS	**Proposed General Plan Update** Goal 5.D To ensure adequate wastewater collection and treatment and the safe disposal of wastes. Policy 5.D.1. The City shall complete a Wastewater Treatment Master	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Plan that identifies treatment facility and collection system location and size to serve the needs of the expanding city. Policy 5.D.4. The City shall comply with the requirements of the Clean Water Act with the intent of minimizing the discharge of pollutants to surface waters. Policy 5.D.5. The City shall ensure through the development review process that public facilities and infrastructure are designed and constructed to meet ultimate capacity needs, pursuant to a master plan, to avoid the need for future replacement to achieve upsizing. **Mitigation Measures** *None Required.*	
4.16-3 Impacts related to wastewater conveyance system.	LTS	**Proposed General Plan Update** Goal 5.D To ensure adequate wastewater collection and treatment and the safe disposal of wastes. Policy 5.D.1. The City shall complete a Wastewater Treatment Master Plan that identifies treatment facility and collection system location and size to serve the needs of the expanding city. Policy 5.D.2. The City shall require all sewage generators within its service area to connect to the City's system. Policy 5.D.3. The City shall require that collection systems be designed on a gravity-flow basis except where a site-specific	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		engineering analysis clearly demonstrates the long-term cost-effectiveness or need for pumped facilities. Policy 5.D.4. The City shall comply with the requirements of the Clean Water Act with the intent of minimizing the discharge of pollutants to surface waters. Policy 5.D.5. The City shall ensure through the development review process that public facilities and infrastructure are designed and constructed to meet ultimate capacity needs, pursuant to a master plan, to avoid the need for future replacement to achieve upsizing. **Mitigation Measures** *None Required.*	
4.16-4 Impacts related to the provision of solid waste service.	LTS	**Proposed General Plan Update** Goal 5.F To ensure the safe and efficient disposal or recycling of solid waste generated in Wheatland. Policy 5.F.1. The City shall require waste collection in all new developments. Policy 5.F.2. The City shall promote maximum use of solid waste source reduction, recycling, composting, and environmentally-safe transformation of wastes. Policy 5.F.3. The City shall participate in regional or countywide studies and solutions for solid waste disposal problems.	N/A

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	***Level of Significance prior to Mitigation***	***Mitigation Measures***	***Level of Significance after Mitigation***
		Policy 5.F.4. The City shall encourage recycling in public and private operations to reduce demand for solid waste disposal capacity. Policy 5.F.5. The City shall investigate using recycled materials and products where economically feasible. Policy 5.F.6. The City shall require the proper disposal and recycling of hazardous materials. Policy 5.F.7. The City shall require the recycling of construction debris. Policy 5.F.8. The City shall ensure that all new development has appropriate provisions for solid waste storage, handling, and collection pickup. **Mitigation Measures** *None Required.*	

4.3 AIR QUALITY

Page 4.3-15 of the DEIR, sentence under "Mitigation Measures," is hereby revised to read:

> Mitigation Measure(s)
> Implementation of the following mitigation measures would reduce the above impacts, but not to a *less-than-significant* level. Therefore, the impact would remain significant and unavoidable.

Mitigation Measure 4.3-3(b) is revised to correct the inadvertent typographical error as follows:

> *4.3-3(b)* *Prior to construction activities, the project applicant shall assemble a comprehensive inventory list (i.e. make, model, engine year, horsepower, emission rates) of all heavy-duty off-road (portable and mobile) equipment (50 horsepower and greater) that will be used an aggregate of 40 or more hours for the construction project~~ and apply the following mitigation measure:~~.*

4.5 CULTURAL RESOURCES

Mitigation Measure 4.5-2 is revised to correct the inadvertent typographical error as follows:

> *4.5-~~1~~2(a)* *In the event that any archeological features or deposits, including locally darkened soil (midden), that could conceal cultural deposits, animal bone, shell, obsidian, mortars, or human remains, are uncovered during construction, work within 100 feet of the find shall cease, and the City of Wheatland and a qualified archaeologist shall be contacted to determine if the resource is significant and to determine appropriate mitigation. Any artifacts uncovered shall be recorded and removed to a location to be determined by the archaeologist.*
>
> *4.5-2(b)* *Revise Policy 7.D.1 as follows:*
>
> *The City shall refer development proposals that may adversely affect archaeological sites to the North Central Information Center at California State University, Sacramento, and the Northeast Information Center at California State University, Chico.*
>
> *4.5-~~3~~2(c)* *Revise Policy 7.D.2 as follows:*

The City shall not knowingly approve any public or private project that may adversely affect an archaeological site without first consulting the California Archaeological Inventory; North Central Information Center at California State University, Sacramento; Northeast Information Center at California State University, Chico; conducting a site evaluation as may be indicated; and attempting to mitigate any adverse impacts according to the recommendations of a qualified archaeologist.

4.6 GEOLOGICAL RESOURCES

Errors in the listing of policies from the General Plan Update included on page 4.6-8 of the DEIR. The text is hereby revised to read:

~~Policy 9.B.2 The City shall require that new structures intended for human occupancy be designed and constructed to minimize risk to the safety of occupants due to groundshaking.~~

Policy 9.B.2 The City shall require submission of a preliminary soils report, prepared by a registered civil (geotechnical) engineer and based upon adequate test borings, for every subdivision.

Policy 9.B.3 The City shall require that new structures intended for human occupancy be designed and constructed to minimize risk to the safety of occupants due to ~~ground-shaking~~ groundshaking.

4.13 PUBLIC SERVICES

Since the release of the DEIR, it has come to the staff's attention that some of the public services information included in the DEIR is no longer up to date. Therefore, for clarification purposes, the first sentence of the second paragraph on page 4.13-2 is hereby revised to read:

According to the Department, the minimum recommended ratio of police officers to population is ~~1.5~~ 1.7 per 1,000 persons.

The fourth paragraph on page 4.13-2 is hereby revised to read:

Wheatland's officers currently are assigned to work 12 hours shifts, which allows the City maximum coverage and often permits two officers to be on duty at the same time. When two officers are on duty at the same time, officers can perform ancillary duties usually performed by other civilian support staff. ~~It takes a minimum of four officers working 12 hour shifts~~

~~to provide full coverage. Currently the City's one beat is staffed by one to two officers.~~ It takes a minimum of five officers working either 10 or 12 hour shifts to provide 24 hour/7 day a-week patrol coverage. Currently, the City is comprised of one geographic patrol area or beat and typically one officer is assigned to patrol the entire city. This staffing level does not allow for absences due to vacation, injury/illness, ~~or~~ training or court appearances. Overtime is used to offset these types of scheduled events, and part-time police reserves are used to fill-in for unscheduled absences.

The first full paragraph on page 4.13-3 is hereby revised to read:

> The police station is staffed only when the Chief or an on-duty officer in present. If no one is present at the station, the on-duty patrol officer must come to the station to assist the public. During 2003, budget constraints made it necessary for the city to reduce staffing levels, including a police dispatcher position. Currently, the department contracts for dispatch services with the Yuba County Sheriff's Office. ~~In 2003 the clerk who doubled as a dispatcher was laid off. The dispatch of calls is accomplished now by the Chief when he is present at the station. After hours and on weekends the on-duty patrol officer carries a cell phone and receives the calls for service directly from the public.~~

The fifth paragraph on page 4.13-3 is hereby revised to read:

> The Police Department has no ongoing community programs with schools or businesses. The Department continues to pursue appropriate grant funds so to enable it to provide these services to the community. ~~The Department was pursuing a grant in cooperation with the Wheatland School District to hire a school resource officer. However, given current and pending (FY 2004 and 2005) budget constraints and decisions, patrol officers may be laid off and the Chief's position reduced to part time. Thus, the Department indicated that it couldn't continue to support the proposal if it means having to layoff any of the patrol officers~~

These changes do not alter the previous analysis, which remains adequate.

4.15 TRAFFIC AND CIRCULATION

The text of the last sentence under the section titled "State Route 65 (SR 65)" on page 4.15-2 is hereby revised to read:

> In Marysville, SR 70 ~~65~~ becomes a two and four lane road with at grade signalized and un-signalized intersections.

Page 4.15-11, third paragraph, is hereby revised to read:

By 202~~0~~5, the Wheatland Bypass may be constructed. Even with a future bypass, daily traffic volumes through the downtown area will likely be in the range of 15,000 to 20,000 ADT.

For clarification purposes page 4.15-26 of the DEIR is hereby revised to read:

Mitigation Measure(s)
The City may consider widening existing SR 65 to provide four travel lanes through the downtown between Main Street and Olive Street. According to the Traffic Impact Report prepared by kdAnderson, this widening would result in LOS "A". However, the widening of SR 65 through downtown is considered infeasible because the widening would conflict with the City's plan for the downtown area. ~~Furthermore, upon establishment of the planned SR 65 bypass, the widened existing SR 65 would no longer be needed.~~ Because feasible mitigation measures do not exist, impacts related to increased traffic volumes along SR 65 between Main Street and Olive Street would remain *significant and unavoidable.*

Mitigation Measure 4.15-2 on page 4.15-30 of the DEIR is hereby revised to read:

4.15-2(a) *Prior to initiating roadway improvements, the plans for the Ring Road shall identify an overlap for the right turning vehicles and exclusion of westbound "U" turns from southbound SR 65 at the Ring Road. The plans shall be reviewed and approved by the City Engineer.*

4.15-2(b) *Alternatively, if feasible, the City shall implement a separated-grade crossing at the North Ring Road/State Route 65 intersection. The plans shall be reviewed and approved by the City Engineer and Caltrans.*

APPENDIX H

Table 6 on page 14 of Appendix H is out of date and is hereby replaced with Table 2-1, included below.

