
NICHOLS GROVE

SCH# 2006102089

FINAL ENVIRONMENTAL IMPACT REPORT



PREPARED FOR
THE CITY OF WHEATLAND

FEBRUARY 2011

PREPARED BY

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**Nichols Grove
Final Environmental Impact Report**

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INTRODUCTION

INTRODUCTION

This report contains public and agency comments received during the public review period of the Nichols Grove Draft Environmental Impact Report and Appendices (Draft EIR), City responses to significant environmental points raised in those comments, and revisions to the Draft EIR. This document has been prepared by the City of Wheatland in accordance with the California Environmental Quality Act (CEQA). The Final Environmental Impact Report (Final EIR) consists of this report and the Draft EIR.

BACKGROUND

A Notice of Preparation (NOP) for the Draft EIR was released October 19, 2006 for a 30-day review period. The comments received from the NOP were addressed in the Nichols Grove Draft EIR. The Nichols Grove Draft EIR is an informational document intended to disclose the environmental consequences of approving and implementing the Nichols Grove project. All written comments regarding the analysis contained in the Nichols Grove Draft EIR and received during the 45-day Draft EIR public review period (August 13, 2008 to September 26, 2008) are addressed in this Final EIR.

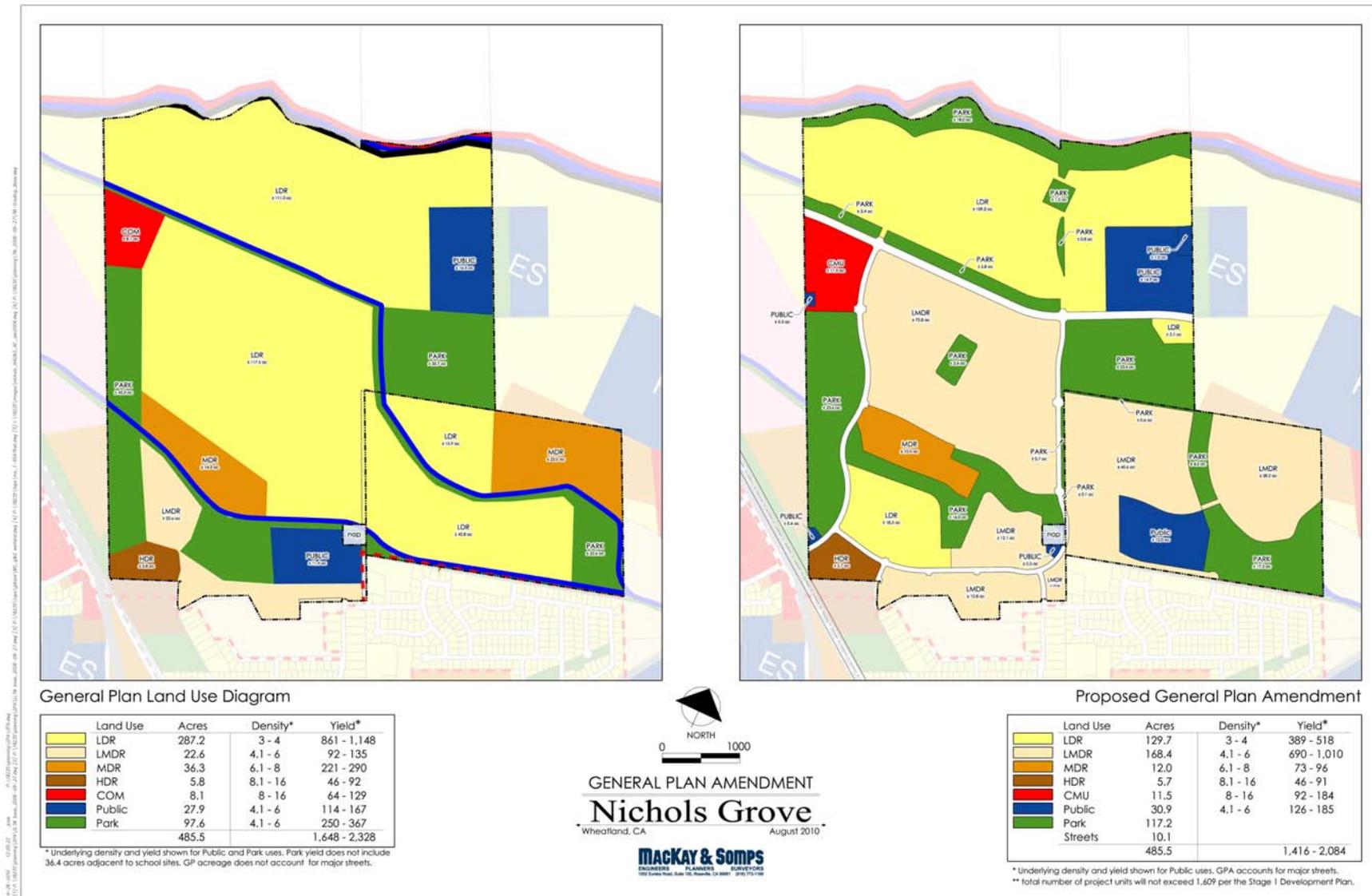
REVISED PROJECT APPLICATION

On March 15, 2010, the project applicant submitted a revised application for the Nichols Grove project. The application now only consists of the program-level entitlements, which were part of the original application, including Annexation of the project site to the City of Wheatland, General Plan Amendment, and Prezone. The Vesting Large Lot and Small Lot Tentative Subdivision Map entitlements included in the original project application, and evaluated throughout the Draft EIR, have now been withdrawn.

As a result of the submittal of the revised application for the Nichols Grove project since the release of the Draft EIR for public review, Chapter 3, Project Description, of the Draft EIR has been revised in full to reflect the current project application (See Appendix A of this Final EIR for an updated Project Description chapter). Figure 1-1 presents the current and proposed General Plan Land Use Designations for the Nichols Grove project. The proposed General Plan designations shown in Figure 1-1 reflect the revised project application submitted to the City on March 15, 2010.

As illustrated in the legend on the below General Plan Amendment Diagram, even with the proposed land use designation changes, the potential dwelling unit yield is still within the total dwelling unit range anticipated for the Nichols Grove site in the 2006 Wheatland General Plan.

**Figure 1-1
Nichols Grove General Plan Amendment Exhibit**



It is important to note that the originally released Nichols Grove Draft EIR, dated August 2008, evaluated a maximum buildout potential for the Nichols Grove site (previously termed “Nichols Grove Tentative Map site”) of 1,609 dwelling units. As a result, in order to ensure that the environmental impact analysis contained in the August 2008 Draft EIR remains adequate for the current version of the project application, the maximum buildout for the overall project is limited to 1,609 dwelling units, as clearly stated in the Stage One and Stage Two Development Plan for the project, and noted below the legend entitled “Proposed General Plan Amendment,” on Figure 1-1. In addition, with the recent change in the project to exclude the small lot tentative map entitlement, no development can occur on the project site until such time that additional tentative map entitlements are approved by the City. During these discretionary approvals, the City would ensure that the number of units for the project does not exceed 1,609.

SUMMARY OF TEXT CHANGES

Chapter 2, *Revisions to the Draft EIR Text*, identifies all changes to the Draft EIR. These changes are the result of either 1) staff-initiated changes; 2) responses to comments on the Draft EIR made by the public during the public review period; or 3) the revised project application.

The changes to the Project Description of the Draft EIR in response to the revised project application do not affect the adequacy of the environmental impact analysis contained in the remaining technical chapters of the original Draft EIR. Rather, the changes reflect the fact that the project now only includes program-level entitlements as compared to both program- and project-level entitlements included in the original project application for Nichols Grove. Given the nature of the proposed changes to the Nichols Grove entitlements, which are discussed more fully in Appendix A of this Final EIR, while the environmental impact analysis of the original Draft EIR remains adequate, certain project-level mitigation measures need to be updated. The mitigation measures that have been updated in this Final EIR (See Table 2-1, Summary of Impacts and Mitigation Measures, in Chapter 2 of this Final EIR) are those measures specifically tied to the small-lot tentative map entitlement and the related design-level specificity inherent in the small-lot tentative map entitlement. That is, as the small-lot tentative map entitlement has now been removed from the application, the mitigation measures tied to this entitlement have simply been updated in the impact and mitigation summary table of the Draft EIR to be more appropriate for the remaining program-level entitlements still included in the revised application – i.e., Annexation, General Plan Amendment, and Prezone.

More specifically, the changes to the mitigation are primarily in recognition of the fact that future tentative map submittal(s) might differ in design from the Nichols Grove small-lot tentative map that certain Draft EIR mitigation measures were originally based on. As a result, where necessary, mitigation measures have been revised in this Final EIR to require site-specific analysis of future tentative map(s). Per CEQA requirements for a program-level analysis, these revised mitigation measures include detailed performance standards, which set forth how the site-specific analysis should be conducted and the criteria by which the City should determine whether an impact is significant. In the event an impact is determined to be significant, the performance standards set forth requirements for mitigation.

In summary, the changes to the Nichols Grove Draft EIR presented in this Final EIR do not affect the adequacy of the original environmental analysis. CEQA Guidelines Section 15088.5 states the following regarding recirculation of an EIR prior to certification:

- (a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation include, for example, a disclosure showing that:
 - (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
 - (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
 - (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.
 - (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043)

None of the changes to the August 2008 Nichols Grove Draft EIR meet items 1-4 set forth in CEQA Guidelines Section 15088.5(a); therefore, the Nichols Grove Draft EIR does not need to be recirculated.

LIST OF COMMENTERS

A list of all of the comment letters, including the commenter/agency name and the page number on which responses to the letter occur in Chapter 4 are presented in Chapter 3, *List of Commenters*.

RESPONSES TO COMMENTS

Responses to comments received on the Draft EIR during the public comment period are presented in Chapter 4, *Responses to Comments*. 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 4 of the Final EIR.

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REVISIONS TO THE DRAFT EIR TEXT

INTRODUCTION

This chapter presents all of the revisions made to the Draft EIR 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~~. Since the release of the Draft EIR, staff level changes affecting process scheduling have occurred, necessitating the removal of language pertaining to “grading permits.” Said changes are noted in this document. Text changes are presented in the page order in which they appear in the Draft EIR.

In addition, the revised project application necessitates certain changes to the Draft EIR, which are principally laid out in Table 2-1, Summary of Impacts and Mitigation Measures, below.

TEXT CHANGES

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

Upon further review of the County records, it has been determined that the Draft EIR incorrectly identified the parcel number of the Baker property. Therefore, for clarification purposes the parcel number is hereby revised to read throughout the document as follows:

APN 015-140-0556

The above change does not affect the analysis contained in the Draft EIR.

1.0 INTRODUCTION

For clarification purposes, the Notice of Preparation (NOP) comment letters list on page 1-5 of the Draft EIR is hereby revised as follows:

NOP Comment Letters

- Amelia B. Oliver - Resident
- Bridget Binning – California Department of Health Services
- Clyde and Stephen Waltz - Residents
- Douglas and Lucille Waltz - Residents
- ~~Ed Palmeri – County of Yuba Community Development Department~~
- Gregory M. Guth – Attorney at Law representing Baker Ranch

The above revision does not affect the adequacy of the Draft EIR. Both Ed Palmeri and the Yuba County Planning Department are on the mailing list used for distribution of the NOP. The mailing list has been included as Appendix B of this Final EIR. The NOP was not sent by certified mail; therefore, the City is unable to conclusively verify that the County received the notice. However, as the County was on the mailing list used, the City has every reason to believe that the County was properly notified.

2.0 EXECUTIVE SUMMARY

As a result of public comment on the Draft EIR, Mitigation Measure 4.2-1 in Table 2-1, on page 2-10 of the Executive Summary chapter, is hereby revised as shown under the below header.

In addition, as a result of the submittal of the revised application for the Nichols Grove project since the release of the Draft EIR for public review, Chapter 3, Project Description, of the Draft EIR has been revised in full to reflect the current project application (See Appendix A of this Final EIR for an updated Project Description chapter). As previously discussed, the changes to the Project Description do not affect the adequacy of the environmental impact analysis contained in the original Draft EIR. Rather, the changes simply reflect the fact that the project now only includes program-level entitlements as compared to both program- and project-level entitlements included in the original project application for the Nichols Grove project. Given the nature of the proposed changes to the Nichols Grove project entitlements, which are discussed more fully in Chapter 1 of this Final EIR and illustrated in Appendix A of this Final EIR, while the environmental impact analysis of the original Draft EIR remains adequate, certain project-level mitigation measures need to be updated. The mitigation measures that have been updated in this Final EIR (See Table 2-1, Summary of Impacts and Mitigation Measures, below) are those measures specifically tied to the small-lot tentative map entitlement and the concomitant design-level specificity inherent in said previous entitlement. As the small-lot tentative map entitlement has now been removed from the application, the mitigation measures tied to this entitlement have simply been updated in the below summary table to be more appropriate for the remaining program-level entitlements still included in the revised application – i.e., Annexation, General Plan Amendment, and Prezone.

**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 Impacts related to altering the existing agricultural character of the project site.	S	Nichols Grove Tentative Map <u>Site</u> , Non-Participating Properties 4.1-1 None Feasible.	SU
4.1-2 Impacts related to light and glare.	PS	Nichols Grove Tentative Map <u>Site</u> 4.1-2(a) <u>In conjunction with submittal of any tentative map applications within the Nichols Grove Annexation area, Aq detailed lighting plan shall be submitted for the Nichols Grove Tentative Map site, for review and approval of the City Engineer in conjunction with the project improvement plans. In conjunction with development of the proposed project, the developer shall shield all on site lighting, consistent with the lighting plan, so that lighting is directed within the project site and does not illuminate adjacent properties. The plan shall show proposed shielding of all on-site lighting, so that lighting is directed within the project site and does not illuminate adjacent properties. The conceptual lighting plan shall be reviewed and approved by the Planning Commission and/or City Council in conjunction with the tentative map review.</u>	LS
	PS	Non-Participating Properties 4.1-2(b) For any future development application(s) being processed for the non-participating properties, a conceptual lighting plan shall be submitted for review	LS

N/A = Not Applicable; LS = Less-than-Significant; PS = Potentially Significant; SU = Significant and Unavoidable

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<i>and approval of the City Engineer. The plan shall show proposed shielding of all on-site lighting, so that lighting is directed within the project site and does not illuminate adjacent properties.</i>	
4.1-3 Impacts related to scenic vistas and visual resources.	LS	<i>Nichols Grove Tentative Map <u>Site</u>, Non-Participating Properties 4.1-3 None Required.</i>	N/A
4.1-4 Long-term impacts to the visual character of the region from the proposed project in combination with existing and future developments in the Wheatland area.	S	<i>Nichols Grove Tentative Map <u>Site</u>, Non-Participating Properties 4.1-4 None Feasible.</i>	SU
4.2 Land Use and Agricultural Resources			
4.2-1 Compatibility with surrounding land uses.	S	<i>Nichols Grove Tentative Map <u>Site</u>, and Non-Participating Property (APN 015-140-056) 4.2-1 <u>The Applicant shall inform and notify prospective buyers in writing, prior to purchase, about existing and on-going agriculture activities in the immediate area in the form of a disclosure statement. The notifications shall disclose that the Wheatland area is an agriculture area subject to ground and aerial applications of chemical and early morning or nighttime farm operations, which may create noise, dust, et cetera, and provide that such agricultural operations shall not be considered a nuisance.</u> The language and format of such notification shall be reviewed and approved by the City Attorney</i>	Near-term SU Long-term LS

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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
		<i>prior to recording <u>the first final map</u>. Each disclosure statement shall be acknowledged with the signature of each prospective property owner.</i>	
4.2-2 Consistency with the Wheatland General Plan.	LS	<i>Nichols Grove Tentative Map <u>Site</u>, Non-Participating Properties 4.2-2 None Required.</i>	N/A
4.2-3 Consistency with existing zoning.	LS	<i>Nichols Grove Tentative Map <u>Site</u>, Non-Participating Properties 4.2-3 None Required.</i>	N/A
4.2-4 Consistency with Yuba County LAFCO Standards.	LS	<i>Nichols Grove Tentative Map <u>Site</u>, Non-Participating Properties 4.2-4 None Required.</i>	N/A
4.2-5 Increases in the intensity of land uses in the region due to the proposed project and all other projects in the Wheatland area.	LS	<i>Nichols Grove Tentative Map <u>Site</u>, Non-Participating Properties 4.2-5 None Required.</i>	N/A
4.2-6 Conversion of Prime Farmland to urban uses.	S	<i>Nichols Grove Tentative Map <u>Site</u>, Non-Participating Properties 4.2-6 None Feasible.</i>	SU
4.2-7 Cumulative loss of agricultural land.	S	<i>Nichols Grove Tentative Map <u>Site</u>, Non-Participating Properties 4.2-7 None Feasible.</i>	SU
4.3 Transportation and Circulation			
4.3-1 Impacts to study intersections.	S	<i>Nichols Grove Tentative Map <u>Site</u> 4.3-1(a) The applicant shall pay the City of Wheatland's Traffic Development Impact Fees prior to issuance of building permits in accordance with applicable City requirements.</i>	SU

N/A = Not Applicable; LS = Less-than-Significant; PS = Potentially Significant; SU = Significant and Unavoidable

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><u>Any project applicant(s) within the Nichols Grove annexation area shall be responsible for the project's fair share of all feasible physical improvements necessary and available to reduce the severity of the project's significant traffic related impacts within the City of Wheatland and its Sphere of Influence based on Year 2025 Plus Project conditions, consistent with the policies and exceptions set forth in the Wheatland GP. In cases where the project's fair share contribution is identified, the share will be based on the project's relative contribution to traffic growth.</u></p> <p><u>The project's contribution toward such improvements may take any or some combination of the following forms.</u></p> <ol style="list-style-type: none"> <u>1. Construction of roads and related facilities within and adjacent to the boundaries of the project, which may be subject to fee credits and or reimbursement, coordinated by the City, from other fee-paying development projects if available.</u> <u>2. Construction of roads, road improvements or other transportation facilities outside of the project boundaries but within the incorporated Wheatland limits, subject in some instances to fee credit against other improvements necessitated by the project or future reimbursement, coordinated by the City, from other fee-paying development</u> 	

N/A = Not Applicable; LS = Less-than-Significant; PS = Potentially Significant; SU = Significant and Unavoidable

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><u>projects.</u></p> <p>3. <u>The payment of impact fees to the City of Wheatland in amounts that constitute the project's fair share contributions to the construction of transportation facilities to be built or improved within the City, consistent with the City's updated Traffic Impact Fee.</u></p> <p><u>4.3-1(b) Any project applicant(s) within the Nichols Grove annexation area shall provide advance funding to the City for the costs of a traffic impact and fee study, as necessary and appropriate, to evaluate and identify appropriate future street and circulation system improvements to mitigate the traffic impacts and to determine and substantiate a revised City Traffic Impact Fee for the proposed project. If, prior to completion of the traffic impact and fee study, the City approves other development projects with a mitigation measure substantially similar to this mitigation measure, then the project applicant(s) shall be required to provide funding only for its fair share of the costs of the traffic impact and fee study. If the project applicant(s) pays more than its fair share of the costs of the traffic impact and fee study, then the project applicant(s) shall enter into a reimbursement agreement with the City for the City to collect appropriate fees from other benefited developers and reimburse to the project applicant(s) a portion of the project applicant(s)' cost of the study. The traffic impact</u></p>	

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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
		<u>and fee study and revised fees must be completed and adopted by the City Council prior to recording any final subdivision map(s) for the project. The revised fees shall be collected from the Nichols Grove applicant(s) at the time of issuance of each building permit, unless otherwise provided by a Development Agreement entered into between the City and the project applicant(s).</u>	
4.3-2 Impacts to roadway segments.	S	Nichols Grove Tentative Map <u>Site</u> 4.3-2 Implement Mitigation Measure 4.3-1.	SU
4.3-3 Impacts related to transit.	PS	Nichols Grove Tentative Map <u>Site</u> 4.3-3 Prior to the approval of final maps <u>In conjunction with the submittal of any tentative map application, the project shall include facilities to accommodate future transit use (i.e., bus pull outs on arterial streets), for the review and approval of the City Engineer, Planning Commission and/or City Council.</u>	LS
4.3-4 Impacts related to existing and proposed railroad crossings.	LS	Nichols Grove Tentative Map <u>Site, Non-Participating Properties</u> 4.3-4 None Required.	N/A
4.3-5 Impacts related to pedestrian/bicycle activity.	LS	Nichols Grove Tentative Map <u>Site, Non-Participating Properties</u> 4.3-5 None Required.	N/A
4.3-6 Impacts from construction traffic.	PS	Nichols Grove Tentative Map <u>Site, Non-Participating Properties</u> 4.3-6 <u>The City shall include the following as a condition of approval on any tentative map application:</u>	LS

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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
		<p><i>“Prior to any construction taking place on the site, the project applicant shall prepare a Construction Traffic Management Plan for review and approval by the City Engineer. The plan should include all plans for temporary traffic control, temporary signage and striping, location points for ingress and egress of construction vehicles, staging areas, and timing of construction activity which appropriately limits hours during which large construction equipment may be brought on or off the site.”</i></p>	
<p>4.3-7 Impacts to intersections under the Five Year Plus Project scenario.</p>	<p>S</p>	<p><i>Nichols Grove Tentative Map <u>Site</u></i></p> <p>4.3-7(a) <i><u>The Nichols Grove traffic study identifies a series of traffic improvements that could be implemented to allow the staged development of the Nichols Grove project until such time that the Wheatland Expressway is built in the Cumulative Scenario. Prior to the issuance of building permits for each stage of development, the project applicant shall pay the project’s fair share of the applicable traffic improvements associated with the particular stage of development being pursued, and which The improvements have been identified in the General Plan and included in the City’s Traffic Development Impact Fees. The fair share fee shall be satisfied by paying the appropriate City Traffic Development Impact Fees, as determined by the City Engineer. The fees shall be paid prior to issuance of building permits for The Nichols Grove traffic study</u></i></p>	<p>SU</p>

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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
		<p><i>identified the following stages of improvements:</i></p> <ol style="list-style-type: none"> 1. <i>State Street improvements between Main Street and SR 65.</i> 2. <i>McDevitt extension and completion of project streets to downtown Wheatland.</i> 3. <i>Oakley Lane extension to SR 65.</i> 4. <i>South Ring Road and connection to SR 65 via grade-separation.</i> <p><i>In the event that the improvement is not included in the approved City of Wheatland Capital Improvement Project list, the applicant shall construct the improvements, and shall subsequently be eligible for reimbursement from future fair share payments.</i></p> <p>4.3-7(b) — Consistent with Mitigation Measure 4.3-1(b), Prior to the issuance of building permits for each subsequent stage of development after completion of Stage 1, <u>any project applicant(s) within the Nichols Grove annexation area shall provide advance funding to the City for the costs of a traffic impact and fee study, as necessary and appropriate, to evaluate and identify appropriate future street and circulation system improvements to mitigate the traffic impacts and to determine and substantiate a revised City Traffic Impact Fee for the proposed project. This would include a traffic impact study shall be</u></p>	

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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
		<p><i>conducted at the discretion of the City Planning Director and City Engineer to validate that the improvements identified in this Nichols Grove traffic study for subsequent Stages 2 through 4 still remain appropriate, and that the corresponding number of units that could be developed for each phase remain consistent with the numbers outlined in this EIR for Stages 2 through 4. If the improvements are not sufficient to accommodate the particular stage of development, the number of housing units shall be reduced to an appropriate level, or additional traffic improvements shall be required, as determined by the City Engineer. The project applicant(s) shall contribute the project's fair share toward the cost of the improvements identified in the subsequent traffic study by paying the City's updated Traffic Impact Fee.</i></p>	
4.3-8 Impacts to roadways under the Five Year Plus Project scenario.	S	<p><i>Nichols Grove Tentative Map Site</i></p> <p>4.3-8 Implement Mitigation Measure 4.3-7(a) and 4.3-7(b).</p>	SU
4.3-9 Impacts to intersections in long-term (2025) cumulative conditions.	PS	<p><i>Nichols Grove Tentative Map Site</i></p> <p>4.3-9(a) Implement Mitigation Measure(s) 4.3-1, and 4.3-7(a), and 4.3-7(b).</p> <p>4.3-9(b) <u>Prior to approval of any Tentative Map(s) that would include the following intersections, the Tentative Map(s) shall identify improvements to the following intersections:</u></p>	LS

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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
	<p><u>LS</u><u>PS</u></p>	<p>The installation of traffic signals at the following intersections shall be indicated on improvement plans containing the affected intersections, and shall be installed concurrent with the completion of the roadways.</p> <ul style="list-style-type: none"> • McDevitt Drive/Nichols Grove Drive • McDevitt Drive / Ring Road • Nichols Grove Drive / Ring Road <p>The final improvement selected shall be determined by the City Engineer. The improvements shall be included on the tentative map for the review and approval of the Planning Commission and/or City Council in conjunction with the review of the tentative map.</p> <p>4.3-9(c) The site plan design shall provide at least 700 feet from the McDevitt Drive railroad crossing to the center of the McDevitt Drive / Nichols Grove intersection for the review and approval of the City Engineer, <u>unless otherwise determined in the subsequent traffic impact and fee study required in Mitigation Measure 4.3-7.</u></p> <p>Non-Participating Properties</p> <p>4.3-9(d) In conjunction with submittal of an application for any of the non-participating properties, the applicant shall provide a traffic study, at the discretion of the Planning</p>	<p><u>N/A</u><u>LS</u></p>

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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
		<p>Director, <u>The traffic study shall analyze</u> any potential on- and off-site traffic impacts resulting from the proposed project. The traffic study shall recommend mitigation measures and the applicant shall be required to adhere to the mitigation measures recommended in the study, ensuring that adverse impacts are reduced to the maximum extent feasible.</p> <p>4.3-9(e) The project applicant(s) shall pay City's Traffic Development Impact fees prior to issuance of building permits for the review and approval of the City Engineer.</p>	
4.3-10 Impacts to roadway segments in long-term (2025) cumulative conditions.	LS	<p>Nichols Grove Tentative Map <u>Site</u>, Non-Participating Properties</p> <p>4.3-10 None Required.</p>	N/A
4.3-11 Cumulative conditions (General Plan buildout) plus additional anticipated growth within Wheatland Sphere of Influence.	LS	<p>Nichols Grove Tentative Map <u>Site</u>, Non-Participating Properties</p> <p>4.3-11 None Required.</p>	N/A
4.4 Noise			
4.4-1 Increase in Traffic Noise Levels.	LS	<p>Nichols Grove Tentative Map <u>Site</u></p> <p>None Required.</p>	N/A
	PS	<p>Non-Participating Properties</p> <p>4.4-1 In conjunction with submittal of a development application and at the discretion of the City Engineer,</p>	LS

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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
		<p><i>the applicant shall submit a noise assessment, which determines the noise levels due to and upon the proposed project. The assessment shall determine if noise level exposure to sensitive receptors exceeds established Wheatland thresholds, as a result of development of the project. If noise levels are determined to exceed standards, the noise assessment shall include mitigation to reduce exterior and interior noise levels to below the City's standards, which the applicant shall be required to comply with, for the review and approval of by <u>by</u> the City Engineer <u>Planning Director</u>.</i></p>	
<p>4.4-2 Traffic Train Noise Impacts on Project Site.</p>	<p>PS</p>	<p><i>Nichols Grove Tentative Map <u>Site</u></i></p> <p>4.4-2(a) <i><u>Prior to the issuance of building permits, site plans that include noise barriers shall be submitted for the review and approval of the City Engineer. In conjunction with the submittal of any tentative map application for any development within the Nichols Grove annexation area, a site-specific noise analysis shall be performed. The site-specific noise analysis shall address interior and exterior railroad noise levels and recommend mitigation measures to reduce the noise to acceptable levels. The applicant shall be required to implement all mitigation measures recommended in the noise analysis, pursuant to review and approval by the Planning Commission and/or City Council in conjunction with the review of the development project. In preparing the noise assessment(s) per this mitigation measure, the qualified</u></i></p>	<p>LS</p>

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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
		<p><i>consultant shall consider the original recommendations in the Nichols Grove noise assessment, which may or may not be applicable depending upon the lotting arrangement of any subsequent tentative map(s). Noise barriers shall be constructed along the boundaries of the residences proposed adjacent to the railroad tracks, at the locations shown on Figure 4.4 3. Table 4.4 7 shows the predicted noise levels for barriers of various heights. The results shown in Table 4.4 7 indicate that a barrier six feet in height (relative to back yard elevation) would be required to reduce future railroad noise levels to 60 dB L_{dn} or less at the nearest backyards proposed adjacent to the railroad tracks. If required, barriers could take the form of earthen berms, solid walls, or a combination of the two. Appropriate materials for noise walls include precast concrete or masonry block. Other materials may be acceptable provide they have a density of approximately four pounds per square foot.</i></p> <p><i>4.4 2(b) — Standard residential construction practices conducted in accordance with local building codes provide approximately 25 dB exterior to interior noise level reduction with windows closed, and approximately 15 dB reductions with windows open. Because future railroad noise levels are not predicted to exceed 70 dB L_{dn} at the building facades of the residences proposed nearest to the railroad tracks, standard construction practices would be sufficient to achieve compliance with</i></p>	

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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
	PS	<p>the City of Wheatland 45 dB L_{dnt} interior noise level standard, provided that windows could be closed.</p> <p>Therefore, mechanical ventilation (air conditioning) shall be provided for all residences constructed within this development adjacent to the railroad tracks to allow occupants to close doors and windows as desired for additional acoustic isolation. Although standard construction would be acceptable to achieve satisfaction with the City's 45 dB L_{dnt} interior noise level standard, an additional five dB of building facade noise level reduction would be required to reduce interior SEL values to 60 dB. Prior to issuance of building permits, the project applicant shall have a detailed noise analysis of proposed floor plans and construction materials conducted by a qualified acoustical consultant selected by the City Engineer, to ensure that exterior windows and wall assemblies provide adequate noise insulation. The analysis shall be submitted to the City Engineer along with proposed site plans prior to the issuance of building permits.</p> <p>Non-Participating Properties</p> <p>4.4-2(e<u>b</u>) Implement Mitigation Measure 4.4-1. The assessment shall provide a detailed acoustical analysis that shall determine the exterior and interior noise levels experienced at non-participating properties as a result of</p>	LS

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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
		<p><i>UPRR train operations. The assessment shall also identify appropriate mitigation measures to reduce the exterior and interior noise levels at sensitive receptors to be consistent with City of Wheatland General Plan Noise standards if applicable. These mitigation measures may include, but are not limited to: use of setbacks; use of barriers; site design guidelines, and building location and orientation guidelines. The applicant shall be required to incorporate noise-related mitigation measures into the site design for review and approval of the City Engineer prior to the approval of tentative map(s).</i></p>	
<p>4-3 Aircraft Noise Impacts on Project Site.</p>	<p>PS</p>	<p><i>Nichols Grove Tentative Map <u>Site</u>, Non-Participating Properties</i></p> <p>4.4-3 Implement Mitigation Measure 4.4 2(b). Standard residential construction practices conducted in accordance with local building codes provide approximately 25 dB exterior to interior noise level reduction with windows closed, and approximately 15 dB reductions with windows open. Standard construction practices would be sufficient to achieve compliance with the City of Wheatland 45 dB L_{dn} interior noise level standard, provided that windows could be closed.</p> <p><u>Therefore, mechanical ventilation (air conditioning) shall be provided for all residences constructed within this development adjacent to the railroad tracks to allow occupants to close doors and windows as desired for</u></p>	<p>LS</p>

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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
		<p><u>additional acoustic isolation. Although standard construction would be acceptable to achieve satisfaction with the City's 45 dB Ldn interior noise level standard, an additional five dB of building facade noise level reduction would be required to reduce interior SEL values to 60 dB. Prior to issuance of building permits, the project applicant shall have a detailed noise analysis of proposed floor plans and construction materials conducted by a qualified acoustical consultant selected by the Planning Director, to ensure that exterior windows and wall assemblies provide adequate noise insulation. The analysis shall be submitted to the Planning Director along with proposed site plans prior to the issuance of building permits.</u></p>	
4.4-4 Interior Noise Levels Within the Project Site.	PS	<p><i>Nichols Grove Tentative Map <u>Site</u></i></p> <p>4.4-4(a) <i>Implement Mitigation Measure(s) 4.4-2(a) and 4.4-2(b).</i></p>	LS
	PS	<p><i>Non-Participating Properties</i></p> <p>4.4-4(b) <i>Implement Mitigation Measure 4.4-2(eb).</i></p>	LS
4.4-5 Construction Noise.	PS	<p><i>Nichols Grove Tentative Map <u>Site</u>, Non-Participating Properties</i></p> <p>4.4-5 <u><i>The City shall include the following as a condition of approval on any tentative map application:</i></u></p> <p><u><i>“The project applicant shall place a note on the improvement plans and within construction contracts</i></u></p>	LS

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SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><i>that requires:</i></p> <ul style="list-style-type: none"> • <i>Construction activities shall occur between the hours of 7 a.m. to 6 p.m. weekdays and 8 a.m. to 5 p.m. on the weekends;</i> • <i>All heavy construction equipment and all stationary noise sources (such as diesel generators) shall have manufacturers installed mufflers; and</i> • <i>Equipment warm up areas, water tanks, and equipment storage areas shall be located in an area as far away from existing residences as is feasible.</i> <p><i>The note and improvement plans shall be reviewed and approved by the City Engineer prior to initiation of ground disturbance activities.”</i></p>	
4.4-6 Cumulative impacts of traffic noise levels on proposed residences.	PS	<p><i>Nichols Grove Tentative Map <u>Site</u></i></p> <p><i>4.4-6(a) Implement Mitigation Measure(s) 4.4-2(a) and 4.4-2(b).</i></p>	LS
	PS	<p><i>Non-Participating Properties</i></p> <p><i>4.4-6(b) Implement Mitigation Measure 4.4-2(eb).</i></p>	LS
4.5 Air Quality			
4.5-1 Short-term construction-related air quality impacts.	S	<p><i>Nichols Grove Tentative Map <u>Site</u></i></p> <p><i>4.5-1(a) <u>The City shall include the following as a condition of approval on any tentative map application:</u></i></p>	SU

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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
		<p><i>“Prior to initiation of ground disturbance activities, the contractor shall submit an Off-road Construction Equipment Emission Reduction Plan for review and approval of the FRAQMD. The plan shall demonstrate a project wide heavy-duty (> 50 horsepower) off-road vehicle (owned, leased, and subcontracted) fleet-average 20 percent NO_x reduction and 45 percent particulate reduction as compared to the most recent CARB fleet average at the time of construction. The Off-road Construction Equipment Emissions Reduction Plan shall include a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that would be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughout for each piece of equipment. Acceptable options for reducing emissions may include use of late model engines, low-emissions diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or options as they become available.”</i></p> <p>4.5-1(b) <u>The City shall include the following as a condition of approval on any tentative map application:</u> <i>“During construction, throughout the duration of the project, the inventory shall be updated and submitted monthly for review by the FRAQMD, except for any 30-</i></p>	

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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
		<p><i>day period in which construction activity does not occur.”</i></p> <p>4.5-1(c) <u><i>The City shall include the following as a condition of approval on any tentative map application:</i></u></p> <p><u><i>“At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide FRAQMD with the anticipated construction timeline, including start date, name, and phone number of the project manager and on-site foreman.”</i></u></p> <p>4.5-1(d) <u><i>The City shall include the following as a condition of approval on any tentative map application:</i></u></p> <p><u><i>“Prior to initiation of ground disturbance activities, all construction contracts shall stipulate the following:</i></u></p> <ul style="list-style-type: none"> • <i>Construction equipment exhaust emissions shall not exceed FRAQMD Rule 3.0, Visible Emission Limitations. Operators of vehicles and equipment found to exceed opacity limits shall take action to repair equipment within 72 hours or remove the equipment from service. Failure to comply may result in a Notice of Violation;</i> • <i>The contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained;</i> 	

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SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<ul style="list-style-type: none"> • <i>Equipment operators shall be instructed to minimize equipment idling time to five minutes;</i> • <i>Utilize existing power sources (e.g. power poles) or clean fuel generator rather than temporary power generators;</i> • <i>Portable engines and portable engine-drive equipment units used on the project 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; and</i> • <i>Open burning of removed vegetation during infrastructure improvements shall not be permitted. Vegetative material shall be chipped or delivered to waste energy facilities.”</i> <p>4.5-1(e) <u><i>The City shall include the following as a condition of approval on any tentative map application:</i></u></p> <p><u><i>“Prior to initiation of ground disturbance activities, the applicant shall submit a Construction Dust Control Plan for the review and approval of the FRAQMD. The Plan shall include the following and any additional measures</i></u></p>	

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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
		<p><i>contained in the FRAQMD's current list of Best Available Mitigation Measures (BAMM) for construction:</i></p> <ul style="list-style-type: none"> • <i>All active water construction areas shall be watered at least twice a day, or as need to prevent visible dust plumes from blowing off-site;</i> • <i>On-site storage piles shall be covered with tarpaulins or other effective covers;</i> • <i>All trucks hauling dirt, sand, soil, or other loose material on public streets shall be covered or shall maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and top of the trailer) in accordance with the requirements of California Vehicle Code Section 23114;</i> • <i>All unpaved access roads, parking areas, and staging areas the construction sites, shall be paved, applied with (non-toxic) soil stabilizers, or applied with water three times daily;</i> • <i>All paved access routes, parking areas, and staging areas shall be swept daily (preferably with water sweepers);</i> • <i>Trucks and other equipment leaving the construction site shall be washed to remove particulate matter;</i> • <i>Incorporation of the use of non-toxic stabilizers</i> 	

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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
		<p><i>according to manufacturer's specifications to all inactive construction areas;</i></p> <ul style="list-style-type: none"> • <i>Exposed stockpiles shall be enclosed, covered, watered twice daily, or applied with (non-toxic) soil binders;</i> • <i>Construction site vehicles shall be limited to 15 miles per hour (mph) on unpaved areas;</i> • <i>Disturbed areas shall be replanted with vegetation as quickly as possible;</i> • <i>All grading operations shall be suspended by the developer or contractor or as directed by the FRAQMD when winds exceed 20 mph; and</i> • <i>Wheel washers shall 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.</i> <p>4.5-1(f) <u><i>The City shall include the following as a condition of approval on any tentative map application:</i></u></p> <p><u><i>“Prior to initiation of ground disturbance activities, the applicant shall develop and submit a Construction Phase Trip Reduction Plan, for review and approval of the FRAQMD, to achieve a minimum average vehicle ridership (AVR) of 1.5 for construction employees.”</i></u></p> <p>4.5-1(g) <u><i>The City shall include the following as a condition of approval on any tentative map application:</i></u></p>	

