OROVILLE PLANNING COMMISSION/
HISTORICAL ADVISORY COMMITTEE
Council Chambers
1735 Montgomery Street
Oroville, CA. 95965

August 24, 2023
REGULAR MEETING
6:00 PM
AGENDA

PUBLIC ACCESS AND PARTICIPATION

To view the meeting or provide comment, please see the options below.

To Watch or Listen to the Meeting:

1. Watch live feed https://www.youtube.com/channel/UCAoRW34swYl85UBfYqT7IbQ/
2. Zoom https://zoom.us/j/99508232402?pwd=aThZc1BsUG9sWnhNYnlwZHZZdFFrQT09
   Meeting ID: 995 0823 2402 Passcode: 17351735
3. Listen via telephone: 1-669-900-9128
   Meeting ID: 995 0823 2402 Passcode: 17351735

To Provide Comments:

1. Email before the meeting by 2:00 PM your comments to publiccomment@cityoforoville.org
2. Attend in person

If you would like to address the Commission at this meeting, you are requested to complete the blue speaker request form (located on the wall by the agendas) and hand it to the City Clerk, who is seated on the right of the Council Chamber. The form assists the Clerk with minute taking and assists the Mayor or presiding chair in conducting an orderly meeting. Providing personal information on the form is voluntary. For scheduled agenda items, *please submit the form prior to the conclusion of the staff presentation for that item.* The Commission has established time limitations of three (3) minutes per speaker on all items and an overall time limit of thirty minutes for non-agenda items. If more than 10 speaker cards are submitted for non-agenda items, the time limitation would be reduced to one and a half minutes per speaker. **(California Government Code §54954.3(b))**. Pursuant to Government Code Section 54954.2, the Commission is prohibited from taking action except for a brief response from the Council or staff to statements or questions relating to a non-agenda item.

CALL TO ORDER / ROLL CALL

Commissioners: Glenn Arace, Marissa Hallen, Natalie Sheard, Warren Jensen, Vice Chairperson Wyatt Jenkins, Chairperson Carl Durling

OPEN SESSION

Pledge of Allegiance

PUBLIC COMMUNICATION – HEARING OF NON-AGENDA ITEMS

This is the time to address the Commission about any item not listed on the agenda. If you wish to address the Commission on an item listed on the agenda, please follow the directions listed above.

CONSENT CALENDAR

Consent calendar **items** are adopted in one action by the Commission. Items that are removed will be discussed and voted on immediately after adoption of consent calendar items.

PUBLIC HEARINGS

The Public Hearing Procedure is as follows:

- Mayor or Chairperson opens the public hearing.
- Staff presents and answers questions from Council
- The hearing is opened for public comment limited to two (2) minutes per speaker. In the event of more than ten (10) speakers, time will be limited to one and a half (1.5) minutes. Under Government Code 54954.3, the time for each presentation may be limited.
- Public comment session is closed
- Commission debate and action

1. **RE: Tentative Subdivision Map 22-02 at 2151 Grand Ave APN 030-120-060 for a 25-lot Manufactured Home Community.**

   SUMMARY: The Planning Commission will consider Tentative Subdivision Map No. TSM 22-02, which would separate an 8-acre parcel into 25 parcels for a medium low density manufactured housing subdivision.

   RECOMMENDATION:

   City staff recommend that the Planning Commission take the following actions:

   APPROVE TENTATIVE PARCEL MAP 22-02; AND

   APPROVE RESOLUTION NO. P2023-18 -- A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION APPROVING TENTATIVE SUBDIVISION MAP TSM 22-02 FOR THE 25-UNIT GRAND ACRES MANUFACTURED HOME SUBDIVISION ON APN 030-120-060.

2. **RE: Consideration of Zoning Code Amendment (ZC) 23-02 adding Section 17.12.120 to the Oroville Municipal Code (OMC) establishing regulations for al fresco dining and al fresco seating, and amending Section 17.12.070 (Parking), 17.32.010 (Allowed Uses in Commercial Districts), 17.34.020 (Allowed Uses in Mixed-Use Districts), and 12.04.030 (Placing Produce, Merchandise, etc., on Streets and Sidewalks).**

   SUMMARY: The Planning Commission will consider recommending that the City Council adopt ZC 23-02, establishing regulations and standards for al fresco dining and al fresco seating in commercial and mixed-use districts within the City. ZC 23-02 would add Section 17.12.120 to the Oroville Municipal Code (OMC), amend Section 17.12.070 pertaining to parking standards for businesses proposing al fresco dining areas, amend Sections 17.32.010 and 17.34.020 by adding al fresco dining and seating areas as a Use-Specific Regulation in Commercial and Mixed-Use

Districts, and amend Section 12.04.030 to allow the placement of dining and seating areas in the public right-of-way.

RECOMMENDATION: STAFF RECOMMENDS THE FOLLOWING ACTIONS:

CONDUCT A PUBLIC HEARING ON THE PROPOSED ZONING CODE AMENDMENT.

ADOPT RESOLUTION NO. 2023-17 RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ADDING SECTION 17.12.120 TO THE OMC AND AMEND SECTIONS 17.12.070, 17.32.010, 17.34.020, AND 12.04.030.