Table 2-1

```
MITIG8 - 2025 PM            Mon Feb 27, 2006 15:49:40                Page 1-1
------------------------------------------------------------------------------
------------------------------------------------------------------------------
                     Level Of Service Computation Report
            2000 HCM Operations Method (Future Volume Alternative)
******************************************************************************
Intersection #5 Spenceville/Loop Road
******************************************************************************
Cycle (sec):          100                Critical Vol./Cap. (X):          0.740
Loss Time (sec):       12 (Y+R =  4 sec) Average Delay (sec/veh):         33.4
Optimal Cycle:         65                Level Of Service:                   C
******************************************************************************
Approach:       North Bound      South Bound       East Bound       West Bound
Movement:     L  -  T  -  R    L  -  T  -  R    L  -  T  -  R    L  -  T  -  R
------------|---------------||---------------||---------------||---------------|
Control:         Protected        Protected        Protected        Protected
Rights:            Ignore          Include          Include          Include
Min. Green:     0    0    0     0    0    0     0    0    0     0    0    0
Lanes:        1  0  2  0  1    2  0  1  1  0    1  0  1  1  0    2  0  2  0  1
------------|---------------||---------------||---------------||---------------|
Volume Module:
Base Vol:      50  285  550   575  320  100    65  295   30   495  255  460
Growth Adj:  1.00 1.00 1.00  1.00 1.00 1.00  1.00 1.00 1.00  1.00 1.00 1.00
Initial Bse:   50  285  550   575  320  100    65  295   30   495  255  460
Added Vol:      0    0    0     0    0    0     0    0    0     0    0    0
PasserByVol:    0    0    0     0    0    0     0    0    0     0    0    0
Initial Fut:   50  285  550   575  320  100    65  295   30   495  255  460
User Adj:    1.00 1.00 0.00  1.00 1.00 1.00  1.00 1.00 1.00  1.00 1.00 1.00
PHF Adj:     0.90 0.90 0.00  0.90 0.90 0.90  0.90 0.90 0.90  0.90 0.90 0.90
PHF Volume:    56  317    0   639  356  111    72  328   33   550  283  511
Reduct Vol:     0    0    0     0    0    0     0    0    0     0    0    0
Reduced Vol:   56  317    0   639  356  111    72  328   33   550  283  511
PCE Adj:     1.00 1.00 0.00  1.00 1.00 1.00  1.00 1.00 1.00  1.00 1.00 1.00
MLF Adj:     1.00 1.00 0.00  1.00 1.00 1.00  1.00 1.00 1.00  1.00 1.00 1.00
Final Vol.:    56  317    0   639  356  111    72  328   33   550  283  511
------------|---------------||---------------||---------------||---------------|
Saturation Flow Module:
Sat/Lane:    1900 1900 1900  1900 1900 1900  1900 1900 1900  1900 1900 1900
Adjustment:  0.91 0.91 1.00  0.89 0.88 0.88  0.91 0.90 0.90  0.89 0.91 0.82
Lanes:       1.00 2.00 1.00  2.00 1.52 0.48  1.00 1.82 0.18  2.00 2.00 1.00
Final Sat.:  1736 3473 1900  3369 2551  797  1736 3108  316  3369 3473 1554
------------|---------------||---------------||---------------||---------------|
Capacity Analysis Module:
Vol/Sat:     0.03 0.09 0.00  0.19 0.14 0.14  0.04 0.11 0.11  0.16 0.08 0.33
Crit Moves:       ****       ****            ****                      ****
Green/Cycle: 0.07 0.12 0.00  0.26 0.31 0.31  0.06 0.20 0.20  0.30 0.44 0.44
Volume/Cap:  0.45 0.74 0.00  0.74 0.45 0.45  0.74 0.54 0.54  0.54 0.18 0.74
Uniform Del: 44.6 42.3  0.0  34.1 27.8 27.8  46.5 36.1 36.1  28.9 16.8 23.0
IncremntDel:  2.6  6.8  0.0   3.4  0.3  0.3  25.7  0.9  0.9   0.6  0.1  4.3
Delay Adj:   1.00 1.00 0.00  1.00 1.00 1.00  1.00 1.00 1.00  1.00 1.00 1.00
Delay/Veh:   47.2 49.1  0.0  37.6 28.1 28.1  72.2 37.0 37.0  29.5 16.9 27.3
User DelAdj: 1.00 1.00 1.00  1.00 1.00 1.00  1.00 1.00 1.00  1.00 1.00 1.00
AdjDel/Veh:  47.2 49.1  0.0  37.6 28.1 28.1  72.2 37.0 37.0  29.5 16.9 27.3
HCM2kAvg:       2    6    0    11    6    6     4    6    6     8    3   14
******************************************************************************

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3.0 COMMENTS AND RESPONSES

This chapter responds to each comment received on the DEIR during the public comment period between November 29, 2005 and January 12, 2006.

Letter 1

FAXED
2/6/06 1:10 pm

COMMUNITY DEVELOPMENT RESOURCE AGENCY
Planning • Engineering and Surveying • Building

February 1, 2006

RECEIVED
FEB 0 6 2006
CITY OF
WHEATLAND

Mr. Tim Raney
Planning Director
City of Wheatland
313 Main Street
Wheatland, CA 95692

SUBJECT: WHEATLAND GENERAL PLAN UPDATE DRAFT ENVIRONMENTAL IMPACT REPORT

Dear Mr. Raney:

Thank you for the opportunity to review the above-mentioned project for concerns relating to Placer County. After reviewing the submitted information, The Community Development Resource Agency – Engineering & Surveying Division and the Department of Public Works have the following comments regarding the application:

1-1

1. Placer County will not support the proposed alignment of the State Route 65 Bypass as shown on Figure 3 of the Transportation Section of the document without compelling justification.

   The alignment depicted requires the existing railroad tracks to be crossed twice; one of the crossings is within Placer County. The additional cost associated with a railroad crossing could have a significant effect on the ability to deliver the Bypass in a timely fashion. The additional costs of such an alignment would adversely ripple through all channels on STIP funds in Placer County.

   We would suggest an alignment west of the City or identification of a viable funding source that does not include Placer County STIP funds.

If you have any questions or concerns regarding our comments, please do not hesitate to contact me by phone or email at (530) 889.7584 or pfrantz@placer.ca.gov.

Sincerely,

Phillip A. Frantz

Phillip A. Frantz, P.E.
Associate Civil Engineer
Engineering and Surveying Division

C:\data\Paf\Eir\Wheatland GP 2-1-06.doc
Ref.: city of wheatland general plan.doc

Auburn (Dewitt Center) 11444 B Avenue / Auburn, CA 95603-2603 | (530) 889-7500 / Fax (530) 889-7589
Tahoe (West Shore) 565 West Lake Blvd. / P.O. Box 1909 / Tahoe City, CA 96145-1909 | (530) 581-6227 / Fax (530) 581-6228
www.placer.ca.gov

02/07/2006 TUE 15:14 FAX 5306339102 WHEATLAND CITY HALL →→→ Raney Planning Mgt. 003/009

Comment Letter 1
Phillip A. Frantz, P.E. Associate Civil Engineer,
Placer County, Community Development Resource Agency

Response to Comment 1-1:

The comment does not address the adequacy of the DEIR, but the Circulation Element of the General Plan. The comment will be forwarded to the City Council for their consideration during the decision-making process. The City has provided the following response to the comment.

The General Plan Steering Committee looked at several alignments for the Wheatland Bypass including a western alignment. Many of the alignments were proposed in a Project Study Report Prepared by Caltrans in 2000. The western alignments were determined not to be feasible because they would have had to run through a wetland and habitat preserve created on the south side of the Bear River. In addition an eastern alignment would be more centrally located in the City's Sphere of Influence.

The City also was concerned about the crossings of the UP railroad tracks and subsequently has begun discussions with UP about relocating their facilities at the same time that the bypass is being built. This option would eliminate nine (9) at grade crossings between the Bear River and the spur track to Beal Air Force Base north of the City.

As for funding of the bypass the City is proposing to fund the bypass fully with local dollars. Based on discussions with CalTrans the City would construct the bypass as a two lane local road built to CalTrans specifications for geometrics and right-of-way. Once the road is connected at both ends the City would request that CalTrans relinquish the existing alignment through the downtown area in return for the new alignment. The City is not and has not requested any funding contribution from Placer County for the portion of the bypass within is jurisdiction.

Letter 2

FAXED
Tim Raney | 2/6/06 cw

SUTTER COUNTY
COMMUNITY SERVICES DEPARTMENT

Animal Control
Building Inspection
Emergency Services
Environmental Health
Fire Services
Planning

Rich Hall, Director
Larry Bagley, Assistant Director, Permitting Services
Chuck Vanevenhoven, Fire Services
Mike Harrold, Emergency Services

RECEIVED
FEB 0 2 2006
CITY OF WHEATLAND

January 31, 2006

Mr. Tim Raney, Planning Director
City of Wheatland
313 Main Street
Wheatland CA 95692

Re: Wheatland General Plan Update Draft EIR (SCH#2005082022)

Dear Mr. Raney,

Sutter County thanks you for the opportunity to review and comment on the Wheatland General Plan Update Draft EIR. After reviewing the document, Sutter County has the following comments:

2-1 Sutter County is concerned about the impacts upon our road system resulting from the traffic generated along Wheatland Road west of Sorano Lane and specifically the impacts to Pleasant Grove Road and its associated bridges. The document states that Wheatland Road is classified as a "local road" that will be an "arterial" roadway at build-out and states the roadway will have an approximate ADT of 7000 to and from Pleasant Grove Road.

2-2 The Future Traffic Projections section in the report states this projection was made utilizing a modified version of the year 2025 traffic demand model that incorporates local area development and the envisioned local and regional circulation system improvements but is not clear on what the boundaries of the study area are.

2-3 Pleasant Grove Road in Sutter County (and 40 mile road in Yuba County) are quickly becoming the alternative North-South route for development in Yuba and Placer County. The Sutter County General Plan projects Pleasant Grove to become a regional arterial of 4 lanes with eight widened bridges. It is anticipated that it will become the southern route of choice as Wheatland pursues its planned relocation of S.R. 65 and the Union Pacific Railroad lines to the east of town. As a result, we have the following questions:

1130 Civic Center Blvd. • Yuba City, California 95993 • (530) 822-7400 • FAX: (530) 822-7109

02/07/2006 TUE 15:10 FAX 5306339102 WHEATLAND CITY HALL →→ Raney Planning Dept. 001/019

Tim Raney, Planning Director
January 31, 2006
Page Two

2-4 1. What assumptions went into the modified projected version of regional traffic circulation?

2-5 2. Will the Level of Service on Wheatland and Pleasant Grove Roads be degraded before the bypass becomes a reality?

2-6 This project will generate significant additional traffic that will impact Pleasant Grove Road in Sutter County. The Draft EIR's Traffic Impact Study should provide this analysis, and quantify the impacts to regional circulation". Mitigation should be incorporated into the project to address these road and bridge impacts.

2-7 Finally, a small portion of land within Sutter County is included within the City's planning boundaries. Sutter County requests that land within our jurisdiction be removed from your planning boundary.

2-8 In summary, the issues discussed above remain of paramount concern to the Sutter County. We will not accept unmitigated project impacts as a result of this project. The DEIR does not reduce the impacts identified above through mitigation to levels which are less than significant. For these reasons, the project should be revised and re-circulated for further public comment. Please provide our office with all future notices regarding this project.

Sincerely,

Doug Libby, AICP
Senior Planner

DL:dh

CC: Al Sawyer, Sutter County Public Works Department

P:\Planning\Projects - Misc\Review of Projects in other jurisdictions\1-31-06 final letter.doc

02/07/2006 TUE 15:10 FAX 5306339102 WHEATLAND CITY HALL →→→ Raney Planning Mgt. 002/019

Comment Letter 2
Doug Libby, AICP, Senior Planner,
Sutter County Community Services Department

Response to Comment 2-1:

Wheatland Road is projected to carry about 6,700 ADT just west of Wheatland. However, these daily volume projections drop substantially to 3,650 ADT prior to reaching Pleasant Grove Road. This is approximately a 1,350 ADT increase over no project projections, or less than a vehicle a minute. As neither Wheatland Road nor Pleasant Grove Boulevard are projected to carry traffic volumes in excess of the arterial standard, this slight increase would not be considered significant.

Response to Comment 2-2:

The boundary of the study area is identified in the Circulation Diagram (Figure 4 on page 2-15 to the General Plan Update.) New proposed roadways are illustrated in this figure while the land uses are illustrated in the Land Use Diagram (Figure 3 on page 1-21 of the General Plan Update.)

Response to Comment 2-3:

This comment does not raise any specific concerns and is a precursor to the following comments.

Response to Comment 2-4:

Only those roadways and land uses that are proposed as part of the Wheatland GPU were changed in the Tri County model. All other circulation and land uses in the model remained consistent with those that were in the originally Tri County model obtained from Caltrans.

Response to Comment 2-5:

The SR 65 Bypass was part of the preferred circulation system that was assumed to be in place as part to the GPU. Therefore, projections without the bypass were not generated under the preferred alternative's land use. However, one of the three alternatives that were studied did not include the bypass as part of the circulation system. While the land uses differ between these two scenarios, the traffic projections on Wheatland Road itself are slightly higher (i.e. about 500 ADT) without inclusion of the bypass.

Response to Comment 2-6:

See response to Comment 2-1. The Traffic Study prepared for the Wheatland General Plan Update includes trip generation and distribution assumptions within the model for Genera Plan buildout. Trips associated with General Plan buildout will primarily be

distributed north and south along SR 65. The amount of trips experienced on roadways outside of the Wheatland Study Area, within Sutter County, would be minimal and would not be expected to cause adverse impacts.

Response to Comment 2-7:

The General Plan Update Planning Boundary generally follows the City's Sphere of Influence boundary. Small portions of land north of the Bear River are within the Planning Boundary but are located in Sutter or Placer County due to the changing course of the Bear River. Property owners of those lands requested their land be included in the Wheatland GPU Planning Area and indicated the intent to petition the respective counties and State of California to adjust the County lines to follow the existing course of the Bear River. The subject lands are designated "urban reserve" and cannot be annexed to the City of Wheatland or developed unless and until the County lines are adjusted accordingly.

Response to Comment 2-8:

See response to Comment 2-1.

Letter 3

Feb-06-2006 12:07 From-DIVISION OF LAND RESOURCE PROTECTION 19163273430 T-213 P.001/002 F-042

STATE OF CALIFORNIA, RESOURCES AGENCY ARNOLD SCHWARZENEGGER, GOVERNOR

DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEB SITE conservation.ca.gov

FAXED
Tim Raney 2-6-06 cw

TO: Project Coordinator
Resources Agency

Tim Raney, AICP, Planning Director
City of Wheatland
313 Main Street
Wheatland, CA 95692

FROM: Dennis J. O'Bryant, Acting Assistant Director
Department of Conservation, Division of Land Resource Protection

DATE: February 6, 2006

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE CITY OF WHEATLAND GENERAL PLAN UPDATE (GPU) **SCH# 2005082022**

The Department of Conservation's Division of Land Resource Protection (Division) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. The Division has reviewed the above DEIR and offers the following comments.

3-1 The proposed project involves a comprehensive update of the 1980 Wheatland General Plan and policies and objectives for preserving and enhancing the quality of life for the Wheatland population. The DEIR provides good discussions of the agricultural resources in the planning area and acknowledges that implementation of the GPU would result in urban development of prime agricultural lands. In fact, the DEIR specifies that 4,700 acres are included in the General Plan's Urban Reserve designation which is used to identify lands to be considered for future urban development.

The DEIR also notes that the conversion of prime agricultural land to alternate non-agricultural uses involves development of limited agricultural land that is unable to be replaced. Although some General Plan goals and policies are noted as minimizing impacts on agricultural land, the DEIR concludes that the conversion of agricultural land resulting from project implementation is significant and unavoidable.

The Department of Conservation's mission is to protect Californians and their environment by: Protecting lives and property from earthquakes and landslides; Ensuring safe mining and oil and gas drilling; Conserving California's farmland; and Saving energy and resources through recycling.

02/07/2006 TUE 15:14 FAX 5306339102 WHEATLAND CITY HALL →→→ Raney Planning Mgt. 001/009

Project Coordinator and Tim Raney, AICP, Planning Director
February 6, 2006
Page 2 of 2

3-2 The Division recommends that the City consider the purchase of agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land, as well as for the mitigation of growth inducing and cumulative impacts on agricultural land. This could be an implementation measure associated with General Plan Goal 1.I to maintain the productivity and minimize development affects on agricultural lands surrounding Wheatland.

Mitigation using conservation easements can be implemented by at least two alternative approaches: the outright purchase of conservation easements tied to the project, or via the donation of mitigation fees to a local, regional or statewide organization or agency, including land trusts and conservancies, whose purpose includes the purchase, holding and maintenance of agricultural conservation easements. Whatever the approach, the conversion of agricultural land should be deemed an impact of at least regional significance and the search for mitigation lands conducted regionally, and not limited strictly to lands within the Wheatland Sphere of Influence.

Information about conservation easements is available on the Division's website, or by contacting the Division at the address and phone number listed below. The Division's website address is

http://www.conservation.ca.gov/DLRP/

3-3 Of course, the use of conservation easements is only one form of mitigation that should be considered. The following mitigation measures could also be considered:

- Increasing home density or clustering residential units for compact development which would use less agricultural land
- Establishing buffers such as setbacks, berms, greenbelts, and open space areas to separate farmland from incompatible urban uses.
- Investing in the commercial viability of the remaining agricultural land in the project area through a mitigation bank which invests in agricultural infrastructure, water supplies and marketing.
- Supporting agricultural land preservation policies and practices on adjoining unincorporated lands similar to General Plan Policy 1.A.8.

Thank you for the opportunity to comment on the DEIR. If you have questions on our comments, or require technical assistance or information on agricultural land conservation, please contact the Division at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 324-0850.

cc: Yuba County RCD
1511 Butte House Road Suite B
Yuba City, CA 95993

Comment Letter 3
Denis J. O'Bryant, Acting Assistant Director,
California Department of Conservation, Division of Land Resource Protection.

Response to Comment 3-1:

The comment does not address the adequacy of the DEIR.

Response to Comment 3-2 and 3-3:

The policies included in the General Plan Update encourage growth while still protecting valuable agricultural resources. This is why the General Plan Update Land Use Diagram includes a 4,700 acre Urban Reserve area, primarily situated to the east of the Wheatland Study Area. As noted in the Project Description (page 3-7 of the DEIR), environmental review and a General Plan Amendment would be required prior to future development of the Urban Reserve area.

The level and scope of development planned in the Wheatland General Plan Update is entirely within the currently adopted Sphere of Influence (SOI). Therefore, the level and scope of development included in the General Plan Update has been considered for possible future development. The use of conservation easements by the City of Wheatland is a policy consideration for the decision-makers and based upon the Plan's consistency with the current SOI, conservation easements are not currently being proposed as part of this GPU.

Furthermore, off-site mitigation through the use of conservation easements is not effective or feasible. First, a conservation easement elsewhere does not directly mitigate the loss of prime agricultural land in the Wheatland area. The significant impact (loss of agricultural land in Wheatland) occurs with or without the conservation easement on land located outside the Wheatland area. Second, land prices in Yuba County have increased substantially in recent years and so too the price of conservation easements, and the City lacks funding or a revenue source to pay for the purchase of conservation easements. Mitigation through conservation easements or payments to a mitigation bank therefore is infeasible due to economic factors.

Letter 4

02/06/2006 14:45 9163582902 DFG REG 2 PAGE 02/03

State of California – The Resources Agency
ARNOLD SCHWARZENEGGER, Governor
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
Sacramento Valley – Central Sierra Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670
916/358-2900

FAXED
Tim Raney 2/6/06 cw

February 6, 2006

Mr. Tim Raney
Planning Director
City of Wheatland
313 Main Street
Wheatland, CA 95692

Dear Mr. Raney:

4-1 The Department of Fish and Game (DFG) has reviewed the Draft Environmental Impact Report (DEIR) for the City of Wheatland General Plan Update (SCH# 2005082022). The project considers a study area of about 10,420 acres. Our records indicate a letter was sent to you dated August 24, 2005 providing comments pursuant to the Notice of Preparation for this project. Appendix B of the DEIR fails to include this letter.

4-2 Significant natural resources of the plan area include wetlands and vernal pools, grasslands, riparian habitats, aquatic and riparian-dependent wildlife resources, as well as the potential for associated listed and sensitive wildlife species. The project site provides for potential nesting and foraging habitat for the state listed threatened Swainson's hawk (*Buteo swainsonii*). Portions of the study area overlap the current project boundaries for the Yuba/Sutter Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP).

The DFG is providing comments in response to the DEIR under CEQA as both a responsible and trustee agency. As trustee for the State's fish and wildlife resources, the DFG has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of such species. In that capacity, the DFG administers the California Endangered Species Act (CESA), the Native Plant Protection Act (NPPA), and other provisions of the California Fish and Game Code that affords protection to the State's fish and wildlife trust resources.

4-3 Many of the Goals and Policies presented in the General Plan and analyzed in this DEIR are consistent with the concerns of the DFG. We are concerned however that there is no mechanism within the General Plan, and thus the DEIR has not analyzed, the ability of the City to incorporate the Goals and Policies into a system whereby results can be achieved that benefit fish and wildlife. We suggest that an additional goal

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02/07/2006 TUE 15:16 FAX 5306339102 WHEATLAND CITY HALL → Raney Planning Mgt. 001/004

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Mr. Raney
February 6, 2006
Page 2

4-3
Cont.

(with associated policies) be included within the General Plan stating that the City of Wheatland will participate and become partners to the Yuba Sutter NCCP/HCP. The Final EIR could thus acknowledge that this conservation planning effort will assure implementation of the General Plan Goals and Policies designed to benefit fish and wildlife in a manner consistent with an ongoing and regional conservation planning effort.

Thank you for the opportunity to review this project. If we can be of further assistance, please contact Mr. Jeff Finn at (530) 477-0308 or Mr. Kent Smith, Acting Assistant Regional Manager at (916) 358-2382.

Sincerely,

Sandra Morey
Regional Manager

cc: Mr. Charles Thistlethwaite
Principal Planner
County of Yuba
Department of Community Development
Government Center
915 8th Street, Suite 123
Marysville, CA 95901

Mr. Eric Tattersall
U. S. Fish and Wildlife Service
2800 Cottage Way, Room W2605
Sacramento, CA 95825-1888

State of California
Office of Planning and Research
PO Box 3044
Sacramento, Ca 95812-3044

Mr. Kent Smith
Mr. Dale Whitmore
Department of Fish and Game
Sacramento Valley-Central Sierra Region
1701 Nimbus Road, Suite A
Rancho Cordova, California 95670

02/07/2006 TUE 15:16 FAX 5306339102 WHEATLAND CITY HALL →→ Raney Planning Mgt. 002/004

03/10/2006 FRI 8:58 FAX 5306339102 WHEATLAND CITY HALL →→→ Raney Planning Mgt. 002/004

State of California - The Resources Agency
ARNOLD SCHWARZENEGGER, Governor
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
Sacramento Valley - Central Sierra Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670
(916) 358-2900

RECEIVED
AUG 26 2005
CITY OF WHEATLAND

August 23, 2005

Mr. Tim Raney
Planning Director
City of Wheatland
313 Main Street
Wheatland, CA 95692

Dear Mr. Raney:

The Department of Fish and Game (DFG) has reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the City of Wheatland General Plan Update (SCH# 2005082022). The project considers a study area of about 4,650 acres. The current city limits include about 504 acres while the existing Sphere of Influence covers about 8,636 acres.

Significant natural resources of the plan area include wetlands and vernal pools, grasslands, riparian habitats, aquatic and riparian-dependent wildlife resources, as well as the potential for associated listed and sensitive wildlife species. The project site provides for potential nesting habitat and foraging habitat for the state listed threatened Swainson's hawk (*Buteo swainsonii*). Portions of the study area overlap the current project boundaries for the Yuba/Sutter Natural Community Conservation Plan/Habitat Conservation Plan.

The DFG is providing comments in response to the NOP under CEQA as both a responsible and trustee agency. As trustee for the State's fish and wildlife resources, the DFG has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of such species. In that capacity, DFG administers the California Endangered Species Act (CESA), the Native Plant Protection Act (NPPA), and other provisions of the California Fish and Game Code that affords protection to the State's fish and wildlife trust resources. The DFG recommends that the DEIR include discussion and evaluation of the following:

1. Analyze and discuss all reasonably foreseeable direct and indirect project-related impacts on biological resources due to project implementation. The analysis should focus, in particular, on the presence of and potential habitats for all state

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Mr. Tim Raney
August 23, 2005
Page Two

and federal listed species and species of concern and the evaluation of direct, indirect and cumulative project impacts to these species and their respective habitat. This analysis should include discussion of adjacent habitats outside of the project area that support or could support listed species or species of concern and that may be impacted as a result of project implementation or other proposed or potential projects in west Placer County.

2. Identify and discuss potentially feasible mitigation measures to address all reasonably foreseeable project-related impacts on biological resources. This must include identification of mitigation measures that minimize and fully mitigate all project impacts to state and federally listed species and species of concern. Analysis should include discussion of the ability to conserve natural resources on site that may be achieved through project design and take avoidance measures and offsite mitigation obtained through acquisition of existing natural resources. Offsite acquisition should focus on acquisition (fee title or easement) and management in perpetuity of adequately sized and suitable habitat areas for all wildlife species near the project area.

3. Identification of any offsite infrastructure improvements required as part of this project and evaluation of potential project impacts due to these activities. Subsequently, the DEIR should identify and analyze potentially feasible mitigation measures that avoid or substantially lessen, and minimize and fully mitigate, all reasonably foreseeable direct and indirect impacts to biological resources.

4. Evaluation of the development of the proposed plan areas contribution to habitat fragmentation and population isolation of all plant and animal populations including but not limited to listed species and species of concern. Include identification of potentially feasible mitigation measures that will avoid or substantially lessen these impacts.

5. Evaluate the consistency of the proposed project with the ongoing conservation planning efforts pursuant to Natural Community Conservation Planning and Habitat Conservation Planning. This analysis should specifically address the scientifically supportable basis for the proposed project and all alternative development scenarios as subsequently suggested using sound principles of conservation biology. Describe measures that will assure that these proposed projects are consistent with a long-term conservation strategy for Yuba County.

03/10/2006 FRI 8:58 FAX 5306339102 WHEATLAND CITY HALL →→→ Raney Planning Mgt. 004/004

Mr. Tim Raney
August 23, 2005
Page Three

Thank you for the opportunity to review this project. If we can be of further assistance, please contact Mr. Jeff Finn, Staff Environmental Scientist at (530) 477-0308 or Mr. Kent Smith, Acting Assistant Regional Manager at (916) 358-2883.

Sincerely,

for Sandra Morey
Regional Manager

cc:

Dale Whitmore
Kent Smith
Department of Fish and Game
Rancho Cordova, California 95670

Charles Thistlethwaite
Principal Planner
County of Yuba
Department of Community Development
Government Center
915 8th Street, Suite 123
Marysville, CA 95901

Comment Letter 4
Sandra Morey, Regional Manager,
California Department of Fish and Game

Response to Comment 4-1:

The comment letter in question was inadvertently left out of the NOP comments; however, was considered during the preparation of the Draft EIR. The letter is included above and responses to those comments are as follows:

Comment 1:

The Draft EIR discusses impacts related to the disruption of habitats that may support state or federally listed species of concern (see Impacts 4.4-1 through 4.4-6). Additionally, the General Plan includes policies to ensure adequate cumulative environmental analysis for individual projects within the buildout of the General Plan, including Goal 8.B, Policy 8.B.8, and policy 8.B.6, which ensures that the review of all development proposals be conducted in accordance with Federal, State and local statutes in regard to special status species and jurisdictional wetlands.

Comment 2:

The Draft EIR includes goals and policies which were found to mitigate foreseeable biological impacts to less-than-significant levels, with the exception of the loss of Swainson's Hawk foraging habitat, which was found to be significant and unavoidable, despite goals and policies which would reduce the impacts associated with loss of habitat.

Comment 3:

Though the General Plan Update Draft EIR is a program-level document and does not include in-depth analysis of project-level impacts, the EIR does include a number of policies, which are focused ensuring that adequate project-level environmental review is conducted prior to construction. These include (but are not limited to) Goal 8.B, Policy 8.B.5 Policy 8.B.6, Policy 8.B.7 Policy 8.B.8, and Policy 8.D.3.

Comment 4:

The General Plan Update includes goals and policies, which are established to protect the integrity of existing special-species plants and animals. Specifically, Policy 8.D.3 addresses the need to preserve significant stands of vegetation and other areas of special ecological significance.

Comment 5:

The General Plan Update includes Policy 8.B.6 which states that "The City shall review development proposals in accordance with applicable Federal, State, and local statutes protecting special-status species and jurisdictional wetlands."

Response to Comment 4-2:

The comment does not address the adequacy of the DEIR.

Response to Comment 4-3:

Goal 8.B from the Wheatland General Plan Update and its supporting policies, specifically policies 8.B.1, 8.B.2 and 8.B.7 require future developments to work closely with federal, state and other local environmental planning and protection organizations in a manner similar to that described in the comment letter. Policy 8.B.2 specifically states that:

> The City shall support and cooperate with efforts of other local, state and federal agencies and private entities engaged in the preservation and protection of significant biological resources from incompatible land uses and development.

Under the policy, cooperation and collaboration with Yuba Sutter NCCP/HCP would be required. The determination regarding the level of participation in the NCCP/HCP will be considered by City Council during the General Plan adoption and implementation process.

Letter 5

02/08/2006 WED 15:03 FAX 5306339102 WHEATLAND CITY HALL →→→ Raney Planning Mgt. 006/015

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit

Arnold Schwarzenegger
Governor

Sean Walsh
Director

February 7, 2006

Tim Raney
City of Wheatland
313 Main Street
Wheatland, CA 95692

RECEIVED
FEB 0 8 2006
CITY OF WHEATLAND

Subject: City of Wheatland - General Plan Update
SCH#: 2005082022

Dear Tim Raney:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on February 6, 2006, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

5-1 Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

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Document Details Report
State Clearinghouse Data Base

SCH#	2005082022
Project Title	City of Wheatland - General Plan Update
Lead Agency	Wheatland, City of
Type	EIR Draft EIR
Description	The City of Wheatland is currently in the process of updating its General Plan. A General Plan acts as the "constitution" for making rational decisions regarding a city's long-term physical development. The General Plan expresses the community's development goals and incorporates public policies relative to the distribution of future public and private land uses. California State law requires that each City must have an adopted General Plan "for the physical development of the city and land outside its boundaries which bears relation to its planning."

Lead Agency Contact

Name	Tim Raney		
Agency	City of Wheatland		
Phone	(916) 372-6100	*Fax*	
email			
Address	313 Main Street		
City	Wheatland	*State* CA	*Zip* 95692

Project Location

County	Yuba			
City	Wheatland			
Region				
Cross Streets	Entire City of Wheatland			
Parcel No.				
Township		*Range*	*Section*	*Base*

Proximity to:

Highways	Hwy 65
Airports	Beale AFB
Railways	Union Pacific
Waterways	Bear River
Schools	Wheatland High, Bear River Middle, Wheatland Elem
Land Use	The project site to be affected by the General Plan Update consists of the study area, which consists of 10,420 acres. The portion of the study area aplanned for development consists of roughly half of the total study area.
Project Issues	Agricultural Land; Air Quality; Archaeologic-Historic; Cumulative Effects; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife
Reviewing Agencies	Resources Agency; Department of Conservation; Department of Fish and Game, Region 2; Department of Forestry and Fire Protection; Department of Parks and Recreation; Office of Emergency Services; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 3; Department of Housing and Community Development; Department of Health Services; Regional Water Quality Control Bd., Region 5 (Sacramento); Native American Heritage Commission; State Lands Commission

Date Received 12/22/2005 *Start of Review* 12/23/2005 *End of Review* 02/08/2006

Note: Blanks in data fields result from insufficient information provided by lead agency.

Comment Letter 5
Terry Roberts, Director, Governor's Office of Planning and Research,
State Clearinghouse Planning Unit

Response to Comment 5-1:

The comment does not address the adequacy of the DEIR.

Letter 6

02/01/2006 WED 15:34 FAX 5306339102 WHEATLAND CITY HALL →→→ Raney Planning Mgt. 002/010

FEB-01-2006 15:06 CALTRANS D3 PLANNING 530 741 5346 P.02/07

DEPARTMENT OF TRANSPORTATION
DISTRICT 3
703 B STREET
P. O. BOX 911
MARYSVILLE, CA 95901-0911
PHONE (530) 741-4025
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February 1, 2006

06YUB0001
03-YUB-065, P.M. .093 – 3.46
City of Wheatland General Plan Update
DEIR, SCH # 2005082022

Mr. Tim Raney, Planning Director
City of Wheatland
313 Main Street
Wheatland, CA 95692

Dear Mr. Raney:

Thank you for the opportunity to review and comment on the draft environmental impact report (DEIR) for the City of Wheatland's General Plan Update (GPU) on property located along the east and west sides of State Route (SR) 65 from the Bear River on the south to Dry Creek on the north in Yuba County. Our comments on the DEIR are as follows:

CHAPTER 4 COMMENTS:

Section 4.8, Hydrology and Water Quality:

6-1

- While we concur with the identified hydrology and water quality impacts and mitigation measures identified in Section 4.8, the DEIR does not specifically address potential cumulative drainage and water quality impacts to the SR 65 right-of-way (ROW) or drainage facilities. Any increases of discharge into the State drainage system must be mitigated. Runoff must meet Regional Water Quality Control Board (RWQCB) water quality standards prior to entering the State's ROW or drainage facilities. No net increase to the surface water (storm water) peak runoff discharge (100 year storm event) within the State's ROW and drainage facilities may be realized as a result of the completion of the project. Best Management Practices (BMP) systems should be included to remove objectionable pollutants and to manage storm water prior to discharging into the State's ROW. Once installed, the property owner must properly maintain these systems. The project proponent and/or the City of Wheatland may be held liable for future damages due to impacts for which adequate mitigation was not undertaken or sustained. Acceptable constituency levels and appropriate BMP information can be obtained from the RWQCB.

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Tim Raney
February 1, 2006
Page 2

6-2 • We recommend that the potential cumulative drainage and water quality impacts to SR 65 be examined on a project-by-project basis at the time that a project application is submitted to the City for review, and request that pre- and post-project hydrologic/hydraulic calculations showing the coverage quantities for buildings, streets, parking, and landscape areas be supplied for our review prior to final project approval. These calculations should be sent to Mr. Cameron Knudson, District 3 Hydraulics Branch at the above address in Marysville. Mr. Knudson can be reached at (530) 741-4052.

Section 4.15, Transportation and Circulation:

6-3 • Page 4.15-2, last sentence under SR 65: The sentence states that in Marysville, SR 65 becomes a two and four lane road with "at grade signalized…intersections." Please note that SR 65 presently terminates at the freeway section of SR 70, south of Marysville. There are no signalized intersections on SR 65 north of the City of Lincoln. Please correct the text.

6-4 • Page 4.15-7, existing traffic volumes and level of service, first paragraph, last sentence; page 4.15-11, first paragraph, last sentence; and page 4.15-11, third paragraph, first sentence: There are some inconsistencies in the referenced sentences and in Goal 2.B of the GPU *Transportation and Circulation* element, and the underlying Policies and Implementation Programs pertaining to the completion of the Wheatland Bypass. In order to achieve internal inconsistency, the text of the GPU or DEIR should be revised.