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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
	S	<p>4.5-1(h) <u>“During construction, all architectural coatings used at the project site shall be compliant with the most current FRAQMD Rule 3.15, Architectural Coatings, for review and approval of the City Engineer and FRAQMD.”</u></p> <p><u>The City shall include the following as a condition of approval on any tentative map application:</u></p> <p><u>“Implement the following feasible construction phase emissions measures for Traffic Control as reviewed and approved by the City Engineer:</u></p> <ul style="list-style-type: none"> • Construction activities shall minimize disruptions to traffic flow; • 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 • Schedule operations affecting traffic for off-peak hours to the greatest extent possible.” <p>Non-Participating Properties</p> <p>4.5-1(i) <u>In conjunction with submittal of a development application for any of the non-participating properties, the applicant shall submit an air quality analysis at the discretion of the Planning Director. The analysis shall</u></p>	SU

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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
		<p><i>include, but not be limited to, quantification of construction and operational emissions, determination of air quality impacts, and identification of mitigation measures needed to reduce any significant impacts. The applicant shall be required to implement mitigation measures recommended in the air quality impact analysis per the review and of <u>by</u> the City Engineer <u>Planning Director</u>.</i></p>	
4.5-2 Impacts of carbon monoxide to local air quality due to project trip generation.	LS	<p><i>Nichols Grove Tentative Map <u>Site</u>, Non-Participating Properties</i></p> <p><i>4.5-2 None Required.</i></p>	N/A
4.5-3 Impacts to residences located next to Union Pacific Railroad.	LS	<p><i>Nichols Grove Tentative Map <u>Site</u>, Non-Participating Properties</i></p> <p><i>4.5-3 None Required.</i></p>	N/A
4.5-4 Impacts of PM ₁₀ , ozone precursors, and ROG on local air quality.	S	<p><i>Nichols Grove Tentative Map <u>Site</u></i></p> <p><i>4.5-4(a) <u>The City shall include the following as a condition of approval on any tentative map application:</u></i></p> <p><i><u>“Prior to initiation of ground disturbance activities, the applicant shall submit an Operational Emissions Reduction Plan for review and approval of the FRAQMD. In addition, the Plan shall be provided to the air district, the public, and the City of Wheatland with adequate time for air district and public review and comment period prior to submittal to the governing board for consideration at a public hearing. The Plan shall be the applicant’s commitment to feasible</u></i></p>	SU

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SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
	S	<p><i>mitigation measures from the BMM list, recommended measures from air district staff, or voluntary off-site mitigation projects sufficient to provide a minimum 35 percent reduction in emissions.”</i></p> <p><i>Non-Participating Properties</i></p> <p><i>4.5-4(b) Implement Mitigation Measure 4.5-1(i). If PM₁₀, ozone precursors, or ROG operational impacts to local air quality are determined to be significant for a particular project, the air quality impact analysis shall require implementation of Mitigation Measure 4.5-4(a).</i></p>	SU
4.5-5 Cumulative impacts to regional air quality.	S	<p><i>Nichols Grove Tentative Map <u>Site</u></i></p> <p><i>4.5-5(a) Implement Mitigation Measures 4.5-4(a).</i></p>	SU
4.5-6 Project impacts concerning the production of greenhouse gases.	S	<p><i>Non-Participating Properties</i></p> <p><i>4.5-5(b) Implement Mitigation Measure 4.5-4(b).</i></p>	SU
	S	<p><i>Nichols Grove Tentative Map <u>Site</u></i></p> <p><i>4.5-6(a) Implement Mitigation Measures 4.5-1(a-d and f-h) and 4.5-4(a).</i></p>	SU
	S	<p><i>Non-Participating Properties</i></p> <p><i>4.5-6(b) Implement Mitigation Measures 4.5-1(i) and 4.5-4(b).</i></p>	SU

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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
4.6 Biological Resources			
4.6-1 Impacts to Valley Elderberry Longhorn Beetles.	PS	<p><i>Nichols Grove Tentative Map <u>Site</u></i></p> <p>4.6-1(a) <u>The City shall include the following as a condition of approval on any tentative map application:</u></p> <p><i>“Per the Guidelines, the USFWS must be contacted if encroachment within the 100-foot buffer is expected and for a Section 7 FESA consultation if elderberry bushes shall be disturbed. The following conditions shall be implemented to minimize impacts to the existing bushes:</i></p> <ul style="list-style-type: none"> • <i>Orange barrier fencing shall be placed a minimum of 20 feet from the drip line of each elderberry plant with one or more stems measuring 1.0 inch or greater in diameter at ground level, and construction personnel and/or activities shall avoid fenced areas;</i> • <i>Project proponent shall employ dust control measures during all construction activities; and</i> • <i>No insecticides, herbicides, fertilizers, or other chemicals shall be applied within 100 feet of elderberry plants with one or more stems measuring 1.0 inch or greater in diameter at ground level during the construction activities. All drainage water during and following construction shall be diverted away from the bushes.”</i> 	LS

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 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p>4.6-1(b) <i>The City shall include the following as a condition of approval on any tentative map application:</i> <i>“If complete avoidance of elderberry plants is not possible, transplantation shall be used as prescribed by the Guidelines to a USFWS-approved conservation area. At the discretion of the USFWS, a plant that would be extremely difficult to move because of access problems may be exempted from transplantation (USFWS 1999). In cases where transplantation is not possible, the minimization ratios may be increased to offset the additional habitat loss.</i></p> <p><i>If elderberry shrubs would be adversely affected by construction (i.e. directly impacted), the elderberry bushes shall be transplanted to a mitigation area in compliance with USFWS standards. A qualified biologist shall be onsite during the transplanting to assure compliance with the Guidelines. Transplanting shall preferably take place between November 1 and February 15 after the bushes have lost the majority of their leaves. Elderberry bushes shall be cut back to three to six feet from the ground or to 50 percent of their height, whichever is tallest. All stems measuring greater than 1-inch shall be transplanted. A backhoe shall be used to excavate a hole of adequate size in the conservation area for each bush, and then the bushes shall be excavated. The root ball and surrounding soil shall be maintained during the transplanting process. Once the plants have</i></p>	

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 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><i>been moved, a water basin shall be placed around each bush that measure three feet in diameter, the walls shall measure eight inches wide and six inches tall.</i></p> <p><i>Each elderberry stem measuring ≥ 1 inch at ground level that is adversely affected (i.e., transplanted or destroyed) must be replaced, in the conservation area, with elderberry seedlings or cuttings at a ratio ranging from 1:1 to 8:1 (new plantings to affected stems). If the USFWS determines that the elderberry plants on the proposed project site are unsuitable candidates for transplanting, the USFWS may require the applicant to plant seedlings or cuttings at a ratio higher than those stated above for each elderberry plant that cannot be transplanted.</i></p> <p><i>Associate native plant seedlings will consist of willows, sycamores (<i>Platanus racemosa</i>), Oregon ash, button willow (<i>Cephalanthus occidentalis</i>), and wild grape (<i>Vitus californicus</i>). Each seedling and associate plant shall be provided with a water basin measuring 3 feet by 8 inches by 6 inches. The conservation area shall be protected in perpetuity and shall be maintained by the project proponent, or delegated third party. Plants shall be manually watered until they are established and watering is no longer necessary. Weed control and vegetation maintenance shall be managed as stated in the Vegetation Maintenance section of the Guidelines.”</i></p>	

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SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
	<p style="text-align: center;"><u>PS</u></p>	<p>4.6-1(c) <u>The City shall include the following as a condition of approval on any tentative map application:</u></p> <p><u>“Any conservation area shall be monitored for 10 consecutive years. Two site visits shall take place each year between 14 February and 30 June by a qualified biologist. The surveys shall include:</u></p> <ul style="list-style-type: none"> • Population census of adult beetles; • Census of beetle exit holes; • Evaluation of the transplanted bush, seedlings, and associated plants; • Evaluation of protective measures (i.e., fencing, signs, and weed control); and • General habitat assessment. <p><u>A yearly report and original field notes shall be prepared describing the conditions as stated above. Reports shall be submitted by 31 December of the same year to the USFWS, Chief of the Endangered Species Branch, Sacramento. Success criteria will be judged on 60 percent survival rate of the elderberry and associate plants. If the success rate drops below 60 percent additional plants shall be planted to assure a 60 percent survival rate.”</u></p> <p>Non-Participating Properties</p>	<p style="text-align: center;"><u>LS</u></p>

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SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p>4.6-1(d) <i>In conjunction with submittal of a development application for any of the non-participating properties, the applicant(s) shall submit a Biological Resources Assessment at the discretion of the Planning Director. The assessment shall include, but not be limited to, identification and analysis of all occurrences of elderberry bushes, impacts to special-status species, and loss of biological resources and/or wetlands, and mitigation to reduce significant impacts. The applicant shall be required to implement all mitigation measures recommended in the assessment.</i></p> <p>4.6-1(e) <i>If suitable Valley elderberry longhorn beetle habitat is determined to exist on any of the non-participating properties, the applicant(s) shall be required to implement Mitigation Measures 4.6-1(a-c).</i></p>	
4.6-2 Impacts to Swainson’s hawk.	PS	<p><i>Nichols Grove Tentative Map <u>Site</u></i></p> <p>4.6-2(a) <u><i>The City shall include the following as a condition of approval on any tentative map application:</i></u></p> <p><i>“If Swainson’s hawks are found nesting within 0.5-mile of the Nichols Grove Tentative Map site appropriate Management Conditions per the Staff report regarding mitigation for impacts to Swainson’s hawks (Buteo swainsoni) in the Central Valley of California (CDFG 1994) shall be required as follows:</i></p>	LS

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 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<ul style="list-style-type: none"> <i>No intensive new disturbances (e.g., heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing activities) or other project-related activities that may cause nest abandonment or forced fledging, shall be initiated within 0.25 miles (buffer zone) of an active nest between March 1 and September 15. The buffer zone should be increased to 0.5 mile in nesting areas away from urban development (i.e., in areas where disturbance [e.g., heavy equipment operation associated with construction, use of draglines, new rock crushing activities] is not a normal occurrence during the nesting season). Nest trees shall not be removed unless there is no feasible way of avoiding the trees. If a nest tree must be removed, a Management Authorization (including conditions to offset the loss of the nest tree) must be obtained from CDFG with the tree removal period specified in the management Authorization, generally between October 1 and February 1.</i> <p><i>If construction or other project-related activities that may cause nest abandonment or forced fledging are necessary within the buffer zone, monitoring of the nest site (funded by the project sponsor) by a qualified biologist (to determine if</i></p>	

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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
		<p><i>the nest is abandoned) shall be required.</i></p> <p><i>If the nest site is abandoned and the nestlings are still alive, the project proponent shall fund the recovery and hacking (controlled release of captive reared young) of the nestlings. Routine disturbances such as agricultural activities, commuter traffic, and routine maintenance activities within 0.25-mile of an active nest should not be prohibited. A qualified wildlife biologist shall verify fledging of nestlings.”</i></p> <p><i>4.6-2(b) <u>The City shall include the following as a condition of approval on any tentative map application:</u></i></p> <p><i>“Prior to initiation of ground disturbance activities, the project applicant and City staff shall consult with CDFG to determine the extent of mitigation necessary for the loss of 239.9 acres of Swainson’s hawk foraging habitat.</i></p> <p><i>Or;</i></p> <p><i>Prior to initiation of ground disturbance activities, upon approval of the pending Yuba-Sutter Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP), the applicant shall participate and incorporate mitigation measures set forth in the NCCP/HCP.”</i></p>	

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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
	PS	<p><i>Non-Participating Properties</i></p> <p>4.6-2(c) <i>Implement Mitigation Measure 4.6-1(d). The assessment shall include an analysis of active nesting sites within 0.5-mile of any of the properties. If Swainson’s hawk nests are found within 0.5-mile of any of the properties, the applicant shall be required to implement Mitigation Measure 4.6-2(a). The assessment shall also determine if the property (or properties) is considered Swainson’s hawk foraging habitat. If the property (or properties) is determined to be Swainson’s hawk foraging habitat, the applicant shall be required to implement Mitigation Measure 4.6-2(b).</i></p>	LS
4.6-3 Impacts to Western burrowing owls.	PS	<p><i>Nichols Grove Tentative Map <u>Site</u></i></p> <p>4.6-3(a) <u><i>The City shall include the following as a condition of approval on any tentative map application:</i></u></p> <p><u><i>“The Staff Report on Burrowing Owl Mitigation, published by CDFG (1995), recommends pre-construction surveys shall be conducted to locate active burrowing owl burrows. Prior to issuance of grading permits initiation of any ground disturbance activities, this preconstruction survey shall be conducted by a qualified biologist or ornithologist during both the wintering and nesting season, unless the species is detected on the first survey. If possible, the winter survey shall be conducted between December 1 and January 31</i></u></p>	LS

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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
		<p><i>(when wintering owls are most likely to be present) and the nesting season survey should be conducted between April 15 and July 15 (the peak of breeding season). Surveys conducted from two hours before sunset to one hour after, or from one hour before to two hours after sunrise, are preferable. The survey techniques shall be consistent with the Staff Report survey protocol and include a 260-foot-wide buffer zone surrounding the project area. Repeat surveys should also be conducted not more than 30 days prior to initial ground disturbance to inspect for re-occupation and the need for additional protection measures. The survey(s) shall be paid by the applicant and approved by the City.”</i></p> <p>4.6-3(b) <u>The City shall include the following as a condition of approval on any tentative map application:</u></p> <p><u>“If no burrowing owls are detected during preconstruction surveys, then no further mitigation is required. If active burrowing owl burrows are identified, project activities shall not disturb the burrow during the nesting season (February 1–August 31) or until a qualified biologist has determined that the young have fledged or the burrow has been abandoned. A no disturbance buffer zone of 160-feet is required to be established around each burrow with an active nest until the young have fledged the burrow as determined by a qualified biologist.”</u></p>	

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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
		<p>4.6-3(c) <u>The City shall include the following as a condition of approval on any tentative map application:</u></p> <p><u>“If destruction of the occupied burrow is unavoidable during the non-breeding season, September 1– January 31, passive relocation of the burrowing owls shall be conducted. Passive relocation involves installing a one-way door at the burrow entrance, encouraging owls to move from the occupied burrow. No permit is required to conduct passive relocation; however, this process shall be conducted by a qualified biologist and in accordance with CDFG mitigation measures. In addition, to offset the loss of foraging and burrow habitat on the project site, a minimum of 6.5 acres of foraging habitat (calculated on a 300-ft foraging radius around the burrow) per pair or unpaired resident bird, shall be acquired and permanently protected at a location acceptable to the CDFG.”</u></p> <p>4.6-3(d) <u>The City shall include the following as a condition of approval on any tentative map application:</u></p> <p><u>“If burrowing owls are identified on the project site, the City of Wheatland must receive copies of the Mitigation Agreement by and between the applicant and CDFG, prior to the issuance of grading permits initiation of any ground disturbing activities for the proposed project.”</u></p>	

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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
	PS	<p><i>Non-Participating Properties</i></p> <p>4.6-3(e) <i>Implement Mitigation Measure 4.6-1(d). If suitable burrowing owl habitat is determined to exist on any of the non-participating properties, the applicant(s) shall be required to implement Mitigation Measures 4.6-3(a-d).</i></p>	LS
4.6-4 Impacts to raptors.	PS	<p><i>Nichols Grove Tentative Map <u>Site</u></i></p> <p>4.6-4(a) <u><i>The City shall include the following as a condition of approval on any tentative map application:</i></u></p> <p><u><i>“A qualified wildlife biologist shall conduct a pre-construction raptor survey during April-May, or no more than 30 days prior to construction activities, to determine the presence/absence of nesting raptors in the project site. Should nesting raptors be observed, appropriate spatial and temporal buffers shall be required by CDFG. In addition, larger trees (i.e., ≥12” dbh) to be removed shall be removed between September 1 and March 1 to ensure that active raptor nests are not removed as a result of construction-related activities.”</i></u></p>	LS
	PS	<p><i>Non-Participating Properties</i></p> <p>4.6-4(b) <i>Implement Mitigation Measure 4.6-1(d). If the property(ies) is determined to contain raptor nesting habitat, the applicant shall be required to implement</i></p>	LS

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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
4.6-5 Impacts to Migratory Songbirds/Passerines.	PS	<p><i>Mitigation Measure 4.6-4(a).</i></p> <p><i>Nichols Grove Tentative Map <u>Site</u></i></p> <p>4.6-5(a) <u>The City shall include the following as a condition of approval on any tentative map application:</u></p> <p><i>“All vegetation (i.e., trees, shrubs) that would need to be removed for construction shall be cut down between September 16 and February 14 (outside the nesting season for migratory bird species with potential to occur on the site) to ensure that active nests are not removed as a result of the project. To avoid potential erosion impacts, vegetation removal shall be limited to cutting of shrubs and trees at ground level to maintain the root system. Once the rainy season has passed, the root systems can be removed. If all vegetation removal associated with construction activities is completed between September 16 and February 14, no pre-construction surveys or additional mitigation is required.”</i></p> <p>4.6-5(b) <u>The City shall include the following as a condition of approval on any tentative map application:</u></p> <p><i>“To avoid impacts to migratory nesting birds during the breeding season (February 15 through September 15), a qualified biologist approved by the USFWS shall conduct a pre-construction survey of all suitable nesting</i></p>	LS

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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
	PS	<p><i>habitat within the project site no more than 30 days prior to construction. If nesting migratory birds are not detected, no further mitigation shall be necessary.</i></p> <p><i>If nesting migratory birds are detected, a no-disturbance buffer per USFWS shall be established during the nesting season and no construction shall occur within the buffer area until a qualified biologist confirms that there was no nesting attempt or that the fledglings are no longer occupying the area. Additionally, signs shall be placed locating areas to be avoided.”</i></p> <p><i>Non-Participating Properties</i></p> <p><i>4.6-5(c) Implement Mitigation Measure 4.6-1(d). If suitable migratory songbird and/or passerine habitat is determined to exist on any of the non-participating properties, the applicant(s) shall be required to implement Mitigation Measures 4.6-5(a-b).</i></p>	LS
4.6-6 Impacts to Yuma Myotis Bat.	PS	<p><i>Nichols Grove Tentative Map <u>Site</u></i></p> <p><i>4.6-6(a) <u>The City shall include the following as a condition of approval on any tentative map application:</u></i></p> <p><i>“A pre-construction survey for roosting bats shall be performed by a qualified biologist within 30 days prior to any removal of trees or structures on the site. If no active roosts are found, then no further action would be</i></p>	LS

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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
		<p>warranted. If either a maternity roost or hibernacula (structures used by bats for hibernation) is present, the following mitigation measures shall be implemented.”</p> <p>4.6-6(b) <u>The City shall include the following as a condition of approval on any tentative map application:</u> <i>“If active maternity roosts or hibernacula are found in trees or structures which will be removed as part of project construction, the project shall be redesigned to avoid the loss of the tree or structure occupied by the roost to the extent feasible as determined by the City. If an active maternity roost is located and the project cannot be redesigned to avoid removal of the occupied tree or structure, demolition shall commence before maternity colonies form (i.e., prior to March 1) or after young are volant (flying) (i.e., after July 31). Disturbance-free buffer zones as determined by a qualified biologist in coordination with the California Department of Fish and Game shall be observed during the maternity roost season (March 1 - July 31).”</i></p> <p>4.6-6(c) <u>The City shall include the following as a condition of approval on any tentative map application:</u> <i>“If a non-breeding bat hibernacula is found in a tree or structure scheduled for removal, the individuals shall be safely evicted, under the direction of a qualified biologist (as determined by a Memorandum of</i></p>	

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SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
	PS	<p><i>Understanding with the California Department of Fish and Game), by opening the roosting area to allow airflow through the cavity. Demolition shall then follow at least one night after initial disturbance for airflow. This action should allow bats to leave during darkness, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. Trees or structures with roosts that need to be removed shall first be disturbed at dusk, just prior to removal that same evening, to allow bats to escape during the darker hours.”</i></p> <p>4.6-6(d) <u>The City shall include the following as a condition of approval on any tentative map application:</u></p> <p><u>“If special-status bats are found roosting within trees or structures on-site that require removal, appropriate replacement roosts shall be created at a suitable location on-site or off-site in coordination with a qualified biologist, the California Department of Fish and Game, and the City of Wheatland.”</u></p> <p><i>Non-Participating Properties</i></p> <p>4.6-6(e) <i>Implement Mitigation Measure 4.6-1(d). If suitable Yuma myotis bat habitat is determined to exist on any of the non-participating properties, the applicant(s) shall be required to implement Mitigation Measures 4.6-6(a-</i></p>	LS

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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
4.6-7 Impacts to western pond turtle.	PS	<p>d).</p> <p><i>Nichols Grove Tentative Map <u>Site</u></i></p> <p>4.6-7(a) <u>The City shall include the following as a condition of approval on any tentative map application:</u></p> <p><i>“A qualified biologist shall conduct a pre-construction survey for western pond turtles in all construction areas identified as potential nesting or dispersal habitat located within 1,000 feet of potential aquatic habitat 48 hours prior to initiation of construction activities. If western pond turtle is found during pre-construction surveys, the turtle(s) shall be relocated as necessary to a location deemed suitable by the biologist and CDFG (i.e., at a location which is a sufficient distance from construction activities). This survey shall include looking for turtle nests within the construction area. If a nest is found within the construction area, construction shall not take place within 100 feet of the nest until the turtles have hatched and have left the nest or can be safely relocated with assistance from CDFG.”</i></p> <p>4.6-7(b) <u>The City shall include the following as a condition of approval on any tentative map application:</u></p> <p><i>“Because attempting to locate pond turtle nests will not result in a realistic probability of detection, after completion of pre-construction surveys, and relocation</i></p>	LS

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SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><i>as necessary, exclusion fencing shall be placed around all construction-sites adjacent to aquatic habitats to eliminate the possibility of nest establishment in uplands adjacent to aquatic areas.”</i></p> <p>4.6-7(c) <u><i>The City shall include the following as a condition of approval on any tentative map application:</i></u></p> <p><i>“If construction activities occur in aquatic areas where turtles have been identified during pre-construction or other surveys, a biological monitor shall be present during disturbance of those aquatic habitats. If any turtle is found, the turtle(s) shall be relocated as necessary to a location deemed suitable by the biologist and CDFG (i.e., at a location which is a sufficient distance from construction activities).”</i></p> <p>4.6-7(d) <u><i>The City shall include the following as a condition of approval on any tentative map application:</i></u></p> <p><i>“A qualified biologist shall provide project contractors and construction crews with a worker-awareness program before any work within aquatic habitats or adjacent upland habitats that are appropriate for western pond turtles. This program shall be used to describe the species, its habits and habitats, its legal status and required protection, and all applicable mitigation measures.”</i></p>	

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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
	PS	<p><i>Non-Participating Properties</i></p> <p>4.6-7(e) <i>Implement Mitigation Measure 4.6-1(d). If suitable western pond turtle habitat is determined to exist on any of the non-participating properties, the applicant(s) shall be required to implement Mitigation Measures 4.6-7(a-d).</i></p>	LS
4.6-8 Impacts to Essential Fish Habitat.	LS	<p><i>Nichols Grove Tentative Map <u>Site</u>, Non-Participating Properties</i></p> <p>4.6-8 <i>None Required.</i></p>	N/A
4.6-9 Impacts to Natural Woodland Resources.	PS	<p><i>Nichols Grove Tentative Map <u>Site</u></i></p> <p>4.6-9(a) <i>Prior to approval of the project improvement plans<u>In conjunction with submittal of any tentative map application, an ISA Certified Arborist shall review the plans and provide a detailed impact assessment, including identification of trees which may require removal for home construction and other contemplated site development activities. This will be particularly important if homes, residential and/or pedestrian activities fall within or near the fall zone of a tree which has been noted as having structural defects, questionable long-term longevity and/or a conditional rating which is less than “Fair,” and for trees which measure 16 inches or greater in diameter which will be retained with close proximity to development, particularly trees which will be retained on home sites, as trees of this size may pose a more significant hazard</u></i></p>	LS

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 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
	PS	<p><i>if a sudden limb shed and/or catastrophic failure should occur. The review shall also include an assessment of impacts that will be sustained by the trees retained within the development area, along with specific recommendations on a tree-by-tree basis to help reduce adverse impacts of construction on the retained trees, where possible. The ISA Certified Arborist shall subsequently prepare a Tree Preservation Report, which includes a requirement of 1:1 tree replacement ration. The Report shall include preservation recommendations, with consideration given to the recommendations made in the Nichols Ranch, LP Arborist Report prepared by Sierra Nevada Arborists, dated January 23, 2007.</i></p> <p><i>Non-Participating Properties</i></p> <p><i>4.6-9(b) In conjunction with submittal of a development application for any of the non-participating properties, the applicant(s) shall submit an arborist report at the discretion of the Planning Director. The report shall evaluate the structure and vigor of each tree 6 inches or greater in diameter at breast height, as well as include recommendations for removal of trees which may be hazardous due to nature and extent of defects, compromised health, and/or structural instability and proximity to planned development activities. The developer shall comply with and implement the approved report.</i></p>	LS

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SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
4.6-10 Impacts to wetlands and other Waters of the United States.	PS	<p><i>Nichols Grove Tentative Map <u>Site</u></i></p> <p>4.6-10(a) <u>The City shall include the following as a condition of approval on any tentative map application:</u> <i>“Prior to initiation of ground disturbance activities, the applicant shall consult with the Army Corps of Engineers with respect to the potential impacts to the wetlands identified in the formal wetland delineation previously accepted by the Army Corps of Engineers. If the Army Corps of Engineers determines that jurisdictional waters on or off the project site would not be impacted by the proposed project, no further mitigation is necessary. If the Corps determines that jurisdictional waters are present on- or off-site, which may be impacted by the project, the appropriate CWA Section 404 permit shall be acquired by the applicant for the construction of the proposed project and the filling of the existing ditches, if applicable. CWA Section 401 water quality certification or waiver will also be required. An individual permit under Section 404 of the Clean Water Act is required for impacts to waters of the U.S., including wetlands greater than 0.5 acres. As part of the individual permit, National Environmental Protection Act (NEPA) compliance and a Section 404(b) (1) Alternatives Analysis must be completed. In addition, Regional Water Quality Control Board certification is required pursuant to Section 401 of the Clean Water Act to obtain an individual permit. A copy of the approved</i></p>	LS

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 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><i>Section 404 permit shall be provided to the Planning Director prior to initiation of ground disturbance activities.</i>”</p> <p>4.6-10(b) <u><i>The City shall include the following as a condition of approval on any tentative map application:</i></u></p> <p><u><i>“Prior to initiation of ground disturbance activities, the applicant shall submit to the California Department of Fish and Game (CDFG) a formal wetland delineation based on current regulations of the Army Corps of Engineers. If the CDFG determines that jurisdictional waters on or off the project site would not be impacted by the proposed project, no further mitigation is necessary. If the CDFG determines that jurisdictional waters are present on- or off-site, which may be impacted by the project, a Streambed Alteration Agreement shall be obtained from CDFG, pursuant to Section 1600 of the California Fish and Game Code, for any activities affecting the bed, bank, or associated riparian vegetation. If required, the project applicant shall coordinate with CDFG in developing appropriate mitigation, and shall abide by the conditions of any executed permits for any work related to the outfall.”</i></u></p> <p>4.6-10(c) <u><i>The City shall include the following as a condition of approval on any tentative map application:</i></u></p>	

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 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
	PS	<p><i>“If the project would result in impacts to the jurisdictional wetlands identified on the project site, the acreage of jurisdictional habitat removed shall be replaced on a “no-net-loss” basis in accordance with Corps and CDFG regulations. A conceptual on-site wetlands mitigation plan, including an agreed-upon replacement ratio of wetlands with the Corps. The mitigation plan shall quantify the total jurisdictional acreage lost, describe creation/replacement ratio for acres filled, annual success criteria, potential mitigation-sites, and monitoring and maintenance requirements. The plan shall be prepared by a qualified biologist pursuant to, and through consultation with, the Corps. The plan may include funding mechanisms for future maintenance of the wetland and riparian habitat, which may include an endowment or other funding from the project applicant.”</i></p> <p><i>Non-Participating Properties</i></p> <p><i>4.6-10(d) Implement Mitigation Measure 4.6-1(d). If wetlands and/or Waters of the United States are identified the applicant shall conduct a formal wetland delineation based on current regulations of the Army Corps of Engineers. Following acceptance of the delineation by the Army Corps of Engineers, the applicant(s) shall be required to implement Mitigation Measures 4.6-10(a-c).</i></p>	LS

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SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
4.6-11 Cumulative loss of biological resources in the City of Wheatland and the effects of ongoing urbanization in the region.	LS	<i>Nichols Grove Tentative Map Site, Non-Participating Properties</i> 4.6-11 <i>None Required.</i>	N/A
4.7 Cultural Resources			
4.7-1 Disturbance or destruction of previously unknown archaeological resources on the project site.	PS	<i>Nichols Grove Tentative Map Site</i> 4.7-1(a) <u><i>The City shall include the following as a condition of approval on any tentative map application:</i></u> <u><i>“During ground disturbance activities, an archeological monitor shall be present to oversee operations both on- and off-site. If any earth-moving activities uncover any concentrations of stone, bone or shellfish, any artifacts of these materials, or any evidence of fire (ash, charcoal, fire altered rock, or earth), work shall be halted in the immediate area of the find and shall not be resumed until after a qualified archaeologist has inspected and evaluated the deposit and determined the appropriate means of curation. The appropriate mitigation measures may include as little as recording the resource with the California Archaeological Inventory database or as much as excavation, recordation, and preservation of the sites that have outstanding cultural or historic significance.”</i></u>	LS

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 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p>4.7-1(b) <u>The City shall include the following as a condition of approval on any tentative map application:</u></p> <p><u>“In the event that any archaeological deposits are discovered during construction or grading, further grading or trenching within 50 feet of the discovery shall be halted until a plan has been submitted to the Planning Director for the evaluation of the resource as required under current CEQA Guidelines. If evaluation concludes the archaeological deposit is eligible for inclusion on the California Register of Historic Resources, a plan for the mitigation of impacts to the resource shall also be submitted to the Planning Director for approval.”</u></p> <p>4.7-1(c) <u>The City shall include the following as a condition of approval on any tentative map application:</u></p> <p><u>“During construction, if bone is uncovered that may be human, the California Native American Heritage Commission, located in Sacramento, and the Yuba County Coroner shall be notified. Should human remains be found, all work shall be halted until final disposition by the Coroner. Should the remains be determined to be of Native American descent, the Native American Heritage Commission shall be consulted to determine the appropriate disposition of such remains.”</u></p>	

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SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
	PS	<p><i>Non-Participating Properties</i></p> <p>4.7-1(d) <i>In conjunction with submittal of an application for any of the non-participating properties, the applicant shall provide a cultural resources assessment, at the discretion of the Planning Director, analyzing any potential on-site archaeological and/or historical resources. The cultural resources report shall recommend mitigation measures, if applicable, and the applicant shall be required to adhere to the mitigation measures recommended in the cultural resources assessment, ensuring that adverse impacts to resources would not result from project implementation.</i></p> <p>4.7-1(e) <i>Implement Mitigation Measures 4.7-1(a-c).</i></p>	LS
4.7-2 Impacts to existing structures.	LS	<p><i>Nichols Grove Tentative Map <u>Site</u></i></p> <p><i>None Required.</i></p>	N/A
	PS	<p><i>Non-Participating Properties</i></p> <p>4.7-2 <i>Implement Mitigation Measure 4.7-1(d).</i></p>	LS
4.7-3 Disturbance or destruction of previously unknown archaeological resources in combination with other development in the Wheatland area.	LS	<p><i>Nichols Grove Tentative Map <u>Site</u>, Non-Participating Properties</i></p> <p>4.7-3 <i>None Required.</i></p>	N/A

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SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
4.8 Geology and Soils			
4.8-1 Damage to foundations, pavement, and other structures from expansive soils.	PS	<p><i>Nichols Grove Tentative Map Site</i></p> <p>4.8-1(a) <u>The City shall include the following as a condition of approval on any tentative map application:</u></p> <p><u>“Prior to approval of final maps Improvement Plans, a final design-level geotechnical report shall be prepared and submitted to the City for review and approval. The geotechnical consultant shall consider the recommendations made in the Preliminary Geotechnical Engineering Reports prepared by Wallace Kuhl & Associates (February 2003 and March 2004) for the Nichols Grove project including, but not limited to, the recommendations regarding expansive soils/ loose/ previously filled areas. The recommendations of the final geotechnical report shall be incorporated into the project design prior to issuance of building permits for the review and approval of the City Engineer.”</u></p>	LS
	PS	<p><i>Non-Participating Properties</i></p> <p>4.8-1(b) <i>In conjunction with development application submittal for any of the non-participating properties, the project applicant shall submit a design-level geotechnical study to the City Engineer for review and approval, which specifically addresses whether expansive soils or soils prone to liquefaction are present in the development area, and includes measures to address these soils where</i></p>	LS

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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
		<p><i>they occur. All grading and foundation plans designed by the project Civil and Structural Engineer must be reviewed and approved by the City Engineer and Building Inspector prior to initiation of ground disturbance activities and issuance of building permits, to ensure that all geotechnical recommendations specified in the geotechnical report are properly incorporated and utilized in design. In addition, all projects shall comply with UBC standards.</i></p>	
<p>4.8-2 Loss of structural support due to liquefaction.</p>	<p>PS</p>	<p><i>Nichols Grove Tentative Map <u>Site</u></i></p> <p><i>4.8-2(a) Implement Mitigation Measure 4.8-1(a).</i></p>	<p>LS</p>
	<p>PS</p>	<p><i>Non-Participating Properties</i></p> <p><i>4.8-2(b) Implement Mitigation Measure 4.8-1(b).</i></p>	<p>LS</p>
<p>4.8-3 Impacts related to seismic activity.</p>	<p>LS</p>	<p><i>Nichols Grove Tentative Map <u>Site</u>, Non-Participating Properties</i></p> <p><i>4.8-3 None Required.</i></p>	<p>N/A</p>
<p>4.8-4 Construction-related increases in soil erosion.</p>	<p>PS</p>	<p><i>Nichols Grove Tentative Map <u>Site</u>, Non-Participating Properties</i></p> <p><i>4.8-4 <u>The City shall include the following as a condition of approval on any tentative map application:</u></i></p> <p><i>“Prior to the approval of the Improvement Plans, the project applicant shall prepare and submit an erosion control plan to the City Engineer for review and approval. The erosion control plan shall utilize standard</i></p>	<p>LS</p>

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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
		<p>construction practices to limit the erosion effects during construction. Measures could include, but are not limited to the following:</p> <ul style="list-style-type: none"> • 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.” 	
4.8-5 Long-term geologic and seismic impacts from the proposed project in combination with existing and future developments in the Wheatland area.	LS	<p><i>Nichols Grove Tentative Map Site, Non-Participating Properties</i></p> <p>4.8-5 None Required.</p>	N/A
4.9 Hazards			
4.9-1 Impacts from burn piles and other on-site farm implements.	PS	<p><i>Nichols Grove Tentative Map Site</i></p> <p>4.9-1(a) <u>The City shall include the following as a condition of approval on any tentative map application:</u></p>	LS

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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
	PS	<p><i>“If during removal of all on-site debris by the project contractor, visual or olfactory evidence of potential soil contamination is observed, the project applicant shall contact Wallace Kuhl (or other similarly qualified firm), the property owner, the City, and the Yuba County Environmental Health Department for further assessment. If these parties determine that the items are not hazardous, they shall be removed and discarded in accordance with local standards at the expense of the applicant. If these parties determine that subsurface hazardous substances are located onsite, these substances shall be removed and the soil remediated to the satisfaction of the City of Wheatland and the Yuba County Environmental Health Department, at the expense of the applicant.”</i></p> <p><i>Non-Participating Properties</i></p> <p><i>4.9-1(b) In conjunction with submittal of a development application, the applicant(s) shall submit a Phase 1 Environmental Site Assessment for any of the non-participating properties to determine if any on-site structures contain hazards and to identify soil contamination, potential hazards related to nearby properties, and the location of wells, aboveground storage tanks, stored items and debris. The Phase 1 Environmental Site Assessment shall identify and include mitigation measures necessary to reduce significant</i></p>	LS

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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
4.9-3 Impacts from aboveground storage tanks.	PS	<p><i>Nichols Grove Tentative Map Site</i></p> <p>4.9-3(a) <u>The City shall include the following as a condition of approval on any tentative map application:</u> <i>“Before site grading and excavation of soils in the area of ASTs and fuel dispensers, the area shall be evaluated for unusual odors, visible discoloration, or other indications of soil contamination. If soils suspected of being contaminated are encountered, they shall be stockpiled on plastic sheeting. Stockpiled soils shall be sampled in accordance with RWQCB guidelines, and the findings forwarded to the RWQCB for review. Further remediation, if necessary, and disposal of the soils shall be conducted in accordance with State and federal guidelines.”</i></p>	LS
	PS	<p><i>Non-Participating Properties</i></p> <p>4.9-3(b) <i>Implement Mitigation Measure 4.9-1(b). If aboveground storage tanks are located on site, the applicant shall implement Mitigation Measure 4.9-3(a) to the satisfaction of the City of Wheatland and the Yuba County Environmental Health Department, at the expense of the applicant(s).</i></p>	LS
4.9-4 Impacts from Polychlorinated Biphenyls (PCBs).	PS	<p><i>Nichols Grove Tentative Map Site</i></p> <p>4.9-4(a) <u>The City shall include the following as a condition of approval on any tentative map application:</u></p>	LS

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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
	PS	<p><u>“Prior to the issuance of building permits, the applicant shall coordinate with PG&E to sample and analyze the contents of the project site transformers. If the transformers are found to be PCB transformers, the transformers shall be disposed of subject to the regulations of the Toxic Substances Control Act (TSCA) under the authority of the Yuba County Environmental Health Department.”</u></p> <p><i>Non-Participating Properties</i></p> <p>4.9-4(b) <i>Prior to the issuance of building permits for any properties containing electrical transformers, the applicant(s) shall implement Mitigation Measure 4.9-4(a) to the satisfaction of the City of Wheatland and the Yuba County Environmental Health Department, at the expense of the applicant(s).</i></p>	LS
4.9-5 Impacts from existing on-site structures and exposure of construction workers to asbestos and lead-based paint.	PS	<p><i>Nichols Grove Tentative Map <u>Site</u></i></p> <p>4.9-5(a) <u><i>The City shall include the following as a condition of approval on any tentative map application:</i></u></p> <p><u><i>“Prior to issuance of a demolition permit by the City for any onsite structures, the project proponent shall provide a site assessment that determines whether any structures to be demolished contain lead paint. If structures do not contain lead-based paint, further mitigation is not required. If lead-based paint is found,</i></u></p>	LS

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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
	PS	<p><i>all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with local, state, and federal regulations. The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing lead paint in accordance with local, state, and federal regulations subject to approval of the City Engineer.”</i></p> <p><i>Non-Participating Properties</i></p> <p><i>4.9-5(b) Implement Mitigation Measure 4.9-5(a).</i></p> <p><i>4.9-5(c) Prior to issuance of a demolition permit by the City for any onsite structures, the project proponent shall provide a site assessment that determines whether any structures to be demolished contain asbestos. If structures do not contain asbestos, further mitigation is not required. If any structures contain asbestos, the application for the demolition permit shall include an asbestos abatement plan consistent with local, State, and federal standards, subject to approval by the City Engineer.</i></p>	LS
4.9-6 Presence of pesticide and/or herbicide residues in project site	LS	<i>Nichols Grove Tentative Map <u>Site</u></i>	N/A

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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
soils.	PS	<p><i>None Required.</i></p> <p><i>Non-Participating Properties</i></p> <p>4.9-6 <i>Implement Mitigation Measure 4.9-1(b). The Phase 1 Environmental Site Assessment shall include surficial soil samples to determine the presence of pesticides. If pesticide concentrations higher than the allowable threshold are detected, the assessment shall include the appropriate mitigation including, but not limited to, soil remediation to an acceptable TTLC level per applicable State and federal regulations, as identified in the Phase 1 Environmental Site Assessment.</i></p>	LS
4.9-7 Impacts of the McDevitt Drive extension on petroleum and natural gas pipelines.	PS	<p><i>Nichols Grove Tentative Map <u>Site</u></i></p> <p>4.9-7(a) <u><i>The City shall include the following as a condition of approval on any tentative map application:</i></u></p> <p><i>“Prior to construction in the petroleum or natural gas pipelines rights-of-way, the project applicant in coordination with the City’s Public Works Department shall contact representatives from Kinder Morgan and PG&E, and endeavor to meet with them on the project site in order to prepare site-specific safety guidelines for construction in the field to the satisfaction of the Public Works Director. Should Kinder Morgan and/or PG&E decline to participate in the development of safety guidelines, the City shall retain a consulting firm</i></p>	LS

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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
		<p><i>qualified to assist with the preparation of such guidelines. These guidelines shall include provisions relating to the identification and protection of existing gas and petroleum pipelines on the project site. The safety guidelines shall be noted on the improvement plans and be included in all construction contracts involving the project site.”</i></p> <p>4.9-7(b) <u><i>The City shall include the following as a condition of approval on any tentative map application:</i></u></p> <p><u><i>“During construction in the petroleum or natural gas pipelines’ rights-of-way, an on-site safety manager shall be designated to address any discovered release or accidental rupture of the pipeline(s) that might occur during construction. The on-site safety manager shall obtain and keep in a readily available location the emergency response plans of fuel line operators and the appropriate contact phone numbers for emergencies. This requirement shall be noted on the improvement plans and shall be included in all construction contracts for the review and approval of the Public Works Director.”</i></u></p> <p>4.9-7(c) <u><i>The City shall include the following as a condition of approval on any tentative map application:</i></u></p>	

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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
	PS	<p><i>“Prior to construction in the petroleum or natural gas pipeline’s rights-of-way, the project applicant in coordination with the City shall endeavor to coordinate with Kinder Morgan and PG&E to ensure that service from the pipelines within the project area is not affected.”</i></p> <p><i>Non-Participating Properties</i></p> <p>4.9-7(d) <i>Implement Mitigation Measure 4.9-1(b). If natural gas pipelines are determined to be present on-site, Mitigation Measures 4.9-7(a-c) shall be implemented.</i></p>	LS
4.9-8 Long-term hazard-related impacts from the proposed project in combination with existing and future developments in the Wheatland area.	LS	<p><i>Nichols Grove Tentative Map <u>Site</u>, Non-Participating Properties</i></p> <p>4.9-8 <i>None Required.</i></p>	N/A
4.10 Hydrology and Water Quality			
4.10-1 Impact from project stormwater runoff.	PS	<p><i>Nichols Grove Tentative Map <u>Site</u></i></p> <p>4.10-1(a) <i><u>A project-level drainage report was prepared for the originally submitted Nichols Ranch Small-Lot Tentative Map Application, entitled, “Nichols Ranch Draft Drainage Report,” dated November 2007. This project-level drainage report identified a series of drainage improvements that, if incorporated into the proposed drainage system for the project, would provide sufficient stormwater detention basin and pipe capacity to</u></i></p>	LS

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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
		<p><u>accommodate the project's runoff. Development of the project shall incorporate the improvements described in the drainage plan; however, the proposed Nichols Grove drainage plan shall be modified to include the following recommendations set forth in the The Nichols Ranch Draft Drainage Report, dated November 2007, for the review and approval of the City Engineer prior to the initiation of ground disturbance activities identified the following modifications to the proposed drainage system:</u></p> <ul style="list-style-type: none"> • Storm drainlines upstream from the DNR-2D detention basin shall be sized for the 100-year flows starting with the 100-year hydraulic grade at Nodes 203; • Storm drainlines south of the north Branch of Grasshopper Slough (Tributary 2) shall be designed for the 10-year flow; • Flows exceeding the 100-year flows in the DNR2C detention basin shall be drained to Tributary 2 of Grasshopper Slough; • The existing 12-inch culvert, located in the western portion of the project, shall be replaced with a 10-foot by 3-foot box culvert to return Tributary 2 of Grasshopper Slough to the historical flow levels; and • The existing 18-inch culvert that connects Tributary 2 of Grasshopper Slough with the adjacent low-lying field shall be removed. 	

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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
		<p><u>Given that the project now only includes program-level entitlements, any future tentative map application(s), depending upon the proposed lotting arrangement, could require further modifications to the proposed drainage design set forth in the November 2007 Nichols Ranch Draft Drainage Report. As a result, in conjunction with submittal of any subsequent tentative map application for development within the Nichols Grove annexation area, the applicant(s) shall be required to submit a site-specific drainage study. The drainage study shall incorporate recommendations set forth in the Nichols Grove Draft Drainage Report, dated November 2007, as applicable. The site-specific drainage study shall be reviewed and approved by the Planning Commission and/or City Council in conjunction with the review of the tentative map(s).</u></p> <p>4.10-1(b) <u>The City shall include the following as a condition of approval on any tentative map application:</u></p> <p><u>“Prior to the issuance of building permits, the applicant shall fund the necessary improvements for the addition of 11 cfs of pumping capacity to the existing pump station for the City detention basin south of Dry Creek, for the review and approval of the City Engineer, unless otherwise determined via implementation of Mitigation Measure 4.10-1(a).”</u></p>	

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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
	PS	<p><i>Non-Participating Properties</i></p> <p>4.10-1(c) <i>In conjunction with submittal of a development application for any non-participating properties, the applicant(s) shall submit a Drainage Report, analyzing the water quality and hydrology impacts of the non-participating properties. The report shall identify pre- and post-project stormwater flows and include necessary mitigation to reduce post-project flows to at or below pre-project levels. The drainage report shall include, but not be limited to, a study of stormwater runoff for 100-year and two-year scenarios. The applicant shall be required to adhere to the recommendations in the report for the review and approval of the City Engineer.</i></p>	LS
4.10-2 Detention basin maintenance.	PS	<p><i>Nichols Grove Tentative Map Site, Non-Participating Properties</i></p> <p>4.10-2 <u><i>The City shall include the following as a condition of approval on any tentative map application:</i></u></p> <p><u><i>“In conjunction with submittal of Improvement Plans, The applicant(s) shall develop submit a long-term maintenance and funding strategy for the drainage improvements for the review and approval of the City Engineer prior to the recording of final map. The strategy shall include, but not limited to, the following:</i></u></p> <ul style="list-style-type: none"> • <i>Dispersion of alluvial sediment deposition at inlet structures, thus limiting the extended</i> 	LS

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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
		<p><i>localized ponding of water;</i></p> <ul style="list-style-type: none"> • <i>Periodic sediment removal;</i> • <i>Monitoring of the facility to ensure the site is completely and properly drained;</i> • <i>Outlet riser cleaning;</i> • <i>Vegetation management to prevent marsh vegetation from taking hold, and to limit habitat for disease-carrying fauna;</i> • <i>Removal of graffiti, grass trimmings, weeds, tree pruning, leaves, litter, and debris;</i> • <i>Preventative maintenance on monitoring equipment;</i> • <i>Vegetative stabilization of eroding banks and basal areas;</i> • <i>Animal and vector control;</i> • <i>Structural inspection; and</i> • <i>Funding plan for the above strategies.”</i> 	
4.10-3 Degradation of water quality.	PS	<p><i>Nichols Grove Tentative Map <u>Site</u></i></p> <p>4.10-3(a) <u><i>The City shall include the following as a condition of approval on any tentative map application:</i></u></p> <p><u><i>“Prior to initiation of ground disturbance activities, the applicant shall obtain a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the Regional Water Quality Control Board. The permit is required to control both construction and operation activities that may adversely affect water</i></u></p>	LS

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SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
	PS	<p><i>quality. The General Permit requires the applicant to file a Notice of Intent (NOI) with the SWRCB and prepare a Stormwater Pollution Prevention Plan (SWPPP) that describes the site, erosion and sediment controls using Best Management Practices (BMPs) and Best Available Technologies (BATs). The SWPPP shall also include means of waste disposal, implementation of approved local plans, control of post-construction sediment and erosion control. Typical BMPs that could be used during construction of the proposed projects include, but are not limited to temporary facilities such as straw wattles and sandbags. Temporary facilities will capture a majority of the siltation resulting from construction activities prior to discharging into existing natural channels. The construction contractor shall be required to monitor and maintain all BMPs during construction to ensure they function properly for review and approval of the City Engineer.”</i></p> <p><i>Non-Participating Properties</i></p> <p><i>4.10-3(b) Non-participating properties that would disturb more than one acre shall be required to implement Mitigation Measure 4.10-3(a). The report shall include site-specific recommendations for BMPs, as well as mitigate for all other significant impacts to water quality.</i></p>	LS
4.10-4 Impacts to groundwater recharge.	LS	<i>Nichols Grove Tentative Map <u>Site</u>, Non-Participating Properties</i>	N/A

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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
4.10-5 Impacts related to regional flooding.	S	<p>4.10-4 <i>None required.</i></p> <p>Nichols Grove Tentative Map Site, and Non-Participating Properties</p> <p>4.10-5(a) <i>Flood Related Mitigation.</i></p> <ol style="list-style-type: none"> 1. <i>General. Except for development in the Phase 1 Development Grading Plan area that may be permitted pursuant to 4.10-5(b) below, future development of the project will require, and cannot proceed without, the completion of flood control or other improvements to mitigate flooding from the Bear River and Dry Creek sources and to provide the project property with an “urban level of flood protection,” defined as the level of protection that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year using criteria consistent with, or developed by, the State Department of Water Resources (Government Code section 65007(k)).</i> 2. <i>Bear River Levee Improvements. The mitigation of flooding from the Bear River shall be implemented as follows:</i> <p>The applicant acknowledges that (a) the City, Reclamation District 2103, State Department of Water Resources, and the developers of the Heritage Oaks East and Jones Ranch subdivisions</p>	SU

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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
		<p>have approved a plan that should provide funding to complete Bear River levee improvements that would protect the project property from flooding from the Bear River, (b) Reclamation District 2103 has prepared an engineering report to determine a cost estimate for the Bear River levee improvements and a geographical zone of benefit of properties provided with flood protection by the Bear River levee improvements (Levee Zone of Benefit), (c) the project property or most of it will be included within the Levee Zone of Benefit, (d) City will be preparing a Bear River levee development fee study that will allocate the cost of the Bear River levee improvements on a pro-rata fair share basis among benefiting properties within the Levee Zone of Benefit, and (e) City intends to adopt an ordinance requiring properties within the Levee Zone of Benefit to pay a Bear River levee improvement development impact fee, to ensure that all properties within the Levee Zone of Benefit pay their fair share of the Bear River levee improvements as a condition of development.</p> <p>The applicant shall pay the Bear River levee improvement development impact fee in accordance with the requirements of the fee ordinance and/or resolution to be adopted by the City upon completion of fee study and in the</p>	

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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
		<p><i>amount in effect at time of issuance of building permit.</i></p> <p><i>If the Bear River levee improvements are not completed by Reclamation District No. 2103 by December 31, 2009, then applicant implementation of a plan to mitigate flooding from the Bear River shall be added to the requirements of subsection 3 below.</i></p> <p>3. <i>Dry Creek. For the mitigation of flooding from Dry Creek, the applicant shall commit to a program to fully fund the cost of the flood control improvements necessary to provide an urban level of flood protection to the project property by either (a) directly constructing the necessary flood control improvements, (b) entering into and participating in an advance funding agreement with other participating developers, (c) including the property in a community facilities district or assessment district and approving payment of a CFD special tax or assessment, (d) participating in a development impact fee program, (e) participating in some other funding program acceptable to the City, or (f) some combination of the foregoing. The final terms of the proposed program shall be subject to the review and approval by the City to ensure that the selected</i></p>	

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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
		<p><i>program will satisfactorily fully fund the cost of the flood control improvements necessary to provide an urban level of flood protection to the property. The applicant shall demonstrate its satisfactory compliance with one of these options as a condition of developing the property.</i></p> <p>4.10-5(b) <i>Phase 1 Development Grading Plan Area. This mitigation measure applies only to the Phase 1 Development Grading Plan area described in the project description. Prior to <u>In conjunction with the</u> submittal of any final <u>tentative</u> map for this area, the applicant and its engineers shall prepare and submit a grading plan with hydraulic analysis that demonstrates that the developable area would no longer be in a special flood hazard area (as defined by the City Floodplain Management Ordinance (Wheatland Municipal Code chapter 15.12) in accordance with the City Floodplain Management Ordinance. The plan will be subject to review and approval by the City Engineer and the final <u>tentative</u> map will not be approved until after the City Engineer has approved the plan.</i></p> <p>4.10-5(c) <i>Development Pending Completion of Flood Control Improvements. <u>The City shall include the following as a condition of approval on any tentative map application for any development within the Nichols Grove area:</u></i></p>	

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Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><u>1. Land Preparation.</u> If the Federal Emergency Management Agency (FEMA) issues a Conditional Letter of Map Revision (CLOMR) for the property indicating that the property would no longer be in a special flood hazard area (as defined by the City Floodplain Management Ordinance) upon completion of a specified flood control improvement project or improvements, then the Developer may proceed with the following development-related activities: land preparation, such as clearing, grading, and filling; construction of streets, curbs and sidewalks; construction and installation of water, sewer, other utility and storm drainage improvements; and, preparation and submittal of a large lot final subdivision map application (which shall be approved by the City if it otherwise complies with the requirements of the approved tentative map, Subdivision Map Act, City subdivision ordinance and this Agreement). Performance of any grading or construction related work shall be subject to and in compliance with the terms of a floodplain development permit, with permit conditions, to be issued by the City pursuant to its Floodplain Management Ordinance.</p> <p>2. Building Permits and Small Lot Final Maps. Building permits for construction of buildings or</p>	

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SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><i>structures on the Property and small lot final subdivision maps shall not be issued or approved by the City until (a) FEMA has issued a Letter of Map Revision (LOMR) for the property showing that the property is no longer in a special flood hazard area, and (b) the City Engineer has determined in writing that the property has an urban level of flood protection.”</i></p>	
4.10-6 Cumulative increases in peak stormwater flows into the existing drainage system.	LS	<p><i>Nichols Grove Tentative Map Site, Non-Participating Properties</i></p> <p><i>4.10-6 None Required.</i></p>	N/A
4.10-7 Cumulative adverse impacts to water quality.	LS	<p><i>Nichols Grove Tentative Map Site, Non-Participating Properties</i></p> <p><i>4.10-7 None Required.</i></p>	N/A
4.11 Public Services and Utilities			
4.11-1 Adequate water supply and delivery for new residents.	PS	<p><i>Nichols Grove Tentative Map Site</i></p> <p><i>4.11-1(a) Prior to review of project improvement plans <u>In conjunction with submittal of any tentative map application</u>, a Water Supply Verification shall be conducted to ensure that water infrastructure can provide sufficient water supply needed for the project (estimated at 1,320 afa in the WSA). The Water Supply Verification showing adequate supply for the Nichols Grove Tentative Map project shall be submitted to the City Engineer and Director of Public Works for review and approval.</i></p>	LS

N/A = Not Applicable; LS = Less-than-Significant; PS = Potentially Significant; SU = Significant and Unavoidable

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
	PS	<p>4.11-1(b) <u>The City shall include the following as a condition of approval on any tentative map application:</u></p> <p><u>“Prior to issuance of building permits, the applicant shall pay the City’s Development Water Impact Fees, as determined by the City Engineer and Department of Public Works.”</u></p> <p>4.11-1(c) <u>The City shall include the following as a condition of approval on any tentative map application:</u></p> <p><u>“To ensure proper management of groundwater supply, the applicant shall pay for the City to perform groundwater monitoring at the four new on-site wells to ensure that the new concentration of urban supply wells is not causing groundwater depletion, nor adversely affecting the City’s water supply.”</u></p> <p>Non-Participating Properties</p> <p>4.11-1(d) <i>In conjunction with submittal of a development application for any of the non-participating properties, the applicant(s) shall be required to submit a Water Supply Assessment (WSA) at the discretion of the Planning Department and City Engineer. The applicant shall be required to implement recommended mitigation measures from the WSA, for review and approval of the City Engineer and Public Works Director.</i></p>	LS

N/A = Not Applicable; LS = Less-than-Significant; PS = Potentially Significant; SU = Significant and Unavoidable

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
4.11-2 Adequate wastewater facilities for new residents.	PS	<p><i>Nichols Grove Tentative Map Site, Non-Participating Properties</i></p> <p>4.11-2(a) <u><i>The City shall include the following as a condition of approval on any tentative map application:</i></u></p> <p><u><i>“Prior to issuance of building permits, the project applicant shall be required to pay the City’s Wastewater Development Impact Fees, as determined by the City Engineer.”</i></u></p> <p>4.11-2(b) <u><i>The City shall include the following as a condition of approval on any tentative map application:</i></u></p> <p><u><i>“Prior to occupancy, adequate wastewater treatment and sewer collection system capacity shall exist to accommodate the project, as determined by the City Engineer.”</i></u></p>	SU
4.11-3 Need for additional waste disposal/recycling services.	PS	<p><i>Nichols Grove Tentative Map Site, Non-Participating Properties</i></p> <p>4.11-3 <u><i>The City shall include the following as a condition of approval on any tentative map application:</i></u></p> <p><u><i>“Prior to the commencement of grading or construction activities for the Nichols Grove Tentative Map site or any non-participating properties, the project developer shall submit a recycling plan for construction materials to the City for review and approval. The plan shall include that all materials that would be acceptable for disposal in the sanitary landfill be recycled/reused.</i></u></p>	LS

N/A = Not Applicable; LS = Less-than-Significant; PS = Potentially Significant; SU = Significant and Unavoidable

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
		<p><i>Documentation of the material type, amount, where taken and receipts for verification and certification statements shall be included in the plan. The project developer shall submit a performance deposit, as established in the project's conditions of approval to the City to ensure recycling of demolition materials. In addition, the project developer shall cover all staff costs related to the review, monitoring and enforcement of this condition through the deposit account."</i></p>	
<p>4.11-4 Project impact on electricity distribution.</p>	<p>PS</p>	<p><i>Nichols Grove Tentative Map <u>Site</u>, Non-Participating Properties</i></p> <p>4.11-4 <u>The City shall include the following as a condition of approval on any tentative map application:</u></p> <p><i>"Prior to issuance of building permits, the applicant shall coordinate with PG&E and the City of Wheatland to determine the electrical utilities and/or easements and improvements needed to serve the project. The Improvement Plans for the project(s) shall incorporate the necessary easements for the review and approval of the City Engineer. The applicant shall be responsible for all costs associated with the identified improvements."</i></p>	<p>LS</p>
<p>4.11-5 Adequate ratio of law enforcement personnel to residents.</p>	<p>PS</p>	<p><i>Nichols Grove Tentative Map <u>Site</u>, Non-Participating Properties</i></p> <p>4.11-5 <u>The City shall include the following as a condition of approval on any tentative map application:</u></p> <p><i>"Prior to issuance of building permits, the applicant shall be required to pay The City's Police Development</i></p>	<p>LS</p>

N/A = Not Applicable; LS = Less-than-Significant; PS = Potentially Significant; SU = Significant and Unavoidable

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
4.11-6 Adequate fire protection services available to new residents.	PS	<p><i>Impact Fees.</i>”</p> <p><i>Nichols Grove Tentative Map Site, Non-Participating Properties</i></p> <p>4.11-6 <u>The City shall include the following as a condition of approval on any tentative map application:</u> <u>“Prior to issuance of building permits, the applicant shall be required to pay the City’s Fire Protection Development Impact Fees.”</u></p>	LS
4.11-7 Number of enrolled students exceeding capacity.	PS	<p><i>Nichols Grove Tentative Map Site, Non-Participating Properties</i></p> <p>4.11-7 <u>The City shall include the following as a condition of approval on any tentative map application:</u> <u>“The applicant shall be required to pay all applicable school impact fees in effect at the time of building permit issuance.”</u></p>	LS
4.11-8 Adequate provision of parks and recreation space for new residents.	LS	<p><i>Nichols Grove Tentative Map Site</i></p> <p><i>None Required.</i></p>	N/A
	PS	<p><i>Non-Participating Properties</i></p> <p>4.11-8 <i>In conjunction with submittal of a development application for any non-participating properties, the applicant(s) shall include on the site plan a ratio of at least five acres of park for every 1,000 residents or pay in lieu fees, for the review and approval of the City Engineer.</i></p>	LS

N/A = Not Applicable; LS = Less-than-Significant; PS = Potentially Significant; SU = Significant and Unavoidable

**TABLE 2-1
 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance prior to Mitigation	Mitigation Measures	Level of Significance after Mitigation
4.11-9 Increase in demand for additional public services and utilities as a result of the proposed project and other projects proposed in the Wheatland area.	LS	<i>Nichols Grove Tentative Map Site, Non-Participating Properties</i> 4.11-9 <i>None required.</i>	N/A

N/A = Not Applicable; LS = Less-than-Significant; PS = Potentially Significant; SU = Significant and Unavoidable

3.0 Project Description

As discussed above, as a result of the submittal of the revised application for the Nichols Grove project since the release of the Draft EIR for public review, Chapter 3, Project Description, of the Draft EIR has been revised in full to reflect the current project application. See Appendix A of this Final EIR for an updated Project Description chapter. The changes to the Project Description do not affect the adequacy of the environmental impact analysis contained in the original Draft EIR. Rather, the changes simply reflect the fact that the project now only includes program-level entitlements as compared to both program- and project-level entitlements included in the original project application for Nichols Grove.

4.1 Aesthetics

For all mitigation measures included in Chapter 4.1, Aesthetics, of the Draft EIR, (i.e., Mitigation Measures 4.1-1 through 4.1-4) the following revision has been made:

Nichols Grove ~~Tentative Map~~ Site

The above change is for clarification purposes and does not alter the analysis of the Draft EIR.

Mitigation Measure 4.1-2(a) on page 4.1-8 of the Draft EIR is hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site

- 4.1-2(a) *In conjunction with submittal of any tentative map applications within the Nichols Grove Annexation area, Aa detailed lighting plan shall be submitted for the Nichols Grove Tentative Map site, for review and approval of the City Engineer in conjunction with the project improvement plans. In conjunction with development of the proposed project, the developer shall shield all on site lighting, consistent with the lighting plan, so that lighting is directed within the project site and does not illuminate adjacent properties. The plan shall show proposed shielding of all on-site lighting, so that lighting is directed within the project site and does not illuminate adjacent properties. The conceptual lighting plan shall be reviewed and approved by the Planning Commission and/or City Council in conjunction with the tentative map review.*

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

4.2 Land Use and Agricultural Resources

For all mitigation measures included in Chapter 4.2, Land Use and Agricultural Resources, of the Draft EIR, (i.e., Mitigation Measures 4.2-1 through 4.2-7) the following revision has been made:

Nichols Grove ~~Tentative Map~~ Site

The above change is for clarification purposes and does not alter the analysis of the Draft EIR.

Mitigation Measure 4.2-1 on page 4.2-25 of the Draft EIR is hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site, ~~and Non-Participating Property~~ (APN 015-140-056)

4.2-1 *The Applicant shall inform and notify prospective buyers in writing, prior to purchase, about existing and on-going agriculture activities in the immediate area in the form of a disclosure statement. The notifications shall disclose that the Wheatland area is an agriculture area subject to ground and aerial applications of chemical and early morning or nighttime farm operations, which may create noise, dust, et cetera, and provide that such agricultural operations shall not be considered a nuisance. The language and format of such notification shall be reviewed and approved by the City Attorney prior to recording final map. Each disclosure statement shall be acknowledged with the signature of each prospective property owner.*

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

4.3 Transportation and Circulation

In order to clarify an inadvertent omission in the Draft EIR, page 4.3-16 of the Draft EIR is hereby revised as follows:

At the direction of City and Caltrans staff, this analysis considers six (6) scenarios:

- 1. Existing Conditions:** Existing traffic conditions without traffic from the proposed project.
- 12. Existing Plus Nichols Grove Conditions:** Existing traffic plus trips generated by the proposed project with those elements of the local system proposed with the project;
- 23. Five Year Existing Plus Approved Projects Conditions:** Existing traffic plus the trips generated by other approved projects with the mitigation measures required of those projects, and background through traffic growth on SR 65;
- 34. Five Year Existing Plus Approved Projects Plus Nichols Grove Conditions:** Conditions occurring five years in the futures with the addition of Nichols Grove;
- 45. Year 2025 Conditions under Adopted Wheatland General Plan:** The new Wheatland General Plan includes development of the land uses contained in Nichols Grove and development of the Wheatland Bypass; and
- 56. Year 2025 Conditions with Nichols Grove:** While the land uses in Nichols Grove are consistent with the General Plan, the Nichols Grove plan proposed elimination of one segment of collector street identified in the General Plan

Circulation diagram. This scenario addresses the long-term ramifications of circulation system changes contained in the plan for Nichols Grove. This scenario provides information regarding traffic conditions at internal intersections under General Plan buildout conditions.

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

As requested by a commenter, the first paragraph on page 4.3-33 is hereby revised to read:

Mitigation Measure(s)

To mitigate the specific impacts of the proposed project, implementation of portions of the circulation system ultimately envisioned under the City of Wheatland General Plan would be necessary. However, implementation of major projects, such as the SR 65 Wheatland Bypass or Ring Road with the SR 65 / UPRR grade separation, is beyond the financial capability of individual development proposals such as the proposed project. The discussion of “Existing Plus Approved Projects Plus Nichols Grove” impacts (Impact Statement 4.3-7, below) identifies a stage of improvements that if implemented would help reduce project impacts, though not to a less-than-significant level.

The above change is for clarification purposes and does not alter the analysis of the Draft EIR.

4.4 Noise

Mitigation Measure 4.4-1 on page 4.4-16 of the Draft EIR is hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site

None Required.

Non-Participating Properties

4.4-1 In conjunction with submittal of a development application ~~and at the discretion of the City Engineer~~, the applicant shall submit a noise assessment, which determines the noise levels due to and upon the proposed project. The assessment shall determine if noise level exposure to sensitive receptors exceeds established Wheatland thresholds, as a result of development of the project. If noise levels are determined to exceed standards, the noise assessment shall include mitigation to reduce exterior and interior noise levels to below the City’s standards, which the applicant shall be required to comply with, for the review and approval of by the City Engineer Planning Director.

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Mitigation Measures 4.4-2 on page 4.4-19 of the Draft EIR is hereby revised to read:

Nichols Grove Tentative Map Site

4.4-2(a) ~~Prior to the issuance of building permits, site plans that include noise barriers shall be submitted for the review and approval of the City Engineer. In conjunction with the submittal of **any** tentative map application for any development within the Nichols Grove annexation area, a site-specific noise analysis shall be performed. The site-specific noise analysis shall address interior and exterior railroad noise levels and recommend mitigation measures to reduce the noise to acceptable levels. The applicant shall be required to implement all mitigation measures recommended in the noise analysis, pursuant to review and approval by the Planning Commission and/or City Council in conjunction with the review of the development project. In preparing the noise assessment(s) per this mitigation measure, the qualified consultant shall consider the original recommendations in the Nichols Grove noise assessment, which may or may not be applicable depending upon the lotting arrangement of any subsequent tentative map(s). Noise barriers shall be constructed along the boundaries of the residences proposed adjacent to the railroad tracks, at the locations shown on Figure 4.4 3. Table 4.4 7 shows the predicted noise levels for barriers of various heights. The results shown in Table 4.4 7 indicate that a barrier six feet in height (relative to back yard elevation) would be required to reduce future railroad noise levels to 60 dB L_{dn} or less at the nearest backyards proposed adjacent to the railroad tracks. If required, Bbarriers could take the form of earthen berms, solid walls, or a combination of the two. Appropriate materials for noise walls include precast concrete or masonry block. Other materials may be acceptable provide they have a density of approximately four pounds per square foot.~~

~~4.4 2(b) Standard residential construction practices conducted in accordance with local building codes provide approximately 25 dB exterior to interior noise level reduction with windows closed, and approximately 15 dB reductions with windows open. Because future railroad noise levels are not predicted to exceed 70 dB L_{dn} at the building facades of the residences proposed nearest to the railroad tracks, standard construction practices would be sufficient to achieve compliance with the City of Wheatland 45 dB L_{dn} interior noise level standard, provided that windows could be closed.~~

~~Therefore, mechanical ventilation (air conditioning) shall be provided for all residences constructed within this development adjacent to the railroad tracks to allow occupants to close doors and windows as desired for additional acoustic isolation. Although standard construction would be acceptable to achieve satisfaction with the City's 45 dB L_{dn} interior noise level standard, an additional five dB of~~

~~building facade noise level reduction would be required to reduce interior SEL values to 60 dB. Prior to issuance of building permits, the project applicant shall have a detailed noise analysis of proposed floor plans and construction materials conducted by a qualified acoustical consultant selected by the City Engineer, to ensure that exterior windows and wall assemblies provide adequate noise insulation. The analysis shall be submitted to the City Engineer along with proposed site plans prior to the issuance of building permits.~~

Non-Participating Properties

4.4-2(eb) *Implement Mitigation Measure 4.4-1. The assessment shall provide a detailed acoustical analysis that shall determine the exterior and interior noise levels experienced at non-participating properties as a result of UPRR train operations. The assessment shall also identify appropriate mitigation measures to reduce the exterior and interior noise levels at sensitive receptors to be consistent with City of Wheatland General Plan Noise standards if applicable. These mitigation measures may include, but are not limited to: use of setbacks; use of barriers; site design guidelines, and building location and orientation guidelines. The applicant shall be required to incorporate noise-related mitigation measures into the site design for review and approval of the City Engineer prior to the approval of tentative map(s).*

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Mitigation Measures 4.4-3 on page 4.4-21 of the Draft EIR is hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site, Non-Participating Properties

4.4-3 ~~Implement Mitigation Measure 4.4-2(b). Standard residential construction practices conducted in accordance with local building codes provide approximately 25 dB exterior to interior noise level reduction with windows closed, and approximately 15 dB reductions with windows open. Standard construction practices would be sufficient to achieve compliance with the City of Wheatland 45 dB L_{dn} interior noise level standard, provided that windows could be closed.~~

Therefore, mechanical ventilation (air conditioning) shall be provided for all residences constructed within this development adjacent to the railroad tracks to allow occupants to close doors and windows as desired for additional acoustic isolation. Although standard construction would be acceptable to achieve satisfaction with the City's 45 dB L_{dn} interior noise level standard, an additional five dB of building facade noise level reduction would be required to reduce

interior SEL values to 60 dB. Prior to issuance of building permits, the project applicant shall have a detailed noise analysis of proposed floor plans and construction materials conducted by a qualified acoustical consultant selected by the Planning Director, to ensure that exterior windows and wall assemblies provide adequate noise insulation. The analysis shall be submitted to the Planning Director along with proposed site plans prior to the issuance of building permits.

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Mitigation Measures 4.4-4(a) and (b) on page 4.4-22 of the Draft EIR are hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site

4.4-4(a) *Implement Mitigation Measure(s) 4.4-2(a) ~~and 4.4-2(b)~~.*

Non-Participating Properties

4.4-4(b) *Implement Mitigation Measure 4.4-2(~~eb~~).*

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Mitigation Measure 4.4-5 on page 4.4-24 of the Draft EIR is hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site, Non-Participating Properties

4.4-5 *The City shall include the following as a condition of approval on any tentative map application:*

“The project applicant shall place a note on the improvement plans and within construction contracts that requires:

- *Construction activities shall occur between the hours of 7 a.m. to 6 p.m. weekdays and 8 a.m. to 5 p.m. on the weekends;*
- *All heavy construction equipment and all stationary noise sources (such as diesel generators) shall have manufacturers installed mufflers; and*
- *Equipment warm up areas, water tanks, and equipment storage areas shall be located in an area as far away from existing residences as is feasible.*

The note and improvement plans shall be reviewed and approved by the City Engineer prior to initiation of ground disturbance activities.”

The above change is for clarification purposes and does not alter the analysis of the Draft EIR.

Mitigation Measures 4.4-6(a) and (b) on page 4.4-27 of the Draft EIR are hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site

4.4-6(a) *Implement Mitigation Measure(s) 4.4-2(a) ~~and 4.4-2(b)~~.*

Non-Participating Properties

4.4-6(b) *Implement Mitigation Measure 4.4-2(~~eb~~).*

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

4.5 Air Quality

For all mitigation measures included in Chapter 4.5, Air Quality, of the Draft EIR, (i.e., Mitigation Measures 4.5-1 through 4.5-6) the following revision has been made:

Nichols Grove ~~Tentative Map~~ Site

The above change is for clarification purposes and does not alter the analysis of the Draft EIR.

Mitigation Measures 4.5-1 on page 4.5-15 of the Draft EIR is hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site

4.5-1(a) *The City shall include the following as a condition of approval on any tentative map application:*

“Prior to initiation of ground disturbance activities, the contractor shall submit an Off-road Construction Equipment Emission Reduction Plan for review and approval of the FRAQMD. The plan shall demonstrate a project wide heavy-duty (> 50 horsepower) off-road vehicle (owned, leased, and subcontracted) fleet-average 20 percent NO_x reduction and 45 percent particulate reduction as compared to the most recent CARB fleet average at the time of construction. The Off-road Construction Equipment Emissions Reduction Plan shall include a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that would be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughout for each piece of equipment. Acceptable options for reducing emissions may include use of late model engines, low-emissions diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or options as they become available.”

4.5-1(b) The City shall include the following as a condition of approval on any tentative map application:

“During construction, throughout the duration of the project, the inventory shall be updated and submitted monthly for review by the FRAQMD, except for any 30-day period in which construction activity does not occur.”

4.5-1(c) The City shall include the following as a condition of approval on any tentative map application:

“At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide FRAQMD with the anticipated construction timeline, including start date, name, and phone number of the project manager and on-site foreman.”

4.5-1(d) The City shall include the following as a condition of approval on any tentative map application:

“Prior to initiation of ground disturbance activities, all construction contracts shall stipulate the following:

- *Construction equipment exhaust emissions shall not exceed FRAQMD Rule 3.0, Visible Emission Limitations. Operators of vehicles and equipment found to exceed opacity limits shall take action to repair equipment within 72 hours or remove the equipment from service. Failure to comply may result in a Notice of Violation;*
- *The contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained;*
- *Equipment operators shall be instructed to minimize equipment idling time to five minutes;*
- *Utilize existing power sources (e.g. power poles) or clean fuel generator rather than temporary power generators;*
- *Portable engines and portable engine-drive equipment units used on the project 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; and*
- *Open burning of removed vegetation during infrastructure improvements shall not be permitted. Vegetative material shall be chipped or delivered to waste energy facilities.”*

4.5-1(e) The City shall include the following as a condition of approval on any tentative map application:

“Prior to initiation of ground disturbance activities, the applicant shall submit a Construction Dust Control Plan for the review and approval of the FRAQMD. The Plan shall include the following and any additional measures contained in the FRAQMD’s current list of Best Available Mitigation Measures (BAMM) for construction:

- All active water construction areas shall be watered at least twice a day, or as need to prevent visible dust plumes from blowing off-site;
- On-site storage piles shall be covered with tarpaulins or other effective covers;
- All trucks hauling dirt, sand, soil, or other loose material on public streets shall be covered or shall maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and top of the trailer) in accordance with the requirements of California Vehicle Code Section 23114;
- All unpaved access roads, parking areas, and staging areas the construction sites, shall be paved, applied with (non-toxic) soil stabilizers, or applied with water three times daily;
- All paved access routes, parking areas, and staging areas shall be swept daily (preferably with water sweepers);
- Trucks and other equipment leaving the construction site shall be washed to remove particulate matter;
- Incorporation of the use of non-toxic stabilizers according to manufacturer’s specifications to all inactive construction areas;
- Exposed stockpiles shall be enclosed, covered, watered twice daily, or applied with (non-toxic) soil binders;
- Construction site vehicles shall be limited to 15 miles per hour (mph) on unpaved areas;
- Disturbed areas shall be replanted with vegetation as quickly as possible;
- All grading operations shall be suspended by the developer or contractor or as directed by the FRAQMD when winds exceed 20 mph; and
- Wheel washers shall 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.”

4.5-1(f) The City shall include the following as a condition of approval on any tentative map application:

“Prior to initiation of ground disturbance activities, the applicant shall develop and submit a Construction Phase Trip Reduction Plan, for review and approval of the FRAQMD, to achieve a minimum average vehicle ridership (AVR) of 1.5 for construction employees.”

4.5-1(g) The City shall include the following as a condition of approval on any tentative map application:

“During construction, all architectural coatings used at the project site shall be compliant with the most current FRAQMD Rule 3.15, Architectural Coatings, for review and approval of the City Engineer and FRAQMD.”

4.5-1(h) The City shall include the following as a condition of approval on any tentative map application:

“Implement the following feasible construction phase emissions measures for Traffic Control as reviewed and approved by the City Engineer:

- Construction activities shall minimize disruptions to traffic flow;
- 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
- Schedule operations affecting traffic for off-peak hours to the greatest extent possible.”