6-5 • Page 4.15-12, Railroad Crossings: While it is acknowledged in the first paragraph that the UPRR will not allow another at-grade railroad crossing in Wheatland, there is still discussion in the DEIR suggesting that a relocation of an existing at-grade crossing might be feasible. On pages 4.15-17 and –18, there is discussion of relocating the existing at-grade crossings at Second and Fourth Streets to the Northern Ring Road and Mc Devitt Drive near SR 65. Has the UPRR agreed to this relocation? If the UPRR does not permit the relocation, then the *Transportation and Circulation Element* text and diagram may have to be amended.

6-6 • Page 4.15-22, Table 4.15-7, 2025 Study Area – Daily Traffic Volumes: The table shows Level of Service (LOS) "F" for the segment of SR 65 from Main Street to Olive Street, but LOS "A" for the segment just to the north and to the south. A LOS "F" in the downtown area of Wheatland will create a backlog of traffic at either end of the City. This is similar to what the City of Lincoln is presently experiencing in the peak hours. For additional discussion, please refer to the comment below for page 4.15-26.

Tim Raney
February 1, 2006
Page 3

6-7

- Pages 4.15-23 last paragraph, 4.15-24 first paragraph, 4.15-24 second paragraph, 4.15-26: It is stated in the last and first paragraphs that the two lane section of old SR 65 in the downtown area is projected to operate at LOS "F" even with the bypass constructed, and that further improvements will be necessary in order to maintain LOS "C". In the second paragraph and again in Mitigation Measure on page 4.15-26, it is stated that the *Traffic Impact Analysis* for the project suggested that widening SR 65 to four travel lanes through the downtown area would improve daily traffic operations to LOS "A". It is also stated under Mitigation Measure on page 4.15-26 that widening SR 65 through downtown is considered an infeasible mitigation measure because the widening would conflict with the City's plan for the downtown area and that "upon establishment of the planned SR 65 bypass, the widened existing SR 65 would no longer be needed." These statements are contradictory. Please revise accordingly.

6-8

- Page 4.15-26, Mitigation Measure: It is stated that widening SR 65 to four lanes between Main and Olive Streets is considered an infeasible mitigation measure because the widening would conflict with the City's plan for the downtown area, that feasible mitigation measures to reduce traffic impacts do not exist, and that the traffic impact to SR 65 would remain *significant and unavoidable*. We disagree with the aforementioned conclusions for the following reasons:
  - The GPU and DEIR have not clearly identified what the City's plans are for the downtown area. Without this evidence of record, the conclusion that "widening SR 65 to four lanes through Wheatland is infeasible" is based on speculation.
  - Additional mitigation options have not been explored. Prior to concluding that an impact is *significant and unavoidable*, feasible mitigation measure options must be explored.

6-9

- Page 4.15-30: The proposed improvements to the North Ring Road identified in mitigation measure 4.15-2 cannot be constructed if the PUC or UPRR denies the proposed at-grade crossing. The text in the fifth paragraph acknowledges that this mitigation measure may be infeasible and concludes that the proposed impact would be *significant and unavoidable*. Since there is no evidence or assurances in the DEIR to support the approval of at-grade railroad crossings in an urban area, it would appear that the mitigation measure is based on speculation. We recommend that the mitigation measure be revised accordingly to reflect a grade separated crossing.

6-10

- Page 4.15-39, Cumulative Traffic Impacts: The *Traffic Impact Analysis* conducted for the GPU did not include the build-out of such developments as Yuba Highlands and

Tim Raney
February 1, 2006
Page 4

6-10 *Cont.*

the Plumas Lake Specific Plan, but concluded that the traffic volumes within Wheatland would increase, and that the impacts created by the traffic generated from the GPA, would be *significant and unavoidable*. This analysis also stated under "Mitigation Measure" that mitigation measures to reduce the impacts are not available or feasible, and therefore, the impact would remain *significant and unavoidable*. While we agree with the conclusion that the general plan build-out will result in significant cumulative traffic impacts, we disagree with the conclusion that this impact is *significant and unavoidable* and recommend that a mitigation measure, which includes payment of a fair-share traffic impact mitigation fee be established. Our reasons for disagreement with the conclusion are stated as follows:

- The traffic volume from the projects that will contribute to cumulative traffic impacts was not quantified.

- Evidence was not included to support the conclusion that mitigation measures are not available or feasible to reduce the cumulative traffic impacts. After quantifying the cumulative traffic impacts and costs of the improvements needed to minimize the impact, the City should set up a funding mechanism to assess reasonable traffic impact fees for development project impacts to both local streets and to SR 65. This mechanism, which is discussed in the General Plan's draft *Infrastructure Financing Plan*, could assess fees for SR 65 impacts for the portion of the total costs of improvements that equate to the use of the highway by local residents for local travel trips. After finding a direct nexus between the proposed development and a demonstrated significant impact to the local streets and SR 65, the City can collect and allocate the fees toward corresponding improvements. The traffic impact fees can be used to fund improvements that will be needed in the future as development occurs; such improvements should be in place before unacceptable levels of congestion occur.

6-11

- Page 6-2, Selection of Alternatives: The acceptance of traffic impacts as *significant and unavoidable* without providing mitigation is inconsistent with the GPU objective, which is "to ensure the community infrastructure keeps pace with development". For additional discussion on mitigation, please refer to the above comment for page 4.15-39.

APPENDIX "H", TRAFFIC IMPACT ANALYSIS COMMENTS:

6-12

- Page 10, Future (Year 2025) Traffic Projections: Reference was made to the use of the Year 2025 Tri-County Traffic Demand model. Reviewing the updated model files that were used for the traffic forecasts revealed that such projects as the Lincoln Bypass (4-lane freeway), Wheatland Bypass (4-lane freeway to the east), the Third

Tim Raney
February 1, 2006
Page 5

6-12 *Cont.*

River Crossing (2- to 4-lane freeway), and the Marysville Bypass east of Marysville (4-lane freeway to Oroville) were included in the model. Caltrans has determined that there will not be sufficient funding in years to come to fund a Marysville Bypass and notified the Sacramento Area Council of Governments (SACOG) in June of 2003 of this change. As such, the Marysville Bypass freeway segments should be removed from the model, while additional passing lane opportunities on the existing SR 70 between Marysville and Ophir Road, and the addition of a 4-lane freeway from Ophir Road to the existing SR 70 freeway in Oroville should be added into the model. While the current SACOG 2027 Metropolitan Transportation Plan (MTP) includes the Marysville Bypass, it is anticipated that the 2030 the MTP will exclude the Marysville Bypass. Therefore, the travel forecast should reflect the addition of passing lanes on SR 70 and the removal of the Marysville Bypass.

6-13

- Page 10, Table 5, Year 2025 Preferred Plan - Daily Traffic Volumes: The LOS for SR 65 between Main Street and Olive Street is shown as LOS "F". This forecast statement contradicts the Mitigation Measure on page 4.15-26, which states "upon establishment of the planned SR 65 bypass, the widening of existing SR 65 would no longer be needed. Please refer to the additional comments above for Page 4.15-26.

6-14

- Page 14, Table 6, Year 2025 PM Peak Hour, Preferred Plan Intersection LOS: The LOS for Intersection 5, Spenceville and Ring Roads, is shown as LOS "C". The background calculations for this intersection show a LOS "E. Also, the lane configuration for Intersection 5 as shown on Figure 4 does not match the backup calculations. Please correct.

6-15

- Page 16, Additional Future Development: The traffic demand model did not assume build out of the County. The traffic from the build-out of the Plumas Lake Specific Plan and Yuba Highlands projects were not included, but should be for the following reasons:

  - The Plumas Lake Specific Plan was approved by Yuba County in the early 1990's. As of November 10, 2005, over 1,700 single-family dwelling building permits have been applied for and over 1,000 residences have been "finaled". Build-out of this 20-Year Plan will most occur prior to build-out of the City of Wheatland's General Plan.

  - The Yuba Highlands Specific Plan project has not yet been approved, but is a part of the River Highlands Community Plan. The River Highlands Community Plan, which was approved by Yuba County in the early 1990s, proposes eventual development of 9,254 dwelling units, and 44.5 acres of commercial and industrial development. The Plan proposes extending Smartsville Road south from SR 20,

Tim Raney
February 1, 2006
Page 6

6-15 *Cont.*

east of Beale Air Force Base, and linking the Plan area with the City of Wheatland and SR 65. This addition of over 9,000 dwelling units, many traveling south through the City of Wheatland, will have a traffic impact on the City of Wheatland. This impact should be addressed in the traffic impact analysis.

Please send us a copy of the final environmental impact report, mitigation monitoring plan, and the statement of overriding considerations for review when available. If you have any questions regarding these comments, please contact Rick Helman, Local Development/Inter-Governmental Review Coordinator, at (530) 634-7612.

Sincerely,

William A. Davis

WILLIAM A. DAVIS, ACTING CHIEF
Office of Transportation Planning - North

Cc: Scott Morgan, State Clearinghouse
Charles Thistlethwait, Yuba County Planning

"Caltrans improves mobility across California"

Comment Letter 6
William A. Davis, Acting Chief,
Department of Transportation

Response to Comment 6-1:

The City in the GPU policies recognizes the concerns of this commenter and has established policies to reduce runoff from proposed development to pre-project levels and to protect water quality by preparing and implementing a Storm Water Management Plan in conformance with the NPDES Phase II requirements as established by the State Water Resources Control Board.

Response to Comment 6-2:

Each project that is submitted for review will be required to provide preliminary drainage calculations to document impacts both SR 65 and surrounding properties. A copy of said reports will be forwarded to Caltrans.

Response to Comment 6-3:

The commentor is correct. On page 4.15-2, the last sentence under the section titled "State Route 65 (SR 65)" is incorrect. SR 65 becomes SR 70 after the two join south of Marysville, as described earlier in paragraph. The text should read SR 70 rather than SR 65.

The text of the last sentence under the section titled "State Route 65 (SR 65)" on page 4.15-2 is hereby revised to read:

> In Marysville, SR 70 ~~65~~ becomes a two and four lane road with at grade signalized and un-signalized intersections.

Response to Comment 6-4:

The commentor is correct. The second reference on page 4.15-7, first paragraph last sentence; page 4.15-11, first paragraph, last sentence; and page 4.15-11 third paragraph, last sentence, should read "By 2025", rather then "By 2020," as the SR 65 Bypass was assumed to be constructed by 2025.

Therefore, page 4.15-11, third paragraph, is hereby revised to read:

> By 202~~0~~5, the Wheatland Bypass may be constructed. Even with a future bypass, daily traffic volumes through the downtown area will likely be in the range of 15,000 to 20,000 ADT.

Response to Comment 6-5:

Since the preparation of the DEIR the City has initiated discussions with UPRR concerning the public at-grade crossings within the City. As a result of those discussions the City and UPRR have begun the process of exploring the relocation of the UPRR tracks to a location east of the proposed SR 65 Bypass. The City is currently securing funding to begin the feasibility analysis of this option. If the outcome of the negotiations conflicts with the Circulation Element, an amendment would be required.

Response to Comment 6-6:

Under build out of the GPU with the SR 65 bypass constructed, traffic volumes on SR 65 though the downtown area actually decrease to levels below those currently experienced. Widening SR 65 to 4 lanes would be required to improve operations to LOS "A".

Response to Comment 6-7:

As noted in the comment, page 4.5-23 states that the two-lane section of old SR 65 in the downtown area is projected to operate at LOS F even with the bypass constructed. Therefore, for clarification purposes page 4.5-16 of the DEIR is hereby revised to read:

> <u>Mitigation Measure(s)</u>
> The City may consider widening existing SR 65 to provide four travel lanes through the downtown between Main Street and Olive Street. According to the Traffic Impact Report prepared by kdAnderson, this widening would result in LOS "A". However, the widening of SR 65 through downtown is considered infeasible because the widening would conflict with the City's plan for the downtown area. ~~Furthermore, upon establishment of the planned SR 65 bypass, the widened existing SR 65 would no longer be needed~~. Because feasible mitigation measures do not exist, impacts related to increased traffic volumes along SR 65 between Main Street and Olive Street would remain *significant and unavoidable.*

The above change does not result in a change to the previous environmental analysis included within the DEIR.

Response to Comment 6-8:

General Plan Update policies 1.J.2 through 1.J.6 provide direction regarding the importance of beautifying the City's major transportation corridors, including existing SR 65. This includes the incorporation of increased building setbacks and wider landscape areas along these major corridors. Widening SR 65 through downtown to four lanes would preclude the City from accomplishing these stated objectives unless substantial right-of-way was acquired, which would necessitate the removal of several existing downtown businesses.

Response to Comment 6-9:

As noted on page 4.15-30 of the DEIR, since the preparation of the General Plan traffic study, the City has been considering a separated-grade crossing for the North Ring Road/ SR 65 intersection. As a result, for clarification purposes, Mitigation Measure 4.15-2 of the DEIR is hereby revised to read:

4.15-2(a) *Prior to initiating roadway improvements, the plans for the Ring Road shall identify an overlap for the right turning vehicles and exclusion of westbound "U" turns from southbound SR 65 at the Ring Road. The plans shall be reviewed and approved by the City Engineer.*

4.15-2(b) *Alternatively, if feasible, the City shall implement a separated-grade crossing at the North Ring Road/State Route 65 intersection. The plans shall be reviewed and approved by the City Engineer and Caltrans.*

The above changes result in a clarification to the previous language included in the Transportation and Circulation chapter of the EIR and do not result in changes in the previous DEIR analysis.

Response to Comment 6-10:

Numerous large development proposals are being contemplated throughout southern Yuba County, Sutter County and northern Placer County. To a significant degree most of these projects are speculative, as they are in various stages of consideration by local review agencies and each project must overcome major obstacles in order to proceed. Thus, the extent to which each project might be introduced into the analysis of the City of Wheatland General Plan is a matter of conjecture.

As a practical matter, the inclusion of large development projects outside of the City could have an appreciable impact on the portions of the regional circulation system which are within the City of Wheatland. The number of lanes on the Wheatland Bypass, for example, could change if these other projects are occupied within the horizon of the Wheatland General Plan. Where an interim two lane facility that can be expanded to four lanes could be sufficient for Wheatland's needs and to address the impact of other already approved projects, a larger facility could be required if speculative projects proceed. The schedule for implementing the bypass could need to be accelerated, and the need to widen the bypass could also be increased. The General Plan Circulation Element may need to identify the need to preserve a right of way for a six lane bypass if the cumulative effects of these regional projects is included.

One other City street might be affected by the traffic associated with theses projects. If additional development occurs to the east of the City beyond that assumed in the EIR, then the number of lanes needed on Spenceville Road immediately east of the bypass

could increase. While a four lane section would be adequate as noted in the General Plan EIR, a six lane facility could be needed in the area of the interchange if additional development occurs,

Other City streets are unlikely to be affected by regional development. The trips generated by the City's internal circulation system generally have origins or destinations within the community. The extent to which additional regional development will increase traffic on local streets would not be significant.

CEQA provides for the City as lead agency to define a reasonable geographical scope of the area included in the cumulative impacts analysis. The cumulative impacts analysis (essentially the entire General Plan EIR) focuses on potential development with a defined large General Plan study area that was selected for reasons explained in the draft EIR. In order to prepare a comprehensive, yet manageable environmental analysis, the City needs to focus on a manageable area. It is unreasonable to expect the City to undertake a comprehensive analysis of the traffic impacts of all potential development within Yuba County. Furthermore, even though not quantitatively assessed, the cumulative impacts analysis did address in general terms the traffic impacts of the Yuba Highlands and Plumas Lakes development projects. (Draft EIR pp. 4.15-39, 5-4.)

Response to Comment 6-11:

See Response to Comment 6-8. Although one of the stated objectives of the General Plan is to ensure the community infrastructure keeps pace with development, this does not mean that this objective is in all cases possible, or even the primary consideration given all other constraints. Furthermore, the draft EIR did consider feasible mitigation measures.

Response to Comment 6-12:

As stated in the comment, the 2027 MTP does include the Marysville Bypass as does the 2025 MTP. These MTPs are the best available information for the analysis. It is beyond the reasonable scope of the City's General Plan and EIR to revise the Tri-County computer models. Consequently, the City used the MTPs and the Marysville Bypass was left in the Tri County model. If the Bypass were eliminated, additional passing lanes are added to SR 70, and the SR 70 in Oroville were upgraded to a freeway, the future traffic projections on both SR 65 through Wheatland and future traffic projections on the Wheatland Bypass would decrease slightly north of Wheatland as a small amount of regional traffic may choose alternative paths.

Response to Comment 6-13:

See Response to Comment 6-7.

Response to Comment 6-14:

The intersection geometrics and LOS "C" operations are correct. The calculation in the Appendix inadvertently did not get replaced after it was determined that Spenceville Lane would need to support four travel lanes through the intersection. A new calculation has been provided to replace Table 6 on Page 14 of Appendix H (see Table 2-1 of this Final EIR.)

Response to Comment 6-15:

See Response to Comment 6-10.

Letter 7

02/07/2006 TUE 15:22 FAX 5306339102 WHEATLAND CITY HALL →→→ Raney Planning Mgt. 002/008

STATE OF CALIFORNIA – THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF WATER RESOURCES
1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 942360001
(916) 653-5791

FAXED

RECEIVED
JAN 3 1 2006
CITY OF WHEATLAND

JAN 3 0 2006

Tim Raney, AICP
City of Wheatland
313 Main Street
Wheatland, California 95692

City of Wheatland – General Plan Update
State Clearinghouse (SCH) Number: 2005082022

Staff for The Department of Water Resources has reviewed the subject document and provides the following comments:

7-1 Portions of the proposed project may be located within a regulated stream over which The Reclamation Board has jurisdiction and exercises authority. If the project includes any "channel reconfiguration" that was not previously permitted, new plans must be submitted. Section 8710 of the California Water Code requires that a Board permit must be obtained prior to start of any work, including excavation and construction activities, within floodways, levees, and 10 feet landward of the landside levee toes. A list of streams regulated by the Board is contained in the California Code of Regulations, Title 23, Section 112.

Section 8(b)(2) of the Regulations states that applications for permits submitted to the Board must include a completed environmental questionnaire that accompanies the application and a copy of any environmental documents if they are prepared for the project. For any foreseeable significant environmental impacts, mitigation for such impacts shall be proposed. Applications are reviewed for compliance with the California Environmental Quality Act.

Section 8(b)(4) of the Regulations states that additional information, such as geotechnical exploration, soil testing, hydraulic or sediment transport studies, biological surveys, environmental surveys and other analyses may be required at any time prior to Board action on the application.

You may disregard this notice if your project is outside of the Board jurisdiction. For further information, please contact Sam Brandon of my staff at (916) 574-0651.

Sincerely,

Mike Mirmazaheri, Chief
Floodway Protection Section

FAXED
1/31/06 4:15 pm

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814

FAX → Tim Raney
FROM: Susan

Comment Letter 7
Mike Mirmazaheri, Chief,
Department of Water Resources, Floodway Protection Section

Response to Comment 7-1:

The General Plan Update study area does include waters that are within the jurisdiction of the State Reclamation Board. Upon the submission of any future project applications, the City shall initiate the appropriate level of environmental review and require that the necessary environmental reports be prepared in according with policies set forth in the General Plan Update. The environmental review would ensure that all impacts related to waters under the jurisdiction of the State Reclamation Board are addressed. Any new levee improvements undertaken in connection with new development will be subject to and need to comply with applicable Reclamation Board permit and regulatory requirements. Furthermore, any new development within the City would be subject to the City floodplain management ordinance, which restricts development within the 100-year flood zone.

Letter 8

Brigit S. Barnes & Associates, Inc.
A Law Corporation

Brigit S. Barnes, Esq.
Susan M. Vergne, Esq.

Of Counsel
Karin E. Schwab, Esq.

Paralegal
Jaenalyn Jarvis

Legal Assistant
Noreen Patrignani

3262 Penryn Road
Suite 200
Loomis, CA 95650
Phone (916) 660-9555
FAX (916) 660-9554
Website:
landlawbybarnes.com

February 6, 2006

FAXED
Tim Raney 2/7/06 cw

RECEIVED
FEB 07 2006
CITY OF WHEATLAND

Facsimile and Regular Mail – 530.633.9102

Wheatland City Council
Attention: City Clerk
313 Main Street
Wheatland, CA 95692

Re: City of Wheatland General Plan Draft EIR Comments
Our Client: Browne Cattle Company LLC
File No.: 2319.07

Dear City Council Members and Mayor Elphick:

Thank you for the opportunity to provide comments to the City of Wheatland General Plan Draft EIR. This letter is intended to supplement all prior comments made seeking modification and revisions to General Plan scoping; as well as to direct the City's attention to the following issues which we believe require further clarification before adoption. We provide these comments with an intend of ensuring that the EIR is legally sufficient as an informative document, and that when adopted, the EIR reflects a reasonable, good faith effort to establish policies based on substantial evidence.

SIGNIFICANT AND UNAVOIDABLE IMPACTS

8-1

The Draft EIR resulted in seven (7) significant and unavoidable impacts, which will require a Statement of Overriding Considerations:

- Aesthetics – alteration of visual character
- Agricultural Conversion
- Air Quality – regional emissions
- Biological Resources – habitat loss (Swainson's Hawk)
- Land Use – alteration of existing character
- Noise – increased traffic
- Traffic – Hwy 65 between Main and Olive; Intersection at North Ring Road and Hwy 65; Cumulative

8-2

We contend that recent implementation studies, specifically for the infrastructure plan and traffic mitigation, and financing mechanisms for the plan, adversely impact the mitigation mechanisms anticipated to reduce adverse air quality and traffic impacts. Our review of the Draft EIR and already published implementing documents contain potential inconsistencies with the Project Description and the Goals and Policies in the Plan, and may expand adverse impacts beyond those identified in the EIR.

Asset Preservation • Commercial Real Estate • Environmental
General Business • Real Estate Financing • Litigation

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HIGH COMMERCIAL IMPACT FEES

As the City is aware we have already provided commented on the Draft Infrastructure Financing Plan ("IFP") in our letter of February 2, 2006 that the fee calculations make new commercial, retail and industrial development construction infeasible within the Plan Area.

8-3 In addition, the Trip Generation Summary, Chapter 4.15, DEIR Transportation and Circulation at page 15 shows residential trips of 87,637 per day and non-residential trips of 97,338 per day. This difference does not establish a nexus for the high cost assessed to commercial development for road improvement impact fees.

General Plan Policy 1.G.5 states that the City shall require new development to pay their fair share of infrastructure construction costs as set forth in the City's IFP. The Draft IFP assesses a 19% impact-fee-to-project-cost ratio to commercial development (before flood control costs) and acknowledges the "marginal" feasibility (based on the generally accepted standard of 15–20%).

Inconsistency with General Plan Policy

Uncharacteristically high impacts fees render any commercial development financially infeasible and are therefore inconsistent with the Project Description for the GPEIR and following General Plan Goals and Policies:

8-4 **Project Description General Plan Objectives [Chap.3—Proj. Desc. 3-4]:**

- To encourage future economic growth within the city of Wheatland, while also providing adequate housing for all economic segments of the community.
- To provide economic growth that balances the existing development and future growth in Wheatland.

Chapter 1 – Land Use and Community Character

Goal 1.A

8-5
- To grow in an orderly pattern consistent with economic, social and environmental needs, while preserving Wheatland's small town character, and historic significance.

Policy 1.A.1.

- The City shall strive to preserve Wheatland's traditional small-town qualities and historic heritage, while expanding its residential and employment base.

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8-5
Cont.

Goal 1.E

- To designate adequate commercial land for development of local and regional commercial uses compatible with surrounding land uses, that will meet the present and future needs of Wheatland residents and visitors, and enhance Wheatland's economic vitality.

Goal 1.F.

- To develop and maintain an economically, socially and physically-attractive Downtown.

Chapter 3 – Economic Development

Goal 3.A

- To recruit new industry and business that will benefit the local community.

Policy 3.A.4.

- The City shall seek the development of new businesses, especially those that provide primary-wage-earner jobs, by designated adequate land and providing infrastructure in areas where resources and public facilities and services can accommodate employment generators.

8-6

Policy 3.A.5.

- The City shall support the development of primary-wage-earner job opportunities to provide Wheatland residents an alternative to commuting outside Wheatland.

Policy 3.A.12.

- The City will strive to keep the regulatory/permit costs as low as financially feasible.

Goal 3.B.

- To economically revitalize and extend the Downtown as the commercial, civil and cultural center of the community.

Policy 3.B.1.

- The City shall intensify and extend Downtown Wheatland as a principle retail and commercial district of the city and region.

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Air Quality

Policy 1.B.4.

8-7

- The City shall encourage multi-family housing to be located throughout the community, but especially near transportation corridors, Downtown, major commercial areas, neighborhood commercial centers and employment centers.

Policy 1.C.4.h.

- The City shall require the development plan for new residential neighborhoods address the following: ... Provisions for linking residential neighborhoods, parks, schools, Downtown, shopping areas, and employment centers through a system of pedestrian pathways, bicycle routes, and linear open space corridors

DISRUPTION OF THE JOBS/HOUSING BALANCE

Wheatland currently has a very small jobs base. The Housing Element Background Report, at page 9, states that, if current trends continue, Wheatland is projected to have a continuing low jobs per household ratio, meaning that the City will continue to function as a "bedroom community."

Limited commercial development, which provides employment opportunities, further disrupts the jobs/housing balance and is therefore inconsistent with the following General Plan Goals and Policies:

Chapter 1 – Land Use and Community Character

8-8

Policy 1.A.11.

- The City shall require future large planning efforts, including specific plans, to provide an appropriate jobs-housing balance to ensure an adequate mix of economic and residential opportunities.

Goal 1.G

- To support development of employment uses to meet the present and future needs of Wheatland residents for jobs and to maintain Wheatland's economic vitality.

The practical effect of adoption of the proposed fee structure will leave the land within the expanded city jurisdiction zoned commercial/retail or industrial fallow, while the residential neighborhoods are developed. While it is absolutely true that without rooftops [residential development], there will not be customers and employees for these businesses; the converse is also true: without stores, businesses and employment centers, Wheatland remains a bedroom community, where its residents drive to Lincoln, Roseville, Sacramento or

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8-8 Cont.

elsewhere for employment. If neither retail nor employment is developed while residential development moves forward, the baseline jobs/housing balance will only become more bleak; exacerbating the baseline disproportion of jobs to housing and doing nothing to meet the SACOG blueprint. The communities surrounding Wheatland have modified planning models to maintain a 1/1 or 0.9/1 balance, compared to Wheatland's existing ratio: 0.53. See Yuba County analysis, [Tall Order, Regional Scenarios, 2004 SACOG pg. 56.] The existing Wheatland City center without the ability to expand and revitalize will be subject to further decay.

Applicable Law

8-9

These inconsistencies are in violation of Government Code Section 65300.5, which mandates that a General Plan and its elements and various parts be comprised of an integrated, internally consistent and compatible statement of policies, and as such constitutes a fatal flaw. See *Concerned Citizens of Calaveras County v. Board of Supervisors* (1985) 166 Cal.App.3d 90, Government Code Section 65088.4(b)(1), which mandates that cities must take into account the broader benefits of regional traffic congestion reduction by siting new residential development within walking distance of, and no more than one-third mile from, mass transit stations, shops and services, in a manner that reduces the need for long vehicle commutes, improves the jobs-housing balance and increases the use of alternative transportation modes, such as mass transit, bicycling, and walking. Government Code Section 65088.4(b)(1)(A),(B). If commercial, retail and employments centers cannot be built because of the cost structure imposed on these properties, regardless of the intended zoning for the sites, then the City is enacting implementation plans in direct variance with the general plan, the goals of the GP EIR, and the Government Code. The General Plan cannot give lip service to these goals, while at the same time fail to provide methodologies to accomplish these goals. *Defend the Bay v. City of Irvine* No. G032062, 4th App. Dist., Div. 3 7/1/04 Daily J. D.A.R. 7965 June 29, 2004, the court upheld the CEQA challenge where the effect of the approved development did nothing to improve the existing baseline for jobs/housing.

Adoption of such a general plan EIR would thus require an expansion of the significant and unavoidable impacts to the Land Use Element because the likely decay, and violation of modern planning policies incorporated in Gov't Code §65088.4, is considered a significant environmental effect. *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal. App. 4th 1184, 1208. Adoption of this General Plan EIR should further be delayed to revise the Traffic Impact Study because its assumptions of impacts identified 10,200 jobs/97,338 daily trips within the plan area, which is unrealistic and excessive because of the inability of employers to locate in Wheatland because of the facilities fee pricing included in the EPS study.

PUBLIC FACILITIES ELEMENT REQUIREMENTS

8-10

We are also concerned that the Draft EIR does not adequately identify the location of proposed waste water treatment facilities. A comparison of the trunk lines shown on the

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City of Wheatland
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8-10 *Cont.*

Sewer Line Exhibit identifies a loop system, but not how the system is connected to either of the proposed WWTP sites on Preferred Land Use Alternative D. Thus the impacts of lines from the loop to the finally determined site is not discussed in the Draft EIR. The OPR General Plan Guidelines (2003) include a recommendation that the General Plan cover issues involving the location of proposed wastewater treatment facilities, and all lines running from these facilities.

WATER SUPPLY ISSUES

8-11

We are still concerned that there is no discussion regarding the funding and preparation of an Urban Water Management Plan and procedures for cooperating with the Yuba County Local Agency Formation Commission in approving revised Community Boundary Line and Service Extensions and (the Municipal Service Review process).

Sincerely,

Brigit S. Barnes

Brigit S. Barnes

cc: Clients
Tim Raney, City Planning Director timraney@raneymanagement.com
Jim Harnish, Project Manager jim@jlmintier.com

02/07/2006 TUE 15:20 FAX 5306339102 WHEATLAND CITY HALL →→ Raney Planning Mgt. 009/009

Comment Letter 8
Brigit S. Barnes,
Brigit S. Barnes & Associates, Inc.

Response to Comment 8-1:

The comment does not address the adequacy of the DEIR. The Statements of Overriding Considerations for significant and unavoidable impacts are issued by the decision-making body as part of the approval process of the Final EIR.

Response to Comment 8-2:

This comment does not identify specific issues, but rather states that the commentors believe that adverse impacts may be beyond those identified in the DEIR, and that there may be inconsistencies with other unspecified documents.

Response to Comment 8-3:

Policies regarding fair share standards calculations and impact-fee-to-project-cost ratios are part of the Infrastructure Financing Plan (IFP) and are outside of the scope of this DEIR. Therefore, this comment is pertaining to the IFP and does not address the adequacy of the DEIR.

Response to Comment 8-4:

The commenter states that the DEIR may include inconsistencies between impact fees for commercial developments and the General Plan Goals and Policies. The General Plan Goals listed in Chapter 3-4 of the DEIR include the following objectives:

- To encourage future economic growth within the City of Wheatland, while also providing adequate housing for all economic segments of the community.
- To ensure community infrastructure keeps pace with development.
- To ensure the provision of a safe and convenient circulation system in the City of Wheatland.

These objectives require the City to address needs for providing well-developed infrastructure and affordable housing options as well as encouraging commercial economic growth. A level of compromise is necessary to achieve these goals. Additionally, as stated in Response 8-3, fee calculations and fair share standards are determined by the IFP and are not part of this DEIR, and it is speculative to assume that the City will later adopt uncharacteristically high impact fees that would deter commercial development.

Response to Comment 8-5 through 8-7:

The commentor includes a list of goals and policies from the Wheatland General Plan Update (GPU), which the commentor believes to be in conflict with the project description and objectives included in the General Plan Update. The following questions address the consistency of the goals and objectives of the General Plan Update and do not address the adequacy of the DEIR. The City has provided the following responses to the comments:

8-5: Land Use and Community Character

The goals and policies included by the commentor include Goal 1.A, which states the following:

Goal 1.A To grow in an orderly pattern consistent with economic, social and environmental needs, while preserving Wheatland's small town character and historic significance.

This goal, and the others included in the Land Use and Community Character section promote balanced and steady growth based upon the needs of the City while still maintaining the character of the City of Wheatland and are consistent with both each other and the project description included in the DEIR.

8-6: Economic Development

These goals and policies listed by the commentor support a needs-based growth pattern. Goal 3.A promotes economic development "that will benefit the local community." Other goals and policies listed focus on providing wage-earning jobs (Policy 3.A.5) and revitalizing downtown Wheatland (Goal 3.B). These goals and policies promote expanding economic opportunities at a measured pace as well as preserving and strengthening the City's character through the revitalization of the downtown area.

8-7: Air Quality

Policies 1.B.4 and 1.C.4.h are complimentary and both focus on improving transportation options to decrease impacts related to the degradation of air quality as a result of the buildout of the General Plan. The policies promote the utilization of existing traffic corridors and infrastructure as well as including provisions for expanded pedestrian pathways, bicycle routs and other linear open space corridors to encourage efficient and alternate forms of transportation for new residential developments.

Response to Comment 8-8:

This comment addresses the adoption of fee structures and policies that will be addressed by the City Council during the General Plan Update approval process and subsequent development fee update, and does not address the adequacy of the DEIR.

Response to Comment 8-9:

The comment addresses the consistency of General Plan policies and does not address the adequacy of the DEIR. Nevertheless, the City has provided the following responses to the comments

The comments concerning inconsistency with General Plan policy are premised upon the conclusion that the City development fees on commercial and nonresidential development will be uncharacteristically high rendering such development infeasible. The conclusion on City development fees is premature and speculative. The fees are based on a draft Public Facilities Financing Plan prepared by Economic & Planning Systems, Inc. This plan is not part of the General Plan and has not been adopted by the City.