Non-Participating Properties

4.5-1(i) *In conjunction with submittal of a development application for any of the non-participating properties, the applicant shall submit an air quality analysis ~~at the discretion of the Planning Director~~. The analysis shall include, but not be limited to, quantification of construction and operational emissions, determination of air quality impacts, and identification of mitigation measures needed to reduce any significant impacts. The applicant shall be required to implement mitigation measures recommended in the air quality impact analysis per the review and ~~of by the City Engineer~~ Planning Director.*

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Mitigation Measures 4.5-4(a) on page 4.5-20 of the Draft EIR is hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site

4.5-4(a) The City shall include the following as a condition of approval on any tentative map application:

~~“Prior to initiation of ground disturbance activities, the applicant shall submit an Operational Emissions Reduction Plan for review and approval of the FRAQMD. In addition, the Plan shall be provided to the air district, the public, and the City of Wheatland with adequate time for air district and public review and comment period prior to submittal to the governing board for consideration at a public hearing. The Plan shall be the applicant’s commitment to feasible mitigation measures from the BMM list, recommended measures from air district staff, or voluntary off-site mitigation projects sufficient to provide a minimum 35 percent reduction in emissions.”~~

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

4.6 Biological Resources

For all mitigation measures included in Chapter 4.6, Biological Resources, of the Draft EIR, (i.e., Mitigation Measures 4.6-1 through 4.6-11) the following revision has been made:

Nichols Grove ~~Tentative Map~~ Site

The above change is for clarification purposes and does not alter the analysis of the Draft EIR.

Mitigation Measures 4.6-1(a) through 4.6-1(d) on pages 4.6-38 through 4.6-41 of the Draft EIR are hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site

4.6-1(a) The City shall include the following as a condition of approval on any tentative map application:

“Per the Guidelines, the USFWS must be contacted if encroachment within the 100-foot buffer is expected and for a Section 7 FESA consultation if elderberry bushes shall be disturbed. The following conditions shall be implemented to minimize impacts to the existing bushes:

- *Orange barrier fencing shall be placed a minimum of 20 feet from the drip line of each elderberry plant with one or more stems measuring 1.0 inch or greater in diameter at ground level, and construction personnel and/or activities shall avoid fenced areas;*
- *Project proponent shall employ dust control measures during all construction activities; and*

- *No insecticides, herbicides, fertilizers, or other chemicals shall be applied within 100 feet of elderberry plants with one or more stems measuring 1.0 inch or greater in diameter at ground level during the construction activities. All drainage water during and following construction shall be diverted away from the bushes.”*

4.6-1(b) The City shall include the following as a condition of approval on any tentative map application:

“If complete avoidance of elderberry plants is not possible, transplantation shall be used as prescribed by the Guidelines to a USFWS-approved conservation area. At the discretion of the USFWS, a plant that would be extremely difficult to move because of access problems may be exempted from transplantation (USFWS 1999). In cases where transplantation is not possible, the minimization ratios may be increased to offset the additional habitat loss.

If elderberry shrubs would be adversely affected by construction (i.e. directly impacted), the elderberry bushes shall be transplanted to a mitigation area in compliance with USFWS standards. A qualified biologist shall be onsite during the transplanting to assure compliance with the Guidelines. Transplanting shall preferably take place between November 1 and February 15 after the bushes have lost the majority of their leaves. Elderberry bushes shall be cut back to three to six feet from the ground or to 50 percent of their height, whichever is tallest. All stems measuring greater than 1-inch shall be transplanted. A backhoe shall be used to excavate a hole of adequate size in the conservation area for each bush, and then the bushes shall be excavated. The root ball and surrounding soil shall be maintained during the transplanting process. Once the plants have been moved, a water basin shall be placed around each bush that measure three feet in diameter, the walls shall measure eight inches wide and six inches tall.

Each elderberry stem measuring ≥ 1 inch at ground level that is adversely affected (i.e., transplanted or destroyed) must be replaced, in the conservation area, with elderberry seedlings or cuttings at a ratio ranging from 1:1 to 8:1 (new plantings to affected stems). If the USFWS determines that the elderberry plants on the proposed project site are unsuitable candidates for transplanting, the USFWS may require the applicant to plant seedlings or cuttings at a ratio higher than those stated above for each elderberry plant that cannot be transplanted.

Associate native plant seedlings will consist of willows, sycamores (Platanus racemosa), Oregon ash, button willow (Cephalanthus occidentalis), and wild grape (Vitus californicus). Each seedling and associate plant shall be provided with a water basin measuring 3 feet by 8 inches by 6 inches. The conservation area shall be protected in perpetuity and shall be maintained by the project proponent, or delegated third party. Plants shall be manually watered until they are established and watering is no longer necessary. Weed control and vegetation maintenance shall be managed as stated in the Vegetation Maintenance section of the Guidelines.”

4.6-1(c) *The City shall include the following as a condition of approval on any tentative map application:*

“Any conservation area shall be monitored for 10 consecutive years. Two site visits shall take place each year between 14 February and 30 June by a qualified biologist. The surveys shall include:

- *Population census of adult beetles;*
- *Census of beetle exit holes;*
- *Evaluation of the transplanted bush, seedlings, and associated plants;*
- *Evaluation of protective measures (i.e., fencing, signs, and weed control); and*
- *General habitat assessment.*

A yearly report and original field notes shall be prepared describing the conditions as stated above. Reports shall be submitted by 31 December of the same year to the USFWS, Chief of the Endangered Species Branch, Sacramento. Success criteria will be judged on 60 percent survival rate of the elderberry and associate plants. If the success rate drops below 60 percent additional plants shall be planted to assure a 60 percent survival rate.”

Non-Participating Properties

4.6-1(d) *In conjunction with submittal of a development application for any of the non-participating properties, the applicant(s) shall submit a Biological Resources Assessment ~~at the discretion of the Planning Director~~. The assessment shall include, but not be limited to, identification and analysis of all occurrences of elderberry bushes, impacts to special-status species, and loss of biological resources and/or wetlands, and mitigation to reduce significant impacts. The applicant shall be required to implement all mitigation measures recommended in the assessment.*

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Mitigation Measures 4.6-2(a) and 4.6-2(b) on pages 4.6-42 and 4.6-43 of the Draft EIR are hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site

4.6-2(a) *The City shall include the following as a condition of approval on any tentative map application:*

*If Swainson's hawks are found nesting within 0.5-mile of the Nichols Grove ~~Tentative Map~~ site appropriate Management Conditions per the Staff report regarding mitigation for impacts to Swainson's hawks (*Buteo swainsoni*) in the Central Valley of California (CDFG 1994) shall be required as follows:*

- *No intensive new disturbances (e.g., heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing activities) or other project-related activities that may cause nest abandonment or forced fledging, shall be initiated within 0.25 miles (buffer zone) of an active nest between March 1 and September 15. The buffer zone should be increased to 0.5 mile in nesting areas away from urban development (i.e., in areas where disturbance [e.g., heavy equipment operation associated with construction, use of draglines, new rock crushing activities] is not a normal occurrence during the nesting season). Nest trees shall not be removed unless there is no feasible way of avoiding the trees. If a nest tree must be removed, a Management Authorization (including conditions to offset the loss of the nest tree) must be obtained from CDFG with the tree removal period specified in the management Authorization, generally between October 1 and February 1.*

If construction or other project-related activities that may cause nest abandonment or forced fledging are necessary within the buffer zone, monitoring of the nest site (funded by the project sponsor) by a qualified biologist (to determine if the nest is abandoned) shall be required.

If the nest site is abandoned and the nestlings are still alive, the project proponent shall fund the recovery and hacking (controlled release of captive reared young) of the nestlings. Routine disturbances such as agricultural activities, commuter traffic, and routine maintenance activities within 0.25-mile of

an active nest should not be prohibited. A qualified wildlife biologist shall verify fledging of nestlings.”

4.6-2(b) *The City shall include the following as a condition of approval on any tentative map application:*

“Prior to initiation of ground disturbance activities, the project applicant and City staff shall consult with CDFG to determine the extent of mitigation necessary for the loss of ~~239.9 acres of Swainson’s hawk foraging habitat.~~

Or;

Prior to initiation of ground disturbance activities, upon approval of the pending Yuba-Sutter Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP), the applicant shall participate and incorporate mitigation measures set forth in the NCCP/HCP.”

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Mitigation Measures 4.6-3(a) through 4.6-3(d) of the Draft EIR are hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site

4.6-3(a) *The City shall include the following as a condition of approval on any tentative map application:*

“The Staff Report on Burrowing Owl Mitigation, published by CDFG (1995), recommends pre-construction surveys shall be conducted to locate active burrowing owl burrows. Prior to ~~issuance of grading permits~~ initiation of any ground disturbance activities, this preconstruction survey shall be conducted by a qualified biologist or ornithologist during both the wintering and nesting season, unless the species is detected on the first survey. If possible, the winter survey shall be conducted between December 1 and January 31 (when wintering owls are most likely to be present) and the nesting season survey should be conducted between April 15 and July 15 (the peak of breeding season). Surveys conducted from two hours before sunset to one hour after, or from one hour before to two hours after sunrise, are preferable. The survey techniques shall be consistent with the Staff Report survey protocol and include a 260-foot-wide buffer zone surrounding the project area. Repeat surveys should also be conducted not more than 30 days prior to initial ground disturbance to inspect for re-occupation and the need for additional protection measures.

The survey(s) shall be paid by the applicant and approved by the City.”

4.6-3(b) *The City shall include the following as a condition of approval on any tentative map application:*

“If no burrowing owls are detected during preconstruction surveys, then no further mitigation is required. If active burrowing owl burrows are identified, project activities shall not disturb the burrow during the nesting season (February 1–August 31) or until a qualified biologist has determined that the young have fledged or the burrow has been abandoned. A no disturbance buffer zone of 160-feet is required to be established around each burrow with an active nest until the young have fledged the burrow as determined by a qualified biologist.”

4.6-3(c) *The City shall include the following as a condition of approval on any tentative map application:*

“If destruction of the occupied burrow is unavoidable during the non-breeding season, September 1– January 31, passive relocation of the burrowing owls shall be conducted. Passive relocation involves installing a one-way door at the burrow entrance, encouraging owls to move from the occupied burrow. No permit is required to conduct passive relocation; however, this process shall be conducted by a qualified biologist and in accordance with CDFG mitigation measures. In addition, to offset the loss of foraging and burrow habitat on the project site, a minimum of 6.5 acres of foraging habitat (calculated on a 300-ft foraging radius around the burrow) per pair or unpaired resident bird, shall be acquired and permanently protected at a location acceptable to the CDFG.”

4.6-3(d) *The City shall include the following as a condition of approval on any tentative map application:*

“If burrowing owls are identified on the project site, the City of Wheatland must receive copies of the Mitigation Agreement by and between the applicant and CDFG, prior to the ~~issuance of grading permits~~ initiation of any ground disturbing activities for the proposed project.”

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Mitigation Measures 4.6-4(a) on page 4.6-45 of the Draft EIR is hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site

4.6-4(a) The City shall include the following as a condition of approval on any tentative map application:

“A qualified wildlife biologist shall conduct a pre-construction raptor survey during April-May, or no more than 30 days prior to construction activities, to determine the presence/absence of nesting raptors in the project site. Should nesting raptors be observed, appropriate spatial and temporal buffers shall be required by CDFG. In addition, larger trees (i.e., ≥ 12 ” dbh) to be removed shall be removed between September 1 and March 1 to ensure that active raptor nests are not removed as a result of construction-related activities.”

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Mitigation Measures 4.6-5(a) and 4.6-5(b) on pages 4.6-46 and 4.6-47 of the Draft EIR are hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site

4.6-5(a) The City shall include the following as a condition of approval on any tentative map application:

“All vegetation (i.e., trees, shrubs) that would need to be removed for construction shall be cut down between September 16 and February 14 (outside the nesting season for migratory bird species with potential to occur on the site) to ensure that active nests are not removed as a result of the project. To avoid potential erosion impacts, vegetation removal shall be limited to cutting of shrubs and trees at ground level to maintain the root system. Once the rainy season has passed, the root systems can be removed. If all vegetation removal associated with construction activities is completed between September 16 and February 14, no pre-construction surveys or additional mitigation is required.”

4.6-5(b) The City shall include the following as a condition of approval on any tentative map application:

“To avoid impacts to migratory nesting birds during the breeding season (February 15 through September 15), a qualified biologist approved by the USFWS shall conduct a pre-construction survey of all suitable nesting habitat within the project site no more than 30 days prior to construction. If nesting migratory birds are not detected, no further mitigation shall be necessary.

If nesting migratory birds are detected, a no-disturbance buffer per USFWS shall be established during the nesting season and no construction shall occur within the buffer area until a qualified biologist confirms that there was no nesting attempt or that the fledglings are no longer occupying the area. Additionally, signs shall be placed locating areas to be avoided.”

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Mitigation Measures 4.6-6(a) through 4.6-6(d) on page 4.6-48 of the Draft EIR are hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site

4.6-6(a) The City shall include the following as a condition of approval on any tentative map application:

“A pre-construction survey for roosting bats shall be performed by a qualified biologist within 30 days prior to any removal of trees or structures on the site. If no active roosts are found, then no further action would be warranted. If either a maternity roost or hibernacula (structures used by bats for hibernation) is present, the following mitigation measures shall be implemented.”

4.6-6(b) The City shall include the following as a condition of approval on any tentative map application:

“If active maternity roosts or hibernacula are found in trees or structures which will be removed as part of project construction, the project shall be redesigned to avoid the loss of the tree or structure occupied by the roost to the extent feasible as determined by the City. If an active maternity roost is located and the project cannot be redesigned to avoid removal of the occupied tree or structure, demolition shall commence before maternity colonies form (i.e., prior to March 1) or after young are volant (flying) (i.e., after July 31). Disturbance-free buffer zones as determined by a qualified biologist in coordination with the California Department of Fish and Game shall be observed during the maternity roost season (March 1 - July 31).”

4.6-6(c) The City shall include the following as a condition of approval on any tentative map application:

“If a non-breeding bat hibernacula is found in a tree or structure scheduled for removal, the individuals shall be safely evicted, under the direction of a qualified biologist (as determined by a Memorandum of Understanding with the California Department of Fish and Game),

by opening the roosting area to allow airflow through the cavity. Demolition shall then follow at least one night after initial disturbance for airflow. This action should allow bats to leave during darkness, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. Trees or structures with roosts that need to be removed shall first be disturbed at dusk, just prior to removal that same evening, to allow bats to escape during the darker hours.”

4.6-6(d) *The City shall include the following as a condition of approval on any tentative map application:*

“If special-status bats are found roosting within trees or structures on-site that require removal, appropriate replacement roosts shall be created at a suitable location on-site or off-site in coordination with a qualified biologist, the California Department of Fish and Game, and the City of Wheatland.”

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Mitigation Measures 4.6-7(a) through 4.6-7(d) on page 4.6-50 of the Draft EIR are hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site

4.6-7(a) *The City shall include the following as a condition of approval on any tentative map application:*

“A qualified biologist shall conduct a pre-construction survey for western pond turtles in all construction areas identified as potential nesting or dispersal habitat located within 1,000 feet of potential aquatic habitat 48 hours prior to initiation of construction activities. If western pond turtle is found during pre-construction surveys, the turtle(s) shall be relocated as necessary to a location deemed suitable by the biologist and CDFG (i.e., at a location which is a sufficient distance from construction activities). This survey shall include looking for turtle nests within the construction area. If a nest is found within the construction area, construction shall not take place within 100 feet of the nest until the turtles have hatched and have left the nest or can be safely relocated with assistance from CDFG.”

4.6-7(b) *The City shall include the following as a condition of approval on any tentative map application:*

“Because attempting to locate pond turtle nests will not result in a realistic probability of detection, after completion of pre-construction

surveys, and relocation as necessary, exclusion fencing shall be placed around all construction-sites adjacent to aquatic habitats to eliminate the possibility of nest establishment in uplands adjacent to aquatic areas.”

- 4.6-7(c) *The City shall include the following as a condition of approval on any tentative map application:*

“If construction activities occur in aquatic areas where turtles have been identified during pre-construction or other surveys, a biological monitor shall be present during disturbance of those aquatic habitats. If any turtle is found, the turtle(s) shall be relocated as necessary to a location deemed suitable by the biologist and CDFG (i.e., at a location which is a sufficient distance from construction activities).”

- 4.6-7(d) *The City shall include the following as a condition of approval on any tentative map application:*

“A qualified biologist shall provide project contractors and construction crews with a worker-awareness program before any work within aquatic habitats or adjacent upland habitats that are appropriate for western pond turtles. This program shall be used to describe the species, its habits and habitats, its legal status and required protection, and all applicable mitigation measures.”

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Mitigation Measures 4.6-9 on page 4.6-55 of the Draft EIR is hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site

- 4.6-9(a) ~~*Prior to approval of the project improvement plans*~~*In conjunction with submittal of any tentative map application, an ISA Certified Arborist shall review the plans and provide a detailed impact assessment, including identification of trees which may require removal for home construction and other contemplated site development activities. This will be particularly important if homes, residential and/or pedestrian activities fall within or near the fall zone of a tree which has been noted as having structural defects, questionable long-term longevity and/or a conditional rating which is less than “Fair,” and for trees which measure 16 inches or greater in diameter which will be retained with close proximity to development, particularly trees which will be retained on home sites, as trees of this size may pose a more significant hazard if a sudden limb shed and/or catastrophic failure should occur. The review shall also include an assessment of impacts that will be sustained by the trees retained within the development*

area, along with specific recommendations on a tree-by-tree basis to help reduce adverse impacts of construction on the retained trees, where possible. The ISA Certified Arborist shall subsequently prepare a Tree Preservation Report, which includes a requirement of 1:1 tree replacement ration. The Report shall include preservation recommendations, with consideration given to the recommendations made in the Nichols Ranch, LP Arborist Report prepared by Sierra Nevada Arborists, dated January 23, 2007.

Non-Participating Properties

- 4.6-9(b) *In conjunction with submittal of a development application for any of the non-participating properties, the applicant(s) shall submit an arborist report ~~at the discretion of the Planning Director~~. The report shall evaluate the structure and vigor of each tree 6 inches or greater in diameter at breast height, as well as include recommendations for removal of trees which may be hazardous due to nature and extent of defects, compromised health, and/or structural instability and proximity to planned development activities. The developer shall comply with and implement the approved report.*

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Mitigation Measures 4.6-10(a) through 4.6-10(c) on pages 4.6-57 and 4.6-58 of the Draft EIR are hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site

- 4.6-10(a) *The City shall include the following as a condition of approval on any tentative map application:*

“Prior to initiation of ground disturbance activities, the applicant shall consult with the Army Corps of Engineers with respect to the potential impacts to the wetlands identified in the formal wetland delineation previously accepted by the Army Corps of Engineers. If the Army Corps of Engineers determines that jurisdictional waters on or off the project site would not be impacted by the proposed project, no further mitigation is necessary. If the Corps determines that jurisdictional waters are present on- or off-site, which may be impacted by the project, the appropriate CWA Section 404 permit shall be acquired by the applicant for the construction of the proposed project and the filling of the existing ditches, if applicable. CWA Section 401 water quality certification or waiver will also be required. An individual permit under Section 404 of the Clean Water Act is required for impacts to waters of the U.S., including wetlands greater than 0.5 acres. As part of the individual permit, National

Environmental Protection Act (NEPA) compliance and a Section 404(b) (1) Alternatives Analysis must be completed. In addition, Regional Water Quality Control Board certification is required pursuant to Section 401 of the Clean Water Act to obtain an individual permit. A copy of the approved Section 404 permit shall be provided to the Planning Director prior to initiation of ground disturbance activities.”

4.6-10(b) The City shall include the following as a condition of approval on any tentative map application:

“Prior to initiation of ground disturbance activities, the applicant shall submit to the California Department of Fish and Game (CDFG) a formal wetland delineation based on current regulations of the Army Corps of Engineers. If the CDFG determines that jurisdictional waters on or off the project site would not be impacted by the proposed project, no further mitigation is necessary. If the CDFG determines that jurisdictional waters are present on- or off-site, which may be impacted by the project, a Streambed Alteration Agreement shall be obtained from CDFG, pursuant to Section 1600 of the California Fish and Game Code, for any activities affecting the bed, bank, or associated riparian vegetation. If required, the project applicant shall coordinate with CDFG in developing appropriate mitigation, and shall abide by the conditions of any executed permits for any work related to the outfall.”

4.6-10(c) The City shall include the following as a condition of approval on any tentative map application:

“If the project would result in impacts to the jurisdictional wetlands identified on the project site, the acreage of jurisdictional habitat removed shall be replaced on a “no-net-loss” basis in accordance with Corps and CDFG regulations. A conceptual on-site wetlands mitigation plan, including an agreed-upon replacement ratio of wetlands with the Corps. The mitigation plan shall quantify the total jurisdictional acreage lost, describe creation/replacement ratio for acres filled, annual success criteria, potential mitigation-sites, and monitoring and maintenance requirements. The plan shall be prepared by a qualified biologist pursuant to, and through consultation with, the Corps. The plan may include funding mechanisms for future maintenance of the wetland and riparian habitat, which may include an endowment or other funding from the project applicant.”

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

4.7 Cultural Resources

For all mitigation measures included in Chapter 4.7, Cultural Resources, of the Draft EIR, (i.e., Mitigation Measures 4.7-1 through 4.7-3) the following revision has been made:

Nichols Grove ~~Tentative Map~~ Site

The above change is for clarification purposes and does not alter the analysis of the Draft EIR.

Mitigation Measures 4.7-1(a) through 4.7-1(d) on pages 4.7-14 and 4.7-15 of the Draft EIR are hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site

4.7-1(a) *The City shall include the following as a condition of approval on any tentative map application:*

“During ground disturbance activities, an archeological monitor shall be present to oversee operations both on- and off-site. If any earth-moving activities uncover any concentrations of stone, bone or shellfish, any artifacts of these materials, or any evidence of fire (ash, charcoal, fire altered rock, or earth), work shall be halted in the immediate area of the find and shall not be resumed until after a qualified archaeologist has inspected and evaluated the deposit and determined the appropriate means of curation. The appropriate mitigation measures may include as little as recording the resource with the California Archaeological Inventory database or as much as excavation, recordation, and preservation of the sites that have outstanding cultural or historic significance.”

4.7-1(b) *The City shall include the following as a condition of approval on any tentative map application:*

“In the event that any archaeological deposits are discovered during construction or grading, further grading or trenching within 50 feet of the discovery shall be halted until a plan has been submitted to the Planning Director for the evaluation of the resource as required under current CEQA Guidelines. If evaluation concludes the archaeological deposit is eligible for inclusion on the California Register of Historic Resources, a plan for the mitigation of impacts to the resource shall also be submitted to the Planning Director for approval.”

4.7-1(c) *The City shall include the following as a condition of approval on any tentative map application:*

“During construction, if bone is uncovered that may be human, the California Native American Heritage Commission, located in Sacramento, and the Yuba County Coroner shall be notified. Should human remains be found, all work shall be halted until final disposition by the Coroner. Should the remains be determined to be of Native American descent, the Native American Heritage Commission shall be consulted to determine the appropriate disposition of such remains.”

Non-Participating Properties

4.7-1(d) *In conjunction with submittal of an application for any of the non-participating properties, the applicant shall provide a cultural resources assessment, ~~at the discretion of the Planning Director,~~ analyzing any potential on-site archaeological and/or historical resources. The cultural resources report shall recommend mitigation measures, if applicable, and the applicant shall be required to adhere to the mitigation measures recommended in the cultural resources assessment, ensuring that adverse impacts to resources would not result from project implementation.*

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

4.8 Geology and Soils

For all mitigation measures included in Chapter 4.8, Geology and Soils, of the Draft EIR, (i.e., Mitigation Measures 4.8-1 through 4.8-5) the following revision has been made:

Nichols Grove ~~Tentative Map~~ Site

The above change is for clarification purposes and does not alter the analysis of the Draft EIR.

Mitigation Measures 4.8-1(a) on page 4.8-14 of the Draft EIR is hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site

4.8-1(a) *The City shall include the following as a condition of approval on any tentative map application:*

“Prior to approval of ~~final maps~~ Improvement Plans, a final design-level geotechnical report shall be prepared and submitted to the City for review and approval. The geotechnical consultant shall consider the recommendations made in the Preliminary Geotechnical Engineering Reports prepared by Wallace Kuhl & Associates (February 2003 and March 2004) for the Nichols Grove project

including, but not limited to, the recommendations regarding expansive soils/ loose/ previously filled areas. The recommendations of the final geotechnical report shall be incorporated into the project design prior to issuance of building permits for the review and approval of the City Engineer.”

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Mitigation Measures 4.8-4 on page 4.8-17 of the Draft EIR is hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site, Non-Participating Properties

4.8-4 *The City shall include the following as a condition of approval on any tentative map application:*

“Prior to the approval of the Improvement Plans, the project applicant shall prepare and submit an erosion control plan to the City Engineer for review and approval. 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);*
- *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.”*

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

4.9 Hazards

For all mitigation measures included in Chapter 4.9, Hazards, of the Draft EIR, (i.e., Mitigation Measures 4.9-1 through 4.9-8) the following revision has been made:

Nichols Grove ~~Tentative Map~~ Site

The above change is for clarification purposes and does not alter the analysis of the Draft EIR.

Mitigation Measures 4.9-1(a) on page 4.9-28 of the Draft EIR is hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site

4.9-1(a) *The City shall include the following as a condition of approval on any tentative map application:*

“If during removal of all on-site debris by the project contractor, visual or olfactory evidence of potential soil contamination is observed, the project applicant shall contact Wallace Kuhl (or other similarly qualified firm), the property owner, the City, and the Yuba County Environmental Health Department for further assessment. If these parties determine that the items are not hazardous, they shall be removed and discarded in accordance with local standards at the expense of the applicant. If these parties determine that subsurface hazardous substances are located onsite, these substances shall be removed and the soil remediated to the satisfaction of the City of Wheatland and the Yuba County Environmental Health Department, at the expense of the applicant.”

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Mitigation Measures 4.9-2(a) on page 4.9-30 of the Draft EIR is hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site

4.9-2(a) *The City shall include the following as a condition of approval on any tentative map application:*

“Prior to initiation of any ground disturbance activities within 50 feet of a well, the applicant shall hire a licensed well contractor to obtain a well abandonment permit from Yuba County Environmental Health Department, and properly abandon the on-site wells, per review and approval of the City Engineer and the Yuba County Environmental Health Department.”

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Mitigation Measures 4.9-3(a) on page 4.9-31 of the Draft EIR is hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site

4.9-3(a) *The City shall include the following as a condition of approval on any tentative map application:*

“Before site grading and excavation of soils in the area of ASTs and fuel dispensers, the area shall be evaluated for unusual odors, visible discoloration, or other indications of soil contamination. If soils suspected of being contaminated are encountered, they shall be stockpiled on plastic sheeting. Stockpiled soils shall be sampled in accordance with RWQCB guidelines, and the findings forwarded to the RWQCB for review. Further remediation, if necessary, and disposal of the soils shall be conducted in accordance with State and federal guidelines.”

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Mitigation Measures 4.9-4(a) on page 4.9-33 of the Draft EIR is hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site

4.9-4(a) *The City shall include the following as a condition of approval on any tentative map application:*

“Prior to the issuance of building permits, the applicant shall coordinate with PG&E to sample and analyze the contents of the project site transformers. If the transformers are found to be PCB transformers, the transformers shall be disposed of subject to the regulations of the Toxic Substances Control Act (TSCA) under the authority of the Yuba County Environmental Health Department.”

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Mitigation Measures 4.9-5(a) on page 4.9-34 of the Draft EIR is hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site

4.9-5(a) *The City shall include the following as a condition of approval on any tentative map application:*

“Prior to issuance of a demolition permit by the City for any onsite structures, the project proponent shall provide a site assessment that determines whether any structures to be demolished contain lead paint. If structures do not contain lead-based paint, further mitigation is not required. If lead-based paint is found, all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with local, state, and federal regulations. The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction

waste containing lead paint in accordance with local, state, and federal regulations subject to approval of the City Engineer.”

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Mitigation Measures 4.9-7(a) through 4.9-7(c) of the Draft EIR are hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site

4.9-7(a) *The City shall include the following as a condition of approval on any tentative map application:*

“Prior to construction in the petroleum or natural gas pipelines rights-of-way, the project applicant in coordination with the City’s Public Works Department shall contact representatives from Kinder Morgan and PG&E, and endeavor to meet with them on the project site in order to prepare site-specific safety guidelines for construction in the field to the satisfaction of the Public Works Director. Should Kinder Morgan and/or PG&E decline to participate in the development of safety guidelines, the City shall retain a consulting firm qualified to assist with the preparation of such guidelines. These guidelines shall include provisions relating to the identification and protection of existing gas and petroleum pipelines on the project site. The safety guidelines shall be noted on the improvement plans and be included in all construction contracts involving the project site.”

4.9-7(b) *The City shall include the following as a condition of approval on any tentative map application:*

“During construction in the petroleum or natural gas pipelines’ rights-of-way, an on-site safety manager shall be designated to address any discovered release or accidental rupture of the pipeline(s) that might occur during construction. The on-site safety manager shall obtain and keep in a readily available location the emergency response plans of fuel line operators and the appropriate contact phone numbers for emergencies. This requirement shall be noted on the improvement plans and shall be included in all construction contracts for the review and approval of the Public Works Director.”

4.9-7(c) *The City shall include the following as a condition of approval on any tentative map application:*

“Prior to construction in the petroleum or natural gas pipeline’s rights-of-way, the project applicant in coordination with the City shall endeavor to coordinate with Kinder Morgan and PG&E to ensure that service from the pipelines within the project area is not affected.”

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

4.10 Hydrology and Water Quality

A commenter correctly states that Grasshopper Slough does not exist on the Almond Estates property at this time. Figure 4.10-5 is hereby revised as shown on the next page.

It should be noted that Figures 4.10-7 and 4.10-8 in the Hydrology and Water Quality chapter of the Draft EIR correctly illustrate that the Grasshopper Slough Tributary 2 terminates at SR 65, east of Almond Estates. Furthermore, the analysis contained within Chapter 4.10, Hydrology and Water Quality, recognizes that Tributary 2 is conveyed by a pipe to an existing City of Wheatland detention basin adjacent to Dry Creek. The analysis of the existing conditions also indicated that flows would build up to a point where they are passed through the property west of SR 65 to the Sohrakoff Drain and also along the freeway to the north directly into the detention basin. The Nichols Grove drainage mitigation would not increase the peak flow rates at these locations in the 100-year event, which is consistent with the City's General Plan.

For all mitigation measures included in Chapter 4.10, Hydrology and Water Quality, of the Draft EIR, (i.e., Mitigation Measures 4.10-1 through 4.10-7) the following revision has been made:

Nichols Grove ~~Tentative Map~~ Site

The above change is for clarification purposes and does not alter the analysis of the Draft EIR.

Mitigation Measures 4.10-1(a) and 4.10-1(b) of the Draft EIR are hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site

4.10-1(a) *A project-level drainage report was prepared for the originally submitted Nichols Ranch Small-Lot Tentative Map Application, entitled, "Nichols Ranch Draft Drainage Report," dated November 2007. This project-level drainage report identified a series of drainage improvements that, if incorporated into the proposed drainage system for the project, would provide sufficient stormwater detention basin and pipe capacity to accommodate the project's runoff. Development of the project shall incorporate the improvements described in the drainage plan; however, the proposed Nichols Grove drainage plan shall be modified to include the following recommendations set forth in ~~The Nichols Ranch Draft Drainage Report, dated November 2007, for the review and approval of the City Engineer prior to the initiation of ground disturbance activities identified the following modifications to the proposed drainage system:~~*

- Storm drainlines upstream from the DNR-2D detention basin shall be sized for the 100-year flows starting with the 100-year hydraulic grade at Nodes 203;
- Storm drainlines south of the north Branch of Grasshopper Slough (Tributary 2) shall be designed for the 10-year flow;
- Flows exceeding the 100-year flows in the DNR2C detention basin shall be drained to Tributary 2 of Grasshopper Slough;
- The existing 12-inch culvert, located in the western portion of the project, shall be replaced with a 10-foot by 3-foot box culvert to return Tributary 2 of Grasshopper Slough to the historical flow levels; and
- The existing 18-inch culvert that connects Tributary 2 of Grasshopper Slough with the adjacent low-lying field shall be removed.

Given that the project now only includes program-level entitlements, any future tentative map application(s), depending upon the proposed lotting arrangement, could require further modifications to the proposed drainage design set forth in the November 2007 Nichols Ranch Draft Drainage Report. As a result, in conjunction with submittal of any subsequent tentative map application for development within the Nichols Grove annexation area, the applicant(s) shall be required to submit a site-specific drainage study. The drainage study shall incorporate recommendations set forth in the Nichols Grove Draft Drainage Report, dated November 2007, as applicable. The site-specific drainage study shall be reviewed and approved by the Planning Commission and/or City Council in conjunction with the review of the tentative map(s).

4.10-1(b) The City shall include the following as a condition of approval on any tentative map application:

“Prior to the issuance of building permits, the applicant shall fund the necessary improvements for the addition of 11 cfs of pumping capacity to the existing pump station for the City detention basin south of Dry Creek, for the review and approval of the City Engineer, unless otherwise determined via implementation of Mitigation Measure 4.10-1(a).”

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Mitigation Measures 4.10-2 on page 4.10-28 of the Draft EIR is hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site, Non-Participating Properties

4.10-2 The City shall include the following as a condition of approval on any tentative map application:

“In conjunction with submittal of Improvement Plans, ~~the~~ applicant(s) shall ~~develop~~ submit a long-term maintenance and funding strategy for the drainage improvements for the review and approval of the City Engineer prior to the recording of final map. The strategy shall include, but not limited to, the following:

- Dispersion of alluvial sediment deposition at inlet structures, thus limiting the extended localized ponding of water;
- Periodic sediment removal;
- Monitoring of the facility to ensure the site is completely and properly drained;
- Outlet riser cleaning;
- Vegetation management to prevent marsh vegetation from taking hold, and to limit habitat for disease-carrying fauna;
- Removal of graffiti, grass trimmings, weeds, tree pruning, leaves, litter, and debris;
- Preventative maintenance on monitoring equipment;
- Vegetative stabilization of eroding banks and basal areas;
- Animal and vector control;
- Structural inspection; and
- Funding plan for the above strategies.”

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Mitigation Measures 4.10-3(a) on page 4.10-30 of the Draft EIR is hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site

4.10-3(a) The City shall include the following as a condition of approval on any tentative map application:

“Prior to initiation of ground disturbance activities, the applicant shall obtain a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the Regional Water Quality Control Board. The permit is required to control both construction and operation activities that may adversely affect water quality. The General Permit requires the applicant to file a Notice of Intent (NOI) with the SWRCB and prepare a Stormwater Pollution Prevention Plan (SWPPP) that describes the site, erosion and sediment controls using Best Management Practices (BMPs) and Best Available Technologies (BATs). The SWPPP shall also include means of waste disposal, implementation of approved local plans, control of

post-construction sediment and erosion control. Typical BMPs that could be used during construction of the proposed projects include, but are not limited to temporary facilities such as straw wattles and sandbags. Temporary facilities will capture a majority of the siltation resulting from construction activities prior to discharging into existing natural channels. The construction contractor shall be required to monitor and maintain all BMPs during construction to ensure they function properly for review and approval of the City Engineer.”

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Mitigation Measures 4.10-5 of the Draft EIR is hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site, and Non-Participating Properties

4.10-5(a) Flood Related Mitigation.

1. General. Except for development in the Phase 1 Development Grading Plan area that may be permitted pursuant to 4.10-5(b) below, future development of the project will require, and cannot proceed without, the completion of flood control or other improvements to mitigate flooding from the ~~Bear River and~~ Dry Creek sources and to provide the project property with an “urban level of flood protection,” defined as the level of protection that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year using criteria consistent with, or developed by, the State Department of Water Resources (Government Code section 65007(k)).

2. Bear River Levee Improvements. The mitigation of flooding from the Bear River shall be implemented as follows:

~~The applicant acknowledges that (a) the City, Reclamation District 2103, State Department of Water Resources, and the developers of the Heritage Oaks East and Jones Ranch subdivisions have approved a plan that should provide funding to complete Bear River levee improvements that would protect the project property from flooding from the Bear River, (b) Reclamation District 2103 has prepared an engineering report to determine a cost estimate for the Bear River levee improvements and a geographical zone of benefit of properties provided with flood protection by the Bear River levee improvements (Levee Zone of Benefit), (c) the project property or most of it will be included within the Levee Zone of Benefit, (d) City will be preparing a Bear River levee development fee study that will allocate the cost of the Bear River levee improvements on a pro-rata fair share basis among benefiting properties within the Levee Zone of Benefit, and (e) City intends to adopt an ordinance requiring properties within the~~

~~Levee Zone of Benefit to pay a Bear River levee improvement development impact fee, to ensure that all properties within the Levee Zone of Benefit pay their fair share of the Bear River levee improvements as a condition of development.~~

The applicant shall pay the Bear River levee improvement development impact fee in accordance with the requirements of the fee ordinance and/or resolution ~~to be adopted by the City upon completion of fee study~~ and in the amount in effect at time of issuance of building permit.

~~If the Bear River levee improvements are not completed by Reclamation District No. 2103 by December 31, 2009, then applicant implementation of a plan to mitigate flooding from the Bear River shall be added to the requirements of subsection 3 below.~~

3. Dry Creek. For the mitigation of flooding from Dry Creek, the applicant shall commit to a program to fully fund the cost of the flood control improvements necessary to provide an urban level of flood protection to the project property by either (a) directly constructing the necessary flood control improvements, (b) entering into and participating in an advance funding agreement with other participating developers, (c) including the property in a community facilities district or assessment district and approving payment of a CFD special tax or assessment, (d) participating in a development impact fee program, (e) participating in some other funding program acceptable to the City, or (f) some combination of the foregoing. The final terms of the proposed program shall be subject to the review and approval by the City to ensure that the selected program will satisfactorily fully fund the cost of the flood control improvements necessary to provide an urban level of flood protection to the property. The applicant shall demonstrate its satisfactory compliance with one of these options as a condition of developing the property.

- 4.10-5(b) Phase 1 Development Grading Plan Area. This mitigation measure applies only to the Phase 1 Development Grading Plan area described in the project description. ~~Prior to~~ In conjunction with the submittal of any ~~final~~ tentative map for this area, the applicant and its engineers shall prepare and submit a grading plan with hydraulic analysis that demonstrates that the developable area would no longer be in a special flood hazard area (as defined by the City Floodplain Management Ordinance (Wheatland Municipal Code chapter 15.12) in accordance with the City Floodplain Management Ordinance. The plan will be subject to review and approval by the City Engineer and the ~~final~~ tentative map will not be approved until after the City Engineer has approved the plan.

4.10-5(c) *Development Pending Completion of Flood Control Improvements. The City shall include the following as a condition of approval on any tentative map application for any development within the Nichols Grove area:*

“1. Land Preparation. If the Federal Emergency Management Agency (FEMA) issues a Conditional Letter of Map Revision (CLOMR) for the property indicating that the property would no longer be in a special flood hazard area (as defined by the City Floodplain Management Ordinance) upon completion of a specified flood control improvement project or improvements, then the Developer may proceed with the following development-related activities: land preparation, such as clearing, grading, and filling; construction of streets, curbs and sidewalks; construction and installation of water, sewer, other utility and storm drainage improvements; and, preparation and submittal of a large lot final subdivision map application (which shall be approved by the City if it otherwise complies with the requirements of the approved tentative map, Subdivision Map Act, City subdivision ordinance and this Agreement). Performance of any grading or construction related work shall be subject to and in compliance with the terms of a floodplain development permit, with permit conditions, to be issued by the City pursuant to its Floodplain Management Ordinance.

2. Building Permits and Small Lot Final Maps. Building permits for construction of buildings or structures on the Property and small lot final subdivision maps shall not be issued or approved by the City until (a) FEMA has issued a Letter of Map Revision (LOMR) for the property showing that the property is no longer in a special flood hazard area, and (b) the City Engineer has determined in writing that the property has an urban level of flood protection.”

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

4.11 Public Services and Utilities

For all mitigation measures included in Chapter 4.11, Public Services and Utilities, of the Draft EIR, (i.e., Mitigation Measures 4.11-1 through 4.11-9) the following revision has been made:

Nichols Grove ~~Tentative Map~~ Site

The above change is for clarification purposes and does not alter the analysis of the Draft EIR.

Mitigation Measures 4.11-1(a) through 4.11-1(c) of the Draft EIR are hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site

4.11-1(a) ~~Prior to review of project improvement plans~~ In conjunction with submittal of any tentative map application, a Water Supply Verification shall be conducted to ensure that water infrastructure can provide sufficient water supply needed for the project (estimated at 1,320 afa in the WSA). The Water Supply Verification showing adequate supply for the Nichols Grove ~~Tentative Map~~ project shall be submitted to the City Engineer and Director of Public Works for review and approval.

4.11-1(b) The City shall include the following as a condition of approval on any tentative map application:

“Prior to issuance of building permits, the applicant shall pay the City’s Development Water Impact Fees, as determined by the City Engineer and Department of Public Works.”

4.11-1(c) The City shall include the following as a condition of approval on any tentative map application:

“To ensure proper management of groundwater supply, the applicant shall pay for the City to perform groundwater monitoring at the four new on-site wells to ensure that the new concentration of urban supply wells is not causing groundwater depletion, nor adversely affecting the City’s water supply.”

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Mitigation Measure 4.11-2 of the Draft EIR is hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site, Non-Participating Properties

4.11-2(a) The City shall include the following as a condition of approval on any tentative map application:

“Prior to issuance of building permits, the project applicant shall be required to pay the City’s Wastewater Development Impact Fees, as determined by the City Engineer.”

4.11-2(b) The City shall include the following as a condition of approval on any tentative map application:

“Prior to occupancy, adequate wastewater treatment and sewer collection system capacity shall exist to accommodate the project, as determined by the City Engineer.”

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Mitigation Measure 4.11-3 of the Draft EIR is hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site, Non-Participating Properties

4.11-3 The City shall include the following as a condition of approval on any tentative map application:

“Prior to the commencement of grading or construction activities for the Nichols Grove ~~Tentative Map~~ site or any non-participating properties, the project developer shall submit a recycling plan for construction materials to the City for review and approval. The plan shall include that all materials that would be acceptable for disposal in the sanitary landfill be recycled/reused. Documentation of the material type, amount, where taken and receipts for verification and certification statements shall be included in the plan. The project developer shall submit a performance deposit, as established in the project’s conditions of approval to the City to ensure recycling of demolition materials. In addition, the project developer shall cover all staff costs related to the review, monitoring and enforcement of this condition through the deposit account.”

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Mitigation Measure 4.11-4 of the Draft EIR is hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site, Non-Participating Properties

4.11-4 The City shall include the following as a condition of approval on any tentative map application:

“Prior to issuance of building permits, the applicant shall coordinate with PG&E and the City of Wheatland to determine the electrical utilities and/or easements and improvements needed to serve the project. The Improvement Plans for the project(s) shall incorporate the necessary easements for the review and approval of the City Engineer. The applicant shall be responsible for all costs associated with the identified improvements.”

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Mitigation Measure 4.11-5 of the Draft EIR is hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site, Non-Participating Properties

4.11-5 The City shall include the following as a condition of approval on any tentative map application:

“Prior to issuance of building permits, the applicant shall be required to pay The City’s Police Development Impact Fees.”

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Mitigation Measure 4.11-6 of the Draft EIR is hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site, Non-Participating Properties

4.11-6 *The City shall include the following as a condition of approval on any tentative map application:*

“Prior to issuance of building permits, the applicant shall be required to pay the City’s Fire Protection Development Impact Fees.”

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Mitigation Measure 4.11-7 of the Draft EIR is hereby revised to read:

Nichols Grove ~~Tentative Map~~ Site, Non-Participating Properties

4.11-7 *The City shall include the following as a condition of approval on any tentative map application:*

“The applicant shall be required to pay all applicable school impact fees in effect at the time of building permit issuance.”

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

3

LIST OF COMMENTERS

LIST OF COMMENTERS

The following is a list of letters received identifying the letter number, agency or person submitting the letter, and the page number on which the response to these letters appears.

1.	Bradshaw, A. Louise.....	4-2
2.	Leahy, Brian, California Department of Conservation.....	4-4
3.	Greathouse, Milton L.....	4-10
4.	Mallen, Devin, County of Yuba Community Development and Services Agency	4-12
5.	Knight, Frances, K. Hovnanian Homes	4-17
6.	Guth, Gregory M., Attorney at Law	4-23
7.	Eres, Thomas W., Attorney at Law.....	4-28
8.	Takhar, Sukhvinder, California Department of Transportation.....	4-37

4

RESPONSES TO COMMENTS

RESPONSES TO COMMENTS

This chapter includes responses to public comments on the Draft EIR, and identifies the letter number and agency or person submitting the letter.



Louise's Real Estate

Letter 1

Jeff Bradshaw, Associate & Notary ☐ (530) 701-7996
Sharon Bradshaw, Associate ☐ (530) 701-6851

Louise Bradshaw ☐ Broker

August 13, 2008

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

Dear Mr. Wright:

Thank you for your letter regarding development of The Nichols Grove project. My office was instrumental in the sale of this property, and I am excited to hear about the development you have planned.

1-1

Your assessment of all you have planned sounds tremendous. I will come by the City Office and pick up a draft of the DEIR and keep it in the office for reference. Congratulations to you and all the people who have worked with you to accomplish so much.

We look forward to working with the City in any way we can on this project. Thanks again for your letter.

Sincerely,

A. Louise Bradshaw, Broker

For 916/372-6111

P.O. Box 513 • 121 Hwy 65 (D St.) • Wheatland, CA 95692 • Phone: (530) 633-0905 • Fax: (530) 633-0953

LETTER 1: A. LOUISE BRADSHAW

Response to Comment 1-1

The commenter expresses an opinion on the approval of the project, which will be forwarded to the decision-makers.



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 • WEBSITE conservation.ca.gov

September 25, 2008

VIA FACSIMILE (916) 372-6111

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

Letter 2

Page 1 of 4

Dear Mr. Raney:

Subject: Nichols Grove Draft Environmental Impact Report (Yuba County)
SCH# 2006102089

2-1

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Draft Environmental Impact Report (DEIR) for the referenced project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's impacts on agricultural land and resources.

Project Description

2-2

The proposed Nichols Grove Project consists of a residential and mixed use development, Nichols Grove Tentative Map, the annexation to the City of Wheatland (City), and pre-zone of ten adjacent non-participating properties. The proposed Tentative Map project is a development of up to 1,609 dwelling units on approximately 485.5 acres. The non-participating properties portion of the proposed project includes the annexation of a total of 110.67 acres of unincorporated land to the City. The proposed project is located adjacent to the northern border of the City and is on the eastern edge of the northern Sacramento Valley within the Wheatland Sphere of Influence. According to the DEIR, the majority of the project area is classified as Prime Farmland. The project would convert Prime Farmland and other agricultural lands to urban uses. This conversion has been determined to be significant and unavoidable. Therefore, the Division recommends that the DEIR address the following items to provide a comprehensive discussion of potential impacts of the project on agricultural land and activities.

Agricultural Setting of the Project

2-3

- Location and extent of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and other types of farmland in and adjacent to the project area.
- Current and past agricultural use of the project area. Please include data on the types of crops grown, and crop yields and farm gate sales values.

The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.

Mr. Tim Raney, AICP
September 25, 2008
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Letter 2

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To help describe the full agricultural resource value of the soils on the site, the Department recommends the use of economic multipliers to assess the total contribution of the site's potential or actual agricultural production to the local, regional and state economies. Two sources of economic multipliers can be found at the University of California Cooperative Extension Service and the United States Department of Agriculture (USDA).

2-5

Project Impacts on Agricultural Land

- Type, amount, and location of farmland conversion resulting directly and indirectly from project implementation and growth inducement, respectively.
- Impacts on current and future agricultural operations; e.g., land-use conflicts, increases in land values and taxes, vandalism, etc.
- Incremental project impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely projects in the future.

Under California Code of Regulations §15064.7, impacts on agricultural resources may also be both quantified and qualified by use of established thresholds of significance. As such, the Division has developed a California version of the USDA Land Evaluation and Site Assessment (LESA) Model. The California LESA model is a semi-quantitative rating system for establishing the environmental significance of project-specific impacts on farmland. The model may also be used to rate the relative value of alternative project sites. The LESA Model is available on the Division's website at:

http://www.consrv.ca.gov/DLRP/qh_lesa.htm

2-6

Mitigation Measures

The loss of agricultural land represents a permanent reduction in the State's agricultural land resources. As such, the Department recommends the use of agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land. If a Williamson Act contract is terminated, or if growth inducing or cumulative agricultural impacts are involved, the Department recommends that this ratio of conservation easements to lost agricultural land be increased. Conservation easements will protect a portion of those remaining land resources and lessen project impacts in accordance with California Environmental Quality Act (CEQA) Guideline §15370. The Department highlights this measure because of its acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because it follows an established rationale similar to that of wildlife habitat mitigation.

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence the search for replacement lands should be conducted regionally or statewide, and not limited strictly to lands within the project's surrounding area.

Mr. Tim Raney, AICP
September 25, 2008
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Letter 2

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2-6
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Other forms of mitigation may be appropriate for this project, including:

- Directing a mitigation fee to invest in supporting the commercial viability of the remaining agricultural land in the project area, County or region through a mitigation bank that invests in agricultural infrastructure, water supplies, marketing, etc.

The Department also has available a listing of approximately 30 "conservation tools" that have been used to conserve or mitigate project impacts on agricultural land. This compilation report may be requested from the Division at the address or phone number below. General information about agricultural conservation easements, the Williamson Act, and provisions noted above is available on the Department's website. The website address is:

<http://www.conservation.ca.gov/dlrp/index.htm>

Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered.

Williamson Act Lands

Under California Code of Regulations §15206(b)(3), a project is deemed to be of statewide, regional or area-wide significance if it will result in cancellation of a Williamson Act contract for a parcel of 100 or more acres. If lands under Williamson Act contracts and/or in agricultural preserves exist in the project area, the Department recommends that the following information be discussed and/or provided in any subsequent CEQA document:

2-7

- A map detailing the location of agricultural preserves and contracted land within each preserve. The document should also tabulate the number of Williamson Act acres, according to land type (e.g., prime or non-prime agricultural land), which could be impacted directly or indirectly by the project.
- A discussion of Williamson Act contracts that may be terminated in order to implement the project. The document should discuss the probable impacts on nearby properties resulting from the termination of adjacent Williamson Act contracts. For example, a termination of a Williamson Act contract may have a growth-inducing impact. In other words, a termination may not only lift a barrier to development, but also result in higher property taxes, and thus, an incentive to shift to a more intensive land use, such as urban development.
- As a general rule, land can only be withdrawn from a Williamson Act contract through the nine-year non-renewal process. Immediate termination via cancellation is reserved for "extraordinary circumstances" (See Sierra Club v. City of Hayward (1981) 28 Cal.3d 840, 852-855). Under Government Code §51282, the city or county must approve a request for cancellation and base that approval on specific findings that are supported by substantial evidence. When cancellation is proposed, the Department recommends that a discussion of the findings be included in the document. Finally, a notice of the hearing to approve the tentative cancellation and a copy of the landowner's petition must be mailed

Mr. Tim Raney, AICP
September 25, 2008
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Letter 2

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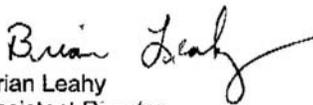
2-7
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to the Director of the Department ten working days prior to the hearing. (The notice should be mailed to Bridgett Luther, Director, Department of Conservation, c/o Division of Land Resource Protection, 801 K Street MS 18-01, Sacramento, CA 95814-3528.)

- Under Government Code §51243, if a city annexes land under a Williamson Act contract, the city must succeed to all rights, duties, and powers of the county under the contract. However, under §51243.5, a city may exercise its option not to succeed to the contract if certain conditions are met. LAFCO must notify the Department within 10 days of a city's proposal to annex land under a contract (Government Code §56753.5). Additionally, LAFCO must not approve a change to a sphere of influence or annexation of contracted land to a city unless certain conditions are met (see Government Code §§51296.3, 56426, 56426.5, 56749 and 56856.5).
- If portions of the planning area are under Williamson Act contracts (and will continue to be under contract after project implementation) the document should discuss the proposed uses for those lands. Uses of contracted land must meet compatibility standards identified in Government Code §§51238 - 51238.3. Otherwise, contract termination (see paragraph above) must occur prior to the initiation of the land use.
- An agricultural preserve is a zone authorized by the Williamson Act and established by the local government to designate qualified land to be placed under the Williamson Act's 10-year contracts. Preserves are also intended to create a setting for contract-protected lands that is conducive to continuing agricultural use. Under Government Code §51230, "An agricultural preserve may contain land other than agricultural land, but the use of any land within the preserve and not under contract shall within two years of the effective date of any contract on land within the preserve be restricted by zoning, including appropriate minimum parcel sizes that are at a minimum consistent with this chapter, in such a way as not to be incompatible with the agricultural use of the land." Therefore, the document should also discuss any proposed general plan designation or zoning within agricultural preserves affected by the project.

Thank you for giving us the opportunity to comment on this DEIR. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Elliott Lum, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 324-0869.

Sincerely,


Brian Leahy
Assistant Director

cc: State Clearinghouse

LETTER 2: BRIAN LEAHY, CALIFORNIA DEPARTMENT OF CONSERVATION

Response to Comment 2-1

The comment is introductory and does not address the adequacy of the Draft EIR.

Response to Comment 2-2

The comment correctly identifies the proposed project, as well as the project's impact on agricultural resources. The comment introduces a request for additional information which is outlined in greater detail in the following comments.

Response to Comment 2-3

The proposed project site is located on lands designated for urban development in the City of Wheatland General Plan. The General Plan, which was incorporated by reference into the Nichols Grove EIR, contains extensive analysis of the agricultural setting in Wheatland and Yuba County. In addition, Chapter 4.2, *Land Use and Agricultural Resources*, of the Nichols Grove DEIR includes a detailed discussion of the soil types on the project site. According to Figure 4.2-3, Project Area Soil Map, of the DEIR, which is based on a web soil survey through the National Soil Conservation Service website, the Nichols Grove project site consists primarily of soil type 141, Conejo loam, 0 to 2 percent slopes. According to the Yuba County Soil Survey, as described on page 4.2-12 of the DEIR, Conejo loam is a very deep, well-drained soil that is located on stream terraces. The soil is formed in alluvium derived from mixed sources. The vegetation in uncultivated areas would mainly consist of grasses, forbs, and valley oaks. The surface layer is typically brown loam that is about six inches thick. The upper eight inches of the subsoil is brown clay loam and the lower part to a depth of 65 inches is brown loam. The Conejo loam is well suited for irrigated and nonirrigated crops with few limitations. According to *The Yuba County Candidate Listing for Prime Farmland and Farmland of Statewide Importance*, Conejo loam is considered Prime Farmland. Figure 4.2-3 also illustrates that the project site consists of three more soil types, which are present only in relatively small patches. These include: 185 Kimball loam, 0 to 1 percent slopes; 208 Redding gravelly loam, 3 to 8 percent slopes; and 214 San Joaquin loam, 0 to 1 percent slopes. Soil type 185 is considered Farmland of Statewide Importance, while neither 208 nor 214 hold any special designation.

The DEIR includes a detailed description of the past uses of the project site, including agricultural uses, starting on page 4.9-8; it is not necessary to reiterate this detailed discussion here – please refer to page 4.9-8 of the DEIR. At the time of the writing of the DEIR, the north and northeast portions of the Nichols Grove site supported almond and walnut orchards, as well as the southwestern portion and a narrow strip in the center of the property. An alfalfa field and fallow lands were in the center of the property, and pastures were located on the southeast and south-central portions of the property.

It is not necessary to provide crop yields and farm gate sales values in the DEIR in order to provide an adequate assessment of the potential physical environmental impacts resulting from the project on agricultural lands.

Response to Comment 2-4

The level of detail requested is beyond the scope of CEQA, and would not affect the analysis of the Draft EIR. Furthermore, the Draft EIR, relying on adequate data and analysis, concludes that the loss of prime agricultural land would be a significant and irreversible impact.

Response to Comment 2-5

As discussed above in Response to Comment 2-3, development of the project site is anticipated in the City of Wheatland General Plan; it follows that the proposed project would not induce unanticipated growth. Land use compatibility is addressed in Impact 4.2-1 of the Land Use and Agricultural Resources chapter of the Draft EIR. This section concludes that although long-term land use conflicts between the proposed project and surrounding uses would not occur – given that the entire project vicinity has been planned for development in the General Plan – short-term conflicts could occur from nuisances created by ongoing agricultural operations. Mitigation Measure 4.2-1, requiring that each prospective property owner be provided with a statement disclosing nearby agricultural operations, has been included to reduce the potential for short-term land use conflicts; however, the Draft EIR determined that the impact would remain significant and unavoidable.

Consistent with the findings of the Wheatland General Plan EIR, the Nichols Grove Draft EIR identified a significant and unavoidable project-level impact to agricultural resources (See Impact 4.2-6). In addition, the Draft EIR determined that the project’s incremental contribution to the cumulative impact to agricultural resources would be cumulatively considerable (See Impact 4.2-7). Additional evaluation is not necessary.

Response to Comment 2-6

Development of agricultural lands designated by the Wheatland General Plan for urbanization was found to be significant and unavoidable in the General Plan EIR. As part of the adoption of the General Plan and certification of the General Plan EIR, Wheatland City Council made certain Findings of Fact and adopted a Statement of Overriding Considerations for all of the significant and unavoidable impacts (e.g., loss of agricultural lands) that would result from the implementation of the General Plan, determining that the benefits of the project would outweigh its adverse effects. As a result, the loss of agricultural land that would result from the Nichols Grove project has already been considered and overridden during the General Plan approval process. The City does not have a program to establish the preservation of agricultural lands outside of the City, nor does the City believe that such an approach is necessarily fitting, when considering that, in the case of Nichols Grove, the City would be logically extending its growth into an area already planned for development. The City Council, however, does have the authority to apply the suggested conservation easement mitigation. The comment will be forwarded for the consideration of the decision-makers.

Response to Comment 2-7

Yuba County does not participate in the Williamson Act program. Therefore, lands within the County, including the proposed project site, are not under Williamson Act contract. As a result, implementation of the proposed project would not result in any adverse impacts to any properties covered by the Williamson Act.

September 25, 2008

O.D. & M. Lucille Greathouse
Revocable Trust
785 South Walton Avenue
Yuba City CA 95993

Letter 3

Page 1 of 1

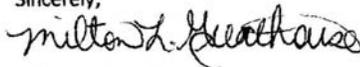
Mr. Tim Raney, Planning Director
City of Wheatland
313 Main Street
Wheatland CA 95962

RE: DEIR Nichols Grove
SCH # 2006102089

The following are some concerns and questions we have regarding the above noted DEIR.

- 3-1 1 Why are the 10 non-participating properties included in the annexation process?
- 3-2 2 What financial impact will annexation have on these properties? Will there be an increase in taxes? Will there be assessment districts on these properties to subsidize the Nichols Grove development or future development?
- 3-3 3 Does the proposal to delete the extension of B street only involve that portion of B street located in the Northern portion of Nichols Grove?
- 3-4 4 Looking at the General Plan, when AP #015-500-008 is developed in the future, B street will continue across Meadow Way and extend into Nichols Grove. Is this what is still planned at this time?
- 3-5 5 Are there plan/design considerations being made at this time to extend B street into Nichols Grove?

Sincerely,



Milton L. Greathouse

RECEIVED
SEP 26 2008
CITY OF
WHEATLAND

LETTER 3: MILTON L. GREATHOUSE

Response to Comment 3-1

As stated on page 3-1 of the Project Description chapter of the Draft EIR, the non-participating properties are included in the annexation process for the Nichols Grove project to establish continuity between the project site and the existing City limits. Annexations that result in the creation of “islands” (County properties surrounded by City limits) are not allowed by the Yuba County Local Agency Formation Commission.

Response to Comment 3-2

The non-participating properties would not be part of an assessment district, nor would annexation of the non-participating properties subsidize the development of the Nichols Grove project or any other future development. Future development of the non-participating properties would likely be required to pay fair-share amounts for public improvements installed by the Nichols Grove project; however, such payments would not be required unless, or until, development of the non-participating properties is approved.

Response to Comment 3-3

The Nichols Grove project would result in the elimination of the northern portion of the B Street extension shown in the General Plan Circulation Diagram. As discussed on page 4.2-28 of the Draft EIR, the General Plan Circulation Diagram currently shows the extension of B Street to the Ring Road. B Street would be extended from Meadow Way to Nichols Grove Drive concurrent with any future development of the non-participating property APN 015-500-008. If APN 015-500-008 is developed, B Street would terminate at a three-way intersection with the future Nichols Grove Drive in the southern portion of the Nichols Grove site. Nichols Grove Drive would in turn connect to the McDevitt Drive extension to the west and to the Ring Road in the North.

Response to Comment 3-4

Please refer to Response to Comment 3-3.

Response to Comment 3-5

The roadway network for the Nichols Grove project is designed to accommodate the future extension of B Street to Nichols Grove Drive. However, such an extension is not included as part of the Nichols Grove project improvements. It is anticipated that the B Street extension would occur at such time that APN 015-500-008 is developed. Development proposals for APN 015-500-008 have not been received at this time.

The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

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915 8th Street, Suite 123
Marysville, California 95901
www.co.yuba.ca.us



BUILDING
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CODE ENFORCEMENT
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ENVIRONMENTAL HEALTH • CUPA
749-5450 • Fax 749-5454

HOUSING AND COMMUNITY SERVICES
749-5460 • Fax 749-5464

PLANNING
749-5470 • Fax 749-5434

PUBLIC WORKS • SURVEYOR
749-5420 • Fax 749-5424

September 26, 2008

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

Letter 4

Page 1 of 2

RE: Nichols Grove Draft EIR SCH #2006102089

Dear Mr. Raney,

The Yuba County Community Development and Services Agency has reviewed the Draft EIR submitted for the Nichols Ranch project and would like to offer the following comments:

- 4-1 1. Chapter 1 page 1-5 indicates that an NOP comment letter was submitted by Ed Palmeri, Yuba County CDSA. According to our records, we did not provide a comment letter on the NOP. In addition, we have requested that the City of Wheatland provide verification that the County was properly notified of this proposed project and associated environmental review. To date, the City has not responded to our request.
- 4-2 2. The DEIR indicates that as part of the project State Street is proposed to be improved as a first stage improvement with the first 100 dwelling units. The EIR does not provide any specifics on how the road is to be improved. Since State Street is maintained by the County, prior to any work on State Street the City of Wheatland should be required to annex the street into the city limits or enter into an agreement with the County to maintain State Street once improved if it is not annexed into the city limits.
- 4-3 3. The EIR should include a mitigation measure that requires the developers of this project to pay their fair share for the Marysville Bypass.
- 4-4 4. The EIR indicates that the proposed project is not compatible with surrounding land uses and proposes mitigation measure 4.2-1 which requires an agriculture disclosure statement be recorded with the final map and statement provided to each prospective property owner. While this mitigation measure does provide notification to future residents/property owners it does not mitigate for the short or long-term land use compatibility issues between agricultural operations and urban residential uses. As such, both the near term and long term impacts should be listed as significant and unavoidable. This measure also does not provide language indicating that agricultural operations and their associated impacts cannot be deemed a nuisance. This language needs to be included in any disclosure to assist in protecting the existing agricultural operations from being required to alter or cease some of their operations that cause noise, dust, smells, or applications of chemicals necessary for them to farm their property.

4-5 5. The County agrees that Dry Creek and the Dry Creek levee that bound the project's northern boundary provide a physical feature that can be used as a buffer between the project's sensitive receptors and the agricultural operations north of Dry Creek. However, the EIR mentions that the non participating parcel APN 015-140-056 could result in long-term compatibility issues with the agricultural operation to the north if residential development is permitted. Therefore the County recommends that the project incorporate a mitigation measure that either prohibits residential development on this property or a minimum of a 300 foot buffer (design as approved by the Yuba County Agricultural Commissioner) be provided between any future residents and agricultural operation.

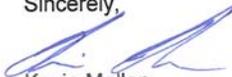
4-6 6. LAFCO guidelines stipulate that prior to a city filing an application with LAFCO, the city should meet with LAFCO's Executive officer and affected districts and agencies to establish the minimum requirements for processing the application as well as to discuss a taxation sharing agreement and any needed property tax transfers. The City has not met with the County to discuss the processing of this project or to establish a tax sharing agreement. LAFCO cannot issue a certificate of filing until a tax share agreement has been negotiated between the County and the City.

4-7 Because the County was not informed of the proposed project until the Notice of Availability for the DEIR was released to the public, the County has not had the opportunity to thoroughly review the potential impacts of the proposed project on the County. Of particular concern, are the impacts the increase in population will have on law enforcement services provided to the City by the Yuba County Sheriff's Department such as but not limited to the jail, Coroner/Public Administration, animal care services, and dispatch services.

4-8 In order to adequately review the potential impacts to the County and negotiate the required tax share agreement, the County is requesting that the comment period for the EIR be extended and the Wheatland City Counsel refrain from taking action on this project until these issues have been addressed. In addition we will be requesting that LAFCO not accept the annexation application as complete until the City has met with the County to discuss our issues and concerns.

Please feel free to contact Robert Bendorf, County Administrator or myself if you have any questions or to set up a meeting to discuss.

Sincerely,



Kevin Mallen
CDSA Director

CC: John Benoit, Yuba County LAFCO
Robert Bendorf, Yuba County CAO
Yuba County Board of Supervisors

LETTER 4: DAVE MALLEN, COUNTY OF YUBA COMMUNITY DEVELOPMENT AND SERVICES AGENCY

Response to Comment 4-1

The commenter is correct in that Yuba County did not submit a comment letter on the Notice of Preparation (NOP) for the Nichols Grove EIR. Chapter 1 of the EIR inadvertently references the County as having submitted a NOP comment letter. Therefore, for clarification purposes the NOP comment letters list on page 1-5 of the Draft EIR is hereby revised as follows:

NOP Comment Letters

- Amelia B. Oliver – Resident
- Bridget Binning – California Department of Health Services
- Clyde and Stephen Waltz – Residents
- Douglas and Lucille Waltz – Residents
- ~~Ed Palmeri – County of Yuba Community Development Department~~
- Gregory M. Guth – Attorney at Law Representing Baker Ranch

The above revision does not affect the adequacy of the Draft EIR. Both Ed Palmeri and the Yuba County Planning Department are on the mailing list used for distribution of the NOP. The mailing list has been included as Appendix B of this Final EIR. The NOP was not sent by certified mail; therefore, the City is unable to conclusively verify that the County received the notice. However, as the County was on the mailing list used, the City has every reason to believe that the County was properly notified.

Response to Comment 4-2

The annexation of State Street to the City of Wheatland has recently been evaluated in an Initial Study/Mitigated Negative Declaration (IS/MND) prepared by the City of Wheatland. The public comment period on the IS/MND has closed and this item is being brought before the Wheatland Planning Commission for consideration of approval on January 18, 2011.

Response to Comment 4-3

The Draft EIR traffic impact analysis did not indicate that the Nichols Grove project would have significant impacts on traffic through Marysville. As shown in Figure 4.3-2, project-related traffic would result in 209 northbound and 98 southbound trips on State Route 65 beyond Evergreen Avenue in the AM Peak Hour, and 160 northbound and 247 southbound vehicle trips in the PM peak hour. Therefore, the proposed project would be unlikely to result in substantial northbound traffic which could result in adverse impacts. Furthermore, the final destination of the trips was not identified; however, such traffic would likely be attracted to Marysville or points south, as opposed to bypassing Marysville.

Response to Comment 4-4

The commenter is correct that the Draft EIR did identify a short-term significant and unavoidable impact as a result of the incompatibilities that may arise between residential and agricultural uses. However, as all lands south of Dry Creek have been identified for urban uses in the Wheatland General Plan, long-term impacts were found to be less-than-significant. Future buildout of the General Plan area would eventually displace agricultural uses within the Wheatland Sphere of Influence, and the incompatibility would not occur. However, Mitigation Measure 4.2-1 on page 4.2-25 of the Draft EIR is hereby revised, as recommended by the commenter, to read:

4.2-1 The Applicant shall inform and notify prospective buyers in writing, prior to purchase, about existing and on-going agriculture activities in the immediate area in the form of a disclosure statement. The notifications shall disclose that the Wheatland area is an agriculture area subject to ground and aerial applications of chemical and early morning or nighttime farm operations, which may create noise, dust, et cetera, and provide that such agricultural operations shall not be considered a nuisance. The language and format of such notification shall be reviewed and approved by the City Attorney prior to recording final map. Each disclosure statement shall be acknowledged with the signature of each prospective property owner.

The above revision does not affect the adequacy of the EIR.

Response to Comment 4-5

The commenter incorrectly states that the Draft EIR identified *long-term* compatibility issues with the agricultural operations to the north if residential development is permitted on APN 015-140-056. As discussed in Response to Comment 4-4, the Draft EIR identified significant and unavoidable impacts for the short-term scenario, and less-than-significant impacts for the long-term scenario as future buildout of the General Plan area would result in the displacement of the agricultural activities south of Dry Creek. As discussed on page 4.2-24, the inclusion of large setbacks in the proposed project would result in unnecessary separations at such time when the adjacent properties develop. Therefore, development of the Nichols Grove project and the non-participating properties would be carefully designed so as to reduce conflicts, but would also be designed to avoid unnecessary setbacks which would result in piece-meal development.

Response to Comment 4-6

The comment does not address the adequacy of the Draft EIR; however, the comment will be forwarded to the decision-makers for their consideration as the annexation process progresses.

Response to Comment 4-7

As discussed in Response to Comment 4-1, the City has every reason to believe that the County was properly notified about the proposed project based upon the fact that the City's mailing list for the NOP included the Yuba County Planning Department (See Appendix B of this Final EIR). The proposed project will be served by the Wheatland Police Department, and Mitigation Measure 4.11-5 has been included to ensure the payment of applicable Development Impact Fees. Furthermore, the City is prepared to discuss a comprehensive revenue sharing plan to ensure that County services can be maintained while focusing future development within the incorporated cities of Yuba County.

Response to Comment 4-8

The City is not required to negotiate a tax sharing agreement with the County for the project prior to the Wheatland City Council taking action on the project. The City will meet with the County to negotiate a tax sharing agreement prior to the LAFCO hearing for the project.

From: Knight, Frances <fknight@khov.com>
To: Nick Pappani; Eric Veerkamp; Tim Raney
CC: Mark Rodgers <mRodgers@WoodRodgers.com>; Stan Mette <sMette@WoodRodgers.com>
Sent: Thu Sep 25 11:00:23 2008
Subject: Nichols Grove - DEIR

Letter 5

Page 1 of 2

Gentlemen:

5-1 Please accept this e-mail as a comment letter from K. Hovnanian Homes as it relates to the Nichols Grove DEIR. First, the illustration Figure 4.10-5 showing the Grasshopper Slough Tributary 1 and 2 location shows the extension of Tributary 2 running through Almond Estates. This illustration is not current and it should be noted that Grasshopper Slough tributary no longer exists on the Almond Estates property. Prior to our ownership the parcel had been graded and established as an almond orchard.

I have several questions that relate to the hydrology section and would appreciate clarification.

- 5-2 1. It is not entirely clear whether the Grasshopper North Tributary 1 is being routed directly to the existing City Detention Basin south and west of the intersection of Dry Creek and SR 65. If so, how will the flows be routed from the existing Tributary 1 outfall into Dry Creek west to the City Detention Basin?
- 5-3 2. Can the need for the 19.5 cfs increase in pumping be explained further? It is unclear whether this is based on a higher post project flow or as an agreement to improve the existing overspill condition at the City Detention Basin.

Thank you.

Frances Knight

K. Hovnanian Homes

1375 Exposition Blvd., Ste. 300

Sacramento, CA 95815

(916) 920-0200 Ext. 1516

(916) 920-0379 Fax

Letter 5

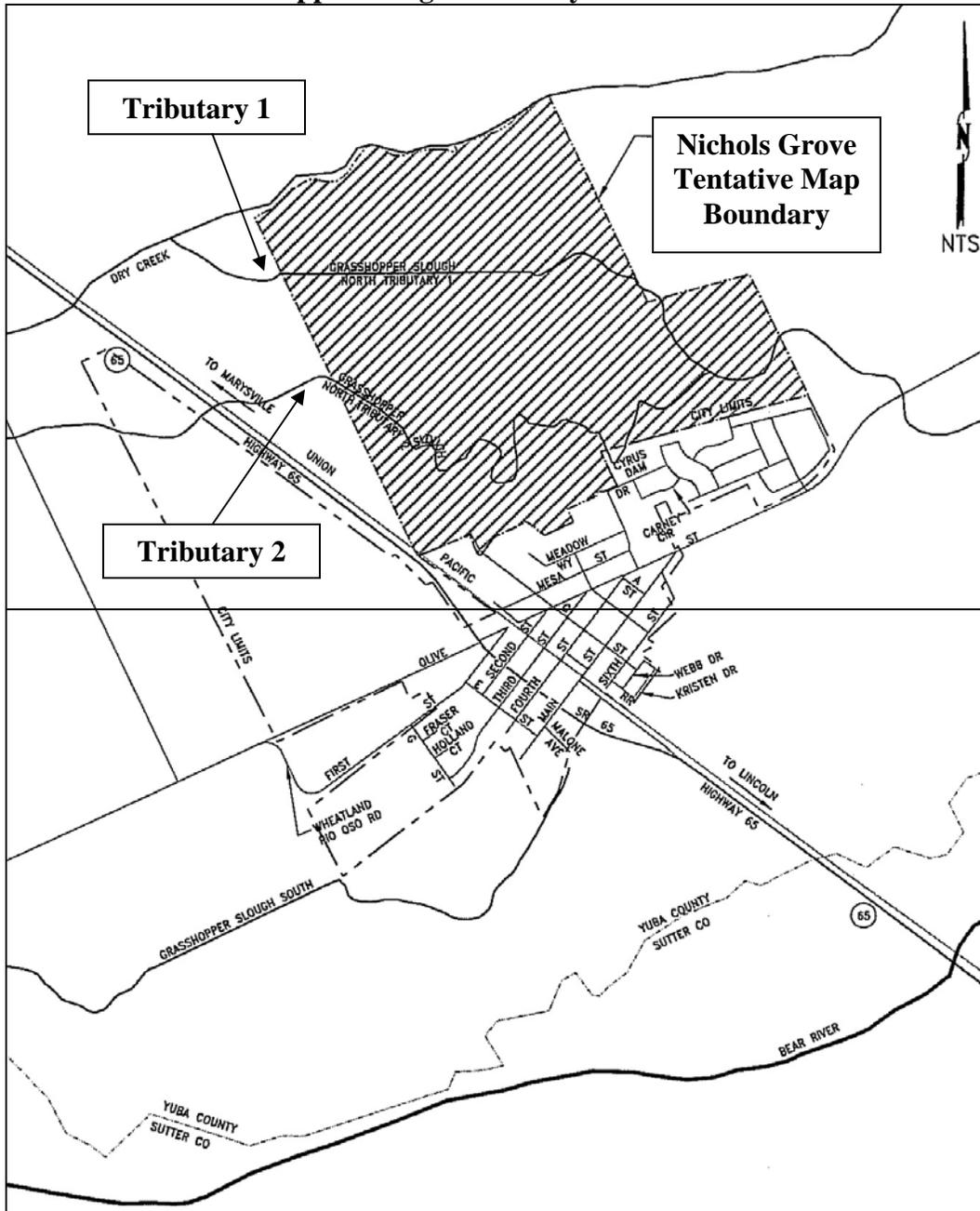
Page 2 of 2

LETTER 5: FRANCIS KNIGHT, K. HOVNANIAN HOMES

Response to Comment 5-1

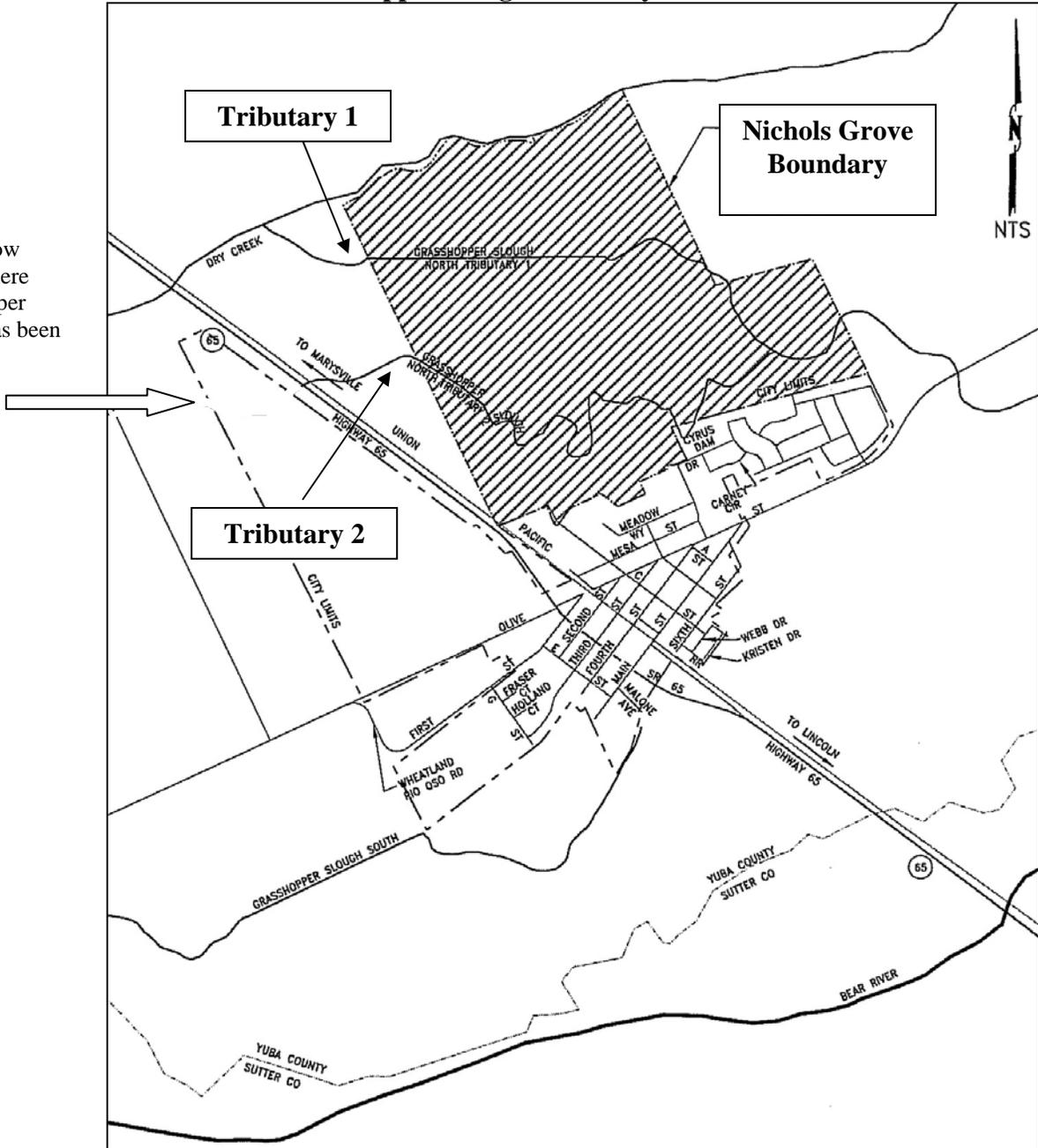
The commenter correctly states that Grasshopper Slough does not exist on the Almond Estates property at this time. Figure 4.10-5 is hereby replaced as follows:

**Previous Figure 4.10-5
Grasshopper Slough Tributary 1 and 2 Location**



**New Figure 4.10-5
Grasshopper Slough Tributary 1 and 2 Location**

Note: arrow shows where Grasshopper Slough has been deleted.