More importantly, though, with respect to future City development fees, a separate pending fee study is underway by Revenue & Cost Specialists, LLC. This firm has been retained by the City to prepare a more detailed development fee study pursuant to Government Code sections 66000-66008. The future City development fees will be based on this Revenue & Cost Specialists study. In contrast, the draft Public Facilities Financing Plan by EPS is a broader plan addressing many aspects of public facilities financing, including development fees as well as many other aspects. The EPS study assumptions on development fees will be superseded by the forthcoming more detailed Revenue & Cost Specialists study.

Consequently it is premature to conclude that the City nonresidential development fees will be so high as to render nonresidential development infeasible. This premature and incorrect assumption on City development fees then leads to incorrect and premature conclusions on inconsistency with various General Plan policies.

The future City development fees will not be approved until after the adoption of the new General Plan. Therefore, in approving the new development fees, the City will be cognizant of and implement the new General Plan goals and policies.

The comment regarding the disruption of the jobs/housing balance is premised on two assumptions: that current job trends will continue; and, that a high City fee structure will result in limited commercial development. These assumptions are improper. First, as explained above, the assumptions on the City fee structure are premature and speculative. Second, a principal goal of the General Plan Update is to improve the City jobs/housing balance; therefore, it is wrong to assume that the current trends will continue.

The comment regarding Government Code section 65088.4 also is premised on the assumption that the City will have an excessively high development fee structure, which is premature and speculative and therefore incorrect. Furthermore, section 65088.4 principally addresses infill opportunity zones, which is not applicable to the City General Plan Update.

Response to Comment 8-10:

As identified in the project description (page 3-11 of the DEIR), the two potential sites for future Wastewater Treatment Plants (WWTP) are located 1) northwest portion of the Study Area near Dry Creek; and 2) southwest portion of the Study Area near the Bear River.

The siting, location and development of a new wastewater treatment plant is a major project. Consequently, the City has chosen to evaluate that project in a separate, stand-alone project environmental impact report that will follow after the adoption of the program EIR for the General Plan. The General Plan contains important policies that require the implementation of the wastewater treatment plant master plan, which includes the new plant.

A full project-specific environmental impact analysis of any future wastewater plants will be conducted prior to construction. The Draft EIR is a program level document focusing on the buildout of City infrastructure as a whole and does not include a detailed design analysis for project-specific impacts.

Response to Comment 8-11:

Development impact fees will supply funding for the Urban Water Management Plan in accordance to the General Plan Update Implementation Program 5.7.

Under water supply issues, a comment is made regarding LAFCO's role in service review. This issue and other LAFCO issues are addressed in response to comment 10-1. The City shall ensure that any future annexations would abide by the Yuba County Local Agency Formation Commission (LAFCO) requirements.

Letter 9

FAXED
Tim Raney | 2-6-06 LW

FEB 6, 2006

TO: CITY OF WHEATLAND

IN REVIEWING THE CITY OF WHEATLAND DRAFT GENERAL PLAN UPDATE E I R, I NOTED THE BELOW LISTED CONCERNS REGARDING THIS DOCUMENT.

9-1 1. TYPOGRAPHICAL ERRORS NOTED ON SEVERAL PAGES, WITH THE WORD HIGHLIGHTED IN YELLOW AND ARE ATTACHED TO THIS LETTER FOR YOUR REFERENCE.

9-2 2. ON PAGE 9.6-8, POLICY 9.B.2 AND 9.B.3 ARE IDENTICAL. A COPY OF THIS PAGE HIGHLIGHTED IS ATTACHED FOR YOUR REFERENCE.

THANK YOU FOR YOUR TIME IN THIS MATTER.

SINCERELY
Lee Bastien
LEE BASTIEN
P. O. BOX 417
SHERIDAN CA 95681

02/07/2006 TUE 15:18 FAX 5306339102 WHEATLAND CITY HALL →→→ Raney Planning Mgt. 001/007

SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION

Under CEQA, a significant effect on the environment is defined as a substantial, or potentially substantial, adverse change in any of the physical conditions within the areas affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. This Draft EIR discusses the mitigation measures that could be implemented to reduce potential adverse impacts to a level that is considered less-than-significant. These mitigation measures are also summarized in Table 2-1 at the end of this chapter. An impact that remains significant after mitigation is considered an unavoidable adverse impact of the proposed project. The mitigation measures and goals and policies presented in the Draft EIR will form the basis of the Mitigation Monitoring Program.

The Draft EIR addresses the following technical issues related to the proposed project:

Aesthetics

This section of the EIR describes the existing aesthetic values of the study area and assesses the impacts on aesthetics created by the approval of the General Plan Update. The California Environmental Quality Act (CEQA) describes the concept of aesthetic resources in terms of scenic vistas, scenic resources (such as trees, rock outcroppings, and historic buildings within a state scenic highway), and the existing visual character or quality of the study area.

The EIR concludes that the change in visual character of Wheatland due to implementation of General Plan Update would be a *significant* impact because feasible mitigation measures do not exist to reduce the impact to a *less-than-significant* level. Therefore, the impact would remain *significant and unavoidable*. After assessing the General Plan Update impacts on scenic resources scenic vistas of the study area, the EIR concludes that buildout of the General Plan Update would have a *less-than-significant* impact on aesthetic issues with implementation of the goals and policies presented.

Agricultural Resources

The Agricultural Resources chapter of the EIR describes the soils of the study area and examines how buildout of the City of Wheatland General Plan study area will affect agricultural resources and operations within the General Plan Update study area.

The EIR concludes that the General Plan Update, even with implementation of General Plan goals and policies, would have a *significant and unavoidable* impact on the conversion of agricultural lands to non-agricultural uses; the conversion of prime farmland, unique farmland, or farmland of Statewide importance; and conflicts with existing agricultural zoning. All other impacts would be reduced to a *less-than-significant* level through implementation of mitigation measures and/or General Plan goals and policies.

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TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	*Level of Significance prior to Mitigation*	*Mitigation Measures*	*Level of Significance after Mitigation*
		g) Effect on and compatibility with existing City infrastructure (e.g., wastewater treatment plant); h) Implications of providing law enforcement and fire protection services; i) Potential impacts on sensitive biological resources; j) Noise contour implications of Beale Air Force Base. **Mitigation Measures** *None Feasible.*	
		4.3 Air Quality	
4.3-1 Increased Potential for Air Quality Land Use Conflicts.	PS	**Proposed General Plan Update** Goal 1.C To provide for now residential development in planned neighborhoods to be developed in an orderly style and designed to promote walking, bicycling, and transit use. Policy I.C.4. The City shall require that development plans for new residential neighborhoods address the following: a. The distribution, location, and extent of land uses, including standards for land use intensity. b. Compatibility of new development with adjacent existing and proposed development. c. Provision of a range of housing types to ensure socially and economically-integrated neighborhoods. d. Distribution and location of roadways, including design standards for and the precise alignment of	LTS

SU = Significant and Unavoidable S = Significant PS = Potentially Significant LTS = Less-than-significant NI = No Impact N/A = Not Applicable

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TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		requirements. Future development applications will be reviewed by the City and the most current air district regulations will be applied.	
4.3-4 Regional Emissions Increases.	S	**Proposed General Plan Update** Goal 1.B — To provide adequate land in a range of residential densities to accommodate the housing needs of all income groups expected to reside in Wheatland. Policy 1.B.3. — The City shall discourage the development of isolated, remote, disconnected, and/or gated residential projects, which do not contribute to the sense of an integrated community. Policy 1.B.4. — The City shall encourage multi-family housing to be located throughout the community, but especially near transportation corridors, Downtown, major commercial areas, neighborhood commercial centers, and employment centers. Goal 1.C — To provide for new residential development in planned neighborhoods to be developed in an orderly style and designed to promote walking, bicycling, and transit use. Policy 1.C.1. — The City shall promote new residential development in a range of residential densities that reflects the positive qualities of Wheatland's existing residential neighborhoods (e.g., street trees, pedestrian-orientation, mix of housing types and sizes). Policy 1.C.2. — The City shall encourage the creation of well-defined	SU

SU = Significant and Unavoidable S = Significant PS = Potentially Significant LTS = Less-than-significant NI = No Impact N/A = Not Applicable

02/07/2006 TUE 15:18 FAX 5306339102 WHEATLAND CITY HALL →→→ Raney Planning Mgt. 005/007

TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impacts	Level of Significance after Mitigation	Mitigation Measures		Level of Significance after Mitigation
			centers, parks, schools, child care centers, and other public- and quasi-public facilities. h. Provisions for linking residential neighborhoods, parks, schools, Downtown, shopping areas, and employment centers through a system of pedestrian pathways, bicycle routes, and linear open-space corridors along sloughs, Dry Creek, and the Bear River. i. Provisions for development phasing to ensure orderly and contiguous development consistent with population projections of the General Plan, and Policy 1.A.4. j. Provisions for minimizing conflicts between new development and agricultural uses.	
		Policy 1.C.5.	The City shall require residential subdivisions to provide well-connected internal and external street, bicycle, and pedestrian systems.	
		Policy 1.C.6.	The City shall encourage installation of current and emerging technological infrastructure in new and existing development for home telecommuting anti electric vehicles charging.	
		Goal 1.D	To conserve and enhance the best qualities of existing residential neighborhoods as the City grows.	
		Policy 1.D.3.	The City shall encourage infill and reuse in existing neighborhoods that maintain the character and quality of the	

SU = Significant and Unavoidable S = Significant PS = Potentially Significant LTS = Less-than-significant NI = No Impact N/A = Not Applicable

Policy 1.B.4 The City shall encourage multi-family housing to be located throughout the community, but especially near transportation corridors, Downtown, major commercial areas, neighborhood commercial centers, and employment centers.

Goal 1.C To provide for now residential development in planned neighborhoods to be developed in an orderly style and designed to promote walking, bicycling, and transit use.

Policy 1.C.1 The City shall promote new residential development in a range of residential densities that reflects the positive qualities of Wheatland's existing residential neighborhoods (e.g., street trees, pedestrian-orientation, mix of housing types and sizes).

Policy 1.C.2 The City shall encourage the creation of well-defined residential neighborhoods. Each neighborhood should have a clear focal point, such as a park, school, or other open space and community facility, and shall be designed to promote pedestrian convenience.

Policy 1.C.3 The City shall encourage the development of new neighborhoods that are walkable and connected to the existing City core as well as each other.

Policy 1.C.4 The City shall require that development plans for new residential neighborhoods address the following:

a. The distribution, location, and extent of land uses, including standards for land use intensity.
b. Compatibility of new development with adjacent existing and proposed development.
c. Provision of a range of housing types to ensure socially and economically-integrated neighborhoods.
d. Distribution and location of roadways, including design standards for and the precise alignment of arterial, collector, and local streets, and bikeways.
e. Provisions for the extension of the existing city roadway system into new development areas. New development shall be linked to adjacent existing neighborhoods and planned neighborhoods by collector and local streets.
f. Provisions for adequate schools and child care facilities.
g. Distribution and location of neighborhood commercial centers, parks, schools, child care centers, and other public- and quasi-public facilities.
h. Provisions for linking residential neighborhoods, parks, schools, Downtown, shopping areas, and employment centers through a system of pedestrian pathways, bicycle routes, and

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Policy 9.A.8. The City shall update building, fire, and other codes to address earthquakes, fire, and other hazards.

Policy 9.A.9. The City shall coordinate disaster preparedness planning with other public agencies and organizations

Goal 9.B To minimize the loss of life, injury, and property damage due to seismic and geological hazards.

Policy 9.B.1. The City shall require the preparation of a soils engineering and geologic-seismic analysis prior to permitting development in areas prone to geological or seismic hazards (i.e., groundshaking, liquefaction, expansive soils).

Policy 9.B.2. The City shall require that new structures intended for human occupancy be designed and constructed to minimize risk to the safety of occupants due to groundshaking.

Policy 9.B.3. The City shall require that new structures intended for human occupancy be designed and constructed to minimize risk to the safety of occupants due to ground-shaking.

Policy 9.B.4. The City shall require that new structures and alterations to existing structures comply with the current edition of the Uniform Building Code.

Policy 9.B.5. The City shall develop evacuation routes and a disaster plan in the remote event that an earthquake does occur, especially in the Camp Far West Dam inundation area.

Policy 9.B.6. The City shall require that new structures intended for human occupancy, public facilities (i.e., treatment plants and pumping stations, major communication lines, evacuation routes, etc.), and emergency/disaster facilities (i.e., police and fire stations, etc.) are designed and constructed to minimize risk to the safety of people due to ground shaking.

Policy 9.B.7. The City shall require all proposed developments, reconstruction, utilities, or public facilities situated within areas subject to geologic-seismic hazards as identified in the soils engineering and geologic-seismic analysis to be sited, designed, and constructed to mitigate the risk associated with the hazard (e.g., expansive, liquefaction, etc.).

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Comment Letter 9
Lee Bastien,
Resident

Response to Comment 9-1:

The commentor was correct in identifying several typographical errors in the text of the DEIR. The text shall hereby be changed as follows:

A typographical error on Page 2-2, fourth paragraph, first sentence is hereby revised to read:

> The EIR concludes that the change in visual character of Wheatland ~~doe~~ due to implementation of the General Plan Update would be a *significant* impact because feasible mitigation measures to not exist to reduce the impact to a *less-than-significant* level.

A typographical error in the text of Goal 1.C, which appears on pages 2-17, 2-27, 4.3-9 and 4.3-20 is hereby revised to read:

> Goal 1.C To provide for ~~now~~ new residential development in planned neighborhoods to be developed in an orderly style and designed to promote walking, bicycling, and transit use.

A typographical error in the text of Policy 1.C.4.g from page 2-29 is hereby revised to read:

> g. Distribution and location of neighborhood commercial centers, parks, schools, child care centers, and other ~~public and~~ public and quasi-public facilities.

These typographical errors do not result in changes to the analysis contained within the Draft EIR.

Response to Comment 9-2:

The commentor was correct in identifying errors in the listing of policies from the General Plan Update included on page 4.6-8 of the DEIR. The text is hereby revised to read:

> ~~Policy 9.B.2 The City shall require that new structures intended for human occupancy be designed and constructed to minimize risk to the safety of occupants due to groundshaking.~~
>
> Policy 9.B.2 The City shall require submission of a preliminary soils report, prepared by a registered civil (geotechnical)

engineer and based upon adequate test borings, for every subdivision.

Policy 9.B.3 The City shall require that new structures intended for human occupancy be designed and constructed to minimize risk to the safety of occupants due to ~~ground-shaking~~ groundshaking.

These typographical errors do not result in changes to the analysis contained within the Draft EIR.

Letter 10

OFFICE OF THOMAS W. ERES
ATTORNEY AT LAW
4030 Winding Creek Road
Sacramento, CA 95864
Telephone 916-482-4021
Fax No. 916-488-5950

Via Facsimile: (530) 633-9102

February 6, 2006

Mr. Tim Raney, Planning Director
City of Wheatland
313 Main Street
Wheatland, CA 95692

RE: Wheatland General Plan Update
DEIR (SCH 2005082022)

Dear Mr. Raney:

The following comments are submitted on behalf of Hofman Ranch, a California general partnership, Emma Hofman and Francis Hofman.

General Comment

10-1

Based upon a review of Yuba County LAFCO, the "current" Sphere of Influence for Wheatland is March 1992. All DEIR documents should reflect this date.

The Sphere of Influence is a critically important document for good planning. A City General Plan Update of the magnitude of the current effort, clearly of Statewide, Regional, and Area-wide significance, necessitates a Sphere of Influence review and update. Additionally, a Municipal Services Review is an integral part of the review and update process. This process is collaborative, detailed, and should be conducted in conformance with the published State Guidelines.

The stated intent of the EIR includes serving the Yuba County LAFCO in its action as a responsible agency for ". . . the related proposed annexation request." There is no description of the proposed request. For example, where will it be, when is it contemplated, how much acreage will it involve, and what land uses will it entail? These are important questions and should be tied to well defined Sphere Horizons.

Timing the General Plan Update with a Sphere of Influence review and update is clearly contemplated by applicable statutes, rules, regulations, Yuba LAFCO Policies,

1

10-1 Cont.

Standards and Procedures. It is important to establish the Sphere Horizons of 0-5 years, 6-10 years, and 11-20 years. Clearly, the current circumstances meet the statutory intent of Government Code Section 56425, specifically subsection (g), that reviews and updates should be conducted on or before January 1, 2008, and as necessary. While "necessary" is not defined, it certainly includes when the time is ripe. The time is ripe. The public and people of Yuba County deserve a high level of reasonable, prudent, and common sense action by its elected officials, when after twenty-five years of neglect, this long overdue General Plan Update is now underway.

General Comment

10-2

The General Plan must be internally consistent. Terms such as Sphere of Influence, Planning Area, Study Area, and Area of Interest are referred to throughout the documents with inconsistent references to the amount of acreage encompassed within each designation. It is also important to identify the Sphere Horizon for the acreage under review. Otherwise the public cannot ascertain where and when the City contemplates infrastructure and services to be required.

General Comment

10-3

Integration of the chapters and text of the Volume I DEIR should be connected with the reports and studies contained in the Technical Appendices set forth in Volume II. Actual reports, for example, identified on the web page, do not appear included, and dates of various reports are not consistent. The Technical Appendices should include the Housing update (12/05), Housing Element Background (Final) (1/27/05), and Housing Element Policy (Final) (1/27/05). Given the size of population growth anticipated in the DEIR, the fact that the project is of Statewide, Regional and Area-wide significance, the public should have a full understanding of affordable housing. If an Initial Study was in fact conducted, it should be included in the document. There is virtually no economic analysis to support the statements of the employment base. Without some context of the notion of the jobs, the numbers cited are so conclusionary as to be irrelevant. This is an important omission when reviewed in the context of the job/housing ratio.

Wastewater Treatment Plant

10-4

Given the reality the City cannot grow without a new wastewater treatment infrastructure, plus the likely probability the City's current discharge percolation/evaporation ponds, located inside the Bear River Levee, are not in compliance with State standards, an evaluation of regional wastewater treatment plant should be thoroughly analyzed. The anticipated growth identified in the DEIR is massive with respect to existing conditions. Regional, area-wide impacts and perspectives should be included. The City should plan to affirmatively and proactively engage other agencies and departments. The potential costs are potentially so exorbitant for the suggested alternatives as to make them infeasible.

Drainage and Flood Protection

It is well known and acknowledged in the DEIR that the existing levee system does not provide an adequate level of flood protection. It is inappropriate to assume all levees will be repaired and certified. Such an assumption is an illusion. A plan, program, cost analysis, and feasibility assessment tied to Sphere Horizons is required. The text of the DEIR and the study/reports by Engineering Solutions, Inc., and Mead and Hunt are superficial, inadequate, and do not reflect the data of the 1986 and 1997 floods, the Oroville Dam re-certification data, the Yuba County struggles with flood protection and drainage, the experience of Three Rivers Levee Improvement Authority, and the data within the U.S. Army Corps of Engineers, California Department of Water Resources, and the State Reclamation Board, in addition to FEMA. Referring to a pending request for a LOMAR is not realistic mitigation.

10-5 It is critical for the drainage, hydrology, and flood protection comments and studies to acknowledge the Statewide, Regional and Area-wide impacts of drainage and flood protection for people outside the City, the City's study area, City's Sphere of Influence, and areas of interest. The Bear River levees are part of a state flood protection system. Dry Creek is a major tributary that pushes water to the West, in combination with Best Slough and Yankee Slough. Grasshopper Slough is a major constraint on development. Water flow impacts the Western Pacific Interceptor Canal and creates back flows onto downstream and upstream property owners. With development and conversion of agricultural land come massive impervious surfaces that create significant run-off. Discussing detention basins, retention basins, and creating new channels must be calibrated with real-world flood experience within the area, not simply reliance on computer models and assumptions. The Yuba River, Feather River, and Bear River are part of a complex Sacramento River Flood Control Project.

This is an area that compels an affirmative aggressive outreach by the City to responsible and trustee agencies, and not just rely on whether or not they respond to a notice of preparation or review.

Traffic and Circulation

10-6 It is also acknowledged in the DEIR and Technical Appendices that traffic along SR-65 through Wheatland is currently at Level of Service F. In the Public Services Section, it is noted that: "Traffic congestion and accidents are a significant concern to the Police Department and responding to them requires a substantial commitment of police resources." This is a significant public health, safety and welfare issue, not only for police, but also for fire protection, emergency service response and public works. The Anderson Report in the Technical Appendices should include their 2004 Background Report, as well as the various studies conducted for the Heritage Oaks Estates and Jones Ranch projects. The public needs a real-world plan of action, within a realistic time frame, with best available cost data, and a tie-in with Sphere Horizons. The public needs to understand how and when development can proceed, dictated by infrastructure in place. Discussion of a Bypass, in the abstract with absolutely no idea of if or when it will

10-6 *Cont.*

be constructed, is inappropriate. The railroad tracks cut the City, the study area, and the Sphere of Influence in half. A realistic feasible plan is necessary.

Traffic and circulation issues are a significant constraint: significant and unavoidable. There has been no feasible plan advanced in the documents. Feasibility is well defined in CEQA and case law. Feasible certainly is not speculation of what could happen in the unforeseen future. The notion of "fair share" obligations on developers does not build a Bypass or relocate a railroad track.

Agriculture

10-7

The very nature of the City is inextricably tied to agriculture. Economic, social, and quality of life are all encompassed by agriculture. The overwhelming agricultural acreage is prime agricultural land. The DEIR needs to incorporate a more precise set of goals and objectives to preserve and protect prime agricultural land. Conversion of prime land is universally disfavored.

Fiscal Impact and Public Financing Plan

10-8

One of the most important values of linking the General Plan Update with a review and update of the City's Sphere of Influence is to conduct a Municipal Services Review. Presumably, a Master Services Element would be created prior to conducting a "Fiscal Impact Study of New Development at General Plan Service Levels" and a "Public Facilities Financing Plan." These documents were not available to the public until the evening of February 1, 2006. These documents should be addressed in Volume I and included in Volume II. The reality check for the mitigation decisions, particularly as relate to notions of reducing significant impacts to less-than-significant, or for contending overriding considerations based upon economic and social interests, dictate a full public review of the fiscal feasibility of the General Plan and each of its elements.

Conclusion

The City of Wheatland has the opportunity to develop a realistic General Plan in the context of a relevant Sphere of Influence with a Master Services Element based upon a Municipal Service Review. This process cannot be conducted in a vacuum. There is much development underway in Yuba County as well as the adjacent counties. A cumulative impact evaluation must be placed in a regional and area-wide contest. Well-defined Sphere Horizons will establish a realistic expectation of annexations that are not developer driven, but dictated by sound public policy. The CEQA review documents must not succumb to the intoxicating realm of all things are reducible to less-than-significant with speculative, conclusionary mitigation proposals that are vague and overboard. After all comments have been reviewed, and additions made to both Volume I and II, the DEIR should be re-circulated for public comment.

Comment Letter 10
Thomas W. Eres,
Office of Thomas W. Eres Attorney at Law

Response to Comment 10-1:

A sphere of influence review and update and municipal service review are not included as part of the City General Plan Update project. The sphere of influence and municipal service review are Yuba County LAFCO tasks and responsibilities. The sphere of influence review and update does not need to be completed until January 1, 2008 (Government Code section 56425[g]) and the municipal service review is to be undertaken by LAFCO in conjunction with the sphere of influence review (Government Code section 56430[c]). Accordingly, the sphere of influence and municipal service reviews do not need to be undertaken at this time and the City may proceed with its General Plan Update without a prior or concurrent sphere of influence and municipal service review.

The comment misconstrues the phrase "as necessary" in Government Code section 56425(g). The entire subsection reads, "On or before January 1, 2008, and every five years thereafter, the commission shall, as necessary, review and update each sphere of influence." By placing "as necessary" between "shall" and "review and update," the "as necessary" phrase modifies "review and update." The scope of the review and update therefore is measured by what is necessary in the circumstance. The timing and frequency of sphere of influence reviews is governed by the unambiguous phrase, "On or before January 1, 2008, and every five years thereafter." With its particular placement later in the sentence, "as necessary" does not modify this phrase on timing and frequency.

The comment notes that the project description does not include any specific annexation requests. The General Plan EIR is a program EIR that addresses development throughout the General Plan area. The General Plan EIR will be utilized in connection with specific development project applications that may involve annexation, rezoning, and tentative map approval. At this time, it is premature to identify specific annexation requests within the General Plan project area. Furthermore, doing so would be inconsistent with the nature of a program EIR.

Response to Comment 10-2:

The commentor is correct in that the DEIR contains several inadvertent uses of the phrase "planning area" instead of "study area" within the document. When the document uses the term planning area it is actually referring to the General Plan study area. For a more comprehensive description of the areas associated with the terms listed in the comment, see the Land Use Chapter (page 4.9-3) of the DEIR.

Response to Comment 10-3:

CEQA requires that all source documents related to an EIR be available for public review (though does not require that all relevant documents be included in the appendix.) All of source documents and reports related to this Draft EIR were made available at City Hall and/or through the Mintier and Associates website.

Additionally, because the Draft EIR includes every checklist question suggested in the CEQA Guidelines, no Initial Study was prepared. This is in accordance with Section 15063 of the CEQA Guidelines, which states, "If the lead agency can determine that an EIR will clearly be required for the project, an initial study is not required."

In regard to issues raised regarding the foundation of the economic analysis included in the EIR, please refer to the General Plan Background Report, Chapter 3, Economic Conditions, (July 2, 2004) for an economic analysis related to future city growth and development.

Response to Comment 10-4:

A detailed analysis and discussion of possible wastewater alternatives and a Waste Water Management Master Plan, which would facilitate the growth of the City of Wheatland in accordance to the General Plan Update, are included in Volume 2, appendix K of the Draft EIR. See also Response to Comment 8-10.

Response to Comment 10-5:

The City recognizes that flood protection is the major issue affecting development in the GPU area. As such the City has been working with the Reclamation Districts, RD 817 and RD 2103, to develop solutions to this important issue. Because the levees are the responsibility of the RD's and the State of California, the City will continue to work with those responsible agencies. In addition because the City is a participant in the National Flood Insurance Program we recognize that to maintain the City's participation that all future development must meet FEMA's requirements to be eligible for those insurance benefits, which includes compliance with the City's floodplain management ordinance. The GPU Policies and EIR address this issue.

Response to Comment 10-6:

A copy of the "Existing Circulation Element and Opportunities and Constraints Analysis – Working Paper Number 1" is on file with the City for pubic review, as is a copy of the Jones Ranch and Heritage Oaks EIR. The traffic studies conducted for the Jones Ranch and Heritage Oaks Estates EIRs were conducted separately and were not part of the GPU process. These documents are on file at City Hall for review. Furthermore, the traffic study conducted for the General Plan Update EIR included traffic assumptions for the Jones Ranch and Heritage Oaks Estates projects.

The construction of the bypass and the relocation of railroad tracks were assumed in the traffic study based on direction from City staff. The GPU anticipates that the bypass will be completed before the buildout of the GPU is completed by 2025. Therefore, including the bypass as a component of the circulation system is appropriate. In addition, the stipulation that new developments should be responsible for their fair share of future circulation system improvements, including the bypass, is also appropriate.

Response to Comment 10-7:

See Response to Comment 3-2 and 3-3.

Response to Comment 10-8:

See the response to comment 10-1 regarding the sphere of influence and municipal service review issues.

With respect to the draft Fiscal Impact Study of New Development at General Plan Service Levels and draft Public Facilities Financing Plan, these documents are not part of the General Plan. The economic and fiscal impacts of the project are outside CEQA purview. (CEQA Guidelines sections 15064(e) & 15131.)

Letter 11

Klinedinst
ATTORNEYS AT LAW

1107 9th Street, Suite 680
Sacramento, California 95814
(916) 444-7573
(916) 444-7544 Fax

Gregory M. Guth, Esq.

Internet: www.klinedinstlaw.com

February 1, 2006

VIA FAX AND US MAIL
(530)633-9102
Tim Raney
Planning Director
City of Wheatland
313 Main St.
Wheatland, CA 95692

Re: Draft Environmental Impact Report / Draft General Plan Update

Dear Mr. Raney:

I am writing this letter on behalf of Dortha S. Baker, owner of the property located at APN-15-140-055 in Wheatland ("Baker Ranch"), in order to provide written comments regarding the December 2005 Draft Environmental Impact Report ("EIR") and related Draft General Plan Update for City of Wheatland. This communication is intended for use by the City Planning Commission in proceedings related to Wheatland's General Plan Update and Draft EIR.

11-1 Previously, on July 28, 2005, I wrote to you in response to your memorandum concerning the proposed Almond Estates North Project and issues concerning the scope of the related EIR. My previous letter addressed drainage issues potentially affecting Baker Ranch. You have never specifically responded to the issues communicated therein; however, I do note that the recent Draft EIR contains a general reference to Mrs. Baker's concerns regarding drainage and potential flooding of the Baker Ranch property. My July 28, 2005 letter is attached hereto, and incorporated herein for continued consideration along with this response to the recent Draft EIR and General Plan Update.

1. NICHOLS RANCH DEVELOPMENT.

11-2 According to the Summary of Wheatland General Plan Update dated March 2004, on the related website (found at http://www.jlmintier.com/gpsummary.pdf), owners of Nichols Ranch were interested in annexing into the City as of May 2003. However, it was decided that such annexation would need to be evaluated with a "City-wide perspective." Specifically, under the

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heading "Development Activity" in the March 2004 Summary, it states:

11-2 Cont.

> "In May 2003, Nichols Ranch, adjacent to the City's northern boundary, indicated an interest in annexing to the City. Because of the property's size, issues regarding the lack of access and potential flooding, staff recommended the proposed annexation of this property needed to be considered in a City-wide perspective pursuant to an updated (sic) of the City's General Plan."

The General Plan Update and Draft EIR does not address any proposed development or annexation involving Nichols Ranch (see Chapter 4.9, pp. 7-9, Figure 4.9-3). Which leads to the following questions:

11-3 a) Has the City considered the annexation of Nichols Ranch in a "City-wide perspective"? If so, then why is it not a part of the City's General Plan? And why is such issue not evaluated in the Draft EIR?

11-4 b) What has been considered by the City with regard to the request for annexation of Nichols Ranch? What is currently being considered in that regard? If anything has been considered in this regard, then why is it not a part of the City's General Plan? Why is this issue not evaluated in the Draft EIR?

11-5 c) What has been considered by the City with regard to the issue of "lack of access" to Nichols Ranch? What is currently being considered in that regard? Why is this issue not evaluated in the Draft EIR?

11-6 d) Does the City have an agreement and/or contract with Nichols Ranch to provide / ensure access at a railroad crossing? If so, ***why is this not disclosed in the General Plan Update and properly evaluated in the Draft EIR***? [1]

11-7 e) What has been considered by the City with regard to the issue of "potential flooding" relative to development of Nichols Ranch? What is currently

[1] At the City's November 2005 planning meeting, it is my understanding that statements were made by Nichols Ranch representatives that the City had an agreement with Nichols Ranch to provide access across the railroad tracks. Although the present private crossing and proposed crossing at McDevitt are referenced, the General Plan Update and Draft EIR do not identify an agreement by the City concerning access to Nichols Ranch. See discussion at #3, *infra*.

11-7 Cont. being considered in that regard? Why is this issue not evaluated in the Draft EIR? [2]

2. **DRAINAGE / FLOODING ISSUES.**

11-8 In my previous letter, I stated concern with the potential drainage / flooding issues on Baker Ranch related to the proposed Almond Estates development as it may cause back-up of drainage and pooling / flooding on Baker Ranch property. Recently, Nichols Ranch has been drastically re-graded which directs ***all*** of its run-off onto Baker Ranch property. This compounds the concerns regarding drainage / flooding at Baker Ranch.

11-9 For decades, the Nichols Ranch property drained into Grasshopper North Tributary 1 ("Grasshopper 1"). Without notice to Mrs. Baker,[3] drainage from Nichols Ranch was routed onto her property at Grasshopper North Tributary 2 ("Grasshopper 2"). Curiously, there is no mention of this development activity in the General Plan Update and Draft EIR. Which begs the question:

a) Is the City aware of the development activity at Nichols Ranch?

11-10 b) Did the City authorize or approve the re-grading of Nichols Ranch?

11-11 c) Why is the development activity at Nichols Ranch not addressed in the General Plan Update or Draft EIR? Moreover, why is this critical change in the flow of drainage not addressed as part of the discussion regarding drainage alternatives?