It should be noted that Figures 4.10-7 and 4.10-8 in the Hydrology and Water Quality chapter of the Draft EIR correctly illustrate that the Grasshopper Slough Tributary 2 terminates at SR 65, east of Almond Estates. Furthermore, the analysis contained within Chapter 4.10, Hydrology and Water Quality, recognizes that Tributary 2 is conveyed by a pipe to an existing City of Wheatland detention basin adjacent to Dry Creek. The analysis of the existing conditions also indicated that flows would build up to a point where they are passed through the property west of SR-65 to the Sohrakoff Drain and also along the freeway to the north directly into the detention basin. The Nichols Grove drainage mitigation would not increase the peak flow rates at these locations in the 100-year event, which is consistent with the City's General Plan. The analysis estimated that under pre-project conditions the 100-year spill rate would be 232 cubic feet per second (cfs). The proposed project would reduce that discharge rate to an estimated 126 cfs for the same event.

Response to Comment 5-2

As discussed in the last paragraph on page 4.10-20 of the Hydrology and Water Quality chapter, the North Branch of Grasshopper (Tributary 1) passes through the Nichols Grove project site and flows through the adjacent private property (non-participating property APN 015-140-056) and into Dry Creek. The alignment of "Grasshopper North Tributary 1" would not be altered by the project. Flood flowrates in excess of the capacity of the slough are being captured by the project drainage system to provide relief to this system, at a lowered hydraulic operating elevation. Historically, this system can overtop its bank and flood to the south to Tributary 2, which ends up discharging into the existing City Detention Basin. The design system mimics this operation; however, flood management practices are employed to reduce the amount of overland sheet flooding which would occur, and deliver the flood waters in improved conveyance systems. Following installation of the proposed stormwater infrastructure, peak stormwater flows would be detained in detention basins on the Nichols Grove property and conveyed to Detention Basin DNR2D which would convey flows to the existing detention basin via an underground 60-inch reinforced concrete pipe. Tributary 1 would continue to flow to the existing outfall at Dry Creek; however, peak stormwater flows would be reduced from 40 cubic feet per second (cfs) to approximately 18 cfs during 100-year storm conditions via detention. Mitigation measures for potential increased runoff volumes delivered to the City Detention Basin are included in the design analysis (see Mitigation Measure 4.10-1(b)).

Response to Comment 5-3

Peak flow rate increases which may result from the project improvements are being mitigated with the onsite detention facilities that are proposed. The need for additional pumping at the existing City Detention Basin results from the change in timing of the delivery of flows throughout a flood event, and the increase in flood runoff volumes which may also be delivered to the basin in a flood event. As shown in Table 4.10-2 of the Hydrology and Water Quality chapter, the 19.5 cfs increase in pumping is required to ensure that implementation of the proposed project does not result in adverse impacts to the City detention basin along Dry Creek. Mitigation Measure 4.10-1(b) has been structured to ensure that the project would not result in the City's basin operating at an increased hydraulic elevation at any time during the 100-year

design event. Implementation of the mitigation would result in a 0.2 cfs decrease in peak stage, and 0.27 cfs decrease in peak volume.



Gregory M. Guth
Attorney at Law

474 Century Park Dr., Suite 300
Yuba City, CA 95991

September 26, 2008

VIA FAX AND ELECTRONIC MAIL

Tim Raney
Raney Planning and Management, Inc.
1501 Sports Drive
Sacramento, CA 95834
Timraney@raneymanagement.com

Letter 6
Page 1 of 2

Re: Nichols Grove Draft EIR

Dear Mr. Raney:

6-1

It is a complete shock to review this draft EIR concerning Nichols Grove. On October 7, 2007, you and Steve Wright (Wheatland City Manager) attended a meeting with Dortha Baker's son-in-law, George Mueller, and me. The meeting was held to discuss whether Mrs. Baker would like to opt in on the annexation request proposed by Nichols Ranch. We were told that it was purely Mrs. Baker's option at this time. You presented some of the benefits that annexation may provide the Baker Ranch (i.e., access to city water and other utilities) so that Mrs. Baker could way the pros vs. cons. We were advised that the Nichols Grove project would not require annexation of Mrs. Baker's property.¹ Mrs. Baker was only being given the option to participate in annexation efforts because it might save her, her heirs or successors money if it was later decided that Baker Ranch wanted to be annexed. At the conclusion of our meeting, we were told that the City would respect Mrs. Baker's decision either way. **Mrs. Baker respectfully declined the offer!!!** It was therefore agreed that Baker Ranch would not be part of any proposed annexation for the Nichols Ranch project.

6-2

You personally should understand that it comes as quite a shock that the entire draft EIR approaches the project as including non-participating properties that include Mrs. Baker's 93-acre parcel.² The only discussion in the draft EIR that comes close to reflecting the agreement that was made between Mrs. Baker and the City (via you and Mr. Wright) is the "Reduced Acreage Alternative." Therefore, we adamantly object to the draft EIR and insist that the City make good on its promises and not breach its agreement with Mrs. Baker. The Reduced Acreage Alternative is the project that should be the discussion of this draft EIR.

6-3

We also object that notice of the draft EIR was not provided to Mrs. Baker nor my office despite the fact that we should be on the City's required service list. I just recently came across the Nichols Grove draft EIR by chance when I inquired about the Johnson Rancho / Hops Farm Notice of Preparation. All further notices must be provided to my client and my office.
Tim Raney

6-4

¹ There was, however, discussion that the McDevitt crossing, as anticipated by the City's General Plan, may ultimately require a discussion concerning annexation. Still, we were assured that the McDevitt crossing would not be a part of the initial phase of the proposed development. Further, that the development would rely upon access points at other areas which did not require use of Mrs. Baker's private crossing over the UP Railroad tracks, nor would require any immediate need for a crossing at McDevitt Road.

² By the way, her APN is 015-140-055- it is identified incorrectly throughout the draft EIR.

Telephone: 530.822.9467

Facsimile: 530.674.7818

Email: greg.guth@gmail.com

Letter 6

Page 2 of 2

September 26, 2008

Page 2

6-5

The draft EIR acknowledges my previous submission of written comments for the scope of the project. However, the CD version that I was provided by City Hall does not include a copy of that letter. This letter hereby incorporates the previous comments made on behalf of Mrs. Baker concerning the Notice of Preparation. We continue to insist that any annexation should be deferred until a municipal service review and sphere of influence review is properly performed and completed in accordance with the law; no new development should be allowed until adequate levee repair and other drainage issues are addressed;³ no new development should be allowed until adequate measures are taken to resolve the major traffic problems.

6-6

We request an explanation for the City's refusal to respect the decision of Mrs. Baker to opt-out of the annexation efforts, and why we were not informed of the City's decision to go back on its word. Also, why was notice not provided to Mrs. Baker nor myself⁴ of the draft EIR re Nichols Grove?

Sincerely,

Gregory M. Guth

6-7

³ We are opposed to any storm or drain runoff from the Nichols Grove project being dumped / pumped into Grasshopper slough as the slough is cut-off at the proposed Almond Estates site and water will collect, pool and flood the Baker property as Baker Ranch is located at a lower elevation than the Nichols project. The "historical" flow in the slough must be limited to normal rainfall as has been the case for the last century- and should not include the influx and overflow of new runoff from the proposed project. Nichols Grove should be responsible for handling its own run-off. The retention basins (located just east of

6-8

Baker Ranch) are unwelcome too. These unreasonably increase the threat of flooding to Baker Ranch as they are simply bathtubs waiting to overflow onto Baker Ranch in the event of a major storm.

6-9

⁴ I have recently started my own office, but any mail sent to my former office, Law Office of Steven A. Lamon, would have been forwarded to me.

LETTER 6: GREGORY M. GUTH, ATTORNEY AT LAW

Response to Comment 6-1

The Baker Ranch (identified in the Draft EIR as non-participating property APN 015-140-056) is not considered part of the annexation area for the proposed project; however, the property was included in the Nichols Grove Draft EIR to allow for a comprehensive environmental review. It should be noted that the future extension of McDevitt Road and the Ring Road may require the annexation of at least a portion of the Baker Ranch property. Furthermore, the ultimate decision on the boundaries of the annexation area will be made by the Wheatland City Council and Yuba County LAFCO. Either of these government agencies may find that the reasonable and appropriate boundaries of the annexation area should include the Baker Ranch property, thereby eliminating the potential of creating an irregular peninsula of unincorporated Yuba County immediately adjacent to the City limits. The Nichols Grove EIR has provided sufficient environmental review of the Baker Ranch property in order to allow either the Wheatland City Council or Yuba County LAFCO to add the Baker Ranch property to the annexation area without requiring additional environmental analysis.

Response to Comment 6-2

Please refer to Response to Comment 6-1.

Response to Comment 6-3

The Notice of Availability (NOA) was mailed to both Mrs. Baker and Mr. Guth (See Appendix C of this Final EIR). However, the NOA that was mailed to Mr. Guth was returned by the United States Postal Service marked “Return to Sender/Unable to Forward. As noted in Footnote 4 (identified as Comment 6-9), Mr. Guth has had a change of address. The City’s mailing list has been updated to account for the new address of Mr. Guth, and future mailings will continue to be sent to both Mrs. Baker and Mr. Guth.

Response to Comment 6-4

As discussed on page 4.3-39 of Section 4.3 of the Draft EIR, Transportation and Circulation, the construction of the McDevitt Drive Extension would be required at the beginning of Phase 2 of the development of the Nichols Grove project. See also Mitigation Measures 4.3-7(a) and 4.3-7(b). Therefore, the commenter is correct that the need for a crossing at McDevitt Road would not be necessary at the beginning of the project.

Upon further review of the County records, it has been determined that the Draft EIR did incorrectly identify the parcel number of the Baker property. Therefore, for clarification purposes the parcel number is hereby revised to read throughout the document as follows:

APN 015-140-0556

The above change does not affect the analysis contained in the Draft EIR.

Response to Comment 6-5

The comment provided by Mr. Guth was inadvertently omitted from Appendix B of the Draft EIR. The comment letter is included as Appendix D of this Final EIR. The proposed project site is within the Sphere of Influence of the City of Wheatland, and the Draft EIR has included mitigation to ensure that municipal services are provided. As required by Mitigation Measure 4.10-5, development of the Nichols Grove area cannot occur a) until the Federal Emergency Management Agency (FEMA) has issued a Letter of Map Revision (LOMR) for the property showing that the property is no longer in a special flood hazard area, and b) the City Engineer has determined in writing that the property has an urban level of flood protection. Improvements to the City's traffic problems associated with SR 65 cannot be fully implemented until such time as the SR 65 Bypass is completed. The Draft EIR identified a significant and unavoidable impact with regards to traffic on SR 65; therefore, the City Council will determine in compliance with State law whether the benefits of the proposed project outweigh the impacts. If the decision-makers move to approve the proposed project, they will need to make certain Findings of Fact and adopt a Statement of Overriding Considerations for all of the significant and unavoidable impacts resulting from the project. This comment will be forwarded to the decision-makers for their consideration during the above-discussed process.

Response to Comment 6-6

Please refer to Responses to Comments 6-1 and 6-3.

Response to Comment 6-7

The proposed project drainage plan was designed to ensure that existing runoff delivered to the Baker property in surface sloughs would not be increased in peak flow for any event (2-year thru 100-year analyzed). Following implementation of the Nichols Grove project, the flows at the Baker/Nichols Grove property boundary would be reduced by 21 cfs (40 percent) under 10-year storm conditions and by 10 cfs (11.5 percent) under 100-year storm conditions (See Table 4.10-1 on page 4.10-21 of the Draft EIR). Therefore, backwater should not be increased within that property for storm events less than the 100-year, and project drainage system improvements, including the detention basins would mitigate peak flows to less than or equal to their pre-project estimates.

Response to Comment 6-8

As illustrated on Figures 4.10-7 and 4.10-8 numerous detention basins would be located throughout the project site. The project detention basins are necessary to keep post-project stormwater runoff from exceeding the pre-project flow rates for a 100-year event, and to mitigate and treat stormwater quality in the runoff from the project. These facilities discharge into the historical flood corridors, and do not change the drainage patterns at the project boundary. The perception that "These unreasonably increase the threat of flooding to Baker Ranch", is not supported in the analysis, which demonstrates that flood elevations at the project boundary will be reduced in a 100-year event (see Response to Comment 6-7 above).

Response to Comment 6-9

Please refer to Response to Comment 6-3.

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Letter 7
Page 1 of 4

FAX COVER SHEET

FAX NUMBER: (530) 633-9102

(4 pages including cover sheet)

TO: Mr. Tim Raney
Planning Director
City of Wheatland

FROM: Thomas W. Eres

DATE: September 26, 2008

RECEIVED
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WHEATLAND

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September 26, 2008

Letter 7
Page 2 of 4

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

RE: Nichols Grove Project
Comments to DEIR

Dear Mr. Raney:

7-1 I represent Hofman Ranch and these comments to the DEIR are a follow-up to my letter of November 16, 2006 regarding the scope of the EIR. The November 16, 2006 letter is incorporated in comments to the DEIR. It would be most beneficial if the summary of issues raised in the NOP process at pages 1-6 through 1-8 of the Introduction contained specific references to pages of the DEIR addressing the issues rather than a general reference to a chapter such as 4.2, as an example.

7-2 Given the number of adverse environmental impacts created by the Project, and the fact that many of those impacts are noted as significant and unavoidable, the "Project Objectives" set forth at page 3-20 of the DEIR need to be assessed as to their relevancy, accuracy, and need in order to present the factual basis to support any appropriate findings to justify any statements of overriding considerations to meet the requirements of CEQA and the Guidelines.

7-3 This assessment is critical given the Project's intent to irrevocably convert prime agricultural land into primarily residential uses. There is virtually no basis set forth in the DEIR to support a need for additional housing in Wheatland given the previous approvals of the Jones Ranch and Heritage Oaks East and West projects, coupled with the fact there is essentially no economic base in Wheatland to analyze a jobs-housing balance.

7-4 As an adjunct to the Project's intrusion into prime agricultural land, the DEIR rather cavalierly identifies and treats the so-called "non-participating" properties as if they are merely an inconvenience to Project development. The DEIR must be re-cast and

Letter 7

Page 3 of 4

7-4
Con't

↑ re-evaluated based upon present-day facts: Unless the "non-participating" property owners agree in writing to the inclusion of their land in a request to Yuba LAFCO for annexation, including support for pre-zoning of their properties, all references to "non-participating" property should be eliminated from the DEIR, and any connectivity with assessing the Project as if such properties are going to be developed, or that they will be annexed to Wheatland should also be removed.

7-5

The elimination of references to "non-participating" properties will substantially and significantly impact the DEIR evaluation of the Project, including, but not limited to: 1) appropriate buffers that must be carved out of the property within the Project and its design; 2) major problems with access to the property, including a futuristic notion of a "Ring Road" and tie-in with a SR-65 Bypass; 3) drainage impacts on Dry Creek and Grasshopper Slough, as well as flood protection issues; 4) wastewater discharge systems; and 5) whether annexation to Wheatland is feasible without such "non-participating" property because of the issue of "islands" and creation of a residential peninsula intruding into agricultural land.

7-6

The DEIR is also deficient in evaluating non-prime agricultural land within the current Wheatland sphere of influence and outside current FEMA flood maps that more appropriately could absorb residential growth. The assessment of reasonable alternatives to the Project needs to be expanded to provide the public and decision-makers with an accurate assessment of other locations for development to determine environmentally superior alternatives both within and outside the current Wheatland sphere of influence.

7-7

Yuba LAFCO has recently adopted a resolution containing findings and determinations regarding a statutorily mandated Municipal Services Review of service providers that include critical services relevant to the Project. The DEIR needs to incorporate the findings and determinations in the analysis and evaluation of service capabilities, constraints and significant funding shortfalls.

7-8

The sections of the DEIR specifically relating to traffic and circulation, drainage and flood protection and wastewater discharge system needs to be re-stated in clear and unequivocal language that highlights the substantial impediments to the viability of this Project at this location at this time. Simply put, the traffic system cannot support this Project, and there is no realistic way to piecemeal its development until the necessary infrastructure is in place as a condition precedent to any conversion activities to eliminate the agricultural use of the land. This reality equally applies to the impact of drainage and flood protection without manipulating "non-participating" property into the Project equation. The limits on wastewater treatment and discharge are so significant that the Project is simply not viable. The mitigation comments tend to marginalize these issues based upon some action to take place in the future that appears to suggest mitigations to "less than significant" in order to advance the Project, rather than realistically point out the Project is not appropriate at this time.

7-9

The Draft Drainage Report and Analysis at Appendix L in the DEIR is superficial and not based upon actual factual data. The assumptions for the analysis based upon

↓

Letter 7

Page 4 of 4

- 7-10 computer modeling limited by a so-called "balanced storm methodology" needs re-evaluation. Data limited to the Wheatland gauge is also too limited. Clearly, more
- 7-11 accurate and specific topographic maps are required to provide a comprehensive analysis.
- 7-12 Additionally, the "Future Conditions" section is superficial. Furthermore, a comprehensive drainage analysis and integrated drainage plan needs to be produced for Yuba County in order to place the impacts of the Project in the context of adverse impacts to adjoining and downstream properties. Too much reliance is placed upon the detention basin concept without regard to the overload on those basins and the overflow impacts and adverse impacts of pumping water into at capacity creeks, sloughs, and tributaries. Use of 100-year and 200-year terminology is not helpful in assessing the storm impacts to the region post the 1957 profile. Design capacity calibrated to actual storm peak flow and floods needs to be further assessed.
- 7-13
- 7-14

- 7-15 The Hydraulic Impact analysis at Appendix N in the DEIR is also superficial and not based upon actual factual data regarding the hydraulics of the drainage basins that converge on the Project. The difficulty with reliance on the computer model is the verifiable factual basis for the assumptions are lacking. Given issues of underseepage assuming levees will not fail before or after overtopping appears inappropriate. The use of limiting storm centering to only the Bear River is overly focused and does not take into account a pervasive storm that will peak the Yuba, Bear, and Feather Rivers and create backflow up the WPIC, Dry Creek, Grasshopper Slough and Best Slough. The impacts will be exacerbated by the channeling of storm run-off from the Project, the filling of the detention basins, in addition to storm specific peak flows. Therefore, the DEIR should be revised to assess the comments made herein.

- 7-16 The concerns of Hofman Ranch are clear and consistent with respect to conversion of agricultural land, particularly prime agricultural land, to large residential development projects: the DEIR should accurately and candidly state the requirements to contain the impacts of drainage, including storm drainage on the Project property; do not exacerbate the already Level of Service F traffic problems by allowing piecemeal implementations of Project development; acknowledge the wastewater treatment issue must be solved prior to approving development; and realistically protect agricultural land and operations.

Thank you for the opportunity to provide these comments to the DEIR.

Very truly yours,

Thomas W. Eres

*by
TWE*

Thomas W. Eres

cc: Hofman Ranch

LETTER 7: THOMAS W. ERES, ATTORNEYS AT LAW

Response to Comment 7-1

Pursuant to CEQA Guidelines Section 15083 the solicitation of public comment is intended to provide assistance in discerning what needs to be addressed in the Draft EIR. Detailed identification of where particular NOP comments are addressed is not required.

Response to Comment 7-2

In order to approve the proposed Nichols Grove project, the City Council would need to make Findings of Fact, and adopt a Statement of Overriding Considerations. Such documents would include the factual basis of support for the respective findings and statements. Changes to the Project Objectives would not materially affect the significant and unavoidable impacts of the project as development of the site with any urban use would result in both short-term and long-term significant and unavoidable impacts to agricultural resources, air quality, traffic, flooding, and wastewater treatment given the particular constraints in each of those areas.

Response to Comment 7-3

The environmental review is not required by CEQA to identify markets for specific projects, or the benefits of a project. As directed in CEQA Guidelines Section 15121(a) an “EIR is an informational document which will inform public agency decision-makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.” Pursuant to CEQA Guidelines Section 15093(a) “CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. Should the City Council decide to approve the proposed project, the Council would be required by law to adopt Findings of Fact and a Statement of Overriding Considerations which outlines how the benefits of the proposed project would outweigh the environmental risks. It should also be noted that the annexation and urban development of the project site is consistent with the General Plan.

Response to Comment 7-4

Most of the non-participating properties were included in the environmental review because annexation of the Nichols Grove property would separate such properties from other County lands; thereby creating “islands” of unincorporated County land. Yuba County LAFCO does not allow the creation of isolated County parcels surrounded by City lands. While the City does not desire to annex any property against the will of the owner, properties that obstruct the orderly development of the City should be annexed; and they can be annexed without the permission of the owner. The Draft EIR correctly included the non-participating properties in the scope of the environmental review of the proposed project.

Response to Comment 7-5

Please refer to Response to Comment 7-4.

Response to Comment 7-6

Pursuant to CEQA Guidelines Section 15126.6(a) the EIR is required to “describe a range of reasonable alternatives to the proposed project, or to the location of the project which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.” According to the Wheatland General Plan EIR, the predominant soil complexes located within the Wheatland SOI are all Prime Farmland soils. Furthermore, all areas contiguous to the existing City Limits are protected by levees that require improvements. As a result, feasible alternate locations that would avoid impacts to agricultural land and that do not carry flood risks do not exist. Relocation of the project to an area that is not contiguous to current developed areas probably would not be approved by the Yuba County LAFCO, would violate City policies against leap-frog development, and is therefore not feasible.

Response to Comment 7-7

Chapter 4.11 of the Draft EIR analyzed the proposed project’s potential impacts on public services and utilities within Wheatland. In addition, Chapter 4.10 analyzed impacts related to flooding which is connected to the work undertaken by the local Reclamation Districts. The Yuba County Local Agency Formation Commission (LAFCO) Municipal Services Review (MSR) Findings were based on reports provided by service providers. Similarly, the Draft EIR chapters were based on information gathered by contacting the providers, technical reports from subconsultants, and publically available information on public services. Based on the City’s review, the Draft EIR analysis is consistent with applicable parts of the MSR. The commenter does not include enough specificity as to what is included in the MSR and is lacking in the Draft EIR to allow a response that is not based on speculation.

Response to Comment 7-8

The Draft EIR clearly identifies significant and unavoidable impacts in the areas of transportation and circulation, regional flooding, and wastewater treatment. Impacts related to regional flooding and wastewater provision are considered to be short-term significant and unavoidable impacts as the necessary improvements can feasibly be implemented in the near-term. Rather than ignoring the fact that the City’s existing Wastewater Treatment Plant cannot accommodate the proposed project, the Draft EIR includes Mitigation Measure 4.11-2(b) which precludes occupancy of the proposed project until such time as adequate wastewater treatment and collection system capacity exists for the project, as determined by the City Engineer. Transportation impacts would remain significant and unavoidable until such time as the Wheatland SR 65 Bypass is completed. Please refer to Response to Comment 7-2 and 7-3 for discussion of Findings of Fact and Statements of Overriding Considerations.

Response to Comment 7-9

The Draft Drainage Report and analysis prepared by Civil Engineering Solutions, Inc. (included as Appendix L of the Draft EIR) are based on the criteria of the General Plan of the City of Wheatland, and conform to the City Design Standards. The studies are consistent with modern hydrologic analysis criteria. The assumptions used in the modeling are consistent with published values for the various coefficients, for this region, and consistent with values that have calibrated well in this region. Results of the analysis also calibrate well with historical high water marks, and record event testimony.

Response to Comment 7-10

The “balanced storm methodology” is simply a method of determining how the predicted event precipitation will occur temporally through the design event. The methodology is an appropriate statistically normalized approach to setting the precipitation increments such that the maximum amount of precipitation occurs within the least amount of time probable for any particular event. The approach is conservative, and may result in some conservative (elevated) estimates of the peak flow in the design of local storm drain features. However, on the regional scale of the hydrology in the Draft EIR analysis, runoff occurs over such a long period of time (because of the limited natural conveyance capacity, and large amount of existing storage), that it is doubtful altering the precipitation pattern to another methodology (such as scaled values matching to a historical event), would modify flood peak flow rates significantly. Changing precipitation distribution to another method would not alter the total volume of runoff for a design event, which for these systems is the appropriate control for designing the drainage mitigation and improvements.

Response to Comment 7-11

In the professional opinion and experience of Civil Engineering Solutions, Inc., the available topography information used in the Draft EIR analysis is adequate for the planning level analysis conducted in the Draft EIR. Civil Engineering Solutions, Inc. is not aware of any invalidating challenges to the onsite topography of this project, and topography appeared to match the existing conditions observed during field visits. During the General Plan process, there were challenges to the regional topography (off-site of this project), which indicated that some alteration of the ground had occurred since the topographic maps were obtained. For that effort, additional field reviews and supplemental surveys were obtained to verify hydrologic findings in the General Plan analysis. The verified hydraulic findings were incorporated into the Draft EIR analysis.

Response to Comment 7-12

The future conditions section was included in the Draft EIR to clarify that the post-project analysis only included watershed modifications undertaken for the proposed project. The future conditions sections was not intended to provide comprehensive analysis of development throughout Yuba County.

The City of Wheatland prepared a comprehensive analysis of the lands within the Sphere of Influence during the General Plan Update. Additional analysis is not required by the City Standards, however, a supplemental analysis was performed for the proposed project by MBK Engineering, which demonstrated that the impacts of the proposed pumping to the “Regional” system identified in this comment would be less than 0.01 feet of increase, for which the City has determined the impact to be less than significant. Please refer to the letter from MBK dated May 15, 2008 (included as Appendix L of the Draft EIR).

Response to Comment 7-13

The proposed project is required to develop consistent with the City of Wheatland General Plan. The General Plan stormwater system includes the five region detention concept, which the proposed project complies with. Furthermore, the City’s standards and the need for mitigation to be achieved at the City’s and project boundaries also lead to the detention measure being necessary. Detention basins are a mitigation measure, which temporarily hold back a portion of the water, so that peak flows will be discharged at a rate equal to or less than the pre-project conditions flow rates to downstream properties.

In addition, an independent analysis of potential pumping impacts to Dry Creek has been performed by MBK (May 15, 2008). As outlined in the letter (included as Appendix L of the Draft EIR), MBK determined that the increased pumping proposed by the proposed project (19.5 cfs) would not have any “resolvable” impact on the Dry Creek and Bear River systems (less than 0.01 feet throughout the model).

Response to Comment 7-14

The 100-year design event is the standard design event for flood analysis in the City of Wheatland, most California Cities, and for FEMA flood insurance studies. The 200-year design event was recently added to State law for the design of “Project” (built or modified by USACE) levee protection systems, where urban areas are protected. The 200-year design event standard may apply to certain features of design within the levee protected areas as well. The Standard Project Flood “1957” design event profiles are applicable to the State Flood Protection Corridors (i.e. Project Levees, rivers, etc...). These profiles were used to establish levee heights for the 1957 design of Project Levee systems. The 1957 profiles and “standard project flood” are not applicable to the design of facilities within this project.

Response to Comment 7-15

The MBK model for the Regional System is the basis for several “Early Implementation” projects included in the Central Valley Plan of Flood Protection up and down the corridor. The MBK model is the most comprehensive and technologically advanced model that exists for this system. As the model is being trusted in the design of State and Federal projects, the City believes that the model is more than adequate to determine the “relative” impact of this project to those systems.

Response to Comment 7-16

The concerns of the Hoffman Ranch are noted. Impacts to prime farmland were identified in the Draft EIR as a significant and unavoidable impact. Please refer to Response to Comment 4-4 for additional discussion of agricultural impacts. As outlined in Response to Comment 5-2, 5-3, and 6-7, implementation of the Nichols Grove project would improve the existing drainage conditions. Traffic impacts relating to the congestion caused by the regional use of SR 65 through downtown Wheatland are an ongoing concern for the City. However, as discussed in Responses to Comments 7-2 and 7-3, the City Council is tasked with determining whether the benefits of a project outweigh the environmental effects. Mitigation Measure 4.11-2(a) requires the payment of Wastewater Development Impact fees prior to issuance of building permits, and Mitigation Measure 4.11-2(b) requires the City Engineer to determine whether adequate wastewater treatment and sewer collection capacity exists prior to occupancy of the proposed project. Such a system allows the City to collect the funds necessary to implement the necessary wastewater solution, while also ensuring that the generation of wastewater never exceeds the capacity of the system.

DEPARTMENT OF TRANSPORTATION

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Letter 8

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September 26, 2008

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DEIR
Raney Planning & Management, Inc.

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

Mr. Raney:

8-1

Thank you for the opportunity to review and comment on the Nicholas Grove draft Environmental Impact Report (DEIR). The DEIR has been prepared to consider the potential environmental impacts of the proposed 485.5 acre Nicholas Grove project. The project proposes 1,427 single family residential lots, one high density residential lot containing up to 91 units, one commercial mixed-use lot accommodating up to 91 units, seven park and open space lots containing parks and landscape corridors, four well lots, two school lots and 30 miscellaneous lots. The project is located adjacent to the north border of the City of Wheatland, east of State Route 65.

8-2

Transportation/Traffic:

Please send the Traffic Management Plan (TMP) for all work constructed within the State Route 65 right-of-way to Caltrans at the above address for review.

Draft EIR

8-3

The DEIR, including Chapter 4.3, Transportation and Circulation, does not adequately portray the current status of State Route 65. For example, see page 4.3-5, the signalization projects at the intersections of State Route 65 and 1st Street as well as State Route 65 and Main Street have been completed. In addition, the installation of left turn channelization through Downtown Wheatland has been completed.

"Caltrans improves mobility across California"

Tim Raney
September 26, 2008
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- 8-4 *DEIR Page 3-14:*
Proposed improvements at McDevitt and Highway 65 are acceptable provided Caltrans design standards are met and appropriate applications/permits are secured. The significant vertical differential between the highway and the top of rail of the UPRR alignment may pose a design challenge.
- 8-5 *DEIR Page 4.3-16:*
The DEIR states that the Traffic Impact Report, prepared by KD Anderson Transportation Engineers, considers six (6) scenarios. However, only five scenarios were presented in this DEIR.
- 8-6 *DEIR Page 4.3 – 19*
Table 4.3-7 (Project Internal/External Trip Split Estimate)
The land use designation column entitled neighborhood commercial should be separated between pass-by and link-diverted trips. It is unclear if pass-by trips are occurring from the local arterials or from the state highway. Assuming the trips are diverted from the local roads, 30% is too high.
- 8-7 *DEIR Page 4.3 – 24*
Table 4.3-9 (Existing Plus Project Levels of Service)
According to this table, the level of service for the signalized intersections at McDevitt Drive, 1st Street, and Main Street are D, E and C for the AM Peak and D, E, and E for the PM Peak, respectively. In contrast, the calculations provided define the level of service as F for the signalized intersections of McDevitt Drive, 1st Street and Main Street for the AM and PM Peak hour. The table should be updated to reflect the correct level of service based on the provided calculations.
- 8-8 *DEIR Page 4.3 – 33*
The first paragraph refers to the "State Route 65 Bypass". Considering proximity to one another, please clarify if the referenced bypass is the Wheatland Bypass or the Lincoln Bypass.
- 8-9 *DEIR Page 4.3 – 36*
(4.3-4 Impacts related to existing and proposed railroad crossings)
In addition to the impacts related to the proposed railroad crossing, this section should also discuss the design challenges caused by the above mentioned grade differential for the McDevitt Drive Extension.

"Caltrans improves mobility across California"

Tm Raney
September 26, 2008
Page 3 of 3

Letter 8

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- 8-10 DEIR Page 4.3 – 41
(4.3-8 Impacts to roadways under the Five Year Plus Project scenario)
Mitigation Measure(s) state that project impacts to roadways under the Five Year Plus Project Scenario would remain significant and unavoidable. This statement is inadequate. Constructing a parallel road to State Route 65 prior to constructing the Nichols Grove Development will reduce portions of the traffic volumes that will be generated by the Nichols Grove development.

Hydrology

- 8-11 Detailed drainage plans, drawings and calculations to show compliance with the DIER presented in this application should be provided to Caltrans for review. Please request these documents from the project proponent and send them Caltrans at the address above for review prior to final project approval.

Encroachment Permit

- 8-12 All work proposed and performed within the State Highway right-of-way must be in accordance with Caltrans' standards and require a Caltrans Encroachment Permit prior to commencing construction. For more information on encroachment permits, the requirements, and an application form, please visit our web page at www.dot.ca.gov/doingbusiness and then click on "Encroachment Permits" or contact the Caltrans District 3, Office of Permits at (530) 741-4403.

If you have questions or need additional information, please contact Sarah (Sadie) Smith, IGR Coordinator, at (530) 741-4004 or e-mail at sarah_smith@dot.ca.gov.

Sincerely,



SUKHVINDER (SUE) TAKHAR, Chief
Office of Transportation Planning – North

"Caltrans improves mobility across California"

**LETTER 8: SUKHVINDER TAKHAR, CALIFORNIA DEPARTMENT OF
TRANSPORTATION**

Response to Comment 8-1

The comment is introductory and does not address the adequacy of the Draft EIR. It should be noted that the commenter's description of the proposed project omits the Non-Participating Properties.

Response to Comment 8-2

The Traffic Management Plan would be submitted to Caltrans prior to any work within a State right-of-way under a Caltrans Encroachment Permit.

Response to Comment 8-3

The environmental setting or baseline for an EIR environmental impact analysis is the physical environmental conditions in the vicinity of the project as they exist at the time the notice of preparation is published (CEQA Guidelines section 15125(a)). The NOP was published in October 2006, prior to the completion of the two signal projects. Therefore, the Draft EIR does not need to be modified to reflect those post-NOP changes. The City of Wheatland and Caltrans have been working over the last few years to construct improvements to SR 65 through downtown Wheatland. The creation of left turn channelization occurred first, followed by signalization of the SR 65 / 1st Street intersection. The traffic signal at the SR 65 / Main Street intersection was turned on September of 2008. The traffic study prepared for Nichols Grove identified the operating Level of Service (LOS) at the 1st Street and Main Street intersections with stop sign controls as they existed when the study was initiated, but as noted in Table 4.3-2 on page 4.3-8 of the Draft EIR, the LOS following signalization was also identified. Therefore, additional analysis is not required.

Response to Comment 8-4

City of Wheatland staff has met with Caltrans, the Union Pacific Railroad (UPRR), and the Public Utilities Commission (PUC) representatives to discuss the proposed SR 65 / McDevitt Drive intersection. Intersection geometric issues and traffic signal coordination with the railroad crossing system have been discussed. The eventual design of the intersection would have to address the difference in elevation between the rail and SR 65, and reconstruction of some portions of SR 65 in this area could be needed to meet applicable design standards.

Response to Comment 8-5

In order to clarify an inadvertent omission in the Draft EIR, page 4.3-16 of the Draft EIR is hereby revised as follows:

At the direction of City and Caltrans staff, this analysis considers six (6) scenarios:

- 1. Existing Conditions:** Existing traffic conditions without traffic from the proposed project.
- 12. Existing Plus Nichols Grove Conditions:** Existing traffic plus trips generated by the proposed project with those elements of the local system proposed with the project;
- 23. Five Year Existing Plus Approved Projects Conditions:** Existing traffic plus the trips generated by other approved projects with the mitigation measures required of those projects, and background through traffic growth on SR 65;
- 34. Five Year Existing Plus Approved Projects Plus Nichols Grove Conditions:** Conditions occurring five years in the futures with the addition of Nichols Grove;
- 45. Year 2025 Conditions under Adopted Wheatland General Plan:** The new Wheatland General Plan includes development of the land uses contained in Nichols Grove and development of the Wheatland Bypass; and
- 56. Year 2025 Conditions with Nichols Grove:** While the land uses in Nichols Grove are consistent with the General Plan, the Nichols Grove plan proposed elimination of one segment of collector street identified in the General Plan Circulation diagram. This scenario addresses the long-term ramifications of circulation system changes contained in the plan for Nichols Grove. This scenario provides information regarding traffic conditions at internal intersections under General Plan buildout conditions.