11-12 The increased drainage into Grasshopper 2 caused by this re-grading is also troubling given its affect on proposed development along the western border of SR 65, including Almond Estates, and the City as a whole. It is known that Grasshopper 2 traditionally continued west and connected near Oakley Lane. However, that has been cut-off and now the slough connects with the Sohrakoff drainage channel and travels northbound to the retention basin. It is noted that the channel can experience overtopping and drainage flows westward (Ch. 4.8, p. 11) – obviously a

---

[2] Nichols Ranch has undergone a significant re-grading of its property in the last few months which directs run-off into Grasshopper North Tributary 2 on the Baker Ranch that would normally into drain into Tributary 1. This re-grading project occurs at a critical time when the City is attempting to assess the best alternative for drainage systems City-wide. Why is this development not noted in the General Plan Update and Draft EIR? See discussion at #2, *infra*.

[3] In fact, the re-grading at Nichols Ranch and installation of a drain directing flow of run-off onto Baker Ranch was initiated while it was known that Mrs. Baker was in the hospital due to a broken hip. It is also believed that the drain installed trespasses Baker Ranch property.

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concern relative to the proposed developments which would cause additional stress to the channel.

Nevertheless, while the proposed developments are subject to review per the General Plan Update and Draft EIR, and issues such as drainage are subject to EIR evaluation, major developments have taken place on Nichols Ranch which have seemingly circumvented the same review process, and caused changes that directly affect the drainage at the Sohrakoff Drainage Channel and retention basin– and I reiterate, it directly affects the Baker Ranch. Obviously, the re-grading also affects not only the proposed developments on the western border of SR 65, but the City's General Plan as a whole. Especially since the City is at a critical point trying to find a City-wide solution regarding drainage issues.

11-12 *Cont.*

According to the Draft EIR at Ch. 4.8, pp.7-8:

> "*The City requires engineering drainage studies to be provided with all new development....* to identify existing onsite and offsite conditions, storm water flows, capacity of existing onsite and offsite inlets, culverts, ditches, canals, detention basins, pump systems, and determine if the proposed development would result in increased storm water runoff.... *Any individual developing or improving land is required to mitigate all potential drainage impacts to upstream or downstream users*, which could result from development... [including] enlarging existing culverts and ditches, building detention basins and pumps to discharge to a flood control facility, and/or obtaining of flowage easements." (*Emphasis added*)

Which leads to the following questions:

11-13 d) Who, if anyone, prepared engineering drainage studies prior to the re-grading of Nichols Ranch?

11-14 e) What measures, if any, has Nichols Ranch taken, or considered, in order to mitigate the drainage impact from the re-grading and increased runoff into Grasshopper 2?

11-15 f) Even if engineering studies were not obtained prior to the re-grading of Nichols Ranch, why wasn't this development subject to review and evaluation in the General Plan Update and Draft EIR?

11-16 The development activity at Nichols Ranch took place without any required studies and has not been subjected to EIR evaluation. Clearly, Nichols Ranch bears the burden of mitigating the effects of its actions– and not the City, nor neighboring property owners, such as Mrs. Baker. It is unclear what action has been taken by Nichols Ranch to mitigate the impacts of its actions. To date, I am not aware of any proposals by Nichols Ranch to build an onsite detention basin,

construct new drainage channels, or to obtain flowage easements for the increased drainage caused by its re-grading.

11-16 *Cont.*

Moreover, Nichols Ranch also caused a drain pipe to be installed which is believed to trespass on Baker Ranch property. Mrs. Baker was never asked, and never consented, to allow such activity on her property, and has never granted an easement over her property to allow the installation of a drainage pipe, let alone the flow of all the drainage from Nichols Ranch over her property. Communications are currently being exchanged with Nichols Ranch in an attempt to resolve issues related to the installation of this drainage pipe.

11-17

Given the circumstances, Mrs. Baker is opposed to any proposal that would involve the construction of a detention basin, pool or other drainage facility on her property. Rather, the burden should lie squarely upon Nichols Ranch– and not the City, nor other property owners– to mitigate the impacts caused by its unauthorized action. Had Nichols Ranch followed City protocol, and provided engineering studies to evaluate the impacts re-grading would have on drainage, the City would have required that the "individual developing or improving land ... mitigate all *potential* drainage impacts." Instead, Nichols Ranch has already *developed or improved* its land by re-grading the property– it is now incumbent upon Nichols Ranch to mitigate the *actual* drainage impacts that have resulted.

g) What action, if any, is being taken to ensure that future drafts of the General Plan Update and EIR address the re-grading of Nichols Ranch and its impacts on drainage?

11-18

h) Will the 4 proposed alternatives concerning drainage solutions be re-evaluated in light of the impacts on drainage caused by the re-grading?

11-19

i) Will future drafts identify that Nichols Ranch bears the burden of mitigating the impacts of its action? And will proposed alternatives for drainage properly reflect action needed to be taken by Nichols Ranch?

11-20

Concern over the affect that this re-grading has on drainage is not limited to Baker Ranch. This is also a City and County concern since the increased drainage affects the proposed developments and drainage within the City, affects the City's General Plan and overall scheme for developing a City-wide drainage system, and affects Yuba County since it is charged with maintenance of drainage outside of the City. On yet another level, this increase in drainage concerns both State and US Government agencies– such as the EPA, California Department of Fish and Game, and Central Valley Regional Water Control Board to name a few.

j) Has the increase in drainage by Nichols Ranch been approved, authorized or permitted by the appropriate regulatory agencies?

11-21

k) Will future drafts of the General Plan Update and EIR address necessary

11-21 *Cont.*

approval, if any, by the appropriate regulatory agencies regarding changes to the City's drainage system?

3. **ACCESS / RAILROAD CROSSING / CIRCULATION ISSUES.**

Mrs. Baker has an agreement with Union Pacific Railroad for use of a private crossing to access Baker Ranch from SR65. This "at grade crossing," as referred to in the General Plan Update and Draft EIR, provides access from SR65 over the railroad tracks, then onto a road which immediately enters Baker Ranch property. This road provides the only open access for Mrs. Baker to Baker Ranch, and she has used this road to access her property for several decades.

11-22

The UP Railroad recognizes that the private crossing is for use by Mrs. Baker. Importantly, the private crossing is used with permission from the UP Railroad and no one can obtain an easement by prescription– even if their use is open and obvious to the Railroad. In other words, even if others are using the crossing, they cannot claim to have a right to cross unless they have obtained permission from Union Pacific. Moreover, since the crossing ultimately leads onto Baker Ranch property, further permission is necessary from Mrs. Baker to use the crossing.

As discussed above, the City was concerned about lack of access to Nichols Ranch in response to a request for Nichols Ranch to be annexed to the City. It is my understanding that representations have been made by representatives of Nichols Ranch that there is an agreement with the City to provide access across the railroad tracks. The General Plan Update and Draft EIR discuss the current private crossing and a proposed crossing at McDevitt. Discussion regarding the McDevitt crossing is largely found in relation to proposals that include the east bypass of SR65. Please consider the following questions:

a) What agreements, if any, are currently in place between the City and Nichols Ranch with regard to access and crossings at the railroad? If so, why is this agreement not disclosed in the General Plan Update?

11-23

b) What action, if any, has been taken by the City to explore the possibility of obtaining permission from UP Railroad for general / public access across the existing private crossing?

11-24

c) Does the City intend to initiate any discussions with Mrs. Baker regarding permission for general access of her property as a result of using the private crossing? If so, please contact my office.

11-25

d) Is the proposed crossing at McDevitt conditioned upon approval for an east bypass of SR65? Does the City intend to initiate any discussions with Mrs. Baker regarding access across her property as a result of such a crossing? If so, please contact my office.

Tim Raney
February 1, 2006
Page 7

The issue concerning this crossing is important to Mrs. Baker as the current private crossing provides her only access to Baker Ranch. Also, in the past, the Bakers were subjected to a lawsuit as a result of an accident that occurred on the railroad tracks at the private crossing. Thus, Mrs. Baker is justifiably interested in the City's intentions with regard to this crossing.

11-26 At the time that Nichols Ranch re-graded its property and installed a drainage pipe, its workers were using the private crossing in order to access Nichols Ranch. This included work trucks, tractors and other heavy machinery using the private crossing. Obviously, this concerned Mrs. Baker as it created potential liability in the event of an accident. Moreover, Mrs. Baker understood that the crossing was being used without permission from UP Railroad; and this increased use was causing potential stress and damage to the road for which she accesses her property.

e) Did the City agree to provide or authorize access to Nichols Ranch via the private crossing for the purpose of the re-grading project?

I provide this explanation as it is important that the City appreciates the issues regarding Mrs. Baker's right of access to her property and her concerns regarding unauthorized use of the private crossing. It is important that the City refrain from making any agreements / promises that would affect Mrs. Baker's rights and would create unnecessary exposure to liability.

Thank you for your consideration. I look forward to your response.

Very truly yours,

KLINEDINST PC

GREGORY M. GUTH

Enclosure

02/01/2006 WED 16:47 FAX 5306339102 WHEATLAND CITY HALL →→→ Raney Planning Mgt. 009/010

Klinedinst
ATTORNEYS AT LAW

1107 9th Street, Suite 510
Sacramento, California 95814
(916) 444-7573
(916) 444-7544 Fax

Gregory M. Guth, Esq.

Internet: www.klinedinstlaw.com

July 28, 2005

VIA FAX AND US MAIL
(530)633-9102
Tim Raney
Planning Director
City of Wheatland
313 Main St.
Wheatland, CA 95692

Re: Almond Estates North Project Environmental Impact Report Scoping Meeting / Written Comments

Dear Mr. Raney:

I am writing this letter on behalf of Dortha S. Baker, owner of the property located at APN-15-140-055, in order to provide written comments regarding the proposed Almond Estates North Project and issues concerning the scope of the related Environmental Impact Report ("EIR"). I am requesting that the following issues/questions be addressed which relate to your June 30, 2005 memorandum regarding the proposed project and EIR:

1. Page 3, *Storm Drainage*:

"The general flood plan for Almond Estates is to convey all runoff from the eastern boundary of the project site, and to improve the pump/storage system downstream (to the north) to drain existing and future runoff into Dry Creek."

The proposed project appears to move runoff in a northeastern direction into a drainage corridor which would then move downstream (north) and run parallel Highway 65. As illustrated by the Tract map provided in your memo, there is a slough which drains from Mrs. Baker's property under Highway 65 and into the southeast portion of the drainage corridor. Mrs. Baker is concerned that the increased flow and the direction of the runoff potentially will affect the drainage from her slew, including causing backup or even reversing the flow of drainage. Therefore, it is imperative that the EIR adequately address this issue and report on the effect that the run-off from the project will have in this regard.

02/01/2006 16:39 FAX 9164447544 KLINEDINST 009

02/01/2006 WED 16:47 FAX 5306339102 WHEATLAND CITY HALL →→→ Raney Planning Mgt. 010/010

Tim Raney
July 28, 2005
Page 2

2. Page 3, *Storm Drainage*-

"All runoff from upstream Grasshopper Slough watershed would be routed via a new conveyance channel in the pond as well."

Grasshopper Slough borders the north edge of Mrs. Baker's property, and any re-routing of the slough may affect her property and related rights. Mrs. Baker is especially interested to learn where Grasshopper Slough will be routed, and whether there is any proposal for it to be re-routed onto any portion of her property. Mrs. Baker would also like to know whether drainage from her property will be affected, and whether the proposed new route will provide for proper water flow. Therefore, the location of the re-routed slough should be identified, and the EIR should address the issues regarding the impact that the re-routing of the slough will have on Mrs. Baker's property.

3. Tract Map (No. TSTM-2005-0001)

"015-140-056 Stineman"

The tract map identifies APN "015-140-056," and provides the description "Stineman."[1] Mrs. Baker maiden name is Stineman, however, she owns property under her married name "Baker." Mrs. Baker is the owner of APN 015-140-055, and is not aware of property with the APN identified in the tract map. Please identify the source of your information that there is a parcel of property in the area of the tract map which is described as 015-140-056 Stineman.

I appreciate you prompt attention and response to these issues. Please place my address on your mailing list, as well as Mrs. Baker's which is listed below. I look forward to your response.

Very truly yours,

KLINEDINST PC

GREGORY M. GUTH

cc: Dortha S. Baker
1971 Highway 65
Wheatland, CA 95692

[1]This appears right in the area where Mrs. Baker's property drains from her slough into the drainage corridor (*See* No. 1, infra.)

02/01/2006 16:39 FAX 9164447544 KLINEDINST 010

Comment Letter 11
Gregory M. Guth,
Klinedinst Attorneys at Law

Response to Comment 11-1:

This comment relates to the Almond Estates project, which is proceeding under the current Wheatland General Plan and is the subject of a separate project level EIR, which addresses the subject matter of the comment.

Response to Comment 11-2:

This comment does not address the adequacy of the EIR.

Response to Comment 11-3:

The GPU and the DEIR address the potential buildout of the Nichols Ranch at a program-level. The General Plan Land Use Diagram designates the Nichols Ranch project site for residential, commercial, and public uses. An application for annexation has been submitted to the City and a project-level environmental document will be prepared for the processing of the annexation application for Nichols Ranch.

Response to Comment 11-4 and 11-5:

The development of Nichols Ranch based on the proposed land uses in the General Plan is part of the General Plan project and draft EIR; however, it is analyzed on a broad, regional scope as part of the program EIR. Specific Nichols Ranch development issues will be addressed in more detail as part of the later CEQA review of the Nichols Ranch development project application, which will tier off of the General Plan EIR. The General Plan EIR does not address specific Nichols Ranch access issues, but does address transportation and circulation issues relating to development of the entire General Plan study area, which includes Nichols Ranch.

Response to Comment 11-6:

A General Plan funding agreement exists with Nichols Ranch that addresses the potential to relocate a current at grade railroad crossing to McDevitt, as reflected in the current General Plan and is addressed in the General Plan Update. The City does not have an agreement to ensure railroad access; therefore, the EIR does not include a discussion related to such an agreement.

Response to Comment 11-7:

Comment noted. A program level study of flood risks for the entire study area is included in the Draft EIR. The commentor is referring to the project level impacts related to the

Nichols Ranch project. The comment relates to a future consideration under the anticipated environmental review for the Nichols Ranch project

Response to Comment 11-8:

This comment relates to the Almond Estates project, which is proceeding under the current Wheatland General Plan and is the subject of a separate environmental review, which addresses the subject matter of the comment.

The City did not authorize or approve of any grading on the Nichols ranch property because the Nichols Ranch property is located outside of the City limits. Any grading that has occurred in the past would fall under the jurisdiction of Yuba County.

Response to Comment 11-9:

To the best of the City's knowledge, the Nichols Ranch site has not undergone any recent development activity. The grading referred to by the commentor may have been related to leveling and reclamation of surface mining operations on the property, which were conducted from 1955 to 2005. The City is not aware whether historical drainage patterns were changed as a result of any recent grading.

Any recent grading on the Nichols Ranch property was not approved by the City, is not a part of the General Plan project that is the subject of the EIR, and is not a City action or project. The City did not review or approve any drainage plans for work on the Nichols Ranch property. The Nichols Ranch property is not located within the City and the City lacks jurisdiction over drainage and development activity on the property. The City General Plan policies, goals and development standards and requirements will apply to unincorporated territory such as Nichols Ranch only as the land is annexed to the City. The commentor should address his inquiries to the County of Yuba.

Drainage issues relating to the Nichols Ranch property are addressed at a program EIR level of review in chapter 4.8 of the EIR. The EIR environmental setting or baseline is the environmental conditions as they existed at the time of the 2005 publication of the notice of preparation. (CEQA Guidelines section 15125(a).) Consequently, the EIR environmental setting does not address any private grading activity that may have occurred in recent months and after the NOP. Any changes in the environmental conditions or project circumstances will be addressed at the time of the Nichols Ranch-specific CEQA environmental review that will tier off of the General Plan EIR.

Response to Comment 11-10:

The Nichols Ranch area is currently within Yuba County and is outside of the City's jurisdiction. Therefore, City approvals were not required.

Response to Comment 11-11:

The comment relates to a future consideration under the anticipated environmental review for the Nichols Ranch project (also, see Response to Comment 11-9.)

Response to Comment 11-12 through 11-17:

Comments noted. See Response to Comment 11-9.

Response to Comment 11-18:

The comment relates to a future consideration under the environmental review for the Nichols Ranch project (also, see Response to Comment 11-9.)

Response to Comment 11-19:

Project specific impacts related to the Nichols Ranch project will be addressed in the environmental review for that project. The Nichols Ranch project will be responsible for mitigating impacts associated with drainage on the project site in accordance with the Wheatland General Plan Update and associated EIR.

Response to Comment 11-20:

Comment noted. See Response to Comment 11-9.

Response to Comment 11-21:

Project specific impacts related to the Nichols Ranch project will be addressed in the environmental review for that project. The Nichols Ranch project will be responsible for mitigating impacts associated with drainage on the project site in accordance with the Wheatland General Plan Update and associated EIR. After the property is annexed to the City, any new drainage work will be subject to applicable City and other governmental permits and regulations.

Response to Comment 11-22:

Comment noted. See Response to Comment 11-6.

Response to Comment 11-23:

The City has not had any specific conversations with UPRR concerning the Baker Ranch private crossing. The City is in the beginning stages of working with UPRR to explore the possible relocation of the UPRR tracks to a location east of the proposed SR 65 By-pass. If this were to happen, east/west circulation through the GPU area would be benefited with more flexibility as to east/west connectors.

Response to Comment 11-24:

The City does not intend to initiate any discussions regarding the Baker Ranch private crossing pending our discussions with UPRR on the possible relocation of the tracks.

Response to Comment 11-25:

The McDevitt crossing is not conditioned upon approval of the SR 65 Bypass. The City does not intend to initiate any discussions regarding the Baker Ranch property crossing.

Response to Comment 11-26:

Comment noted. The property and railroad crossing in question are outside of the City of Wheatland; therefore the City was not involved in any agreements or authorizations involving the railroad crossing.

02/02/2006 THU 9:25 FAX 5306339102 WHEATLAND CITY HALL →→→ Raney Planning Mgt. 002/008

Letter 12

RECEIVED
FEB 02 2006
CITY OF WHEATLAND

February 2, 2006

Mr. Tim Raney
Planning Director
City of Wheatland
313 Main Street
Wheatland, CA 95692

Hand Carried

Re: Wheatland General Plan Update draft Environmental Impact Report

Dear Mr. Raney, Mayor Elphick, Council Members Barrington, Crabtree, McIntosh, and Pendergraph:

12-1 Due to a scheduling conflict I will not be able to be present at the public hearing scheduled for this evening. However, I request that my brief analysis be read into the record. Basically, I object to the approval of the Wheatland General Plan Update draft Environmental Impact Report. The draft EIR does not adequately address significant impacts upon the environment and concludes, in many instances that there will be no significant effect on the environment after "mitigation" which leaves me shaking my head. It is like the subjects observing the emperor with no clothes, who did not face reality until a small child refused to accept the untruth. Saying that there will be no significant effect just does not make sense, when you review the ambitious, and ludicrous proposals contained in this EIR that will, in fact, have very significant effects upon the environment.

Levees

12-2 By way of example only, in the area of hydrology and water quality (Volume 1, 4.8-2; Volume II, Appendix F, page 6-21, along with Figures 2, 3, and 4), the draft EIR states that development associated with the General Plan Update would be within the 100-year flood hazard area. To mitigate the flooding issues, three alternative flood control systems all consisting of levee improvements are proposed. (See Volume 1, 4.8-27-30.) Alternative I, is dubbed the "Oakley Lane Cross Levee." However, that name is a misnomer, for actually, the Oakley Lane Cross Levee does not bound Oakley Lane. Instead, the proposed "Oakley Lane Cross Levee" bounds my prime agricultural land, on the O'Connor Ranch's most westerly boundary. The O'Connor Ranch farms walnuts. This proposed Oakley Lane Cross Levee after taking a portion of the O'Connor Ranch's prime agricultural land, then crosses Wheatland Road, passes through the Gilbert Ranch, which also consists of prime agricultural land in walnuts and

12-2 *Cont.*

connects to the Bear River levee. A review of Figure 2, Appendix F, shows that it also passes through other prime agricultural land before reaching Dry Creek. The crest of the Oakley Lane Cross Levee would be at a minimum elevation of 73.4 feet. The EIR notes that approximately 42 acres of additional right-of-way would be required to build and maintain the reconstructed levee. The draft EIR mentions in Appendix F at page 8 in a single sentence:

"Disruption to Farming – Construction of the Oakley Lane Cross Levee will be disruptive to farming outside the General Plan Area."

What an understatement. The Oakley Lane Cross levee that is proposed will rip through prime agricultural land, and remove Wheatland Road as it is currently known. It is unclear from the Figures in Appendix F how vehicles will traverse this proposed cross levee. Will the road pass over the levee? It is unclear and is not addressed.

12-3

The draft EIR at page 4.2-13, states that the General Plan Update includes the following goals and policies applicable to agricultural issues:

"Goal 1.1- To maintain the productivity and minimize developments affects (sic) on agricultural lands surrounding Wheatland."

...

"Policy 1.1.3. The City shall promote good neighbor policy between residential property owners and adjacent farming operations by supporting the right of the farmers and ranchers to conduct agricultural operations in compliance with state law."

Despite this goal and policy, the draft EIR does not state why, in view of this policy, the cross levee dubbed "Oakley Lane Cross levee" is being proposed. Absolutely no mitigating factors are listed.

12-4

Appendix F at page 8, further addressing the proposed "Oakley Lane Cross Levee" also states: "Right-of-way – Construction of the Oakley Lane Cross Levee will require the purchase of 18 acres of new right-of-way *that will likely be controversial*." (Emphasis added.)

Controversy is to be expected when the City proposes to take prime agricultural land, not because it suffers any blight, but to promote development at the cost of farmers who are contributing significantly to Yuba County. This EIR does not adequately address which specific landowners will be affected. There is no indication that these landowners ever received notice of this meeting or have any knowledge of the situation, which I assume is better for the City, if you consider this just "another procedural hurdle", but is of no benefit if you, in fact, want input pertaining to this environmental document. I

Mr. Tim Raney, Planning Director
Mayor Elphick , Council members Barrington, Crabtree, McIntosh, and Pendergraph
February 2, 2006
Page 3

12-4 *Cont.* know that I did not personally receive any official notice of consideration of this draft EIR.

12-5 Alternative 2, is really no viable alternative at all, and I can only assume that it is only listed so the drafters can state they have three alternatives. It is located in Sutter County, would require 85 acres of additional right-of-way, and would impact a significant number of elderberry buses. It certainly is not within Wheatland's current sphere of influence.

12-6 Alternative No. 3 – no cross levee is listed as the final alternative. It is noted at Appendix F, page 12 that this provides the maximum amount of flood protection possible within the boundaries of the three major drainage features.

At Volume 1, page 4.8-30, the draft EIR states, "The flood control alternatives each provide equivalent flood protection for the General Plan Update Land Use Diagram. This is untrue. Alternative 1 (the Oakley Lane Cross Levee) does not protect development to the West of the cross levee, and Appendix F, page 12, notes that alternative 3 provides the maximum amount of flood protection possible. The draft EIR, also at page 4.8-30 states, "However, it is the responsibility of the regional reclamation districts to choose the most appropriate means of flood protection. It should also be noted that prior to implementation of the reclamation district chosen alternative, additional environmental review would be completed."

At page 4.8-31, the draft EIR states, "Implementation of the goals and policies above (pertaining to levees and flood control) would reduce the impacts to a **less-than significant** level." This is absolutely untrue. The proposed cross levees and the proposed reconstruction of levees will, indeed have a significant effect on the environment.

12-7 I wish your record to reflect that I object to the City's failure to notify in writing persons that may be affected by the taking of their land due to the cross levees; the failure to include in the draft EIR actual statistics pertaining to flooding, rather than a "model", the incomplete nature of addressing the flooding aspect, the failure to indicate which alternative the regional reclamation district considers the most appropriate means of flood protection, and the one-sentence consideration of the invasion of prime agricultural land by implementing alternative 1.

12-8 Generally, mitigation measures must be specifically described in the EIR and not left for future formulation. (See Cal. Code Regs., tit. 14, § 15126.4, subd. (a)(1)(B).) Agencies should not use mitigation measures as a device to avoid disclosing project impacts. (See *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal. App. 4th 182, 195-196.) (EIR was inadequate because it did not evaluate impact of supplying

water to large new development project and instead included a mitigation measure stating that the project would not proceed at any point that adequate water was not available.)

12-8 *Cont.*

Deferral of creation of mitigation measures pending future study cannot serve as the basis for finding a significant impact to be mitigated to a less than significant level, because it is uncertain. (See *Sundstrom v. County of Mendocino* (1988) 202 Cal. App.3d 296 (county required hydrological studies as conditions to a use permit, and specified that any mitigation measures suggested in the studies then would become requirements of the use permit; the Court held that unspecified future mitigation based on a future study was improper.) The general plan draft EIR, as written, does not include an adequate analysis of what, in fact, the general plan proposes to do and how it will mitigate the significant effects on the environment.

Drainage

12-9

I wish to briefly comment on the drainage aspect of the draft EIR, and will provide further written comment within the comment period. While the Table of Contents, Volume I, at page ii, indicates that Appendix E is a "Draft Drainage Report for Internal Drainage," Civil Engineering Solutions, Inc., November 2005, the actual report contained in Volume II, Appendix E is dated August 2005, which leads me to believe that an outdated drainage report is contained in the draft EIR. I object to the stale report. I also object to the failure to include three important technical appendixes A through C, addressing hydrology, hydraulics, and storm drain analysis. In order to have meaningful comment, the draft EIR should be complete and ready for review. The public should not be forced to request the technical appendixes from Civil Engineering Solutions, Inc., in Sacramento, California. This continues to be a consistent theme throughout all of the environmental processes that I have encountered with the City of Wheatland. Your documentation has not been readily available, and many times the documentation is not on file at the Wheatland City Hall. With regard to the public hearing set for this evening, your comment period does not expire until 5:00 p.m. on Monday, February 6, 2006. This means that at the public hearing this evening, you will not be privy to all comments concerning the adequacy of the draft EIR in discussing possible impacts upon the environment, the ways in which adverse effects might be minimized, and alternatives to the proposed project.

12-10

With regard to drainage, again the draft EIR, Volume I, at page 4.8-26, states that the drainage plans will reduce the impacts to a **less-than-significant** level. Five alternatives are outlined. In a separate document, which is, in fact, dated November 2005, but is not part of the draft EIR, four alternative drainage plan concepts are considered as measures to mitigate the General Plan Impacts and provide for the runoff

impacts of the proposed additional development areas. Again, the underlying analysis is based upon "project hydrology models" instead of actual onsite figures pertaining to drainage. Such models do not address the actual on-site situation and I am opposed to such analysis.

12-10 *Cont.*

Despite the "less-than-signficiant" comment, a review of the over-sized exhibits (not included in the draft EIR) show a very ambitious taking of private land. Alternative 1 proposes to add detention basin pump stations, a proposed channel with a depth of 9 feet, the widening and deepening of existing channels , the removal of existing levees, and the addition of storm drains through Grasshopper Slough, which will increase the amount of run-off. In the O'Connor Ranch situation, I fear that that run-off will have the effect of causing root-rot in valuable orchard trees, and if the channel remains uncovered, of being a dangerous condition and attractive nuisance to any unsuspecting child. Wildlife, such as coyotes, will be impacted and have much of their habitat destroyed. Alternatives 2 and 3 propose to excavate the existing Grasshopper Slough and/or provide new parallel channels around the City. It is noted in the draft drainage report for internal drainage dated November 2005, which is not in the EIR, at page 18, that the proposed excavating of existing drainage corridors may present some difficult permitting challenges with environmental agencies. Alternative 4 also proposes to excavate new channels with increased trunk pipe sizes and parallel channel systems.

The draft EIR fails to address the ramifications of removing existing levees. Are condemnation actions anticipated? Has the city addressed the fiscal impacts of inverse condemnation that results from flooding or soil seepage? It is a well-known fact that an EIR is required pursuant to CEQA to analyze the fiscal impacts of the project; these are significant fiscal impacts that need to be addressed.

Cumulative Impacts

Although lip service is given to addressing cumulative impacts, the general plan draft EIR does little to, in fact, consider cumulative traffic effects on Wheatland Road, Oakley Lane, or traffic effects from additional development.

The following elements are necessary to an adequate discussion of significant cumulative impacts:

12-11

Either a list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or a summary of projections contained in an adopted general plan or related planning documents, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact. Any such planning document shall be referenced and made

available to the public at a location specified by the lead agency. Additionally, lead agencies should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation use. (See Pub. Resources Code, § 21083; Cal. Code Regs., tit. 14, §§ 15130 (b)

12-11 *Cont.*

The EIR discussion of cumulative impacts must describe the severity of impacts and the likelihood of occurrence that exceed the initial environmental review. The EIR cumulative impacts section should define the relevant area affected and provide a reasonable explanation for geographic limitations. (See *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App.3d 692 (no explanation why analysis of cumulative air quality impacts was limited to only a portion of the San Joaquin Valley; failure to aggregate the data on stationary source and mobile source emissions.) (See also *Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421 (failure to explain reason for limiting scope of analysis of emissions in assessment of cumulative air quality impacts) and *Riverwatch v. County of San Diego* (1999) 76 Cal. App. 4th 1428, 1453-1455 (The City failed to aggregate both vehicular and stationary source emissions in determining whether the project, as a whole, would cause significant air quality impacts.) The current draft EIR is woefully inadequate in the area of cumulative impacts.

Health and Safety Hazards

12-12

The draft EIR is also inadequate with regard to its treatment of health and safety hazards and the impact that a population ten times its current size will have on fire response issues and law enforcement issues. Response time for medical emergencies is a significant CEQA issue. Recently, certain members of the public received a survey regarding the imposition of a proposed fire assessment survey. From the survey if appears that the fire equipment is currently outdated, that there is a need for professional, full-time and part-time fire fighters, and that the district's fire risk rating assessment is subject to an increase based upon the significant increase in population. The draft EIR notes that health and safety is a potentially significant impact. (Volume 1, page 4.13-15.) However, the draft EIR then indicates that with the project proponents paying applicable police department fees and fire development fees, the mitigation measure will be reduced to less-than-significant. (Volume 1, page 4.13-15 , 4.13-17.) This draft EIR does not state that landowners in the area will also potentially be called upon the fork over approximately $75 per parcel for fire suppression costs, alone, if the survey that is being taken is later adopted. It also does not adequately address how much each developer will be required to pay and the extent of the costs not covered by new development.

02/02/2006 THU 9:26 FAX 5306339102 WHEATLAND CITY HALL →→→ Raney Planning Mgt. 008/008

Mr. Tim Raney, Planning Director
Mayor Elphick , Council members Barrington, Crabtree, McIntosh, and Pendergraph
February 2, 2006
Page 7

Conclusion

12-13 For all of the foregoing reasons, I request that the Wheatland City Council address the issues raised in this letter and a supplemental letter which I will provide. I ask that you make accessible all documentation upon which you intend to act pursuant to CEQA and that you not accept the conclusions in this draft EIR without further analysis. Models should be based upon actual statistics from the Wheatland area with regard to water run-off, rainfall, and storms. The alternatives proposed regarding new levees, new and deepened drainage channels, and removal of current levees will have a significant impact upon our environment. Make no mistake. Please do not leave these important matters to the "experts" and abdicate your responsibilities. You need to take the time to review this draft environmental impact report in depth, ask questions, and not be satisfied with pat answers. If you review the underlying reports and maps, you can come to only one conclusion, this draft EIR is inadequate, and that many of the suggested alternatives will have a very, very, significant effect upon our environment that cannot be mitigated to a less than significant impact.

Sincerely,

Kathleen R. O'Connor
Landowner/Orchardist
4429 Wheatland Road
Wheatland, CA 95692

Comment Letter 12
Kathleen R. O'Connor,
Landowner/Orchardist (dated February 2, 2006)

Response to Comment 12-1:

This comment states that the commentor feels that the Draft EIR is not sufficient. Specific issues are addressed in the following comments.

Response to Comment 12-2 and 12-3:

As stated on page 4.8-30 of the DEIR, each of the three-flood control alternatives are designed to provide adequate flood protection for the City. The regional reclamation districts have jurisdiction over the decision of which flood alternatives would provide the most appropriate means of flood protection. However, it should be noted that additional environmental review would be required prior to implementation of the chosen alternative. The General Plan EIR is a program EIR and analyzes flood impacts and mitigation at a program-wide level. Additional, in-depth analysis of any specific levee improvement or other flood control project would tier of the General Plan EIR, would include an analysis of associated impacts, and would address the commentor's specific concerns if the Oakley Lane Cross Levee alternative is chosen. The comments concerning impacts to agricultural land are noted. These issues would be addressed in the environmental review of any specific levee or flood control project.

Response to Comment 12-4:

Impacts associated with the selected flood control alternative will be addressed in a project-specific environmental study prior to any construction activities. This environmental review will require that all environmental impacts either be mitigated, or if deemed to be significant and unavoidable, the impacts would require a Statement of Overriding Consideration by the lead agency.

The Draft EIR is a program level document, focusing on establishing policies and guidelines for the general buildout of the General Plan Update. The scope of the Draft EIR does not include detailed project-specific impacts; those impacts will be addressed in project-specific environmental reviews prior to construction.

In accordance with CEQA Guidelines Section 15087, the Wheatland General Plan Update Notice of Availability was sent out to all persons on the General Plan notification list on December 22, 2005. Additionally, the notice was also published in the Wheatland Appeal-Democrat on December 23, 2005 in conjunction with the Draft EIR being made available for public review at City Hall.

Response to Comment 12-5:

Alternative Two is considered a viable alternative for flood protection for the General Plan Study Area. The levee improvements would be located outside of the City of Wheatland's Sphere of Influence, in Sutter County. However, this would not preclude implementation of the alternative. While implementation of the Alternative could result in significant impacts to elderberry bushes, such potential impacts do not render the Alternative "not viable" but instead would result in requirements to mitigate such impacts in accordance with Federal regulations.

Response to Comment 12-6:

As noted by the commentor, the responsibility for the selection of flood control alternatives rests with regional reclamation districts and that "It should also be noted that prior to implementation of the reclamation district's chosen alternative, additional environmental review would be completed" (page 4.8-30 of the DEIR). Additional environmental review for the chosen alternative would be required prior to implementation. The environmental review would be required to include analysis of impacts to agricultural resources and other relevant concerns.

Response to Comment 12-7:

The commentor's objection is noted. Approval of the General Plan Update EIR would not result in the development of alternatives, such as the levees, discussed within the Draft EIR. Prior to construction of the selected alternative, project-specific environmental analysis would be conducted, which would address the issues raised by the commentor.

Response to Comment 12-8:

Most of this comment summarizes certain legal principles from the CEQA Guidelines and cases, which does not require a response. The last sentence states the author's conclusion, without analysis or support, that the Draft EIR does not adequately analyze the project and mitigation measures. The City disagrees and believes that the EIR is adequate and complete.

Response to Comment 12-9:

The commentor is correct in that the outdated August report was inadvertently included in the Draft EIR instead of the more recent November report. However, staff made the November report available for public review at City Hall during the public review period and, as noted in Response to Comment 10-3.

Response to Comment 12-10:

The comment objects to the use of computer models in developing the alternative drainage plan concepts to consider in implementing the General Plan. The use of computer models by engineers in drainage studies is a well-accepted practice and the City

stands by the use of such models in undertaking the CEQA environmental and related analyses.

The comment inquires about how lands and rights-of-way will be acquired for City drainage improvements. The land and rights-of-way will be acquired through a combination of developer installation of facilities and dedication to the City, purchase of land and easements, and, when necessary, eminent domain. At this stage, the City cannot determine how particular lands or rights-of-way will be acquired. These issues will be studies in detail via the project-specific environmental review process, which will be conducted at a later date for the regional levee improvements.

The comment questions whether drainage channels will be a dangerous condition and attractive nuisance. The City knows that it can be held liable for dangerous conditions on public property. Consequently, when designing and constructing particular drainage improvements, the City and its engineers will design them in such a manner so as to not create a dangerous condition, which will include fencing where appropriate.

The comment questions whether wildlife will be impacted by the drainage improvements. Impacts to wildlife caused by General Plan implementation are addressed in Chapter 4.4 of the Draft EIR.

The comment states that the EIR should analyze the fiscal impacts of removing existing levees and inverse condemnation. The economic and fiscal impacts of a project are outside CEQA purview and will be considered by the lead agency during future review. (CEQA Guidelines sections 15064(e) & 15131.)

Response to Comment 12-11:

See Response to Comment 6-10.

Response to Comment 12-12:

Comment noted. The City believes that the draft EIR adequately analyzes the potential fire and police related impacts and mitigation, and disagrees that the EIR is inadequate in this regard. The City acknowledges that the Wheatland Fire Authority (a separate governmental agency, of which the City is a member) is undertaking a proposed fire suppression assessment throughout the Fire Authority boundaries (of which the City is only a small part) in order to increase revenue for fire service operations. The assessment requires approval by a majority of the affected property owners. The assessment is a proposal by another government agency and not of the City's project or EIR. A fire suppression assessment was not included as a mitigation measure because its implementation requires property owner approval, which is uncertain making the mitigation measure infeasible. Nevertheless, if the property owners approve the Fire Authority assessment, the additional revenue will improve fire services in the area.

Response to Comment 12-13:

This comment summarizes all comments included in this letter. Answers to specific questions and concerns raised are included in Responses to Comments 12-1 through 12-12.

Letter 13

FAXED
Tim Raney | 2/6/06 LW

February 6, 2006

Mr. Tim Raney
Planning Director
City of Wheatland
313 Main Street
Wheatland, CA 95692

Hand Carried

Re: Wheatland General Plan Update draft Environmental Impact Report

Dear Mr. Raney:

This shall serve as a supplemental letter to my earlier letter hand-carried on Thursday, February 2, 2006 commenting on the draft general plan program Environmental Impact Report (EIR). I note that the general plan draft program[1] EIR is intended to serve the City of Wheatland or lead agencies concerning the approval and implementation of the Wheatland General Plan Update and also Yuba County Local Agency Formation Commission (LAFCO) in its action as a responsible agency for the related proposed annexation request. However, this is only a *draft* program EIR, and as such utilization of it for these purposes would be premature

Failure to provide accurate stable project description

13-1 The EIR must describe the project being reviewed. (See Guideline 15124). An accurate, stable, and consistent project description is necessary to an adequate evaluation of the project's impacts. The project description should describe the physical development that will result if the project is approved. Particularly, since the drafters have referred to this project as a program EIR, it is important that there be a description of the entire project and all project components, even if it will be implemented in phases. The project description fails to outline what, exactly, the program EIR will encompass and what are the related actions, that can be characterized as one large project.

[1] Under 14 California Code Regulations
15168, program EIRs are used for a series of related actions that can be characterized as.
one large project. A program EIR may be the basis of a tiered EIR. (See Govt. Code, §§ 21068.5, 21093, and 14 CCR § 15152, 15385. Tiering does not allow deferral of fundamental project review, even for a project phased over many years. (See Stanislaus Natural Heritage Project v County of Stanislaus (1998) 48 Cal.App.4th 183.)

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Lack of Notice of CEQA Process

13-2 Lead agencies must provide notice to responsible and trustee agencies. (Guideline §§ 15082; 15086.) At no place in the technical indexes does the draft general plan EIR list the notified agencies, trustees, or interested individuals. I, personally, did not receive a notice directed to me of the Notice of Preparation (NOP) of an EIR for the proposed Wheatland General Plan update. I am quite certain that the NOP was not sent to those individuals who will be directly affected by the proposed Oakley-Lane Cross-levee or to those individuals who will be affected downstream by the proposed changes to drainage. Notice is mandatory. For example, in *Fall River Wild Trout Foundation v. County of Shasta* (1999) 70 Cal. App. 4th 482, the Court reversed a county permit when a negative declaration had not been circulated to a state trustee agency, the Department of Fish & Game, for review and comment.

Failure to Include Initial Study

13-3 Despite the statement in the draft EIR that the complete text of the initial study is contained in Appendix C, the initial study does not appear in either volume of the draft EIR. This writer reserves the right to comment on the information contained in the initial study, pending receipt of that information.

This writer notes that CEQA Guidelines section 15128 states that EIRs must "contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. While this writer acknowledges that such statement may be contained in an attached copy of the Initial study, because the initial study is not attached, this draft EIR fails to adequately address effects not found to be significant. An EIR to which significant new information is added after the initial publication and review of the draft EIR, but prior to the agency's consideration of approval of the project must be made available for an additional round of review and comment by the public and interested agencies. (See Guideline Section 21092.1; 15088.5, subd. (a).)

Current Sphere of Influence inconsistent with proposed new general plan

13-4 The Sphere of Influence (SOI) is described in every official document this writer has observed a being bounded by Ace Hardware to the west. However, the map which outlines the Sphere of Influence includes the O'Connor ranch within the SOI. To the extent that the O'Connor Ranch, which is prime agricultural land is, in fact, located within the SOI, this writer objects to its inclusion when the description provided has been erroneous.

It is well-established law that the general plan must be consistent with its Sphere of Influence. The proposed draft EIR cannot show that the proposed general plan is

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consistent with the current SOI, last updated in 1992. Resolution No. 1992-4 (Resolution approving determination of non-project status, directing the filing of Notice of Exemption, and approving the sphere of influence for the City of Wheatland) indicates that the proposed sphere of influence consists primarily of flat grazing and agricultural open land. It further states that "The ultimate planned land uses of the area contained in the SOI are presently undetermined.

Prior to development of land in the proposed SOI, the City of Wheatland will determine appropriate land use designations pursuant to amendment of the City of Wheatland General Plan." (Emphasis added.) The current general plan is the 1980 general plan with the exception of three elements, namely, land use, housing, and transportation/circulation. Thus, before the present draft EIR can be properly considered, the SOI would need to be updated.

In a letter dated March 3, 1992, from Frederick J. Morawcznski, Executive Officer, to LAFCO, "The planned land uses in the SOI will also include agricultural land as may be designated in the City of Wheatland General Plan. Despite this statement, the draft EIR general plan makes no provision for agricultural land as a planned land use.

13-4
Cont.

Mr. Morawcznski also states at page 4: "Facilities plans evaluating existing services and the need for expanded services will be provided to LAFCO to adequately assess applications prior to future annexations within the SOI."

Despite this statement and despite Government Code section 56430, which provides in pertinent part that in order to prepare and to update spheres of influence in accordance with Section 56425, the commission shall conduct a service review of the municipal services provided in the county or other appropriate area designed by the commission, no such municipal service review (MSR) has been accomplished and no updated sphere of influence has been developed or determined.

The Sphere of Influence Study dated September 9, 1987, penned by Jan Mariano, Consultant to the Commission, states: "Should the Commission desire to make significant adjustments to the proposed sphere of influence boundaries for these agencies, then it would be appropriate for the Commission to continue consideration of that specific agency until revisions in documentation and evaluations can be made. This step is important for assuring that all necessary steps required by the Cortese-Knox Local Government Reorganization Act of 1985 and in the California Environmental Quality Act have been met."

Sphere of influence and annexation policies under the 1992 Sphere of Influence also include the policy that annexations greater than five acres in area will only be approved when there are not three other comparable parcels available for development for similar use within the existing city limit. If three such parcels do exist, approval of an

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13-4 Cont.

annexation may still be granted if such annexation facilitates development of an equivalent amount of vacant property presently within the City. No comment appears in the EIR indicating whether there are any comparable parcels available for development within the existing city limit or the extent of vacant land within the city limit.

This writer contends that based upon the current SOI and information contained in the communications from Morawcznski and Mariano, this draft EIR to the general plan may not be considered until after an updated Sphere of Influence has been approved.

It is the further contention of this writer that the general plan draft EIR may not properly consider what has been termed the "study area," (see 2-1) since it is not within the current SOI.

Responses to Comments

13-5

The lead agency must respond in writing to written comments received during the draft EIR formal comment period and any extension. (See Guideline § 15088,. Subd. (b); *Browning-Ferris Industries City Council* (1986) 181 Cal. App.3d 852.) A general response to a specific question is usually insufficient. (See *People v. County of Kern* (1976) 62 Cal. App. 3d 761.

General Plan Project Components

13-6

The general plan does not appear to be internally consistent. It does not fully integrate its separate parts and relate them to each other without conflict as is mandated.

Aesthetics

13-7

At page 4.1-7 the draft EIR states that **"Development associated with the proposed General Plan Update would have substantial adverse impacts on scenic vistas and natural resources within the City of Wheatland."** (Emphasis added.) This is another way of saying that the development would have a significant effect on the environment. "Significant effects" is defined as "substantial or potentially substantial" adverse changes in physical conditions that exist within the area that will be affected by a proposed project. (See Guidelines §§ 21068, 21100, 21151; *Quail Botanical Gardens v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1604.) Physical conditions include land, air, water, minerals, flora, fauna, noise, historic and cultural sites, and aesthetics. (See Guidelines § 21060.5.)

Despite the initial admission as to a substantial adverse impact, the draft EIR also states at page 4.1-8, that *implementation of the goals and policies relating to scenic vistas and natural resources would reduce the impact to a less-than significant level.* (Emphasis added.) The draft EIR fails to indicate how the listed goals and policies would reduce the substantial adverse impacts on scenic vistas and natural resources to

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a less-than-significant level. Furthermore, despite these listed goals and policies the summary of impacts suggests that the impact would not be reduced to the less than significant (LTS) level. This is a continuing theme throughout the draft EIR and the writer incorporates this argument with regard to the other addressed land use elements of the general plan update.

With regard to Aesthetics, the listed goals and policies for Item 4.1-1 are as follows:

Goal 1.J To maintain and enhance the quality of Wheatland's major travel corridors, city entrances, landscape, and streetscape.

Policy 1.J.5 The City shall promote efforts to improve the visual quality of entrances to Wheatland and to Downtown.

Goal 8.D To preserve and enhance open space lands to maintain the natural resources of the Wheatland area.

Policy 8.D.1. The City shall support the preservation and enhancement of natural landforms, natural vegetation, and natural resources as open space to the maximum extent feasible.

Policy 8.D.4 The City shall support the maintenance of open space and natural areas that are interconnected and of sufficient size to protect biodiversity, accommodate wildlife movement, and sustain ecosystems.

13-7 *Cont.*

Policy 8.D.5 The City shall encourage the development of natural open space areas in regional, community, and neighborhood parks.

Policy 8.D.7. The City shall plan and establish natural open space parkland as a part of the overall City park system.

There is no concrete information in the draft EIR as to how these policies and goals will mitigate the conceded substantial adverse impacts on scenic vistas and natural resources by allowing for development at urban densities and intensities in portion of the Wheatland study area that are currently open space or agricultural land., particularly, where other places in the draft EIR, it is conceded that development associated with the proposed General Plan Update would result in the removal of substantial flora and fauna habitat (2-35), substantially damage scenic resources (2-10), and would substantially alter the character of Wheatland (2-79).

Conformity with a general plan does not insulate a project from EIR review where it can be fairly argued that the project will generate significant environmental effects. (See *Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal. App. 3d 872,881-882. Furthermore, just because a project's effects are not greater than those deemed acceptable in a general plan, this does not mean that the project will not have a significant effect on the environment. (See *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1416.)

For similar reasons, this writer disagrees that the listed goals and policies will reduce the remaining significant impacts pertaining to aesthetics, to a less-than significant level.

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13-7 *Cont.*

This writer contends that all will remain significant impacts upon the environment that must be further considered:

- 4.1-2 Development associated with the proposed General Plan Update would substantially damages scenic resources (including significant groves of native oaks trees, as well as riparian zones along existing creeks and sloughs throughout the study area. As stated in the EIR, build out of the proposed general Plan Update will substantially damage some of the resources and block view of these aesthetic resources from neighboring properties and roadways.
- As stated at page 4.1-11 this development would substantially change the visual character of Wheatland and the impact would remain significant.
- 4.2-4 Development associated with the proposed general plan update would create new sources of substantial light and glare that would adversely affect day or nighttime views in the City of Wheatland.

Agricultural Resources

13-8

The Yuba County General Plan, adopted December 10, 1996 by the Yuba County Board of Supervisors applies to all of the unincorporated area of the county outside of the cities of Marysville and Wheatland, which have their own general plans. (Volume II ("Land Use, Circulation, Conservation and Open Space", page 1-1.) Of special concern in Yuba County is the preservation of agricultural lands. In order place additional emphasis on this subject, a separate section (Section 8) was created that compiled all of the goals, objectives, policies and implementation strategies appearing in the Land Use, Circulation and Open Space and Conservation Elements which are directed at the preservation of agricultural lands and their economic viability. (Volume II, page 1-9)

Under Yuba County's vision statement, it indicates:
"On the valley floor, lands that are the least productive for agricultural purposes will be committed to development while higher value agricultural land will be protected from encroachment and preserved for future generations of farmers."
(Vol. II, pg. 2-1 to 2-2)

"Communities will have community boundaries around them, clearly showing where higher densities are permitted and where the rural and agricultural character of the county is to be preserved."
(Vol. II, pg. 2-2.)

The Yuba County General Plan states in Volume II, page 5-4 and 5-8:

"The Valley Agriculture classification is used to identify areas on the valley floor located outside of community boundaries which are suitable for commercial agriculture and where it is desirable to retain agriculture as the primary; land use; to protect the agricultural community from encroachment of unrelated agricultural uses which, by their

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nature, would be injurious to the physical and economic well-being of the agricultural community; and to encourage the preservation of agricultural land, both productive and potentially productive, which is identified as State-designated Important Farmlands and/or Class I and II soils by the Natural Resources Conservation Service (NRCS). "

The general plan draft EIR is incomplete in that it does not include estimated figures for acreage, yield, and gross value of agricultural products in the study area. (See page 4.2-11)

And, the general plan draft EIR conflicts with vision of Yuba County with regard to preservation of prime agricultural land. There is no dispute that the Heritage Oaks land developers have already razed orchard trees on prime agricultural land and that nothing was done to stop this action. Bulldozing these trees does not change the character of the land from being prime agricultural land.

There is the suggestion in the proposed Wheatland general plan that the City shall establish a Memorandum of Understanding with Yuba County in order to maintain agricultural preservation zoning on farmland surrounding the city. However, there is no indication that the City intends to acknowledge the current Yuba County zoning regarding agricultural lands.

13-8
Cont.

This writer agrees that all of the agricultural impacts are significant:

4.2-1 Development associated with the proposed general plan update would convert prime farmland, unique farmland, and farmland of statewide importance to non-agricultural use.
4.2-2 Development associated with the proposed general plan update would conflict with existing zoning for agricultural use.
4.2-4 Development associated with the proposed general plan update would involve other changes in the existing environment which could result in conversion of farmland to non-agricultural use. As the draft EIR reflects in its technical indexes, the proposed Oakley Lane cross-levee, would take a substantial amount of prime agricultural land. The proposed drainage system, would also result in inverse condemnation of a substantial amount of prime agricultural land, due to seepage, overflowage, opening of levees currently in existence. It also appears that the wastewater plans will result in the taking of prime agricultural land.

This writer contends that the draft EIR does not address the quantity of prime agricultural land that will remain within the city's sphere of influence, nor does it specify the amount of prime agricultural land and agricultural land that the draft general plan EIR intends to convert to prime agricultural land. Although the draft EIR gives lip service to a Memorandum of Understanding (MOU) with Yuba County to maintain

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13-8 Cont.

agricultural preservation zoning on farmland surrounding the city, there is no indication as to the specific area that the City of Wheatland would intend that this MOU address.

Nor does this draft general plan EIR address the cumulative impacts of the loss of prime agricultural land to the county based upon the proposed general plan draft EIR.

Air Quality

13-9

According to the general plan draft environmental report, the Air Report was prepared by Don Ballanti, using a computer program that estimates emissions that result from various land use development projects. Inputs to the program include trip generation rates, vehicle mix, average trip length by trip type and average speed. Although the draft EIR states that a copy of the Air Report is included in Attachment E (see Vol. I, page 4.3-7), no Attachment E is included in the draft EIR. This writer did review Appendix C of the technical index and the assumptions that were made do not appear realistic. For example, the urban trip length (from home to work) is listed at 9. 7 miles. With the number of homes that is anticipated for the Jones Ranch of 553 (See Table 4.12-9) and for Heritage Oaks Estates of 778, plus 50 homes at the "island" between the new junior high and senior high school, the total residential sites outside the Wheatland City Limits is calculated to be 1,381 homes. It is unrealistic to believe that the occupants will be able to find work 9.7 miles from their residence. Thus, this writer believes that the listed mileage is much too conservative. If Wheatland becomes a bedroom community to Sacramento, then the commute miles will be approximately 45 miles instead of the suggested 9.7 miles. Additionally, even if we assume that each of these property occupants only has two vehicles, instead of three, the number of daily trips would total approximately 2,762 vehicles, one-way. This is only "new" traffic. This does not take into account the current traffic demands from current occupants of Wheatland, or the outlying areas, or the impact upon air quality from other new subdivisions.

Thus, the conclusion at 4.3-1 that the increased potential for air quality land use conflicts is potentially significant is an understatement. The writer disagrees that implementation of the mitigation measures outlined at 4.3-11, (minimizing exposure to mobile source toxic air contaminants and considering the recommendations of the Air Quality and Land Use Handbook (April 2005) in reviewing new development projects reduces the impact to less than significant. The policy statement does not show how, specifically, the air quality land use conflicts related to mobile sources of toxic air contaminants or to residential land uses located adjacent to the future SR 65 bypass will be reduced to less-than-significant.

While the draft EIR states that changes in local carbon monoxide levels would be below state and federal air quality standards in 2025, I note that this model does not address the problem pollutant of ozone and PM10. (See Table 4.3-2.) Currently the state

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standards for those two pollutants are exceeded in Yuba City, the closest monitoring site to the City of Wheatland. Therefore, there will be a significant impact on the environment with regard to air quality.

13-9 *Cont.*

The general plan draft EIR indicates that construction activities associated with build out of the general plan update study area are potentially significant. While mitigation measures are suggested (see 4.3-15 & 16), this writer disputes that implementation of those mitigation measures would reduce the impacts to a less-than-significant level, particularly when local impacts and cumulative impacts to downwind regions of the Sacramento Valley Air Basin are considered. (See 4.3-15.)

The general plan draft EIR concedes at 4.3-4 that regional emissions will increase and that summertime project-related emissions of ROG and NOx would exceed the Feather River Air Quality Management District (FRAQMD)significance threshold, which is 25 pounds per day for both ozone precursors and would also exceed the FRAQMD threshold of significance of 80 pounds per day for PM10 for project-related winter emissions. The writer agrees that this would be a significant impact.

The writer contends that the model is not explained well and that a list of assumptions is neither made nor justified. Furthermore, CEQA requires the lead agency to examine the whole project which can include truck and train traffic and farm equipment pollution resulting in sizeable secondary emissions of various air pollutants. The City of Wheatland must aggregate both vehicular and stationary source emissions in determining whether the project, as a whole, would cause significant air quality impacts. (See *Kings County Farm Bureau*, 221 Cal. App. 3d at page 712-718; *Riverwatch v. County of San Diego* (1999) 76 Cal. App. 4th 1428, 1453-1455.) Furthermore, the viability of trip reduction measures, which are often suggested by air district were called into question. (See Health & Safety Code Section 40929.)

Biological Resources

13-10

Guideline section 15065, requires a finding of significant impact, if, after mitigation, a project has the potential to substantially reduce the habitat of a fish or wildlife species. Thus, it is apparent that the only conclusion that can be made with regard to 4.4-1 development associated with the proposed general plan update would result in the removal of substantial flora and fauna habitat, is that the impact would remain significant.

Pursuant to the same Guideline, section 15065, there is the requirement of a finding of significant impact if, after mitigation, a project has the potential to: reduce the number or restrict the range of an endangered, rare of threatened species.

Thus, the writer disagrees that item 4.4-2 can be reduced to a less-than-significant level, particularly since it is conceded that the general plan land use would remove +/-4

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13-10 *Cont.*

acres of suitable seasonal wetland. (See 4.4-35.) The disturbance is likely regulated under the Endangered Species Act. Thus, this writer concludes that 4.4-2 Development associated with the proposed general plan update may result in impacts to special-status vernal pool invertebrates in the general plan study area and that this is a significant impact on the environment. For the same reasons outlined above, this writer concludes that 4.4-3 (valley elderberry longhorn beetle), 4.4-4 (special-status reptiles, giant garter snake and northwestern pond turtle), and 4.4-5 (special-status and common raptor species: American kestrel, red-tailed hawk, and white-tailed kite, burrowing owl, and Swainson's hawk) will result in a significant environmental impact, despite the conclusion by the draft EIR that each could be reduced to a less-than significant level.

The draft EIR does concedes that 4.4-6 development associated with the proposed general plan update would result in impacts to Swainson's hawk foraging habitat within the general plan study area that would remain significant.

Cultural/Historical Resources

13-11

An historic resource as defined by the Public Resources Code cannot be approved for demolition without preparation of an EIR (Guidelines § 21084.1.) In *League for Protection v. City of Oakland* (1996) 52 Cal. App.4th 896, the Court held that a resource may be historic under CEQA even if it is not on a official inventory of historic resources or the California Register of Historic Resources; otherwise government inaction or owner resistance could preclude protection of important resources. The fair argument standard applies to whether a property qualifies as an historic resource as well as to whether a proposed project will cause a significant adverse impact to the historic resource. (See *Architectural Heritage Association v. County of Monterey* (2005) 122 Cal. App. 4th 1095.) The Oakley Lane Cross Levee that is proposed will have the effect of destroying an historic resource, namely, the home constructed by the last living Yuba County Civil War veteran, George William Haines. This is also the home of his granddaughter, the first elected female judge in the history of Yuba County. It will also potentially destroy a California fig tree planed by Mr. Haines and an oak tree that sprouted in the redwood lumber that he used to construct his home.

In addition to the Wheatland historic landmarks listed on pages 4.5-21 & 22, the residence located at 608 Main Street is known as the "Lichty house." This writer is given to believe that it was erected during the early years of Wheatland.

Hazards

13-12

The general plan draft EIR does not specify with sufficient particularity how implementation of the goals and policies applicable to hazards and hazardous materials will reduce the impact from development associated with the proposed general plan that

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is located within an airport land use plan which may create potential safety hazards for people residing or working in the project area to less-than-significant. (See 4.7-3.)

13-12 *Cont.*

Although 4.7-4 states that development associated with the proposed general plan update would not interfere with an adopted emergency response plan or emergency evacuation plan, the EIR goes on to state that the City of Wheatland currently does not have an applicable emergency response plan or emergency evacuation plan. It is anticipated that there will be severe congestion leading to both the Jones Ranch and Heritage Oaks projects. Testimony at one of the earlier meetings reflected that whenever traffic has been diverted onto Oakley Lane in the past, a collision invariably occurred, since it is a small country road. Traffic circulation is stilted now. If it necessary to cross SR 65 during peak traffic hours, it is practically impossible to do so.

There has also been voiced concerned that the subdivision map of the proposed Jones project has given the greatest latitude to the developer, since the zoning is planned development and that in many locations the houses are cramped to give the greatest economic advantage to the developer. A review of the subdivision map has caused some members of the public to be concerned that the streets may be so narrow that a large fire truck or school bus may be limited in passing through some of the streets of the project, particularly if vehicles are parked on either side of the street.

Hydrology and Water Quality

The Yuba County General Plan, states:

"Because Yuba County receives too much water at times, the County will improve its levees and drainage systems to assure 100 year protection for all areas planned for growth and development. Developers will be called upon to contribute their fair share to solutions." (Vol. II, pg. 2-4.)
I will incorporate by reference my earlier letter dated February 2, 2006.

13-13

As indicated, much of the area around the study areas is located in a Federal emergency Management Agency flood zone. It is conceded in the general plan draft EIR that the lower portion of the Bear River north levee from approximately 13,000 feet west of State Route 65 to the confluence with Dry Creek, the Dry Creek south levee, and the San Joaquin Drainage Ditch levees are not currently FEMA certified. As such these reaches of levee bounding the City of Wheatland and General Plan area must be considered to fail in a 100-year flood event as defined by the Federal Emergency Management Agency (FEMA). This would suggest that based upon public safety considerations, houses should not be constructed in these areas.

Groundwater. 4.8-4 Development in the study area could result in loss of groundwater supplies or interfere substantially with groundwater recharge. This is consistent with the

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anticipated population growth associated with the General Plan Update of approximately 10 times greater than the existing population. (See 4.8-35.) Currently the City's entire water source is from ground water. (See 4.16-1.) It is conceded that the water system does not have sufficient capacity to serve areas outside the existing city limits and service area. Thus, land annexed to the city for development would be required to develop an additional water supply. (See 4.16-4.) It is noted that areas annexed into the City are required, prior to development, to provide engineered improvement plans to the City for all water system improvements needed including water system design, including supply calculations, wells, tanks, pumps, water lines, water services, water meters. (See 4.16-7.) This comment does not adequately consider the cumulative impacts of these additional areas.

13-13 *Cont.*

An EIR has long been required to include analysis of the water supplies necessary to serve a project, including impacts relating to infrastructure necessary to develop and deliver water to the project. (See *Santiago County Water District v. County of Orange* (1981) 118 Cal. App.3 d 818 (EIR for mining operation should have included analysis of impacts of extending waterlines to serve the mine.) The agency must consider whether the project will have sufficient water supplies available to serve the project from existing entitlements and resources. In *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal. App. 4th 182, the EIR did not address impacts that would occur beyond the initial period. Instead, the document treated the potential long-term water supply shortfall as a significant and unavoidable impact, but identified as "mitigation" a commitment that further construction beyond the first increment, could not occur unless adequate water supplies could be found. The EIR also stated additional environmental review would be required in connection with future water acquisition projects serving such future development. The Court held the EIR was inadequate, stating, "the County's approval of the project under these circumstances defeated a fundamental purpose of CEQA: to inform the public and responsible officials of the environmental consequences of their decisions before they are made." (Emphasis added.).

Wastewater Collection and Treatment

13-14

As conceded in the general plan draft EIR, the wastewater treatment plant facilities' discharge percolation and evaporation ponds are located within the Bear River levee, and may be required to be located outside the levee, as indicated by the State of California Regional Water Quality Control Board (RWQCB). In general discharge locations inside river levees are not acceptable. Flow from the existing city limits is estimated at .54 million gallons per day. And flows from Jones Ranch and Heritage Oaks Estates are estimated at .15 and .23 million gallons per day, respectively. Total build out flow from the general plan study area is estimated at 3.82 million gallons per day on an average dry weather flow condition. The existing wastewater treatment plant can process an average dry weather flow of .62 million gallons per day. Based on

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discussions with the Regional Water Quality Control Board staff, the City's current method of wastewater disposal into rapid infiltration basins located within the levees of the Bear River is not a viable long-term option.

13-14 *Cont.*