The above changes are for clarification purposes and do not alter the analysis of the Draft EIR.

Response to Comment 8-6

The commercial center identified in Table 4.3-7 on page 4.3-16 of the Draft EIR is located east of the UPRR near the north end of the McDevitt Drive extension approximately 2,000 feet from the SR 65 intersection. Because of the distance involved, the traffic analysis does not assume that “pass-by” trips would be drawn from traffic already on SR 65. “Pass-by” trips would be drawn from the traffic generated within the Nichols Grove area, although a portion of those trips may rightfully be termed “link diverted” as not all would already be on McDevitt Drive. The assumed “pass-by” percentage is reasonable. The “pass by” percentage of 30 percent is less than the value identified in Figure 5.5 of the Trip Generation Handbook, which suggests 37 percent for a 130,000 square foot retail shopping center.

Response to Comment 8-7

Table 4.3-9 on page 4.3-24 of the Draft EIR identifies “Existing Plus Nichols Grove” intersection Levels of Service. A comparison of the LOS worksheets in the technical appendix of the traffic study with the values presented in the table does not reveal any discrepancies.

Response to Comment 8-8

As requested by the commenter, the first paragraph on page 4.3-33 is hereby revised to read:

Mitigation Measure(s)

To mitigate the specific impacts of the proposed project, implementation of portions of the circulation system ultimately envisioned under the City of Wheatland General Plan would be necessary. However, implementation of major projects, such as the SR 65 Wheatland Bypass or Ring Road with the SR 65 / UPRR grade separation, is beyond the financial capability of individual development proposals such as the proposed project. The discussion of “Existing Plus Approved Projects Plus Nichols Grove” impacts (Impact Statement 4.3-7, below) identifies a stage of improvements that if implemented would help reduce project impacts, though not to a less-than-significant level.

The above change is for clarification purposes and does not alter the analysis of the Draft EIR.

Response to Comment 8-9

Impact Section 4.3-4 beginning on page 4.3-35 of the Draft EIR addresses issues associated with developing a new at-grade crossing on the UPRR at McDevitt Drive. Please refer to Response to Comment 8-4.

Response to Comment 8-10

The comment refers to the conclusion on page 4.3-41 of the Draft EIR that even with implementation of possible “short term” improvements, full development of Nichols Grove will result in significant and unavoidable impacts to SR 65 through Wheatland. The comment correctly notes that completion of the Wheatland Expressway (also referred to as the SR 65 Bypass) linking SR 65 north and south of Wheatland would reduce traffic volumes on SR 65. However, while the City of Wheatland is pursuing implementation of the Expressway via a City fee program, it is very unlikely that a single development proposal would have the financial wherewithal to construct the Expressway. Furthermore, the construction of a parallel roadway, which is not part of the Wheatland General Plan Diagram to reduce near-term impacts, is not feasible given issues such as lack of right-of-way.

Response to Comment 8-11

The hydrology report and drainage plan which served as the basis for Chapter 4.10, Hydrology and Water Quality, of the Draft EIR are available to Caltrans. Additional studies, drawings, and plans are not anticipated prior to project approval. Compliance with the Draft EIR is ensured by the implementation of the mitigation measures through the Mitigation Monitoring Plan (See Chapter 5.0 of this Final EIR).

Response to Comment 8-12

The City and the applicant will work with Caltrans to acquire the appropriate Caltrans Encroachment Permit prior to any work within the State right-of-way.

5

**MITIGATION MONITORING AND
REPORTING 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 and Reporting Plan (MMRP) for the Nichols Grove project. 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 Draft Environmental Impact Report (Draft EIR) 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 MMRP contained herein is intended to satisfy the requirements of CEQA as they relate to the Draft EIR for the Nichols Grove project. This MMRP 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 MMRP were developed in the Draft EIR prepared for the proposed project.

The Nichols Grove Draft EIR 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:

- 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; and/or
- Compensates for the impact by replacing or providing substitute resources or environments.

The intent of the MMRP is to ensure the effective implementation and enforcement of adopted mitigation measures and permit conditions. The MMRP 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 MMRP. 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 MMRP. 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 Wheatland;
- Obtaining assistance as necessary from technical experts in order to develop site-specific procedures for implementing the mitigation measures; and
- Maintaining a log of all significant interactions, violations of permit conditions or mitigation measures, and necessary corrective measures.

MITIGATION MONITORING AND REPORTING PLAN

The following table indicates the mitigation measure number, the impact the measure is designed to address, the text of the mitigation measure, the monitoring agency, the implementation schedule, and an area for sign-off indicating compliance.

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
4.2 Land Use and Agricultural Resources					
4.2-1	Compatibility with surrounding land uses.	<p><i>Nichols Grove Site and Non-Participating Property (APN 015-140-056)</i></p> <p>4.2-1 <i>The Applicant shall inform and notify prospective buyers in writing, prior to purchase, about existing and on-going agriculture activities in the immediate area in the form of a disclosure statement. The notifications shall disclose that the Wheatland area is an agriculture area subject to ground and aerial applications of chemical and early morning or nighttime farm operations, which may create noise, dust, et cetera, and provide that such agricultural operations shall not be considered a nuisance. The language and format of such notification shall be reviewed and approved by the City Attorney prior to recording the first final map. Each disclosure statement shall be acknowledged with the signature of each prospective property owner.</i></p>	City Attorney	Prior to recording first final map and at the time of each sale	
4.3 Transportation and Circulation					
4.3-1	Impacts to study intersections.	<p><i>Nichols Grove Site</i></p> <p>4.3-1(a) <i>Any project applicant(s) within the Nichols Grove annexation area shall be responsible for the project's fair share of all feasible physical improvements</i></p>	City Engineer	Payment of fees prior to issuance of building permits Construction of	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>necessary and available to reduce the severity of the project's significant traffic related impacts within the City of Wheatland and its Sphere of Influence based on Year 2025 Plus Project conditions, consistent with the polices and exceptions set forth in the Wheatland GP. In cases where the project's fair share contribution is identified, the share will be based on the project's relative contribution to traffic growth.</i></p> <p><i>The project's contribution toward such improvements may take any or some combination of the following forms.</i></p> <ol style="list-style-type: none"> <i>1. Construction of roads and related facilities within and adjacent to the boundaries of the project, which may be subject to fee credits and or reimbursement, coordinated by the City, from other fee-paying development projects if available.</i> <i>2. Construction of roads, road improvements or other transportation facilities outside of the project boundaries but within the incorporated Wheatland limits, subject in some instances to fee credit against other</i> 		improvements prior to occupancy	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>improvements necessitated by the project or future reimbursement, coordinated by the City, from other fee-paying development projects.</i></p> <p>3. <i>The payment of impact fees to the City of Wheatland in amounts that constitute the project's fair share contributions to the construction of transportation facilities to be built or improved within the City, consistent with the City's updated Traffic Impact Fee.</i></p> <p>4.3-1(b) <i>Any project applicant(s) within the Nichols Grove annexation area shall provide advance funding to the City for the costs of a traffic impact and fee study, as necessary and appropriate, to evaluate and identify appropriate future street and circulation system improvements to mitigate the traffic impacts and to determine and substantiate a revised City Traffic Impact Fee for the proposed project. If, prior to completion of the traffic impact and fee study, the City approves other development projects with a mitigation measure substantially similar to this mitigation measure, then the project applicant(s) shall be required to provide</i></p>	Community Development Department	Fees adopted prior to recording any final maps and collected prior to issuance of each building permit	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<i>funding only for its fair share of the costs of the traffic impact and fee study. If the project applicant(s) pays more than its fair share of the costs of the traffic impact and fee study, then the project applicant(s) shall enter into a reimbursement agreement with the City for the City to collect appropriate fees from other benefited developers and reimburse to the project applicant(s) a portion of the project applicant(s)' cost of the study. The traffic impact and fee study and revised fees must be completed and adopted by the City Council prior to recording any final subdivision map for the project(s). The revised fees shall be collected from the Nichols Grove applicant(s) at the time of issuance of each building permit, unless otherwise provided by a Development Agreement entered into between the City and the project applicant(s).</i>			
4.3-2	Impacts to roadway segments.	<i>Nichols Grove Site</i> 4.3-2 <i>Implement Mitigation Measure 4.3-1.</i>	See Mitigation Measure 4.3-1	See Mitigation Measure 4.3-1	
4.3-3	Impacts related to transit.	<i>Nichols Grove Site, Non-Participating Properties</i> 4.3-3 <i>Prior to the approval of Improvement Plans, the project shall include facilities to</i>	City Engineer	Prior to approval of Improvement	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<i>accommodate future transit use (i.e., bus pull outs on arterial streets), for the review and approval of the City Engineer.</i>		Plans	
4.3-6	Impacts from construction traffic.	<p><i>Nichols Grove Site, Non-Participating Properties</i></p> <p>4.3-6 <i>Prior to any construction taking place on the site, the project applicant shall prepare a Construction Traffic Management Plan for review and approval by the City Engineer. The plan should include all plans for temporary traffic control, temporary signage and striping, location points for ingress and egress of construction vehicles, staging areas, and timing of construction activity which appropriately limits hours during which large construction equipment may be brought on or off the site.</i></p>	City Engineer	Prior to construction	
4.3-7	Impacts to intersections under the Five Year Plus Project scenario.	<p><i>Nichols Grove Site</i></p> <p>4.3-7 <i>The Nichols Grove traffic study identifies a series of traffic improvements that could be implemented to allow the staged development of the Nichols Grove project until such time that the Wheatland Expressway is built in the Cumulative Scenario. The improvements have been identified in the General Plan and included in the City's Traffic Development Impact Fees. The Nichols Grove traffic study identified the</i></p>	City Engineer	Improvements shall be indicated on Improvement Plans prior to their approval. Improvements shall be constructed prior to occupancy of each stage of development	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>following stages of improvements:</i></p> <ol style="list-style-type: none"> 1) <i>State Street improvements between Main Street and SR 65.</i> 2) <i>McDevitt extension and completion of project streets to downtown Wheatland.</i> 3) <i>Oakley Lane extension to SR 65.</i> 4) <i>South Ring Road and connection to SR 65 via grade-separation.</i> <p><i>In the event that the improvement is not included in the approved City of Wheatland Capital Improvement Project list, the applicant shall construct the improvements, and shall subsequently be eligible for reimbursement from future fair-share payments.</i></p>			
4.3-8	Impacts to roadways under the Five Year Plus Project scenario.	4.3-8 <i>Implement Mitigation Measure 4.3-7.</i>	See Mitigation Measure 4.3-7	See Mitigation Measure 4.3-7	
4.3-9	Impacts to intersections in long-term (2025) cumulative conditions.	<p><i>Nichols Grove Site</i></p> <p>4.3-9(a) <i>Implement Mitigation Measures 4.3-1 and 4.3-7.</i></p> <p>4.3-9(b) <i>Prior to approval of any Tentative Map(s) that would include the following intersections, the Tentative Map(s) shall include the following-traffic signals:</i></p>	<p>See Mitigation Measures 4.3-1 and 4.3-7</p> <p>City Engineer</p>	<p>See Mitigation Measures 4.3-1 and 4.3-7</p> <p>Prior to approval of any Tentative Map(s) including the affected</p>	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<ul style="list-style-type: none"> • <i>McDevitt Drive/Nichols Grove Drive</i> • <i>McDevitt Drive / Ring Road</i> • <i>Nichols Grove Drive / Ring Road</i> <p><i>The final improvement selected shall be determined by the City Engineer.</i></p> <p>4.3-9(c) <i>The site plan design shall provide at least 700 feet from the McDevitt Drive railroad crossing to the center of the McDevitt Drive / Nichols Grove intersection for the review and approval of the City Engineer, unless otherwise determined in the subsequent traffic impact and fee study required in Mitigation Measure 4.3-7</i></p> <p><i>Non-Participating Properties</i></p> <p>4.3-9(d) <i>In conjunction with submittal of an application for any of the non-participating properties, the applicant shall provide a traffic study, at the discretion of the Planning Director, analyzing any potential on- and off-site traffic impacts resulting from the proposed project. The traffic study shall recommend mitigation measures and the applicant shall be required to adhere to the mitigation measures recommended in the</i></p>	City Engineer	intersections Prior to approval of improvement plans	
			Planning Director	In conjunction with submittal of an application for any of the non-participating properties	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>study, ensuring that adverse impacts are reduced to the maximum extent feasible.</i></p> <p>4.3-9(e) <i>The project applicant(s) shall pay City's Traffic Development Impact fees prior to issuance of building permits for the review and approval of the City Engineer.</i></p>	City Engineer	Prior to issuance of building permits	
4.4 Noise					
4.4-1	Increase in Traffic Noise Levels.	<p><i>Non-Participating Properties</i></p> <p>4.4-1 <i>In conjunction with submittal of a development application, the applicant shall submit a noise assessment, which determines the noise levels due to and upon the proposed project. The assessment shall determine if noise level exposure to sensitive receptors exceeds established Wheatland thresholds, as a result of development of the project. If noise levels are determined to exceed standards, the noise assessment shall include mitigation to reduce exterior and interior noise levels to below the City's standards, which the applicant shall be required to comply with, for the review and approval by the Planning Director.</i></p>	Planning Director	In conjunction with submittal of a development application	
4.4-2	Train Noise Impacts on Project Site.	<p><i>Nichols Grove Site</i></p> <p>4.4-2(a) <i>In conjunction with the submittal of any tentative map application for any development within the Nichols Grove</i></p>	Planning Commission	In conjunction with submittal of any tentative map	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>annexation area, a site-specific noise analysis shall be performed. The site-specific noise analysis shall address interior and exterior railroad noise levels and recommend mitigation measures to reduce the noise to acceptable levels. The applicant shall be required to implement all mitigation measures recommended in the noise analysis, pursuant to review and approval by the Planning Commission and/or City Council in conjunction with the review of the development project. In preparing the noise assessment(s) per this mitigation measure, the qualified consultant shall consider the original recommendations in the Nichols Grove noise assessment, which may or may not be applicable depending upon the lotting arrangement of any subsequent tentative map(s). If required, barriers could take the form of earthen berms, solid walls, or a combination of the two. Appropriate materials for noise walls include precast concrete or masonry block. Other materials may be acceptable provide they have a density of approximately four pounds per square foot.</i></p>	City Council	application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>Non-Participating Properties</i></p> <p>4.4-2(b) <i>Implement Mitigation Measure 4.4-1. The assessment shall provide a detailed acoustical analysis that shall determine the exterior and interior noise levels experienced at non-participating properties as a result of UPRR train operations. The assessment shall also identify appropriate mitigation measures to reduce the exterior and interior noise levels at sensitive receptors to be consistent with City of Wheatland General Plan Noise standards if applicable. These mitigation measures may include, but are not limited to: use of setbacks; use of barriers; site design guidelines, and building location and orientation guidelines. The applicant shall be required to incorporate noise-related mitigation measures into the site design for review and approval of the City Engineer prior to the approval of tentative map(s).</i></p>	City Engineer	Prior to the approval of tentative map(s)	
4.4-3	Aircraft Noise Impacts on Project Site.	<p><i>Nichols Grove Site, Non-Participating Properties</i></p> <p>4.4-3 <i>Standard residential construction practices conducted in accordance with local building codes provide approximately 25 dB exterior to interior noise level reduction with windows</i></p>	Planning Director	Prior to issuance of building permits	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>closed, and approximately 15 dB reductions with windows open. Standard construction practices would be sufficient to achieve compliance with the City of Wheatland 45 dB L_{dn} interior noise level standard, provided that windows could be closed.</i></p> <p><i>Therefore, mechanical ventilation (air conditioning) shall be provided for all residences constructed within this development adjacent to the railroad tracks to allow occupants to close doors and windows as desired for additional acoustic isolation. Although standard construction would be acceptable to achieve satisfaction with the City's 45 dB L_{dn} interior noise level standard, an additional five dB of building facade noise level reduction would be required to reduce interior SEL values to 60 dB. Prior to issuance of building permits, the project applicant shall have a detailed noise analysis of proposed floor plans and construction materials conducted by a qualified acoustical consultant selected by the Planning Director, to ensure that exterior windows and wall assemblies provide adequate noise insulation. The analysis shall be submitted to the Planning Director along with proposed</i></p>			

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<i>site plans prior to the issuance of building permits.</i>			
4.4-4	Interior Noise Levels Within the Project Site.	<p><i>Nichols Grove Site</i></p> <p>4.4-4(a) <i>Implement Mitigation Measure 4.4-2(a).</i></p> <p><i>Non-Participating Properties</i></p> <p>4.4-4(b) <i>Implement Mitigation Measure 4.4-2(b).</i></p>	<p>See Mitigation Measure 4.4-2(a)</p> <p>See Mitigation Measure 4.4-2(b)</p>	<p>See Mitigation Measure 4.4-2(a)</p> <p>See Mitigation Measure 4.4-2(b)</p>	
4.4-5	Construction Noise.	<p><i>Nichols Grove Site, Non-Participating Properties</i></p> <p>4.4-5 <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“The project applicant shall place a note on the improvement plans and within construction contracts that requires:</i></p> <ul style="list-style-type: none"> • <i>Construction activities shall occur between the hours of 7 a.m. to 6 p.m. weekdays and 8 a.m. to 5 p.m. on the weekends;</i> • <i>All heavy construction equipment and all stationary noise sources (such as diesel generators) shall have mufflers installed</i> 	City Engineer	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>mufflers; and</i></p> <ul style="list-style-type: none"> • <i>Equipment warm up areas, water tanks, and equipment storage areas shall be located in an area as far away from existing residences as is feasible.</i> <p><i>The note and improvement plans shall be reviewed and approved by the City Engineer prior to initiation of ground disturbance activities.”</i></p>			
4.4-6	Cumulative impacts of traffic noise levels on proposed residences.	<p><i>Nichols Grove Site</i></p> <p>4.4-6(a) <i>Implement Mitigation Measure 4.4-2(a).</i></p> <p><i>Non-Participating Properties</i></p> <p>4.4-6(b) <i>Implement Mitigation Measure 4.4-2(b).</i></p>	<p>See Mitigation Measure 4.4-2(a)</p> <p>See Mitigation Measure 4.4-2(b)</p>	<p>See Mitigation Measure 4.4-2(a)</p> <p>See Mitigation Measure 4.4-2(b)</p>	
4.5 Air Quality					
4.5-1	Short-term construction-related air quality impacts.	<p><i>Nichols Grove Site</i></p> <p>4.5-1(a) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“Prior to initiation of ground disturbance activities, the contractor shall submit an Off-road Construction Equipment</i></p>	City Engineer	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>Emission Reduction Plan for review and approval of the FRAQMD. The plan shall demonstrate a project wide heavy-duty (> 50 horsepower) off-road vehicle (owned, leased, and subcontracted) fleet-average 20 percent NO_x reduction and 45 percent particulate reduction as compared to the most recent CARB fleet average at the time of construction. The Off-road Construction Equipment Emissions Reduction Plan shall include a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that would be used an aggregate of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and projected hours of use or fuel throughout for each piece of equipment. Acceptable options for reducing emissions may include use of late model engines, low-emissions diesel products, alternative fuels, engine retrofit technology, after-treatment products, and/or options as they become available.”</i></p>			
		<p>4.5-1(b) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p>	City Engineer	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p>“During construction, throughout the duration of the project, the inventory shall be updated and submitted monthly for review by the FRAQMD, except for any 30-day period in which construction activity does not occur.”</p> <p>4.5-1(c) The City shall include the following as a condition of approval on any tentative map application:</p> <p>“At least 48 hours prior to the use of subject heavy-duty off-road equipment, the project representative shall provide FRAQMD with the anticipated construction timeline, including start date, name, and phone number of the project manager and on-site foreman.”</p>	City Engineer	As a condition of approval on any tentative map application	
		<p>4.5-1(d) The City shall include the following as a condition of approval on any tentative map application:</p> <p>“Prior to initiation of ground disturbance activities, all construction contracts shall stipulate the following:</p> <ul style="list-style-type: none"> • Construction equipment exhaust emissions shall not exceed FRAQMD Rule 3.0, Visible Emission Limitations. Operators 	City Engineer	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>of vehicles and equipment found to exceed opacity limits shall take action to repair equipment within 72 hours or remove the equipment from service. Failure to comply may result in a Notice of Violation;</i></p> <ul style="list-style-type: none"> • <i>The contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained;</i> • <i>Equipment operators shall be instructed to minimize equipment idling time to five minutes;</i> • <i>Utilize existing power sources (e.g. power poles) or clean fuel generator rather than temporary power generators;</i> • <i>Portable engines and portable engine-drive equipment units used on the project 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</i> 			

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>determine registration and permitting requirements prior to equipment operation at the site; and</i></p> <ul style="list-style-type: none"> <i>Open burning of removed vegetation during infrastructure improvements shall not be permitted. Vegetative material shall be chipped or delivered to waste energy facilities.”</i> <p>4.5-1(e) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“Prior to initiation of ground disturbance activities, the applicant shall submit a Construction Dust Control Plan for the review and approval of the FRAQMD. The Plan shall include the following and any additional measures contained in the FRAQMD’s current list of Best Available Mitigation Measures (BAMM) for construction:</i></p> <ul style="list-style-type: none"> <i>All active water construction areas shall be watered at least twice a day, or as need to prevent visible dust plumes from blowing off-site;</i> 	City Engineer	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<ul style="list-style-type: none"> • <i>On-site storage piles shall be covered with tarpaulins or other effective covers;</i> • <i>All trucks hauling dirt, sand, soil, or other loose material on public streets shall be covered or shall maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and top of the trailer) in accordance with the requirements of California Vehicle Code Section 23114;</i> • <i>All unpaved access roads, parking areas, and staging areas the construction sites, shall be paved, applied with (non-toxic) soil stabilizers, or applied with water three times daily;</i> • <i>All paved access routes, parking areas, and staging areas shall be swept daily (preferably with water sweepers);</i> • <i>Trucks and other equipment leaving the construction site shall be washed to remove particulate matter;</i> • <i>Incorporation of the use of non-toxic stabilizers according to manufacturer's specifications to all inactive construction areas;</i> 			

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<ul style="list-style-type: none"> • <i>Exposed stockpiles shall be enclosed, covered, watered twice daily, or applied with (non-toxic) soil binders;</i> • <i>Construction site vehicles shall be limited to 15 miles per hour (mph) on unpaved areas;</i> • <i>Disturbed areas shall be replanted with vegetation as quickly as possible;</i> • <i>All grading operations shall be suspended by the developer or contractor or as directed by the FRAQMD when winds exceed 20 mph; and</i> • <i>Wheel washers shall 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."</i> <p>4.5-1(f) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>"Prior to initiation of ground disturbance activities, the applicant shall develop and submit a Construction Phase Trip Reduction Plan, for review and approval of the FRAQMD, to achieve a</i></p>	City Engineer	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>minimum average vehicle ridership (AVR) of 1.5 for construction employees.”</i></p> <p>4.5-1(g) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“During construction, all architectural coatings used at the project site shall be compliant with the most current FRAQMD Rule 3.15, Architectural Coatings, for review and approval of the City Engineer and FRAQMD.”</i></p>	City Engineer	As a condition of approval on any tentative map application	
		<p>4.5-1(h) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“Implement the following feasible construction phase emissions measures for Traffic Control as reviewed and approved by the City Engineer:</i></p> <ul style="list-style-type: none"> • <i>Construction activities shall minimize disruptions to traffic flow;</i> • <i>Provide temporary traffic control as needed during all phases of construction to improve traffic flow, as deemed appropriate by</i> 	City Engineer	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>the Department of Public Works and/or Caltrans; and</i></p> <ul style="list-style-type: none"> <i>Schedule operations affecting traffic for off-peak hours to the greatest extent possible.”</i> <p><i>Non-Participating Properties</i></p> <p>4.5-1(i) <i>In conjunction with submittal of a development application for any of the non-participating properties, the applicant shall submit an air quality analysis. The analysis shall include, but not be limited to, quantification of construction and operational emissions, determination of air quality impacts, and identification of mitigation measures needed to reduce any significant impacts. The applicant shall be required to implement mitigation measures recommended in the air quality impact analysis per the review and approval by the Planning Director.</i></p>	Planning Director	In conjunction with submittal of a development application for any of the non-participating properties	
4.5-4	Impacts of PM ₁₀ , ozone precursors, and ROG on local air quality.	<p><i>Nichols Grove Site</i></p> <p>4.5-4(a) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“Prior to initiation of ground disturbance activities, the applicant shall</i></p>	Planning Director	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>submit an Operational Emissions Reduction Plan for review and approval of the FRAQMD. The Plan shall be the applicant's commitment to feasible mitigation measures from the BAMM list, recommended measures from air district staff, or voluntary off-site mitigation projects sufficient to provide a minimum 35 percent reduction in emissions."</i></p> <p><i>Non-Participating Properties</i></p> <p>4.5-4(b) <i>Implement Mitigation Measure 4.5-1(i). If PM₁₀, ozone precursors, or ROG operational impacts to local air quality are determined to be significant for a particular project, the air quality impact analysis shall require implementation of Mitigation Measure 4.5-4(a).</i></p>			
4.5-5	Cumulative impacts to regional air quality.	<p><i>Nichols Grove Site</i></p> <p>4.5-5(a) <i>Implement Mitigation Measures 4.5-4(a).</i></p> <p><i>Non-Participating Properties</i></p> <p>4.5-5(b) <i>Implement Mitigation Measure 4.5-4(b).</i></p>	<p>See Mitigation Measure 4.5-1(i)</p> <p>See Mitigation Measure 4.5-4(a)</p> <p>See Mitigation Measure 4.5-4(b)</p>	<p>See Mitigation Measure 4.5-1(i)</p> <p>See Mitigation Measure 4.5-4(a)</p> <p>See Mitigation Measure 4.5-4(b)</p>	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
4.5-6	Project impacts concerning the production of greenhouse gases.	<p><i>Nichols Grove Site</i></p> <p>4.5-6(a) <i>Implement Mitigation Measures 4.5-1(a-d and f-h) and 4.5-4(a).</i></p> <p><i>Non-Participating Properties</i></p> <p>4.5-6(b) <i>Implement Mitigation Measures 4.5-1(i) and 4.5-4(b).</i></p>	<p>See Mitigation Measures 4.5-1(a-d and f-h) and 4.5-4(a)</p> <p>See Mitigation Measures 4.5-1(i) and 4.5-4(b)</p>	<p>See Mitigation Measures 4.5-1(a-d and f-h) and 4.5-4(a)</p> <p>See Mitigation Measures 4.5-1(i) and 4.5-4(b)</p>	
4.6 Biological Resources					
4.6-1	Impacts to Valley Elderberry Longhorn Beetles.	<p><i>Nichols Grove Site</i></p> <p>4.6-1(a) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“Per the Guidelines, the USFWS must be contacted if encroachment within the 100-foot buffer is expected and for a Section 7 FESA consultation if elderberry bushes shall be disturbed. The following conditions shall be implemented to minimize impacts to the existing bushes:</i></p> <ul style="list-style-type: none"> <i>Orange barrier fencing shall be placed a minimum of 20 feet</i> 	<p>Planning Director</p>	<p>As a condition of approval on any tentative map application</p>	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>from the drip line of each elderberry plant with one or more stems measuring 1.0 inch or greater in diameter at ground level, and construction personnel and/or activities shall avoid fenced areas;</i></p> <ul style="list-style-type: none"> <i>• Project proponent shall employ dust control measures during all construction activities; and</i> <i>• No insecticides, herbicides, fertilizers, or other chemicals shall be applied within 100 feet of elderberry plants with one or more stems measuring 1.0 inch or greater in diameter at ground level during the construction activities. All drainage water during and following construction shall be diverted away from the bushes.”</i> 			
		<p>4.6-1(b) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“If complete avoidance of elderberry plants is not possible, transplantation shall be used as prescribed by the Guidelines to a USFWS-approved conservation area. At the discretion of</i></p>	Planning Director	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>the USFWS, a plant that would be extremely difficult to move because of access problems may be exempted from transplantation (USFWS 1999). In cases where transplantation is not possible, the minimization ratios may be increased to offset the additional habitat loss.</i></p> <p><i>If elderberry shrubs would be adversely affected by construction (i.e. directly impacted), the elderberry bushes shall be transplanted to a mitigation area in compliance with USFWS standards. A qualified biologist shall be onsite during the transplanting to assure compliance with the Guidelines. Transplanting shall preferably take place between November 1 and February 15 after the bushes have lost the majority of their leaves. Elderberry bushes shall be cut back to three to six feet from the ground or to 50 percent of their height, whichever is tallest. All stems measuring greater than 1-inch shall be transplanted. A backhoe shall be used to excavate a hole of adequate size in the conservation area for each bush, and then the bushes shall be excavated. The root ball and surrounding soil shall be maintained during the transplanting process. Once the plants have been moved, a water</i></p>			

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>basin shall be placed around each bush that measure three feet in diameter, the walls shall measure eight inches wide and six inches tall.</i></p> <p><i>Each elderberry stem measuring >1 inch at ground level that is adversely affected (i.e., transplanted or destroyed) must be replaced, in the conservation area, with elderberry seedlings or cuttings at a ratio ranging from 1:1 to 8:1 (new plantings to affected stems). If the USFWS determines that the elderberry plants on the proposed project site are unsuitable candidates for transplanting, the USFWS may require the applicant to plant seedlings or cuttings at a ratio higher than those stated above for each elderberry plant that cannot be transplanted.</i></p> <p><i>Associate native plant seedlings will consist of willows, sycamores (<i>Platanus racemosa</i>), Oregon ash, button willow (<i>Cephalanthus occidentalis</i>), and wild grape (<i>Vitus californicus</i>). Each seedling and associate plant shall be provided with a water basin measuring 3 feet by 8 inches by 6 inches. The conservation area shall be protected in perpetuity and shall be maintained by the project</i></p>			

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>proponent, or delegated third party. Plants shall be manually watered until they are established and watering is no longer necessary. Weed control and vegetation maintenance shall be managed as stated in the Vegetation Maintenance section of the Guidelines.”</i></p> <p>4.6-1(c) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“Any conservation area shall be monitored for 10 consecutive years. Two site visits shall take place each year between 14 February and 30 June by a qualified biologist. The surveys shall include:</i></p> <ul style="list-style-type: none"> <i>• Population census of adult beetles;</i> <i>• Census of beetle exit holes;</i> <i>• Evaluation of the transplanted bush, seedlings, and associated plants;</i> <i>• Evaluation of protective measures (i.e., fencing, signs, and weed control); and</i> <i>• General habitat assessment.</i> 	Planning Director	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>A yearly report and original field notes shall be prepared describing the conditions as stated above. Reports shall be submitted by 31 December of the same year to the USFWS, Chief of the Endangered Species Branch, Sacramento. Success criteria will be judged on 60 percent survival rate of the elderberry and associate plants. If the success rate drops below 60 percent additional plants shall be planted to assure a 60 percent survival rate.</i></p> <p><i>Non-Participating Properties</i></p> <p>4.6-1(d) <i>In conjunction with submittal of a development application for any of the non-participating properties, the applicant(s) shall submit a Biological Resources Assessment. The assessment shall include, but not be limited to, identification and analysis of all occurrences of elderberry bushes, impacts to special-status species, and loss of biological resources and/or wetlands, and mitigation to reduce significant impacts. The applicant shall be required to implement all mitigation measures recommended in the assessment.</i></p>	Planning Director	In conjunction with submittal of a development application for any of the non-participating properties	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		4.6-1(e) <i>If suitable Valley elderberry longhorn beetle habitat is determined to exist on any of the non-participating properties, the applicant(s) shall be required to implement Mitigation Measures 4.6-1(a-c).</i>	Planning Director	Prior to construction	
4.6-2	Impacts to Swainson's hawk.	<p><i>Nichols Grove Site</i></p> <p>4.6-2(a) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“If Swainson's hawks are found nesting within 0.5-mile of the Nichols Grove site appropriate Management Conditions per the Staff report regarding mitigation for impacts to Swainson's hawks (Buteo swainsoni) in the Central Valley of California (CDFG 1994) shall be required as follows:</i></p> <ul style="list-style-type: none"> <i>No intensive new disturbances (e.g., heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing activities) or other project-related activities that may cause nest abandonment or forced fledging, shall be initiated within 0.25 miles (buffer zone) of an active nest between March 1</i> 	Planning Director	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>and September 15. The buffer zone should be increased to 0.5 mile in nesting areas away from urban development (i.e., in areas where disturbance [e.g., heavy equipment operation associated with construction, use of draglines, new rock crushing activities] is not a normal occurrence during the nesting season). Nest trees shall not be removed unless there is no feasible way of avoiding the trees. If a nest tree must be removed, a Management Authorization (including conditions to offset the loss of the nest tree) must be obtained from CDFG with the tree removal period specified in the management Authorization, generally between October 1 and February 1.</i></p> <p><i>If construction or other project-related activities that may cause nest abandonment or forced fledging are necessary within the buffer zone, monitoring of the nest site (funded by the project sponsor) by a qualified biologist</i></p>			