Although Appendix J includes a sewer collection system draft master plan dated July 22, 2005, it does not clearly indicate where the proposed wastewater treatment facilities would be located. It also does not state whether the any direct discharge of effluent would be into Bear River or Dry Creek. It also does not clearly specify whether the wastewater treatment facility would be lined. Two effluent disposal alternatives are outlined; however, there is an inadequate discussion of possible health hazards or the expected operation time without failure. It also unclear how sewage junctions can be located, as reflected in Volume II, Appendix J, Figure 2, at many of the same locations specified for anticipated drainage (see Volume I, Figure 4.16-3; 4.16-4.) This writer would object to the description of the sewer collection proposed system, as it is nebulous and undefined.

Of concern also is the total listed budgetary program costs for a 1.91 million gallons per day new treatment capacity of $37,100,000. Economic factors are emphasized by CEQA as primary factors in determining project feasibility. (See *City of Fremont v. SF Bay Area Rapid Transit District* (1995) 34 Cal.App.4th 1780.) This is not explored in sufficient detail. Furthermore, secondary or indirect impacts likely to result from the project must be evaluated and this has not been addressed. (See *El Dorado Union High School District v. City of Placerville* (1983) 144 Cal.App.3d 123.

Cumulative Impacts

13-15

The EIR discussion of cumulative impacts is deficient in that it is required to describe the severity of impacts and the likelihood of occurrence. The EIR cumulative impacts section should also define the relevant area affected and provide a reasonable explanation for geographic limitations. (See *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692 (no explanation why analysis of cumulative air quality impacts was limited to only a portion of the San Joaquin Valley); *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal. App. 4th 859 (EIR for water diversion project inadequate when did not consider cumulative impacts of another pending governmental action that could significantly affect water supply.)

Furthermore, there is only a brief a passing mention of additional development activity, specifically located in Wheatland, including Almond Estates (4.9-9), a 47.5 acre parcel located in the north part of Wheatland which calls for 169 residential lots and Wilson's Settlers Village, a proposed shopping center located at the northwest corner of State Rout 65 and McDevitt Drive, which includes a 24,000 square foot retail building, an 18,00 square foot retail building, and a 2,800 fast food restaurant with a drive-up window and a coffee hut. At a second location in the draft EIR there is a one-paragraph

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13-15 *Cont.*

reference to a newly constructed project of Wheatland Ranch (188 single family homes) Ryan Town II (49 single family homes) Wheatland Park Place (210 single family homes), Bear River Middle School. A new proposal, the Nichols Ranch project was recently submitted for review. (See 4.15-10) This new development is not addressed in depth and the cumulative impacts are not adequately considered.

While cumulative impacts are briefly addressed in Volume I, at 5-3, the EIR drafters cannot abdicate their responsibilities as concerns cumulative impacts, by stating, "the Citywide impact analyses in Chapters 4.1 through 4.16 are **effectively** the cumulative impact analyses." (Emphasis added.) This simply is untrue and an inadequate review of cumulative impacts.

Project Alternatives

13-16

The general plan draft EIR must evaluate project alternatives that accomplish most of the basic objective of the proposed project. Guideline section 15126.6 has been amended to make it clear that a three-part test is used to identify suitable alternatives. In addition to meeting most of the basic project objectives, they must reduce or avoid impacts and they must be "potentially feasible." "Feasible" is defined by Guideline section 21061.1 as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." Reasonable alternatives must be considered "even if they substantially impede the project or are more costly." See *San Bernardino Valley Audubon Society v. County of San Bernardino* (1984) 155 Cal. App. 3d 738,750; Guideline § 15126(d)(1).)

While the general plan draft EIR discusses excluded alternatives, it fails to evaluate project alternatives that accomplish most of the basic objectives of the proposed project, and thus, is deficient with regard to addressing project alternatives.

Transportation and Circulation

13-17

At page 4.15-9, the general plan draft EIR states: "While the City of Wheatland is currently pursuing signalization of key intersections on SR 65, analysis of current traffic volumes suggests that traffic signals are not yet warranted on a regular basis. Whomever came to this conclusion is not a resident of Wheatland and apparently has not been present in Wheatland between 4:30 and 6:30 p.m. on a daily basis. The current situation in Wheatland is a very dangerous one to public safety. This merely underscores that traffic models not based on actual observations are flawed.

The traffic analysis does not adequately address the impact of utilizing Oakley Lane as a major source of ingress/egress from the Jones Ranch or the impact of burgeoning development, not only in Wheatland, but in Yuba County, in general. The model, for

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13-17 *Cont.*

example, did not assume build out of Yuba County, such as Yuba Highlands and Plumas Lake. (See 4.15-39.)

Law Enforcement & Fire Department

The minimum recommended ratio of police officers to population is 1.5 per 1,000 persons, but based on the current number of officers, the ratio of officers per thousand residents is 2. I am in agreement that development associated with the proposed general plan update would increase the demand for law enforcement. (See 4.13-1) However, I do not agree that implementation of the goals and policies above would remain only "potentially" significant. Development will result in an ever-increasing need for police present causing a significant environmental impact. Despite the proposed mitigation measure of having the project proponent pay the "applicable police development fees" this will not reduce the impact to a less than significant level for a couple of reasons. First, of all, under current policy the developer is only called upon to pay its fair share and secondly, when the anticipated growth is 10 times the current population, it is doubtful the city's overall budgetary constraints will allow it to pay for necessary police services.

13-18

Similarly, I agree that development associated with the proposed general plan update would increase the demand for fire protection. (See 4.13-2.) Again, merely requiring the project proponent to pay applicable fire development fees in accordance with applicable city AB1600 fees and local policies will not sufficiently mitigate this impact to a less-than-significant level. Currently both the Wheatland Fire Department and the Plumas Brophy Fire Department rely upon volunteer firefighters. There is concern about the fire response, as reflected by the actual numbers. During 2003, volunteer response was reported to range from zero to seven minutes between 8:00 a.m. and 6:00 p.m. and zero to twelve minutes between 6:00 p.m. and 8:00 a.m. (See 4.13-9.) With an anticipated 24,000 residents in Wheatland, over the existing population, the increased population will place additional demands on the Wheatland Fire Authority that will not be mitigated by fair share payment, particularly since mitigation measures must incorporate constitutional limitations, including "nexus" and "rough proportionality" standards developed by the Supreme Court. (See Guideline § 15126.4(a)(4).)

With regard to the discuss concerning development associated with the proposed general plan update would increase the demand for school facilities (4.13-3), this writer is concerned that the school district lines of Placer County, Sutter County, and Yuba County has not been addressed sufficiently in the draft EIR. This writer also disputes that mitigation by payment of developer fees will reduce the potential impacts to a less-than significant level, based upon the number of schools ultimately anticipated.

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Population, Employment & Housing

All indications from the draft EIR are that Wheatland will become a bedroom community. Job growth in Sacramento and Placer Counties combined with a lack of adequate housing in these Counties will likely push residential development to Yuba County. (See 4.12-3.) Despite the increase in population, Wheatland will unlikely be able to generate demand for employment uses resulting in a jobs-to-housing factor above one. The General Plan Update projects a total of 12,350 housing units and 11,100 jobs, resulting in a job/housing ratio of 0.9. A jobs/housing ratio less than one generally suggests that residents must travel outside the local area to reach a place of employment. (See 4.12-17.)

13-19 All of this information contained in the draft EIR provides further impetus for addressing in project alternatives a less ambitious focus on development without proper planning. However, a reduced project is not addressed in the project alternatives.

Again, the writer disagrees that the impacts related to the substantial increase in population (4.12-1); impacts related to the displacement of existing housing or people necessitating the construction of replacement housing elsewhere (4.12-2); and impacts related to the housing/jobs ratio in the City of Wheatland study area (4.12-3) can by implementation of the outlined plans and goals reduce impacts to a less-than-significant level. CEQUA requires that mitigation be by specified mitigation measures, not the conclusory remarks appearing in the draft EIR. (See *Friends of The Old Trees v. California Dept. of Forestry & Fire Protection* (1997) 52 Cal.App.4th 1383 (requiring incorporation of specified mitigation measures in timber harvesting plan; however this does not excuse failure to analyze cumulative impacts.)

Noise

It is apparent that noise impacts associated with increased traffic on city streets resulting from build out of the general plan update study area will result in significant impacts that cannot be mitigated. (See 4.11-5.)

13-20 This writer does not believe the discussion regarding noise addresses the cumulative impacts of air flight from Beale Air Force Base, railroad noise, and other noises within the general plan update study area. (See 4.11-3 and 4.11-4.) When taking into account the cumulative impacts, this writer disagrees that implementation of Wheatland's goals and policies can reduce the impacts to a less-than-significant impact. For the reasons stated previously, this writer contends the incorporation of specific mitigation measures, not goals and policies, must be outlined.

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Conclusion

I have submitted this analysis along with my comments in my letter dated February 2, 2006. However, as stated herein, I request the opportunity to comment specifically on the reasons provided in the initial study that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. Since the initial study was not included in the general plan draft environmental report, this issue remains to be addressed.

Sincerely,

Kathleen R. O'Connor
Landowner/Orchardist
4429 Wheatland Road
Wheatland, CA 95692

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Comment Letter 13
Kathleen R. O'Connor,
Landowner/Orchardist (dated February 6, 2006).

Response to Comment 13-1:

The program/project is described in chapter 3 of the draft EIR. The Draft EIR is a program EIR and is consistent with CEQA Guidelines section 15124. Specifically the Draft EIR outlines the boundaries of the proposed project (study area), states the goals and objectives of the proposed project (see Project Description page 3-4), provides a description of the existing setting, and provides a description of the project and intended uses associated with the EIR.

Response to Comment 13-2:

The commentor has expressed concern that the City did not provide public notice or distribution of the Notice of Preparation (NOP) for the Wheatland General Plan Update Draft EIR. At the time that the NOP is filed, impacts related to projects have not yet been analyzed and alternatives have not yet been prepared. Therefore, providing notice to all private parties whom may be affected by the buildout of the proposed project or related alternatives is not required by CEQA or feasible.

Under CEQA, the lead agency is required to notify all responsible federal and state agencies and trustees that may be affected by or have jurisdiction over the proposed project in accordance with section 15082 of the CEQA Guidelines. Additionally, section 15086(b)(2) states that the lead agency consult with any member of the public who has filed written requests to receive notices with the lead agency or the clerk of the governing body. The NOP for the Wheatland General Plan Update was distributed to all applicable parties pursuant with the above CEQA guidelines.

In the event that the Oakley Lane Cross-levee alternative in question is selected an additional site-specific environmental analysis would be required. In this event, the NOP will be sent to all public entities and any private parties who have requested notification pursuant with 15086(b)(2).

Response to Comment 13-3:

The City did not conduct an Initial Study for the General Plan Update; therefore, an Initial Study was not included in the Draft EIR. As noted in Section 15063(a) of CEQA Guidelines, "If the lead agency can determine that an EIR will clearly be required for the project, an initial study is not required." Additionally, the Draft EIR addresses every topic from the CEQA environmental checklists; therefore, CEQA Guidelines Section 15128, as quoted by the commentor, is not applicable.

Response to Comment 13-4:

The current sphere of influence boundaries are shown in the Draft EIR at Figures 3-2, 3-3, 4.9-1 and 4.9-5. With regard to the comments regarding sphere of influence review and municipal service review prior to or concurrent with the City General Plan Update, see the Response to Comment 10-1. Furthermore, the state law on general plans does not link the general plan study area to the sphere of influence, but rather provides that the general plan should cover the City and "any land outside its boundaries which in the planning agency's judgment bears relation to its planning." (Government Code section 65300.)

The comment states that the Draft EIR makes no provision for agricultural land as a planned land use. This is incorrect. The General Plan land use designations include a substantial portion of the project area within the Urban Reserve designation, which is a land use that includes agriculture as an allowable use (see Figure 4.9-5 & p. 4.9-22.)

The comment states that the Draft EIR does not indicate whether there are parcels available for development within the existing City limits or the extent of vacant land within the City. This is incorrect. Table 4.9-1 shows that there are only 83 vacant acres within the City and Table 4.9-2 shows that there is current development activity on 78 acres in the City, leaving only approximately five acres within the existing City limits that are vacant and on which there is no current development activity.

Response to Comment 13-5:

This Final EIR provides a response to all comments received on the Draft EIR as required by CEQA Section 15088.

Response to Comment 13-6:

The Draft EIR includes an analysis of all issues included in the CEQA Guidelines checklist. Some chapters within the Draft EIR rely on data from other chapters; for example, Air Quality and Noise analyses are greatly dependent on Traffic and Circulation figures. The nature of much of the analysis included in the Draft EIR is integrated and interdependent.

Response to Comment 13-7:

The commentor argues that the Draft EIR contradicts itself in Impact 4.1-1 in concluding that there is a less-than-significant impact to scenic vistas and other natural resources. The commentor contends that, because the Draft EIR finds that Impact 4.1-3 regarding impacts to the visual character of the City to be significant and unavoidable, that impacts related to scenic vistas would also be significant.

However, the two impacts are not mutually exclusive. Impact statement 4.1-1 defines scenic vista as:

> The rural setting surrounding the study area provides views of open agricultural areas to the south and west, and the foothills and mountains to the west and north. (Aesthetics 4.1-7)

While visual character is defined in Impact 4.1-3 as the following:

> The development associated with the proposed General Plan Update may have impacts on the quality of the built environment of Wheatland. Currently, the character of Wheatland is that of a primarily low-density residential community, without an incorporated downtown area. (Aesthetics 4.1-10)

The scopes of these two impacts are quite different, and the argument that because Impact 4.1-3 was found to be significant and unavoidable, does not predicate the conclusion that 4.1-1 would also be significant. As stated above, Impact 4.1-1 is focused on preserving scenic vistas and natural resources, such as open agricultural areas to the south and west, and the views of the foothills. The General Plan Update includes a 4,700-acre urban reserve area as well as a number of policies (listed in the discussion of Impact 4.1-1), which are designed to reduce and mitigate impacts related to the degradation of scenic vistas and natural resources on a broad and semi-regional scale. Additionally, it should be noted, that identified scenic vistas do not exist within the City of Wheatland.

Conversely, Impact 4.1-3 discusses the visual character of the City. The visual character of the city is a much more localized issue focusing on population density and rural atmosphere, rather than broad sweeping views of the countryside. As stated, the Draft EIR found impacts related to the visual character of the City to be significant and unavoidable.

As a concluding note, the definition of scenic vista is a matter of personal interpretation. For the sake of this EIR, the definition is based upon the description provided in Impact 4.1-1, which was found to be less-than-significant with the implementation of goals and policies included in the General Plan Update.

Response to Comment 13-8:

The Draft EIR finds impacts to agricultural resources to be significant and unavoidable. However, the General Plan Update includes 4,700 acres of urban reserve and includes a number of goals and policies (such as Policy 1.A.8, Goal 1.H, and Policy 1.H.1), which are dedicated to the preservation of agricultural land in general, and of the urban reserve in particular.

Additionally, a copy of the Draft EIR was supplied to Yuba County for review. The County did not return any comments regarding any conflicts between the City's goals and policies and those within the County.

Response to Comment 13-9:

The analysis of regional air quality impacts utilized default assumptions for trip characteristics (average length, average speed, trip type distribution) for development in the lower Sacramento Valley air basin. These values are statistically determined based on regional travel pattern surveys. The 9.7-mile trip length cited in the comment is an average, and one would expect a substantial range is actual trip length with some trips being quite long (to Sacramento, for example) and many being quite short (Wheatland and environs). If one assumes a substantial fraction of home-to-work trips go to Sacramento the average trip length for this type of trip might be somewhat short. However, a longer trip length only affects Vehicles Miles Traveled (VMT) and not trip generation. For a year 2025 vehicle mix, VMT has a relatively slight effect on emissions compared to trip generation because the bulk of emissions occurs during hot and cold starts of vehicles when catalytic converters are not fully functional. The effect of longer trip lengths is to add to "hot stabilized" emissions, which are small compared to hot and cold start emissions.

Impact 4.3-1 has no relation to the URBEMIS-2002 output. The URBEMIS-2002 output is related to Impact 4.3-4. Impact 4.3-1 is based on the fact that the General Plan policies do not address the issue of siting of sensitive receptors near mobile sources of Toxic Air Contaminants as suggested by California Air Resources Board guidance. With the proposed mitigation, the siting of such sensitive receptors would be included in the General Plan policies. The actual mitigation measures to be adopted would be determined at the time of specific project review. While not the only means of reducing exposure, provision of a buffer zone between the source and receptor is the primary suggestions of the CARB guidance document.

Carbon monoxide impacts (Impact 4.3-2) are addressed through dispersion modeling. Carbon monoxide is a local pollutant that is relatively inert (not reactive in the atmosphere) and therefore can be addressed in this manner. The standard of significance is the state/federal ambient air quality standard. Ozone and PM10 impacts are addressed in a different manner in Impact 4.3-4. Because these are reactive, regional pollutants they are addressed by comparing regional emissions of ozone precursors (ROG and NO_x) and PM10 emissions to the Feather River AQMD thresholds of significance. The conclusion of the DEIR was that the project would have a significant impact with respect to these pollutants.

Impact 4.3-3 addresses emissions generated during construction activities associated with buildout of the General Plan. The DEIR concludes that construction activity emissions would have a potentially significant impact and several mitigation measures are set forth (as established by the Feather River Air Quality Management District), which were determined to reduce the impact to a less-than-significant level. Upon further consideration by the City, the determination has been made that even with implementation of all of the measures outlined in Mitigation Measure 4.3-3, it cannot be conclusively determined that construction-generated emissions would be reduced to levels below the thresholds established by the Feather River Air Quality Management

District. As a result, page 4.3-15 of the DEIR, sentence under "Mitigation Measures," is hereby revised to read:

> Mitigation Measure(s)
> Implementation of the following mitigation measures would reduce the above impacts, but not to a *less-than-significant* level. Therefore, the impact would remain significant and unavoidable.

Because Impact 4.3-3 was previously identified as significant in the DEIR, the above change does not result in a new significant impact. Therefore, the previous environmental analysis remains adequate.

Special assumptions were not made in the use the URBEMIS-2002 program. The program defaults for the lower Sacramento Valley air basin were used. These are the appropriate assumptions for the proposed project. Justification for the assumptions would only be needed if changes were made to the default assumptions for the air basin. The DEIR provides estimates of project-related emissions for direct emissions (released on site) and secondary emissions (released within the air basin by vehicles). Both vehicular and stationary sources are included in the analysis, and impacts were determined based on the sum of these emissions, including both auto and truck emissions. Secondary emissions associated with train travel are too speculative to estimate. The project would not be expected to result in any new farm-related emissions. The DEIR calculated project-related emissions and found them to represent a significant and unavoidable impact.

The California Health and Safety Code does not currently include a section 40929. In 1998, Section 40929 was renumbered as Section 40717.9 and it has been assumed this is the section of the Health and Safety Code being referred to. This section forbids public agencies from requiring employers to implement an employee trip reduction program unless required by federal law where its elimination would result in federal sanctions. The General Plan policies do not require employers to participate in an employee trip reduction program, and thus would not be subject to Section 40717.9 of the California Health and Safety Code.

Response to Comment 13-10:

The comment misapplies CEQA Guidelines section 15065. This section is contained in the preliminary review/initial study article of the Guidelines. The standards in section 15065 are relevant in determining whether a project may have a significant impact on the environment so as to necessitate the preparation of an EIR. After an EIR has been prepared and the lead agency has considered mitigation measures, the determination of whether an impact remains significant after mitigation is governed by CEQA Guidelines sections 15126-15126.4.

The Draft EIR determines that the proposed project would have potentially significant to the commented upon biological resources, but that these impacts would be reduced to a

less-than-significant level through the implementation of the goals and policies included in the Wheatland General Plan Update.

Impact 4.4-2 is concluded to be less-than-significant after the implementation of the goals and policies listed in the impact discussion. Policy 8.B.8 states the following:

> On sites that have the potential to contain critical or sensitive habitats or special-species or are within 100 feet of such areas, the City shall require the project applicant to have the site surveyed by a qualified biologist. A report on the findings of this survey shall be submitted to the City as part of the application process.

The conclusion of less-than-significant assumes that a site-specific environmental assessment for any future projects is conducted in accordance with Policy 8.B.8. Additionally, Policy 8.B.6 states that all projects shall be reviewed in accordance with applicable Federal, State and local statutes protecting special-status species and jurisdictional wetlands. These policies, in conjunction with other applicable policies (such as those listed in Impact 4.4-2) ensure that an adequate level of environmental analysis is conducted and that the appropriate measures to eliminate or otherwise mitigate environmental impacts are executed.

Response to Comment 13-11:

The General Plan EIR does not include or authorize any specific levee construction. Any impacts to cultural and historical resources that may result from the construction of any of the chosen flood control alternatives (or any other element within the scope of the buildout of the General Plan) would require a project-level environmental study, which would address the concerns listed in comment 13-11. As stated previously, a full environmental assessment would be required before the construction of the chosen flood-control alternative.

The comment concerning the Lichy house is noted.

Response to Comment 13-12:

The Wheatland General Plan Update was composed within the land-use guidelines set forth by the *Beale Air Force Base Comprehensive Land Use Plan* and is therefore compatible with the Beale Land use Plan (see Figure 4.7-4 from the chapter on Hazards and Hazardous Material).

Although the City does not currently have an adopted Emergency Response Plan, General Plan Policy 9.A.1 specifies that the City shall prepare and regularly update emergency service plans (see also Policy 9.A.9 regarding cooperation with other public agencies and organization for emergency planning.) Though the City does not yet have an Emergency Response Plan, Impact 4.7-4 notes that any adopted Emergency Response Plan would have precedent and that the General Plan policies would not interfere with standards set forth in a response plan.

Response to Comment 13-13:

Regarding the first paragraph, the comment is noted.

Regarding the second paragraph, the existing floodplain conditions are explained and shown in the Draft EIR at pages 4.8-2 to 4.8-11. The implementation of the General Plan policies explained in chapter 4.8 will control development within the floodplain. Furthermore, any new development in the City would be subject to the City's floodplain management ordinance, which restricts building in the 100-year floodplain.

Regarding the third and fourth paragraphs, the Draft EIR shows that the south Yuba County groundwater basin contains substantial groundwater storage and is a sufficient water supply to serve build-out of the General Plan area. (Draft EIR chapter 4.16.) Moreover, for subsequent specific development project applications, Mitigation Measure 4.16-1 and Water Code section 10910 will require developers to further demonstrate the adequacy of the water supply through a project-specific water supply assessment.

Response to Comment 13-14:

Comments noted on the facts stated in the first paragraph of the comment.

The commenter is directed to Appendix K "Wastewater Treatment Facilities Master Plan" prepared by CH2MHill dated September 2004 concerning analysis of the proposed new treatment facilities. The City is currently in the process of beginning the design and environmental analysis for a new Wastewater Treatment Plant (WWTP). That process will include a project specific environmental document for the new WWTP. The analysis will look at all of the impacts such a facility would have on the surrounding environs and evaluate alternative treatment sites.

The City has prepared a Public Facilities Finance Plan which looks at how all public facilities proposed in the GPU would be funded. The Public Facilities Finance Plan does not make final conclusions as to funding scenarios but gives the City options to explore as it prepares its development fee studies and financing plans.

Response to Comment 13-15:

CEQA provides for the cumulative impacts analysis to analyze the cumulative impacts of past, present and probable future projects and for the lead agency to define the geographic scope of the cumulative impacts analysis and provide a reasonable explanation for the geographic limitation used (CEQA Guidelines section 15130.)

The Draft EIR considers the potential environmental impacts from a wide variety of potential development projects throughout the large General Plan study area. For example, the Nichols Ranch project referred to in the comment is one of many potential development projects within the General Plan study area. For each of the resource study areas in Chapter 4, the Draft EIR then determines and, utilizing various methodologies,

makes projections about the overall impacts on that resource from development and build-out of the General Plan area consistent with the General Plan land use designations, goals and policies. The analysis of those overall impacts throughout Chapter 4 is the cumulative impacts analysis (see Draft EIR p. 4.0-2.)

CEQA also provides the City as lead agency with the discretion to determine and define the geographic scope of the analysis. Draft EIR Chapter 3 establishes the General Plan study area as the area of cumulative impacts analysis and explains why that is a reasonable study area.

Response to Comment 13-16:

The Draft EIR discusses three alternatives in detail, including the No Project Alternative, the 65 East Development Alternative, and the Reduced Buildout Alternative. These alternatives are selected based upon their ability to satisfy the objectives of the General Plan Update, as specified in the Alternatives Chapter of the Draft EIR (page 6-2.)

As stated in CEQA Guidelines 15126.6(a), an EIR "need not consider every conceivable alternative to a project, Rather it must consider a reasonable range of potentially feasible alternatives that would foster informed decisionmaking and public participation." An analysis of every possible alternative that would reasonably satisfy the goals of the project would be infeasible. The alternatives included in the chapter offer points of reference that foster informed decisionmaking and have incited public input and participation, and are therefore sufficient under CEQA.

Response to Comment 13-17:

Caltrans has 10 different traffic signal warrants that are based on different factors. The traffic signal warrants that are discussed in this study are for the peak hour traffic and are based on the number of vehicles turning left onto the major street. As indicated in the report, motorists waiting to turn onto the street experience very long delays. This is indicative of the high volume of traffic on Main Street itself. As the traffic volumes on Main Street are high and motorists experiencing long delays, many of these motorists choose to turn right onto Main Street and alter their desired path before heading in their ultimate direction of travel. As Caltrans only counts left turning motorists into their warrant analysis during the peak hour, the number of left turning motorist falls below their set thresholds for meeting peak hour warrants during the observed periods on a regular basis. The traffic study also looked at the number of number of pedestrians crossing at the SR 65 / First Street intersection which is approaching the 100 pedestrian per hour minimum established by Warrants 3-4 and a traffic signal and indicated that a signal may be justified based on this criteria at this location.

The traffic model that was utilized for this report to generate future traffic projections is not based on existing peak hour turning movements and therefore the two are not related. The traffic model did include both Oakley Lane and the Jones Ranch project and as such traffic generated from the Jones Ranch has the ability to utilize Oakley Lane. It should be noted

that the EIR for the GPU is a study of the impacts of development of all of the assumed land uses on the assumed circulation system and does not address traffic generated by specific developments on individual roadways.

See also Response to Comment 6-10.

Response to Comment 13-18:

As commentor notes, CEQA Guidelines 15126.4(a)(4)(b) states that the "mitigation measure must be 'roughly proportional' to the impacts of the project." The Draft EIR specifies that any new developments would pay fair share fees associated with the expansion of necessary public services (such as schools, police and fire protection). These fair share fees provide mitigation that is proportional to the impacts of the proposed project on the public services infrastructure.

See also Response to Comment 12-12.

Response to Comment 13-19:

The current job/housing ratio in the City of Wheatland is 0.53 the buildout of the General Plan Update would result in a ration of 0.9. This would be a significant improvement over the current conditions and would help develop Wheatland's local employment base and would decrease the extent to which that Wheatland is a bedroom community.

A reduced buildout alternative is addressed in the Alternatives chapter of the Draft EIR on page 6-11. The reduced buildout would result in the development of 1,694 fewer acres than the proposed General Plan Update.

The commentor is correct that the increase in the population in the Wheatland area as a result of the buildout of the General Plan Update would be substantial (as noted in Impact 4.12-1). However, the policies set forth in the General Plan Update, and listed specifically in Impact 4.12-1 would require developers to pay fair share fees to help expand existing infrastructure to facilitate growth. Additionally, as stated above, the General Plan Update would also include an increase in the job/housing ratio within the City. Because of these mitigating factors, which would provide for the expansion of necessary public services and commercial infrastructure, the substantial increase in population was found to have a less-than-significant impact.

In regard to impacts related to the displacement of existing housing, CEQA maintains that an impact would be potentially significant if it would impact a substantial number of individuals. As stated in impact 4.12-2, future development would take place in an area that is primarily agricultural. Therefore, the displacement of existing housing in an agricultural setting would not result in a significant impact.

Response to Comment 13-20:

The General Plan Update abides by the standards set by the *Beale Air Force Base Comprehensive Land Use Plan*. All areas designated for residential development in the project area are in the 60 dB sound contour set forth in the Beale Land Use Plan and would maintain acceptable levels within standard set by the City Noise Ordinance for associated land uses. As illustrated in Figure 4.11-9 of the Draft EIR, the 65 CNEL area (which would have the potential for flyover noise levels in excess of 65 dB) would encroach upon the planning area on the eastern edge and on the far northwestern corner. As shown in Figure 3-3, the area on the eastern edge of the City is designated to be developed for commercial and employment uses and the area to the northwest is designated as part of the urban reserve. The potential noise generated by airplane flyovers in these areas would be at acceptable levels for the associated land uses and, therefore, would be a less-than-significant impact.

The impact of existing railroad lines on future residential developments in the Wheatland Area is addressed in Impact 4.11-4 and specifically addressed in Policy 9.G.4 which specifies that project-level mitigation measures must be included to reduce exterior noise levels to acceptable levels (as defined in Table 4.11-8 of the Draft EIR.)

Letter 14

LAW OFFICES OF
SANDBERG, LO DUCA & ALAND, LLP

FAXED 2-7-06 10:50 am

CRAIG M. SANDBERG
MARCUS J. LO DUCA
SHERRIE R. ALAND

NICHOLAS S. AVDIS

February 6, 2006

RECEIVED
FEB 07 2006
CITY OF WHEATLAND

Mr. Tim Raney
Planning Director
City of Wheatland
313 Main Street
Wheatland, CA 95692

Re: Comments on Wheatland General Plan EIR
SCH# 2005082022

Dear Mr. Raney:

This letter is prepared on behalf of the Nichols Ranch LP and provides comments on the Draft Environmental Impact Report for Wheatland's General Plan Update.

As you know, representatives of the Nichols Ranch LP have been active participants in the various hearings and workshops conducted as part of the General Plan Update. The process the City has utilized has been very effective and has provided ample opportunity for public input and participation in the discussion of the various impacts related to the General Plan and its alternatives. We believe that this open process has substantially contributed to the creation of an excellent Draft EIR, which is very readable and informative. One of the purposes of this letter is to applaud the City and its consultants on a job well done.

Through this project and the EIR analysis, it is apparent that two of the key challenges to the City as it grows are dealing with increased traffic and drainage.

14-1 With respect to traffic, the General Plan Update includes the provision of the Ring Road which will provide a critical connection between the east and west portions of the City of Wheatland, facilitating the movement of traffic, emergency services, school transportation, etc. and which is the identified corridor for locating the major trunk water and wastewater systems. This is a key element of the plan as evidenced by the traffic analysis in the Draft EIR

3300 DOUGLAS BOULEVARD, SUITE 365 • ROSEVILLE, CA 95661
TEL (916) 774-1636 • FAX (916) 774-1646

02/07/2006 TUE 15:19 FAX 5306339102 WHEATLAND CITY HALL →→ Raney Planning Mgt. 001/009

Mr. Tim Raney
February 6, 2006
Page 2

14-1 Cont. which shows that the north Ring Road will carry a projected 18,500 vehicle trips as it nears its intersection with Highway 65 in the vicinity of Nichols Ranch at buildout of the General Plan Study Area. As shown in the Draft EIR this Ring Road will have a significant benefit to the City and care must be taken while reviewing and acting on pending and future projects to ensure that the Ring Road can be constructed as proposed in the General Plan project description. If this road cannot be reasonably or timely implemented, there may be significant traffic and circulation impacts that have not been properly analyzed and/or mitigated, as well as, water and waste water facilities that cannot be provided as set forth in the GPU. This challenge would have the added effect of bringing into serious question the validity of the Public Facilities Finance Plan element of the GPU.

14-2 Similarly, with respect to drainage, the Draft EIR contains an extensive discussion which makes clear that the drainage areas and tributaries related to Grasshopper Slough are a key to effective and cost efficient drainage and flood control within the City. As with traffic, it is very important that the drainage and flood control systems be carefully and timely implemented as projects are reviewed and approved. In addition, if there will be significant impediments to implementation of drainage and flood control systems as proposed in the new General Plan these must be disclosed and analyzed and, where feasible, mitigated in a manner which does not damage other properties.