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>(to determine if the nest is abandoned) shall be required.</i></p> <p><i>If the nest site is abandoned and the nestlings are still alive, the project proponent shall fund the recovery and hacking (controlled release of captive reared young) of the nestlings. Routine disturbances such as agricultural activities, commuter traffic, and routine maintenance activities within 0.25-mile of an active nest should not be prohibited. A qualified wildlife biologist shall verify fledging of nestlings.”</i></p> <p>4.6-2(b) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“Prior to initiation of ground disturbance activities, the project applicant and City staff shall consult with CDFG to determine the extent of mitigation necessary for the loss of Swainson’s hawk foraging habitat.</i></p> <p><i>Or;</i></p>	Planning Director	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>Prior to initiation of ground disturbance activities, upon approval of the pending Yuba-Sutter Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP), the applicant shall participate and incorporate mitigation measures set forth in the NCCP/HCP.”</i></p> <p><i>Non-Participating Properties</i></p> <p>4.6-2(c) <i>Implement Mitigation Measure 4.6-1(d). The assessment shall include an analysis of active nesting sites within 0.5-mile of any of the properties. If Swainson’s hawk nests are found within 0.5-mile of any of the properties, the applicant shall be required to implement Mitigation Measure 4.6-2(a). The assessment shall also determine if the property (or properties) is considered Swainson’s hawk foraging habitat. If the property (or properties) is determined to be Swainson’s hawk foraging habitat, the applicant shall be required to implement Mitigation Measure 4.6-2(b).</i></p>	See Mitigation Measure 4.6-1(d)	<p>See Mitigation Measure 4.6-1(d)</p> <p>If Swainson’s hawk nests are found within 0.5-mile of any of the non participating properties, then implement Mitigation Measure 4.6-2(a)</p> <p>If the property (or properties) is determined to be Swainson’s hawk foraging habitat, then implement Mitigation</p>	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
				Measure 4.6-2(b).	
4.6-3	Impacts to Western burrowing owls.	<p><i>Nichols Grove Site</i></p> <p>4.6-3(a) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“The Staff Report on Burrowing Owl Mitigation, published by CDFG (1995), recommends pre-construction surveys shall be conducted to locate active burrowing owl burrows. Prior to initiation of any ground disturbance activities, this preconstruction survey shall be conducted by a qualified biologist or ornithologist during both the wintering and nesting season, unless the species is detected on the first survey. If possible, the winter survey shall be conducted between December 1 and January 31 (when wintering owls are most likely to be present) and the nesting season survey should be conducted between April 15 and July 15 (the peak of breeding season). Surveys conducted from two hours before sunset to one hour after, or from one hour before to two hours after sunrise, are preferable. The survey techniques shall be consistent with the Staff Report survey protocol and include a 260-foot-wide buffer zone</i></p>	Planning Director	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>surrounding the project area. Repeat surveys should also be conducted not more than 30 days prior to initial ground disturbance to inspect for re-occupation and the need for additional protection measures. The survey(s) shall be paid by the applicant and approved by the City.”</i></p> <p>4.6-3(b) <i>The City shall include the following as a condition of approval on any tentative map application: “If no burrowing owls are detected during preconstruction surveys, then no further mitigation is required. If active burrowing owl burrows are identified, project activities shall not disturb the burrow during the nesting season (February 1–August 31) or until a qualified biologist has determined that the young have fledged or the burrow has been abandoned. A no disturbance buffer zone of 160-feet is required to be established around each burrow with an active nest until the young have fledged the burrow as determined by a qualified biologist.”</i></p>	Planning Director	As a condition of approval on any tentative map application	
		<p>4.6-3(c) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p>	Planning Director	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>“If destruction of the occupied burrow is unavoidable during the non-breeding season, September 1– January 31, passive relocation of the burrowing owls shall be conducted. Passive relocation involves installing a one-way door at the burrow entrance, encouraging owls to move from the occupied burrow. No permit is required to conduct passive relocation; however, this process shall be conducted by a qualified biologist and in accordance with CDFG mitigation measures. In addition, to offset the loss of foraging and burrow habitat on the project site, a minimum of 6.5 acres of foraging habitat (calculated on a 300-ft foraging radius around the burrow) per pair or unpaired resident bird, shall be acquired and permanently protected at a location acceptable to the CDFG.”</i></p> <p>4.6-3(d) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“If burrowing owls are identified on the project site, the City of Wheatland must receive copies of the Mitigation Agreement by and between the applicant and CDFG, prior to the initiation of any ground disturbing activities for the</i></p>	Planning Director	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>proposed project.”</i></p> <p><i>Non-Participating Properties</i></p> <p>4.6-3(e) <i>Implement Mitigation Measure 4.6-1(d). If suitable burrowing owl habitat is determined to exist on any of the non-participating properties, the applicant(s) shall be required to implement Mitigation Measures 4.6-3(a-d).</i></p>	See Mitigation Measures 4.6-1 and 4.6-3 (a-d), if applicable	See Mitigation Measures 4.6-1 and 4.6-3(a-d), if applicable	
4.6-4	Impacts to raptors.	<p><i>Nichols Grove Site</i></p> <p>4.6-4(a) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“A qualified wildlife biologist shall conduct a pre-construction raptor survey during April-May, or no more than 30 days prior to construction activities, to determine the presence/absence of nesting raptors in the project site. Should nesting raptors be observed, appropriate spatial and temporal buffers shall be required by CDFG. In addition, larger trees (i.e., >12” dbh) to be removed shall be removed between September 1 and March 1 to ensure that active raptor nests are not removed as a result of construction-related activities.”</i></p>	City Engineer	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>Non-Participating Properties</i></p> <p>4.6-4(b) <i>Implement Mitigation Measure 4.6-1(d). If the property(ies) is determined to contain raptor nesting habitat, the applicant shall be required to implement Mitigation Measure 4.6-4(a).</i></p>	See Mitigation Measure 4.6-1(d) and Mitigation Measure 4.6-4(a), if applicable	See Mitigation Measure 4.6-1(d) and Mitigation Measure 4.6-4(a), if applicable	
4.6-5	Impacts to Migratory Songbirds/Passerines.	<p><i>Nichols Grove Site</i></p> <p>4.6-5(a) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“All vegetation (i.e., trees, shrubs) that would need to be removed for construction shall be cut down between September 16 and February 14 (outside the nesting season for migratory bird species with potential to occur on the site) to ensure that active nests are not removed as a result of the project. To avoid potential erosion impacts, vegetation removal shall be limited to cutting of shrubs and trees at ground level to maintain the root system. Once the rainy season has passed, the root systems can be removed. If all vegetation removal associated with construction activities is completed between</i></p>	Planning Director	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p>September 16 and February 14, no pre-construction surveys or additional mitigation is required.”</p> <p>4.6-5(b) The City shall include the following as a condition of approval on any tentative map application:</p> <p>“To avoid impacts to migratory nesting birds during the breeding season (February 15 through September 15), a qualified biologist approved by the USFWS shall conduct a pre-construction survey of all suitable nesting habitat within the project site no more than 30 days prior to construction. If nesting migratory birds are not detected, no further mitigation shall be necessary.</p> <p>If nesting migratory birds are detected, a no-disturbance buffer per USFWS shall be established during the nesting season and no construction shall occur within the buffer area until a qualified biologist confirms that there was no nesting attempt or that the fledglings are no longer occupying the area. Additionally, signs shall be placed locating areas to be avoided. “</p>	Planning Director	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>“If active maternity roosts or hibernacula are found in trees or structures which will be removed as part of project construction, the project shall be redesigned to avoid the loss of the tree or structure occupied by the roost to the extent feasible as determined by the City. If an active maternity roost is located and the project cannot be redesigned to avoid removal of the occupied tree or structure, demolition shall commence before maternity colonies form (i.e., prior to March 1) or after young are volant (flying) (i.e., after July 31). Disturbance-free buffer zones as determined by a qualified biologist in coordination with the California Department of Fish and Game shall be observed during the maternity roost season (March 1 - July 31).”</i></p> <p>4.6-6(c) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“If a non-breeding bat hibernacula is found in a tree or structure scheduled for removal, the individuals shall be safely evicted, under the direction of a qualified biologist (as determined by a Memorandum of Understanding with the</i></p>	Planning Director	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>California Department of Fish and Game), by opening the roosting area to allow airflow through the cavity. Demolition shall then follow at least one night after initial disturbance for airflow. This action should allow bats to leave during darkness, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. Trees or structures with roosts that need to be removed shall first be disturbed at dusk, just prior to removal that same evening, to allow bats to escape during the darker hours.”</i></p> <p>4.6-6(d) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“If special-status bats are found roosting within trees or structures on-site that require removal, appropriate replacement roosts shall be created at a suitable location on-site or off site in coordination with a qualified biologist, the California Department of Fish and Game, and the City of Wheatland.”</i></p>	Planning Director	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>Non-Participating Properties</i></p> <p>4.6-6(e) <i>Implement Mitigation Measure 4.6-1(d). If suitable Yuma myotis bat habitat is determined to exist on any of the non-participating properties, the applicant(s) shall be required to implement Mitigation Measures 4.6-6(a-d).</i></p>	See Mitigation Measure 4.6-1(d) and Mitigation Measures 4.6-6(a-d), if applicable	See Mitigation Measure 4.6-1(d) and Mitigation Measures 4.6-6(a-d), if applicable	
4.6-7	Impacts to western pond turtle.	<p><i>Nichols Grove Site</i></p> <p>4.6-7(a) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“A qualified biologist shall conduct a pre-construction survey for western pond turtles in all construction areas identified as potential nesting or dispersal habitat located within 1,000 feet of potential aquatic habitat 48 hours prior to initiation of construction activities. If western pond turtle is found during pre-construction surveys, the turtle(s) shall be relocated as necessary to a location deemed suitable by the biologist and CDFG (i.e., at a location which is a sufficient distance from construction activities). This survey shall include looking for turtle nests within the construction area. If a nest is found</i></p>	Planning Director	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>within the construction area, construction shall not take place within 100 feet of the nest until the turtles have hatched and have left the nest or can be safely relocated with assistance from CDFG.”</i></p> <p>4.6-7(b) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“Because attempting to locate pond turtle nests will not result in a realistic probability of detection, after completion of pre-construction surveys, and relocation as necessary, exclusion fencing shall be placed around all construction-sites adjacent to aquatic habitats to eliminate the possibility of nest establishment in uplands adjacent to aquatic areas.”</i></p>	Planning Director	As a condition of approval on any tentative map application	
		<p>4.6-7(c) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“If construction activities occur in aquatic areas where turtles have been identified during pre-construction or other surveys, a biological monitor shall be present during disturbance of those</i></p>	Planning Director	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>aquatic habitats. If any turtle is found, the turtle(s) shall be relocated as necessary to a location deemed suitable by the biologist and CDFG (i.e., at a location which is a sufficient distance from construction activities)."</i></p> <p>4.6-7(d) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>"A qualified biologist shall provide project contractors and construction crews with a worker-awareness program before any work within aquatic habitats or adjacent upland habitats that are appropriate for western pond turtles. This program shall be used to describe the species, its habits and habitats, its legal status and required protection, and all applicable mitigation measures."</i></p> <p><i>Non-Participating Properties</i></p>	Planning Director	As a condition of approval on any tentative map application	
		<p>4.6-7(e) <i>Implement Mitigation Measure 4.6-1(d). If suitable western pond turtle habitat is determined to exist on any of the non-participating properties, the applicant(s) shall be required to implement Mitigation Measures 4.6-7(a-d).</i></p>	See Mitigation Measure 4.6-1(d) and Mitigation Measures 4.6-7(a-d), if applicable	See Mitigation Measure 4.6-1(d) and Mitigation Measures 4.6-7(a-d), if applicable	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
4.6-9	Impacts to Natural Woodland Resources.	<p><i>Nichols Grove Site</i></p> <p>4.6-9(a) <i>In conjunction with submittal of any tentative map application, an ISA Certified Arborist shall review the plans and provide a detailed impact assessment, including identification of trees which may require removal for home construction and other contemplated site development activities. This will be particularly important if homes, residential and/or pedestrian activities fall within or near the fall zone of a tree which has been noted as having structural defects, questionable long-term longevity and/or a conditional rating which is less than "Fair," and for trees which measure 16 inches or greater in diameter which will be retained with close proximity to development, particularly trees which will be retained on home sites, as trees of this size may pose a more significant hazard if a sudden limb shed and/or catastrophic failure should occur. The review shall also include an assessment of impacts that will be sustained by the trees retained within the development area, along with specific recommendations on a tree-by-tree basis to help reduce adverse impacts of construction on the</i></p>	Planning Director	In conjunction with submittal of any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>retained trees, where possible. The ISA Certified Arborist shall subsequently prepare a Tree Preservation Report, which includes a requirement of 1:1 tree replacement ration. The Report shall include preservation recommendations, with consideration given to the recommendations made in the Nichols Ranch, LP Arborist Report prepared by Sierra Nevada Arborists, dated January 23, 2007.</i></p> <p><i>Non-Participating Properties</i></p> <p>4.6-9(b) <i>In conjunction with submittal of a development application for any of the non-participating properties, the applicant(s) shall submit an arborist report. The report shall evaluate the structure and vigor of each tree 6 inches or greater in diameter at breast height, as well as include recommendations for removal of trees which may be hazardous due to nature and extent of defects, compromised health, and/or structural instability and proximity to planned development activities. The developer shall comply with and implement the approved report.</i></p>	Planning Director	In conjunction with submittal of a development application for any of the non-participating properties	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
4.6-10	Impacts to wetlands and other Waters of the United States.	<p><i>Nichols Grove Site</i></p> <p>4.6-10(a) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“Prior to initiation of ground disturbance activities, the applicant shall consult with the Army Corps of Engineers with respect to the potential impacts to the wetlands identified in the formal wetland delineation previously accepted by the Army Corps of Engineers. If the Army Corps of Engineers determines that jurisdictional waters on or off the project site would not be impacted by the proposed project, no further mitigation is necessary. If the Corps determines that jurisdictional waters are present on- or off-site, which may be impacted by the project, the appropriate CWA Section 404 permit shall be acquired by the applicant for the construction of the proposed project and the filling of the existing ditches, if applicable. CWA Section 401 water quality certification or waiver will also be required. An individual permit under Section 404 of the Clean Water Act is required for impacts to waters of the U.S., including wetlands greater than 0.5</i></p>	Planning Director	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>acres. As part of the individual permit, National Environmental Protection Act (NEPA) compliance and a Section 404(b) (1) Alternatives Analysis must be completed. In addition, Regional Water Quality Control Board certification is required pursuant to Section 401 of the Clean Water Act to obtain an individual permit. A copy of the approved Section 404 permit shall be provided to the Planning Director prior to initiation of ground disturbance activities.”</i></p> <p>4.6-10(b) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“Prior to initiation of ground disturbance activities, the applicant shall submit to the California Department of Fish and Game (CDFG) a formal wetland delineation based on current regulations of the Army Corps of Engineers. If the CDFG determines that jurisdictional waters on or off the project site would not be impacted by the proposed project, no further mitigation is necessary. If the CDFG determines that jurisdictional waters are present on- or off-site, which may be impacted by the project, a Streambed Alteration</i></p>	Planning Director	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>Agreement shall be obtained from CDFG, pursuant to Section 1600 of the California Fish and Game Code, for any activities affecting the bed, bank, or associated riparian vegetation. If required, the project applicant shall coordinate with CDFG in developing appropriate mitigation, and shall abide by the conditions of any executed permits for any work related to the outfall.</i></p> <p>4.6-10(c) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“If the project would result in impacts to the jurisdictional wetlands identified on the project site, the acreage of jurisdictional habitat removed shall be replaced on a “no-net-loss” basis in accordance with Corps and CDFG regulations. A conceptual on-site wetlands mitigation plan, including an agreed-upon replacement ratio of wetlands with the Corps. The mitigation plan shall quantify the total jurisdictional acreage lost, describe creation/replacement ratio for acres filled, annual success criteria, potential mitigation-sites, and monitoring and maintenance requirements. The plan</i></p>	Planning Director	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>shall be prepared by a qualified biologist pursuant to, and through consultation with, the Corps shall be prepared. The plan may include funding mechanisms for future maintenance of the wetland and riparian habitat, which may include an endowment or other funding from the project applicant.”</i></p> <p><i>Non-Participating Properties</i></p> <p>4.6-10(d) <i>Implement Mitigation Measure 4.6-1(d). If wetlands and/or Waters of the United States are identified the applicant shall conduct a formal wetland delineation based on current regulations of the Army Corps of Engineers. Following acceptance of the delineation by the Army Corps of Engineers, the applicant(s) shall be required to implement Mitigation Measures 4.6-10(a-c).</i></p>	See Mitigation Measures 4.6-1(d) and 4.6-10(a-c)	See Mitigation Measures 4.6-1(d) and 4.6-10(a-c)	
4.7 Cultural Resources					
4.7-1	Disturbance or destruction of previously unknown archaeological resources on the project site.	<p><i>Nichols Grove Site</i></p> <p>4.7-1(a) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“During ground disturbance activities, an archeological monitor shall be</i></p>	Planning Director	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>present to oversee operations both on- and off-site. If any earth-moving activities uncover any concentrations of stone, bone or shellfish, any artifacts of these materials, or any evidence of fire (ash, charcoal, fire altered rock, or earth), work shall be halted in the immediate area of the find and shall not be resumed until after a qualified archaeologist has inspected and evaluated the deposit and determined the appropriate means of curation. The appropriate mitigation measures may include as little as recording the resource with the California Archaeological Inventory database or as much as excavation, recordation, and preservation of the sites that have outstanding cultural or historic significance.”</i></p> <p>4.7-1(b) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“In the event that any archaeological deposits are discovered during construction or grading, further grading or trenching within 50 feet of the discovery shall be halted until a plan has been submitted to the Planning Director</i></p>	Planning Director	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>for the evaluation of the resource as required under current CEQA Guidelines. If evaluation concludes the archaeological deposit is eligible for inclusion on the California Register of Historic Resources, a plan for the mitigation of impacts to the resource shall also be submitted to the Planning Director for approval.”</i></p> <p>4.7-1(c) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“During construction, if bone is uncovered that may be human, the California Native American Heritage Commission, located in Sacramento, and the Yuba County Coroner shall be notified. Should human remains be found, all work shall be halted until final disposition by the Coroner. Should the remains be determined to be of Native American descent, the Native American Heritage Commission shall be consulted to determine the appropriate disposition of such remains.”</i></p>	Planning Director	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>Non-Participating Properties</i></p> <p>4.7-1(d) <i>In conjunction with submittal of an application for any of the non-participating properties, the applicant shall provide a cultural resources assessment analyzing any potential on-site archaeological and/or historical resources. The cultural resources report shall recommend mitigation measures, if applicable, and the applicant shall be required to adhere to the mitigation measures recommended in the cultural resources assessment, ensuring that adverse impacts to resources would not result from project implementation.</i></p> <p>4.7-1(e) <i>Implement Mitigation Measures 4.7-1(a-c).</i></p>	<p>Planning Director</p> <p>See Mitigation Measures 4.7-1(a-c)</p>	<p>In conjunction with submittal of an application for any of the non-participating properties</p> <p>See Mitigation Measures 4.7-1(a-c)</p>	
4.7-2	Impacts to existing structures.	<p><i>Non-Participating Properties</i></p> <p>4.7-2 <i>Implement Mitigation Measure 4.7-1(d).</i></p>	<p>See Mitigation Measure 4.7-1(d).</p>	<p>See Mitigation Measure 4.7-1(d).</p>	
4.8 Geology and Soils					
4.8-1	Damage to foundations, pavement, and other structures from expansive soils.	<p><i>Nichols Grove Site</i></p> <p>4.8-1(a) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p>	<p>City Engineer</p>	<p>As a condition of approval on any tentative map</p>	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>“Prior to approval of Improvement Plans, a final design-level geotechnical report shall be prepared and submitted to the City for review and approval. The geotechnical consultant shall consider the recommendations made in the Preliminary Geotechnical Engineering Reports prepared by Wallace Kuhl & Associates (February 2003 and March 2004) for the Nichols Grove project including, but not limited to, the recommendations regarding expansive soils/loose/previously filled areas. The recommendations of the final geotechnical report shall be incorporated into the project design prior to issuance of building permits for the review and approval of the City Engineer.”</i></p> <p><i>Non-Participating Properties</i></p> <p>4.8-1(b) <i>In conjunction with development application submittal for any of the non-participating properties, the project applicant shall submit a design-level geotechnical study to the City Engineer for review and approval, which specifically addresses whether expansive soils or soils prone to liquefaction are present in the development area, and includes measures to address these soils where they occur. All grading and</i></p>		application	
			City Engineer Building Inspector	In conjunction with development application submittal for any of the non-participating properties	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<i>foundation plans designed by the project Civil and Structural Engineer must be reviewed and approved by the City Engineer and Building Inspector prior to initiation of ground disturbance activities and issuance of building permits, to ensure that all geotechnical recommendations specified in the geotechnical report are properly incorporated and utilized in design. In addition, all projects shall comply with UBC standards.</i>			
4.8-2	Loss of structural support due to liquefaction.	<p><i>Nichols Grove Site</i></p> <p>4.8-2(a) <i>Implement Mitigation Measure 4.8-1(a).</i></p> <p><i>Non-Participating Properties</i></p> <p>4.8-2(b) <i>Implement Mitigation Measure 4.8-1(b).</i></p>	<p>See Mitigation Measure 4.8-1(a)</p> <p>See Mitigation Measure 4.8-1(b)</p>	<p>See Mitigation Measure 4.8-1(a)</p> <p>See Mitigation Measure 4.8-1(b)</p>	
4.8-4	Construction-related increases in soil erosion.	<p><i>Nichols Grove Site, Non-Participating Properties</i></p> <p>4.8-4 <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“Prior to the approval of the Improvement Plans, the project applicant</i></p>	City Engineer	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>shall prepare and submit an erosion control plan to the City Engineer for review and approval. 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:</i></p> <ul style="list-style-type: none"> • <i>Hydro-seeding;</i> • <i>Placement of erosion control measures within drainageways and ahead of drop inlets;</i> • <i>The temporary lining (during construction activities) of drop inlets with “filter fabric” (a specific type of geotextile fabric);</i> • <i>The placement of straw wattles along slope contours;</i> • <i>Directing subcontractors to a single designation “wash-out” location (as opposed to allowing them to wash-out in any location they desire);</i> • <i>The use of siltation fences; and</i> • <i>The use of sediment basins and dust palliatives.”</i> 			

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
4.9 Hazards					
4.9-1	Impacts from burn piles and other on-site farm implements.	<p><i>Nichols Grove Site</i></p> <p>4.9-1(a) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“If during removal of all on-site debris by the project contractor, visual or olfactory evidence of potential soil contamination is observed, the project applicant shall contact Wallace Kuhl (or other similarly qualified firm), the property owner, the City, and the Yuba County Environmental Health Department for further assessment. If these parties determine that the items are not hazardous, they shall be removed and discarded in accordance with local standards at the expense of the applicant. If these parties determine that subsurface hazardous substances are located onsite, these substances shall be removed and the soil remediated to the satisfaction of the City of Wheatland and the Yuba County Environmental Health Department, at the expense of the applicant.”</i></p>	City Engineer	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>Non-Participating Properties</i></p> <p>4.9-1(b) <i>In conjunction with submittal of a development application, the applicant(s) shall submit a Phase 1 Environmental Site Assessment for any of the non-participating properties to determine if any on-site structures contain hazards and to identify soil contamination, potential hazards related to nearby properties, and the location of wells, aboveground storage tanks, stored items and debris. The Phase 1 Environmental Site Assessment shall identify and include mitigation measures necessary to reduce significant hazardous and hazardous materials impacts. If the Phase 1 Environmental Site Assessment determines the presence of soil contamination under burn or debris piles, the project contractor shall implement Mitigation Measure 4.9-1(a) to the satisfaction of the City of Wheatland and the Yuba County Environmental Health Department, at the expense of the applicant(s).</i></p>	<p>City Engineer Yuba County Environmental Health Department</p>	<p>In conjunction with submittal of a development application</p>	
4.9-2	Impacts from water supply wells.	<p><i>Nichols Grove Site</i></p> <p>4.9-2(a) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p>	<p>City Engineer</p>	<p>As a condition of approval on any tentative map</p>	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>“Prior to initiation of any ground disturbance activities within 50 feet of a well, the applicant shall hire a licensed well contractor to obtain a well abandonment permit from Yuba County Environmental Health Department, and properly abandon the on-site wells, per review and approval of the City Engineer and the Yuba County Environmental Health Department.”</i></p> <p><i>Non-Participating Properties</i></p> <p>4.9-2(b) <i>Implement Mitigation Measure 4.9-1(b). If wells are located on site, the applicant shall implement Mitigation Measure 4.9-2(a) to the satisfaction of the City of Wheatland and the Yuba County Environmental Health Department, at the expense of the applicant(s).</i></p>	<p>City Engineer</p> <p>Yuba County Environmental Health Department</p>	<p>application</p> <p>See Mitigation Measure 4.9-1(b) and Mitigation Measure 4.9-2(a), if applicable</p>	
4.9-3	Impacts from aboveground storage tanks.	<p><i>Nichols Grove Site</i></p> <p>4.9-3(a) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“Before site grading and excavation of soils in the area of ASTs and fuel dispensers, the area shall be evaluated for unusual odors, visible discoloration, or other indications of soil</i></p>	<p>City Engineer</p>	<p>As a condition of approval on any tentative map application</p>	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>contamination. If soils suspected of being contaminated are encountered, they shall be stockpiled on plastic sheeting. Stockpiled soils shall be sampled in accordance with RWQCB guidelines, and the findings forwarded to the RWQCB for review. Further remediation, if necessary, and disposal of the soils shall be conducted in accordance with State and federal guidelines.”</i></p> <p><i>Non-Participating Properties</i></p> <p>4.9-3(b) <i>Implement Mitigation Measure 4.9-1(b). If aboveground storage tanks are located on site, the applicant shall implement Mitigation Measure 4.9-3(a) to the satisfaction of the City of Wheatland and the Yuba County Environmental Health Department, at the expense of the applicant(s).</i></p>	<p>City Engineer</p> <p>Yuba County Environmental Health Department</p>	<p>See Mitigation Measure 4.9-1(b) and Mitigation Measure 4.9-3(a), if applicable</p>	
4.9-4	Impacts from Polychlorinated Biphenyls (PCBs).	<p><i>Nichols Grove Site</i></p> <p>4.9-4(a) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“Prior to the issuance of building permits, the applicant shall coordinate with PG&E to sample and analyze the contents of the project site transformers.</i></p>	<p>Planning Director</p>	<p>As a condition of approval on any tentative map application</p>	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>If the transformers are found to be PCB transformers, the transformers shall be disposed of subject to the regulations of the Toxic Substances Control Act (TSCA) under the authority of the Yuba County Environmental Health Department.”</i></p> <p><i>Non-Participating Properties</i></p> <p>4.9-4(b) <i>Prior to the issuance of building permits for any properties containing electrical transformers, the applicant(s) shall implement Mitigation Measure 4.9-4(a) to the satisfaction of the City of Wheatland and the Yuba County Environmental Health Department, at the expense of the applicant(s).</i></p>	<p>City Engineer</p> <p>Yuba County Environmental Health Department</p>	<p>Prior to issuance of building permits</p>	
4.9-5	<p>Impacts from existing on-site structures and exposure of construction workers to asbestos and lead-based paint.</p>	<p><i>Nichols Grove Site</i></p> <p>4.9-5(a) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“Prior to issuance of a demolition permit by the City for any onsite structures, the project proponent shall provide a site assessment that determines whether any structures to be demolished contain lead paint. If structures do not contain lead-based paint, further mitigation is not required. If lead-based paint is found, all</i></p>	<p>City Engineer</p>	<p>As a condition of approval on any tentative map application</p>	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with local, state, and federal regulations. The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing lead paint in accordance with local, state, and federal regulations subject to approval of the City Engineer.”</i></p> <p><i>Non-Participating Properties</i></p> <p>4.9-5(b) <i>Implement Mitigation Measure 4.9-5(a).</i></p> <p>4.9-5(c) <i>Prior to issuance of a demolition permit by the City for any onsite structures, the project proponent shall provide a site assessment that determines whether any structures to be demolished contain asbestos. If structures do not contain asbestos, further mitigation is not required. If any structures contain asbestos, the application for the demolition permit shall include an</i></p>			
			See Mitigation Measure 4.9-5(a)	See Mitigation Measure 4.9-5(a)	
			City Engineer	Prior to issuance of demolition permit	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<i>asbestos abatement plan consistent with local, State, and federal standards, subject to approval by the City Engineer.</i>			
4.9-6	Presence of pesticide and/or herbicide residues in project site soils.	<p><i>Non-Participating Properties</i></p> <p>4.9-6 <i>Implement Mitigation Measure 4.9-1(b). The Phase 1 Environmental Site Assessment shall include surficial soil samples to determine the presence of pesticides. If pesticide concentrations higher than the allowable threshold are detected, the assessment shall include the appropriate mitigation including, but not limited to, soil remediation to an acceptable TTLC level per applicable State and federal regulations, as identified in the Phase 1 Environmental Site Assessment.</i></p>	City Engineer	Prior to initiation of ground disturbance activities	
4.9-7	Impacts of the McDevitt Drive extension on petroleum and natural gas pipelines.	<p><i>Nichols Grove Site</i></p> <p>4.9-7(a) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“Prior to construction in the petroleum or natural gas pipelines rights-of-way, the project applicant in coordination with the City’s Public Works Department shall contact representatives from Kinder Morgan and PG&E, and endeavor to meet with them on the project site in order to</i></p>	City Public Works Department	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>prepare site-specific safety guidelines for construction in the field to the satisfaction of the Public Works Director. Should Kinder Morgan and/or PG&E decline to participate in the development of safety guidelines, the City shall retain a consulting firm qualified to assist with the preparation of such guidelines. These guidelines shall include provisions relating to the identification and protection of existing gas and petroleum pipelines on the project site. The safety guidelines shall be noted on the improvement plans and be included in all construction contracts involving the project site.”</i></p> <p>4.9-7(b) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“During construction in the petroleum or natural gas pipelines’ rights-of-way, an on-site safety manager shall be designated to address any discovered release or accidental rupture of the pipeline(s) that might occur during construction. The on-site safety manager shall obtain and keep in a readily available location the emergency response plans of fuel line operators and the appropriate contact</i></p>	Public Works Director	As a condition of approval on any tentative map application	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>Nichols Ranch Small-Lot Tentative Map Application, entitled, "Nichols Ranch Draft Drainage Report," dated November 2007. This project-level drainage report identified a series of drainage improvements that, if incorporated into the proposed drainage system for the project, would provide sufficient stormwater detention basin and pipe capacity to accommodate the project's runoff. The Nichols Ranch Draft Drainage Report, dated November 2007, identified the following modifications to the proposed drainage system:</i></p> <ul style="list-style-type: none"> • <i>Storm drainlines upstream from the DNR-2D detention basin shall be sized for the 100-year flows starting with the 100-year hydraulic grade at Nodes 203;</i> • <i>Storm drainlines south of the north branch of Grasshopper Slough (Tributary 2) shall be designed for the 10-year flow;</i> • <i>Flows exceeding the 100-year flows in the DNR2C detention basin shall be drained to Tributary 2 of Grasshopper Slough;</i> 	<p>Planning Commission City Council</p>	<p>of any tentative map application</p>	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<ul style="list-style-type: none"> • The existing 12-inch culvert, located in the western portion of the project, shall be replaced with a 10-foot by 3-foot box culvert to return Tributary 2 of Grasshopper Slough to the historical flow levels; and • The existing 18-inch culvert that connects Tributary 2 of Grasshopper Slough with the adjacent low-lying field shall be removed. <p>Given that the project now only includes program-level entitlements, any future tentative map application(s), depending upon the proposed lotting arrangement, could require further modifications to the proposed drainage design set forth in the November 2007 Nichols Ranch Draft Drainage Report. As a result, in conjunction with submittal of any subsequent tentative map application for development within the Nichols Grove annexation area, the applicant(s) shall be required to submit a site-specific drainage study. The drainage study shall incorporate recommendations set forth in the Nichols Grove Draft Drainage Report, dated November 2007, as applicable. The site-specific drainage study shall be</p>			

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<p><i>reviewed and approved by the Planning Commission and/or City Council in conjunction with the review of the tentative map(s).</i></p> <p>4.10-1(b) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“Prior to the issuance of building permits, the applicant shall fund the necessary improvements for the addition of 11 cfs of pumping capacity to the existing pump station for the City detention basin south of Dry Creek, for the review and approval of the City Engineer, unless otherwise determined via implementation of Mitigation Measure 4.10-1(a).”</i></p> <p><i>Non-Participating Properties</i></p>	City Engineer	As a condition of approval on any tentative map application	
		<p>4.10-1(c) <i>In conjunction with submittal of a development application for any non-participating properties, the applicant(s) shall submit a Drainage Report, analyzing the water quality and hydrology impacts of the non-participating properties. The report shall identify pre- and post-project stormwater flows and include necessary mitigation to</i></p>	City Engineer	In conjunction with submittal of a development application for any non-participating properties	

MITIGATION MONITORING AND REPORTING PLAN NICHOLS GROVE					
Mitigation Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-Off
		<i>reduce post-project flows to at or below pre-project levels. The drainage report shall include, but not be limited to, a study of stormwater runoff for 100-year and two-year scenarios. The applicant shall be required to adhere to the recommendations in the report for the review and approval of the City Engineer.</i>			
4.10-2	Detention basin maintenance.	<p><i>Nichols Grove Site, Non-Participating Properties</i></p> <p>4.10-2 <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“In conjunction with submittal of Improvement Plans, the applicant(s) shall submit a long-term maintenance and funding strategy for the drainage improvements for the review and approval of the City Engineer. The strategy shall include, but not limited to, the following:</i></p> <ul style="list-style-type: none"> <i>• Dispersion of alluvial sediment deposition at inlet structures, thus limiting the extended localized ponding of water;</i> <i>• Periodic sediment removal;</i> <i>• Monitoring of the facility to ensure the site is completely and</i> 	City Engineer	As a condition of approval on any tentative map application	

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		<p><i>properly drained;</i></p> <ul style="list-style-type: none"> • <i>Outlet riser cleaning;</i> • <i>Vegetation management to prevent marsh vegetation from taking hold, and to limit habitat for disease-carrying fauna;</i> • <i>Removal of graffiti, grass trimmings, weeds, tree pruning, leaves, litter, and debris;</i> • <i>Preventative maintenance on monitoring equipment;</i> • <i>Vegetative stabilization of eroding banks and basal areas;</i> • <i>Animal and vector control;</i> • <i>Structural inspection; and</i> • <i>Funding plan for the above strategies.”</i> 			
4.10-3	Degradation of water quality.	<p><i>Nichols Grove Site</i></p> <p><i>4.10-3(a) The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“Prior to initiation of ground disturbance activities, the applicant shall obtain a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the Regional Water Quality Control Board. The permit is required to control both construction and operation activities that</i></p>	City Engineer	As a condition of approval on any tentative map application	

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		<p><i>may adversely affect water quality. The General Permit requires the applicant to file a Notice of Intent (NOI) with the SWRCB and prepare a Stormwater Pollution Prevention Plan (SWPPP) that describes the site, erosion and sediment controls using Best Management Practices (BMPs) and Best Available Technologies (BATs). The SWPPP shall also include means of waste disposal, implementation of approved local plans, control of post-construction sediment and erosion control. Typical BMPs that could be used during construction of the proposed projects include, but are not limited to temporary facilities such as straw wattles and sandbags. Temporary facilities will capture a majority of the siltation resulting from construction activities prior to discharging into existing natural channels. The construction contractor shall be required to monitor and maintain all BMPs during construction to ensure they function properly for review and approval of the City Engineer.”</i></p> <p><i>Non-Participating Properties</i></p> <p><i>4.10-3(b) Non-participating properties that would disturb more than one acre shall be</i></p>			
			RWQCB	Prior to ground disturbance	

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		<i>required to implement Mitigation Measure 4.10-3(a). The report shall include site-specific recommendations for BMPs, as well as mitigate for all other significant impacts to water quality.</i>	City Engineer		
4.10-5	Impacts related to regional flooding.	<p><i>Nichols Grove Site, Non-Participating Properties</i></p> <p><i>4.10-5(a) Flood Related Mitigation.</i></p> <p><i>1. General. Except for development in the Phase 1 Development Grading Plan area that may be permitted pursuant to 4.10-5(b) below, future development of the project will require, and cannot proceed without, the completion of flood control or other improvements to mitigate flooding from the Dry Creek source and to provide the project property with an “urban level of flood protection,” defined as the level of protection that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year using criteria consistent with, or developed by, the State Department of Water Resources (Government Code section</i></p>	City Engineer	Prior to issuance of building permits	

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		<p><i>including the property in a community facilities district or assessment district and approving payment of a CFD special tax or assessment, (d) participating in a development impact fee program, (e) participating in some other funding program acceptable to the City, or (f) some combination of the foregoing. The final terms of the proposed program shall be subject to the review and approval by the City to ensure that the selected program will satisfactorily fully fund the cost of the flood control improvements necessary to provide an urban level of flood protection to the property. The applicant shall demonstrate its satisfactory compliance with one of these options as a condition of developing the property.</i></p> <p>4.10-5(b) <i>Phase 1 Development Grading Plan Area. This mitigation measure applies only to the Phase 1 Development Grading Plan area described in the project description. In conjunction with</i></p>	City Engineer	In conjunction with the submittal of any tentative map in the Phase 1 Development area	

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		<p><i>the submittal of any tentative map for this area, the applicant and its engineers shall prepare and submit a grading plan with hydraulic analysis that demonstrates that the developable area would no longer be in a special flood hazard area (as defined by the City Floodplain Management Ordinance (Wheatland Municipal Code chapter 15.12) in accordance with the City Floodplain Management Ordinance. The plan will be subject to review and approval by the City Engineer and the tentative map will not be approved until after the City Engineer has approved the plan.</i></p> <p>4.10-5(c) <i>Development Pending Completion of Flood Control Improvements. The City shall include the following as a condition of approval on any tentative map application for any development within the Nichols Grove area:</i></p> <p><i>“1. Land Preparation. If the Federal Emergency Management Agency (FEMA) issues a Conditional Letter of Map Revision (CLOMR) for the property indicating that the property would no longer be in a special flood hazard area (as</i></p>	City Engineer	As a condition of approval on any tentative map application	

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		<p><i>defined by the City Floodplain Management Ordinance) upon completion of a specified flood control improvement project or improvements, then the Developer may proceed with the following development-related activities: land preparation, such as clearing, grading, and filling; construction of streets, curbs and sidewalks; construction and installation of water, sewer, other utility and storm drainage improvements; and, preparation and submittal of a large lot final subdivision map application (which shall be approved by the City if it otherwise complies with the requirements of the approved tentative map, Subdivision Map Act, City subdivision ordinance and this Agreement). Performance of any grading or construction related work shall be subject to and in compliance with the terms of a floodplain development permit, with permit conditions, to be issued by the City pursuant to its Floodplain Management Ordinance.</i></p>			

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		2. <i>Building Permits and Small Lot Final Maps. Building permits for construction of buildings or structures on the Property and small lot final subdivision maps shall not be issued or approved by the City until (a) FEMA has issued a Letter of Map Revision (LOMR) for the property showing that the property is no longer in a special flood hazard area, and (b) the City Engineer has determined in writing that the property has an urban level of flood protection.”</i>			
4.11 Public Services and Utilities					
4.11-1	Adequate water supply and delivery for new residents.	<p><i>Nichols Grove Site</i></p> <p>4.11-1(a) <i>In conjunction with submittal of any tentative map application, a Water Supply Verification shall be conducted to ensure that water infrastructure can provide sufficient water supply needed for the project (estimated at 1,320 afa in the WSA). The Water Supply Verification showing adequate supply for the Nichols Grove project shall be submitted to the City Engineer and Director of Public Works for review and approval.</i></p> <p>4.11-1(b) <i>The City shall include the following as a condition of approval on any tentative</i></p>	<p>City Engineer Director of Public Works</p> <p>City Engineer</p>	<p>In conjunction with submittal of any tentative map application</p> <p>As a condition of approval on any</p>	

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		<p><i>map application:</i></p> <p><i>“Prior to issuance of building permits, the applicant shall pay the City’s Development Water Impact Fees, as determined by the City Engineer and Department of Public Works.”</i></p> <p>4.11-1(c) <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“To ensure proper management of groundwater supply, the applicant shall pay for the City to perform groundwater monitoring at the four new on-site wells to ensure that the new concentration of urban supply wells is not causing groundwater depletion, nor adversely affecting the City’s water supply.”</i></p> <p><i>Non-Participating Properties</i></p>	City Engineer	<p>tentative map application</p> <p>As a condition of approval on any tentative map application</p>	
		<p>4.11-1(d) <i>In conjunction with submittal of a development application for any of the non-participating properties, the applicant(s) shall be required to submit a Water Supply Assessment (WSA) at the discretion of the Planning Department and City Engineer. The applicant shall be required to implement recommended</i></p>	<p>Planning Director</p> <p>City Engineer</p> <p>Public Works Director</p>	<p>In conjunction with submittal of a development application for any of the non-participating properties</p>	

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		<p><i>“Prior to the commencement of grading or construction activities for the Nichols Grove site or any non-participating properties, the project developer shall submit a recycling plan for construction materials to the City for review and approval. The plan shall include that all materials that would be acceptable for disposal in the sanitary landfill be recycled/reused. Documentation of the material type, amount, where taken and receipts for verification and certification statements shall be included in the plan. The project developer shall submit a performance deposit, as established in the project’s conditions of approval to the City to ensure recycling of demolition materials. In addition, the project developer shall cover all staff costs related to the review, monitoring and enforcement of this condition through the deposit account.”</i></p>			
4.11-4	Project impact on electricity distribution.	<p><i>Nichols Grove Site, Non-Participating Properties</i></p> <p>4.11-4 <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p><i>“Prior to issuance of building permits, the applicant shall coordinate with PG&E and the City of Wheatland to</i></p>	City Engineer	As a condition of approval on any tentative map application	

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		<i>determine the electrical utilities and/or easements and improvements needed to serve the project. The Improvement Plans for the project(s) shall incorporate the necessary easements for the review and approval of the City Engineer. The applicant shall be responsible for all costs associated with the identified improvements.”</i>			
4.11-5	Adequate ratio of law enforcement personnel to residents.	<i>Nichols Grove Site, Non-Participating Properties</i> 4.11-5 <i>The City shall include the following as a condition of approval on any tentative map application:</i> <i>“Prior to issuance of building permits, the applicant shall be required to pay the City’s Police Development Impact Fees.”</i>	Planning Director	As a condition of approval on any tentative map application	
4.11-6	Adequate fire protection services available to new residents.	<i>Nichols Grove Site, Non-Participating Properties</i> 4.11-6 <i>The City shall include the following as a condition of approval on any tentative map application:</i> <i>“Prior to issuance of building permits, the applicant shall be required to pay the City’s Fire Protection Development Impact Fees.”</i>	Planning Director	As a condition of approval on any tentative map application	

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4.11-7	Number of enrolled students exceeding capacity.	<p><i>Nichols Grove Site, Non-Participating Properties</i></p> <p>4.11-7 <i>The City shall include the following as a condition of approval on any tentative map application:</i></p> <p> <i>“The applicant shall be required to pay all applicable school impact fees in effect at the time of building permit issuance.”</i></p>	Planning Director	As a condition of approval on any tentative map application	
4.11-8	Adequate provision of parks and recreation space for new residents.	<p><i>Non-Participating Properties</i></p> <p>4.11-8 <i>In conjunction with submittal of a development application for any non-participating properties, the applicant(s) shall include on the site plan a ratio of at least five acres of park for every 1,000 residents or pay in lieu fees, for the review and approval of the City Engineer.</i></p>	City Engineer	In conjunction with submittal of a development application for any non-participating properties	