14-3 It is our understanding that the City is currently processing and reviewing the Almond Estates project under the 1980 General Plan and the 1995 Specific Plan rather than looking at this project in light of the current plans and analysis in the draft General Plan and this Draft EIR. It is our belief that approval of this project as currently proposed could seriously jeopardize the alignment and feasibility of the Ring Road and water and wasterwater trunk lines as proposed in the General Plan Update. The Almond Estates project, which is a residential subdivision map proposed for the west side of Highway 65, at the north end of the City, is directly in line with the reasonably feasible alignment of the Ring Road and its intersection with Highway 65, which is projected to be one of the busiest intersections in the City. Further, the project proposes to route drainage flows from Grasshopper Slough into an artificial drainage course potentially requiring pumps or extraordinary grading to move the drain water toward the existing detention ponds north of the project. These issues are not discussed in the General Plan Draft EIR notwithstanding that Almond Estates is a pending project for which a CEQA Notice of Preparation has been issued for an EIR on the Almond Estates Project. We believe that the Almond Estates project must be

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Mr. Tim Raney
February 6, 2006
Page 3

14-3
Cont.

analyzed under the proposed General Plan standards or the ability to implement the new General Plan will be significantly and adversely impacted. Further, the approval of the Almond Estates project would create significant environmental effects not discussed, or have the effect of rendering the proposed mitigation in the Draft EIR infeasible or impractical.

The City must either prevent the approval of any project, such as the Almond Estates project, which is inconsistent with the new General Plan and will have the effect of frustrating the General Plan Update, or alternatively, provide assurances that projects currently under review in the City will be reviewed and approved only in accordance with the new General Plan and its policies and mitigation measures.

If this is not the case, we believe that the impact of pending projects must be analyzed in the General Plan Draft EIR so that the feasibility of the mitigation measures and policies of the new General Plan can be adequately and openly evaluated and understood by the citizens and the decision makers in the City.

Thank you for the opportunity to comment on the Draft EIR.

Very truly yours,

Craig M. Sandberg

CMS/tb
cc: Mayor and City Council Members
Planning Commissioners
Richard Shanahan, City Attorney

Mailed & Faxed 2/6/06 cw

02/07/2006 TUE 15:20 FAX 5306339102 WHEATLAND CITY HALL →→ Raney Planning Met. 003/009

Comment Letter 14
Craig M. Sandberg,
Law Offices of Sandberg, Lo Duca & Aland, LLP

Response to Comment 14-1:

Several developments, which are in the planning stages, including the Nichols Ranch project, have included provisions for the development of Ring Road in their tentative maps, as proposed in the General Plan Update. Other projects which have been recently approved, including the Heritage Oaks Estates – East project, dedicate adequate right-of-way for the Ring Road. The City intends to work with other future developments to provide for the necessary expansion of Ring Road.

Response to Comment 14-2:

The City has been and will continue to work closely with the Reclamation Districts to implement the flood control and drainage alternatives that receive the Reclamation Districts' approvals. Expansion and development of drainage control infrastructure must be completed to provide necessary protections before an area is developed and would be funded through fair share fees paid by developers prior to any new construction in the areas in question.

Response to Comment 14-3:

CEQA guidelines dictate that impacts of specific project must be evaluated against documents that have been approved. The GPU has not been approved yet, so utilizing this document for long term projections in which to evaluate project specific impacts would not be appropriate.

The GPU land uses did include the Almond Estates project that was being proposed at the time. In addition, as part of the GPU circulation system evaluation, the Ring Road was purposefully located north of the Almond Estates project so as not to adversely impact this project.

The Almond Estates will not have an effect on the alignments of any major infrastructure for the GPU area. During the review of the Almond Estates project all alignments were reviewed so that they can be accommodated in the project.

Letter 15

02/06/2006 05:21 15306332908 MARILYN PAGE 02

FAXED
Tim Raney 2-6-06 cw

P. O. Box 54
Wheatland, CA 95692
February 5, 2006

Mr. Tim Raney
City of Wheatland
313 Main Street
Wheatland, CA 95692

RE: Wheatland General Plan Update
Draft EIR

Dear Mr. Raney, Planning Director

I am sending this letter to comment on the draft general plan program Environmental Impact Report (EIR).

15-1 The project description fails to outline what, exactly, the program EIR will encompass and the actions that will be taken.

15-2 I did not receive a notice of Notice of Preparation of an EIR for the Proposed Wheatland General Plan update.

15-3 Prior to development of land in the proposed SOI, the City of Wheatland will determine appropriate land use designations to amendment of the City of Wheatland General Plan. The current general plan is the 1980 general plan. Before the present draft EIR can be properly considered, the SOI would need to be updated. The planned land uses in the SOI will also include agricultural land as may be designated in the City of Wheatland General Plan. The draft EIR general plan makes no provision for agricultural land as a planned use. Can the draft EIR to the general plan be considered before a updated Sphere of Influence has been approved?

AESTHETICS:

15-4 Item 4.1-1. There is no information in the draft EIR as to how these policies and goals will mitigate the known adverse impacts. What about agricultural land in the draft EIR. It is a known factor that development with the proposed General Plan Update would result in the removal of substantial flora and fauna habitat (2-35).

Item 4.1-2 What about damages to groves of native oak trees and creeks and sloughs?

AGRICULTURAL RESOURCES:

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02/06/2006 05:21 15306332908 MARILYN PAGE 01

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15-5 The Yuba County General Plan, adopted 12-10-96 applies to all of the un incorporated area of the county outside the Cities of Marysville and Wheatland.

The general plan draft EIR is incomplete in that it does not include estimated figures for acreage, yield, and gross value of agricultural products in the study area. 4.2-11

Agricultural impacts are significant on 4.2-1, 4.2-2 and 4.2-4.

AIR QUALITY:

15-6 4.3-1 states that the increased potential for air quality land use conflicts is significant.

BIOLOGICAL RESOURCES:

15-7 The project will reduce the habitat of fish and wildlife. 414-1 states the impact will be substantial on fish and wildlife because of the removal of flora and fauna habitat.

CULTURAL/HISTORICAL RESOURCES:

15-8 About Historical downtown Wheatland. Preservation needs to be address. Abandonment because of new development could cause a deserted blight area.

HAZARDS:

15-9 4.7-4 Emergency response needs to have further study.

HYDROLOGY AND WATER QUALITY:

15-10 Comments do not adequately address the subject.

TRANSPORTATION AND CIRCULATION:

15-11 4.15-9 of draft EIR states: The City of Wheatland is currently pursuing signalization of key intersections on SR 65, analysis of current traffic volumes suggests that traffic signals are not yet warranted on a regular basis. As a resident of the area I feel this conclusion is in error. In fact the whole traffic situation is very dangerous.

To conclude after a study of the draft EIR it looks like it needs a lot more study. What about the historical and on going drainage problems?

Sincerely,

Marilyn B. Waltz

Marilyn B. Waltz
Landowner

02/07/2006 TUE 15:17 FAX 5306332902 WHEATLAND CITY HALL →→→ KANEY PLANNING MGT. 004/004

Comment Letter 15
Marilyn B. Waltz,
Landowner

Response to Comment 15-1:

The Executive Summary (Chapter Two of the DEIR) contains a summary of the scope and aim of the DEIR document, which includes an analysis of the environmental effects of the buildout of land uses determined by the General Plan Update (page 2-1 of the DEIR). Additionally, chapter two also includes a summary of impacts and mitigation measures (beginning on page 2-9), which includes all environmental impacts that the DEIR determined would be associated with the buildout of the General Plan Update and all associated mitigation measures.

Response to Comment 15-2:

See response to comment 13-2.

Response to Comment 15-3:

The General Plan Update identifies 4,700 acres of Urban Reserve area. The Urban Reserve is not designated for development by the General Plan Update (and a General Plan Amendment would be required to specify a land use designation for any properties within the Urban Reserve.) The General Plan Update would maintain the Urban Reserve as open and agricultural space.

Additionally, in response to the second half of the commentor's question, the Draft EIR to the General Plan can be considered prior to the approval of the updated Sphere of Influence.

Response to Comment 15-4:

Goals and policies included in Impacts 4.1-1 and 4.1-2, such as Goal 8.B and Goal 8.C include policies that support and preservation of oak woodlands and riparian areas (Policy 8.C.2) as well as requiring new developments to preserve natural woodlands to the maximum extent possible (Policy 8.C.3). These goals and policies address specific concerns, such as oak woodlands and open space areas, and would have a direct influence on the mitigation of potential adverse impacts to aesthetics and biological communities.

Impact 4.2-1 in the chapter on Agricultural Resources of the DEIR addresses impacts related to the development of agricultural land and includes policies under Goal 1.I which states that the City shall strive to "maintain the productivity and minimize developments affects on agricultural lands surrounding Wheatland" (page 4.2-13 of the DEIR).

The commentor is correct in stating that the buildout of the General Plan Update would entail a significant impact to native flora and fauna. Though the DEIR includes goals and

policies that would minimize these effects as much as is feasible, impacts related to the removal of substantial flora and fauna habitat is noted as a significant and unavoidable impact (Impact 4.4-1 of the Biological Resources Chapter of the DEIR).

Response to Comment 15-5:

As defined by CEQA (included in Chapter 4.2-12 of the Draft EIR), the threshold of significance when determining significant impacts to agricultural lands involves the loss of prime farmland. Figures related to total agricultural acreage, yield and gross value are not required.

Additionally, the commentor is correct in identifying that the General Plan Update would have significant impacts regarding the conversion of prime farmland and other farmlands to non-agricultural uses as well as conflicts related to existing agricultural zoning. These significant and unavoidable impacts are identified in Chapter 4.2 of the Draft EIR.

See also Response to Comment 13-8.

Response to Comment 15-6:

The Air Quality impact 4.3-1 states that the impact related to air quality land use conflicts would be potentially significant and that the implementation of the presented goals and Mitigation Measure 4.3-1 would be expected to reduce this impact to a less-than-significant level.

Response to Comment 15-7:

The commentor is correct, though the General Plan Update (GPU) includes goals and policies which would minimize impacts related to wildlife habitats as much as is feasible, the DEIR found that the buildout of the GPU would result in a significant and unavoidable impact.

Response to Comment 15-8:

Issues related to the loss of cultural resources in downtown Wheatland are included in Impact 4.9-1 (page 4.9-24 of the Land Use Chapter of the DEIR). As stated in the discussion, the General Plan Update includes policies and land designations to encourage commercial development in and around the downtown area to preserve and enhance the downtown area. See Policy 1.B.3, as well as Goal 1.F and the it's associated policies (listed on page 4.9-28 of the Land Use Chapter of the DEIR.)

Response to Comment 15-9:

As stated in Impact 4.7-4, the City of Wheatland does not currently have an applicable emergency response plan or emergency evacuation plan. However, the creation and adoption of an emergency response plan is included in Policy 9.A.1, which states that

"The City shall prepare and regularly update emergency services plans." Further study regarding emergency response would be associated with the development of emergency service plans which would be produced under Policy 9.A.1.

Response to Comment 15-10:

The commentor does not identify any specific issues regarding the adequacy of the Hydrology and Water Quality chapter of the DEIR. However, the chapter was based upon site-specific studies conducted by Civil Engineering Solutions and Mead & Hunt. These studies were preformed using methods identified on page 4.8-18 through 4.8-19. All analysis was conducted in accordance with federal, state and local regulations and standards.

Response to Comment 15-11:

See response to comment 13-7.

Comment 16
Tom Eres
Attorney representing Hoffman Ranch
Verbal comment received during the General Plan Update Comment Meeting
February 2, 2006, 6:00 p.m.
Pioneer Hall, 315 B Street, Wheatland, CA

Steering Committee Members present – Barrington, Crabtree, Elphick, Pendergraph, McIntosh, Mihalyi, Brunet, Beaman, Kuntz and staff.

E. Elphick presented discussion of public comment on the Draft Environmental Impact Report.

16-1

Tom Eres, attorney representing Hoffman Ranch. Eres recommended that information regarding technical studies be easily understood where the recommendations are for the actual General Plan.

Four areas of concern are; flood protection, drainage, the wastewater treatment plant site, how it might fit, does it have regional implications, should it be looked at from a County wide perspective, OPUD for example, and traffic and circulation which has already impacted 40 Mile Road and the cross way between Highway 70 and 40 Mile Road, which is the Plumas Arboga Road. The General Plan appears to be primarily about annexation; however the City goes through synchronizing this, it would be helpful to get a sense as to how the document will integrate with the current sphere of influence which is unclear in terms of dating. It would be helpful to look at sphere horizon phasing, it would also be helpful to request from LAFCO annexation desire over some space of time in the sphere horizons. Eres stated he could not tell if there is a sense over the next five years the City will annex 1,000 acres, whether or not the annexation may be project driven, whether or not the City will be fair sharing its way out of realistic problems that cannot be negotiated by a contract. There is also concern in looking at a master services element. Eres stated he did not get a really good sense that there is an integrated plan that meets the requirements of the current policy standards and procedures of LAFCO for Master Service's element.

Response to Comment 16-1

In addition to the above comments, Mr. Eres also submitted a written comment letter (Comment Letter 10). The concerns raised by Mr. Eres at the General Plan Update Comment Meeting are addressed in detail in Response to Comment 10. A reference to the location of responses associated with each point raised by Mr. Eres' verbal comments is included below:

- Concerns related to the scope of the EIR in regard to the City's Sphere of Influence are addressed in Response to Comment 10-1;
- Concerns related to the availability of technical reports is addressed in Response to Comment 10-3;
- Concerns related to wastewater treatment capacity are addressed in Response to Comment 10-4 and further details regarding the location of the future wastewater treatment plant are included in Response to Comment 8-9;
- Concerns related to flooding are addressed in Response to Comment 10-5; and
- Concerns related to traffic are discussed in Response to Comment 10-6.

4.0 MITIGATION MONITORING PLAN

Introduction

Section 15097 of the California Environmental Quality Act (CEQA) requires all state and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a "mitigated negative declaration" or specified environmental findings related to environmental impact reports.

The following is the Mitigation Monitoring Plan for the Wheatland General Plan Update. The Plan includes a description of the requirements of the California Environmental Quality Act and a compliance checklist. The project as approved includes mitigation measures. The intent of the Plan is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within the Environmental Impact Report for this project. Unless otherwise noted, the applicant shall fund the cost of implementing the mitigation measures as prescribed by this Plan.

Compliance Checklist

The Mitigation Monitoring Plan (MMP) contained herein is intended to satisfy the requirements of CEQA as they relate to the Environmental Impact Report for the Wheatland General Plan Update prepared by the City of Wheatland. This MMP is to be used by City staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMP were developed in the Environmental Impact Report prepared for the proposed project.

The Wheatland General Plan Update Environmental Impact Report presents a detailed set of mitigation measures that will be implemented throughout the lifetime of the project. Mitigation is defined by CEQA as a measure that does the following:

- Avoids the impact altogether by not taking a certain action or parts of an action.
- Minimizes impacts by limiting the degree or magnitude of the action and its implementation.
- Rectifies the impact by repairing, rehabilitating, or restoring the impacted environment.
- Reduces or eliminates the impact over time by preservation and maintenance operations during the life of the project.

- Compensates for the impact by replacing or providing substitute resources or environments.

The intent of the MMP is to ensure the effective implementation and enforcement of adopted mitigation measures and permit conditions. The MMP will provide for monitoring of construction activities as necessary and in-the-field identification and resolution of environmental concerns.

Monitoring and documenting the implementation of mitigation measures will be coordinated by the City of Wheatland. The table attached to this report identifies the mitigation measure, the monitoring action for the mitigation measure, the responsible party for the monitoring action, and timing of the monitoring action. The applicant will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMP. The City of Wheatland will be responsible for ensuring compliance.

During construction of the project, the City will assign an inspector who will be responsible for field monitoring of mitigation measure compliance. The inspector will report to the City's Planning and Building Department and will be thoroughly familiar with permit conditions and the MMP. In addition, the inspector will be familiar with construction contract requirements, construction schedules, standard construction practices, and mitigation techniques. In order to track the status of mitigation measure implementation, field-monitoring activities will be documented on compliance monitoring report worksheets. The time commitment of the inspector will vary depending on the intensity and location of construction. Aided by the attached table, the inspector will be responsible for the following activities:

- On-site, day-to-day monitoring of construction activities.

- Reviewing construction plans and equipment staging/access plans to ensure conformance with adopted mitigation measures.

- Ensuring contractor knowledge of and compliance with the MMP.

- Verifying the accuracy and adequacy of contract wording.

- Having the authority to require correction of activities that violate mitigation measures. The inspector shall have the ability and authority to secure compliance with the MMP.

- Acting in the role of contact for property owners or any other affected persons who wish to register observations of violations of project permit conditions or mitigation. Upon receiving any complaints, the inspector shall immediately contact the construction representative. The inspector shall be responsible for verifying any such observations and for developing any necessary corrective

actions in consultation with the construction representative and the City of Galt.

- Obtaining assistance as necessary from technical experts in order to develop site- specific procedures for implementing the mitigation measures.

- Maintaining a log of all significant interactions, violations of permit conditions or mitigation measures, and necessary corrective measures.

Mitigation Monitoring Plan

The following table indicates the mitigation measure number, impact the measure is designed to address, measure text, monitoring agency, implementation schedule, and an area for sign-off indicating compliance.

MITIGATION MONITORING PLAN WHEATLAND GENERAL PLAN UPDATE PROJECT					
Mitigation Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign Off**
4.3 Air Quality					
4.3-1	Increased potential for air quality land use conflicts	*4.3-1* *Add to Policy 1.C.4 the following:* *k. Provisions for minimizing the exposure of residences, schools, childcare facilities and other sensitive receptors to mobile source Toxic Air Contaminants from major traffic sources.* *l. The City shall consider the recommendations of the Air Quality and Land Use Handbook (April 2005) in reviewing new development projects.*	City Council	At the time of the certification of the GPU EIR.	
4.3-3	Construction activities associated with buildout of the General Plan Update study area.	*4.3-3(a)* *Implement the FRAQMD Fugitive Dust Control Plan, which may be downloaded at http://www.fraqmd.org/PlanningTools.htm, and which includes the following measures:* • *All grading operations on a project should be suspended when winds exceed 20 miles per hour or when winds carry dust beyond the property line despite implementation of all feasible dust control measures.* • *Construction sites shall be watered as directed by the Department of Public Works or Air Quality Management District and as necessary to prevent fugitive dust violations.* • *An operational water truck should be onsite at all times. Apply water to control dust as needed to prevent visible emissions*	FRAQMD and the City Engineer	During construction.	

MITIGATION MONITORING PLAN WHEATLAND GENERAL PLAN UPDATE PROJECT					
Mitigation Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign Off**
		violations and offsite dust impacts. • *Onsite dirt piles or other stockpiled particulate matter should be covered, wind breaks installed, and water and/or soil stabilizers employed to reduce wind blown dust emissions. Incorporate the use of approved non-toxic soil stabilizers according to manufacturer's specifications to all inactive construction areas.* • *All transfer processes involving a free fall of soil or other particulate matter shall be operated in such a manner as to minimize the free fall distance and fugitive dust emissions.* • *Apply approved chemical soil stabilizers according to the manufacturers' specifications, to all-inactive construction areas (previously graded areas that remain inactive for 96 hours) including unpaved roads and employee/equipment parking areas.* • *To prevent track-out, wheel washers should be installed where project vehicles and/or equipment exit onto paved streets from unpaved roads. Vehicles and/or equipment shall be washed prior to each trip. Alternatively, a gravel bed may be*			

MITIGATION MONITORING PLAN WHEATLAND GENERAL PLAN UPDATE PROJECT					
Mitigation Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign Off**
		installed as appropriate at vehicle/equipment site exit points to effectively remove soil buildup on tires and tracks to prevent/diminish track-out. • *Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has been carried onto adjacent paved, public thoroughfares from the project site.* • *Provide temporary traffic control as needed during all phases of construction to improve traffic flow, as deemed appropriate by the Department of Public Works and/or Caltrans and to reduce vehicle dust emissions. An effective measure is to enforce vehicle traffic speeds at or below 15 mph.* • *Reduce traffic speeds on all unpaved surfaces to 15 miles per hour or less and reduce unnecessary vehicle traffic by restricting access. Provide appropriate training, onsite enforcement, and signage.* • *Reestablish ground cover on the construction site as soon as possible and prior to final occupancy, through seeding and watering.* • *Disposal by Burning: Open burning is yet another source of fugitive gas and*			

MITIGATION MONITORING PLAN WHEATLAND GENERAL PLAN UPDATE PROJECT					
Mitigation Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign Off**
		particulate emissions and shall be prohibited at the project site. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (trash, demolition debris, et. al.) may be conducted at the project site. Vegetative wastes should be chipped or delivered to waste to energy facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials offsite for disposal by open burning.			
		4.3-3(b) Prior to construction activities, the project applicant shall assemble a comprehensive inventory list (i.e. make, model, engine year, horsepower, emission rates) of all heavy-duty off-road (portable and mobile) equipment (50 horsepower and greater) that will be used an aggregate of 40 or more hours for the construction project and apply the following mitigation measure:	FRAQMD and the City Engineer	Prior to construction activities.	
		4.3-3(c) Prior to construction activities, the project applicant shall provide a plan for approval by FRAQMD demonstrating that the heavy-duty (equal to or greater than 50 horsepower) off-road equipment to be used in the construction	FRAQMD and the City Engineer	Prior to construction activities.	

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		project, including owned, leased and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate reduction compared to the most recent CARB fleet average at time of construction. A Construction Mitigation Calculator (MS Excel) may be downloaded from the SMAQMD web site to perform the fleet average evaluation *http://www.airquality.org/ceqa/index.shtml.*			
		4.3-3(d) *During construction, the project contractor shall regulate construction equipment exhaust emissions, as to not exceed FRAQMD Regulation III, Rule 3.0, Visible Emissions limitations (40 percent opacity or Ringelmann 2.0). Operators of vehicles and equipment found to exceed opacity limits shall take action to repair the equipment within 72 hours or remove the equipment from service. Failure to comply may result in a Notice of Violation.*	FRAQMD and the City Engineer	During construction.	
		4.3-3(e) *During construction, the project contractor shall be responsible to ensure that all construction equipment is properly tuned and*	City Engineer	During construction.	

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		maintained.			
		4.3-3(f) *During construction, the project contractor shall regulate construction vehicles to minimize idling time to 10 minutes.*	City Engineer	During construction	
		4.3-3(g) *During construction, the project contractor shall ensure that an operational water truck is onsite at all times. Apply water to control dust as needed to prevent dust impacts offsite.*	City Engineer	During construction.	
		4.3-3(h) *During construction, the project contractor shall utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators.*	City Engineer	During construction.	
		4.3-3(i) *During construction, the project contractor shall develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.*	City Engineer	During construction.	

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		4.3-3(j) *During construction, the project contractor shall ensure that no open burning of removed vegetation occurs during infrastructure improvements. Vegetative material should be chipped or delivered to waste to energy facilities.*	City Engineer	During construction.	
		4.3-3(k) *Portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, may require California Air Resources Board (ARB) Portable Equipment Registration with the State or a local district permit. The owner/operator shall be responsible for arranging appropriate consultations with the ARB or the District to determine registration and permitting requirements prior to equipment operation at the site.*	City Engineer	During construction.	
		The above mitigation measures are based on current FRAQMD requirements. Future development applications will be reviewed by the City and the most current air district regulations will be applied.			
4.3-4	Regional emission increases.	*4.3-4* *Revise Policy 8.E.3 as follows:* *The City shall require major new development*	City Council	At the time of the certification of the GPU EIR.	

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		projects to submit an air quality analysis for review and approval. Projects whose impacts are not significant shall be required to implement Standard Mitigation Measures (SMM) for construction and operation, as defined by the Feather River AQMD. Projects whose impacts are significant shall be required to implement Best Available Mitigation Measures (BAMM) for construction and operation as defined by the Feather River AQMD or voluntary offsite mitigation.			
4.5 Cultural Resources					
4.5-2	Development associated with the proposed General Plan Update could cause a substantial adverse change in the significance of an archeological, or unique paleontological resource.	*4.5-2(a)* *In the event that any archeological features or deposits, including locally darkened soil (midden), that could conceal cultural deposits, animal bone, shell, obsidian, mortars, or human remains, are uncovered during construction, work within 100 feet of the find shall cease, and the City of Wheatland and a qualified archaeologist shall be contacted to determine if the resource is significant and to determine appropriate mitigation. Any artifacts uncovered shall be recorded and removed to a location to be determined by the archaeologist.*	Planning Director	During construction.	
		4.5-2(b) *Revise Policy 7.D.1 as follows:*	City Council	At the time of	

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		The City shall refer development proposals that may adversely affect archaeological sites to the North Central Information Center at California State University, Sacramento, and the Northeast Information Center at California State University, Chico.		the certification of the GPU EIR.	
		4.5-2(c) Revise Policy 7.D.2 as follows: *The City shall not knowingly approve any public or private project that may adversely affect an archaeological site without first consulting the California Archaeological Inventory; North Central Information Center at California State University, Sacramento; Northeast Information Center at California State University, Chico; conducting a site evaluation as may be indicated; and attempting to mitigate any adverse impacts according to the recommendations of a qualified archaeologist.*	City Council	At the time of the certification of the GPU EIR.	
4.6 Geology					
4.6-4	Development associated with the proposed General Plan Update could result in soil erosion.	*4.6-4 For future development projects, applicants shall prepare, submit to the City Engineer for approval, and implement an erosion control plan prior to grading permit issuance. The erosion control plan shall utilize standard*	City Engineer	Prior to issuance of grading permits.	

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		construction practices to limit the erosion effects during construction. Measures could include, but are not limited to the following: • *Hydro-seeding;* • *Placement of erosion control measures within drainageways and ahead of drop inlets;* • *The temporary lining (during construction activities) of drop inlets with "filter fabric" (a specific type of geotextile fabric);* • *The placement of straw wattles along slope contours;* • *Directing subcontractors to a single designation "wash-out" location (as opposed to allowing them to wash-out in any location they desire);* • *The use of siltation fences; and* • *The use of sediment basins and dust palliatives.*			
4.7 Hazards and Hazardous Materials					
4.7-1	Development associated with the proposed General Plan Update would create potential hazards related to the public or the environment	*4.7-1* *For agricultural parcels proposed for development, prior to the issuance of grading permits, project applicants shall provide to the City a detailed environmental assessment pertaining to on-site soils in order to address the presence of soil contaminants (i.e., pesticides). The environmental assessment*	City Engineer	Prior to issuance of grading permits.	

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	through the routine transport, use, disposal or reasonably foreseeable upset and accidental release of hazardous materials.		*shall be reviewed by the City Engineer.*			
4.8 Hydrology and Water Quality						
4.8-3	Development in the study area could result in erosion, sedimentation, and subsequent degradation of the surface water quality.	*4.8-3*	*For future development projects, applicants shall obtain NPDES Construction General Permit, which requires the submittal of a Notice of Intent (NOI) with applicable fee to the State Water Resources Control Board (SWRCB) and the preparation of a Stormwater Pollution Prevention Plan (SWPPP) to be submitted to the City Engineer for review.*	City Engineer	Prior to Issuance of Grading Permits.	
4.11 Noise						
4.11-3	Compatibility between Beale Air Force Base and noise-sensitive uses developed within the General Plan Update study area.	*4.11-3*	*The City shall review all development applications on a case-by-case basis for conflicts with the Beale Air Force Base Comprehensive Land Use Plan. If appropriate, adequate measures shall be incorporated into projects in order to prevent exposure to adverse noise levels.*	Planning Director	In conjunction with submittal of Development Applications.	
4.11-5	Noise impacts associated with increased on City streets resulting from	*4.11-5*	*The City shall work to develop a citywide traffic noise abatement program for the express purpose of reducing traffic noise exposure at existing residential uses, which*	Planning Director and City Engineer	To commence after adoption of the General Plan.	

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	buildout of the General Plan Update study area.	*are affected by traffic noise levels in excess of the City's noise level standards. The program should include the following specific aspects for noise abatement consideration where reasonable and feasible:* *1. Noise barrier retrofits.* *2. Truck usage restrictions.* *3. Reduction of speed limits.* *4. Use of quieter paving materials.* *5. Building façade sound insulation.* *6. Traffic calming.* *7. Additional enforcement of speed limits and exhaust noise laws.* *8. Signal timing.* The above measure, whether used individually or collectively, can result in a reduction of traffic noise levels at affected sensitive receptor locations. Nonetheless, despite the implementation of such a noise abatement program, it will be infeasible to ensure that some existing residential uses will not be exposed to future traffic noise levels in excess of the City's noise standards. As a result, this impact is considered *significant and unavoidable* despite the implementation of a Citywide Traffic Noise Abatement Program.			

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4.13 Public Services					
4.13-1	Development associated with the proposed General Plan Update would increase the demand for law enforcement.	*4.13-1 Prior to the issuance of any building permits, the project proponent shall pay the applicable police development fees in accordance with applicable City AB1600 fees and local policies.*	City Building Inspector	Prior to issuance of building permits.	
4.13-2	Development associated with proposed General plan Update would increase the demand for fire protection.	*4.13-2 Prior to the issuance of any building permits, the project proponent shall pay the applicable fire development fees in accordance with applicable City AB1600 fees and local policies.*	City Building Inspector	Prior to issuance of building permits.	
4.13-3	Development associated with the proposed General Plan Update would increase the demand on school facilities.	*4.13-3 Prior to issuance of any building permits, the project proponent shall pay the applicable school impact fees to the Wheatland School District and the Wheatland Union High School District.*	City Building Inspector	Prior to issuance of building permits.	
4.15 Transportation and Circulation					
4.15-2	Increased delays at intersections within the Wheatland Study Area.	*4.15-2(a) Prior to initiating roadway improvements, the plans for the Ring Road shall identify an overlap for the right turning vehicles and exclusion of westbound "U" turns from southbound SR 65 at the Ring Road. The plans shall be reviewed and approved by the City Engineer.*	City Engineer	Prior to initiation of roadway improvements.	

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		4.15-2(b) Alternatively, if feasible, the City shall implement a separated-grade crossing at the North Ring Road/State Route 65 intersection. The plans shall be reviewed and approved by the City Engineer and Caltrans. However, since the preparation of the traffic study, the City has been considering a separated-grade crossing for the North Ring Road / SR 65 intersection. Therefore, the above intersection improvement may not be appropriate. Furthermore, the above improvements may not be feasible due to the uncertainty as to whether the Public Utilities Commission (PUC) or the Union Pacific Railroad (UPRR) would agree to another at-grade crossing. As a result, the impact would remain *significant and unavoidable*.	City Engineer and CALTRANS	Prior to initiation of roadway improvements.	
4.15-4	Street safety issues.	*4.15-4 The City shall design and implement a farm equipment and local roadway program to reduce the conflicts of urban traffic with farming operations. This program may include:* *a. Installation and maintenance of traffic warning signs along City roads that are used by farm equipment.*	City Council	At the time of the Certification of the GPU EIR.	

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		b. The City shall require that all farm equipment traveling on city roads must: *i. Operate only on local roads;* *ii. Operate during daylight hours, unless absolutely necessary and only when vehicle and equipment is adequately lighted for night travel;* *iii. Display slow-moving-vehicle (SMV) signs if traveling slower than 25 mph;* *iv. Not allow extra riders at any time for any reason;* *v. Equip large trailers or equipment with separate brakes;* *vi. Securely tie down all equipment to transport trailers and/or truck beds;* *vii. Maintain speeds that are appropriate for the area, road conditions, and time of the year;* *viii. To the extent possible, make equipment as compact and narrow for the road;* *ix. Use pilot vehicles with flashing amber lights and oversized load signs to assist large machines, such as combines; and* *x. Drive slow moving vehicles as far to the right as possible while remaining*			

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		on the road.			
4.16 Utilities					
4.16-1	Increased demand for water.	*4.16-1 In conjunction with submittal of a tentative map application for a subdivision that would increase water connections by 10 percent or more, a Water Supply Assessment consistent with the requirements of SB 610 and 221 shall be submitted for review and approval of the City Engineer.*	City Engineer	In conjunction with the submittal of tentative maps.	