REGULAR BUSINESS

3. HISTORIC PRESERVATION AWARD DISCUSSION

The Planning Commission will discuss its new Historic Preservation Award Program, including promotion, timing, and judging.

REPORTS / DISCUSSIONS / CORRESPONDENCE

4. Commissioner Reports
5. Historical Advisory Commission Reports
6. Staff Reports

ADJOURN THE MEETING

The meeting will be adjourned. A regular meeting of the Oroville Planning Commission will be held on SEPTEMBER 28, 2023 at 6:00 PM.

Accommodating Those Individuals with Special Needs – In compliance with the Americans with Disabilities Act, the City of Oroville encourages those with disabilities to participate fully in the public meeting process. If you have a special need in order to allow you to attend or participate in our public meetings, please contact the City Clerk at (530) 538-2535, well in advance of the regular meeting you wish to attend, so that we may make every reasonable effort to accommodate you. Documents distributed for public session items, less than 72 hours prior to meeting, are available for public inspection at City Hall, 1735 Montgomery Street, Oroville, California.

Recordings - All meetings are recorded and broadcast live on cityoforoville.org and YouTube.

Planning Commission Decisions - Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the City Council by filing with the Zoning Administrator within fifteen days from the date of the action. A written notice of appeal specifying the grounds and an appeal fee immediately payable to the City of Oroville must be submitted at the time of filing. The Oroville City Council may sustain, modify or overrule this decision.

City of Oroville

Patrick Piatt
Community Development Director

COMMUNITY DEVELOPMENT DEPARTMENT
1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2436 FAX (530) 538-2426
www.cityoforoville.org

PLANNING COMMISSION STAFF REPORT **Thursday, August 24, 2023**

RE: Tentative Subdivision Map 22-02 at 2151 Grand Ave APN 030-120-060 for a 25-lot Manufactured Home Community.

SUMMARY: The Planning Commission will consider Tentative Subdivision Map No. TSM 22-02, which would separate an 8-acre parcel into 25 parcels for a medium low density manufactured housing subdivision.

RECOMMENDATION:
City staff recommend that the Planning Commission take the following actions:

1. **APPROVE** Tentative Parcel Map No. 22-02; and
2. **APPROVE Resolution No. P2023-18 -- A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION APPROVING TENTATIVE SUBDIVISION MAP TSM 22-02 FOR THE 25-UNIT GRAND ACRES MANUFACTURED HOME SUBDIVISION ON APN 030-120-060.**

APPLICANTS:	Trish Hopps
LOCATION: 2151 Grand Avenue, City of Oroville (APN 030-120-060)	**GENERAL PLAN:** MLDR (Medium Low Density Residential **ZONING:** RL (Residential Large Lot **FLOOD ZONE:** X (not in a flood plain)
ENVIRONMENTAL DETERMINATION: This action has been determined to be Exempt from the California Environmental Quality Act (CEQA) review pursuant to AB430.	
REPORT PREPARED BY: _____ Wes Ervin, Principal Planner Community Development Department	**REVIEWED BY:** _____ Patrick Piatt, Community Development Director

DISCUSSION

The existing 8-acre property is mostly vacant but contains one manufactured home, with several small sheds and agricultural structures. The vacant portion of the site primarily consists of seasonal grasses. This project, Grand Acres Subdivision, will subdivide the property into 25 (total) lots. The existing building will remain as lot number 19, which would be the largest lot at 17,347 square feet. The smallest lot would be 8,024 square feet and the average lot size is 10,106 square feet. Proposed density is 3.17 units per acre. Large Lot (RL) development standards allow for a minimum 8000 square foot lot size.

The allowable density for the project site's General Plan Land Use Designation is 3 to 6 dwelling units/acre. Development of the site will include construction of curb and gutter, and sidewalk improvements along the project facing side of 21st Street with 7 lots, and the two proposed streets providing access to the remaining 18 lots. These new streets will connect to Grand Avenue. Applicant is pursuing an Abandonment of 22nd street, an identified street with no improvements. The applicant would use half the street width (40-feet) of that abandonment for lot acreage.

The project will connect to existing public sewer and storm drain facilities along 21st Street. Drainage will be via oversized onsite storm drainpipes and leach trenches connected to the existing storm drain system on 21st Street and an existing bio-swale in the southern end of project site. A capacity study and will serve letters are in process with the Thermalito Water and Sewer District, which will be in the conditions of approval.

A biological survey and a wetland study were completed on March 24, 2023, with the recommendation to establish a 125-foot setback buffer from an existing wetland near the Southwest corner of the parcel. According to the survey, this buffer also encompasses an existing Elderberry shrub.[1] "Lot A" at 10,268 square feet will be set aside as that buffer, which can either remain vacant or used as a subdivision amenity such as a picnic area, dog park or playground. The buffer parcel shall be fully fenced off from the wetland and from Lots 22 & 23. The elderberry bush would also be similarly protected from damage or vandalism. Staff recommend that applicant either set up a voluntary assessment among homeowners for maintenance of Lot A, and/or maintain Lot A themselves.

Note that the Elderberry shrub is shown on the Tentative Map within Lot 23. If that is the actual case, the setback that is shown on the TSM to protect the bush applies.

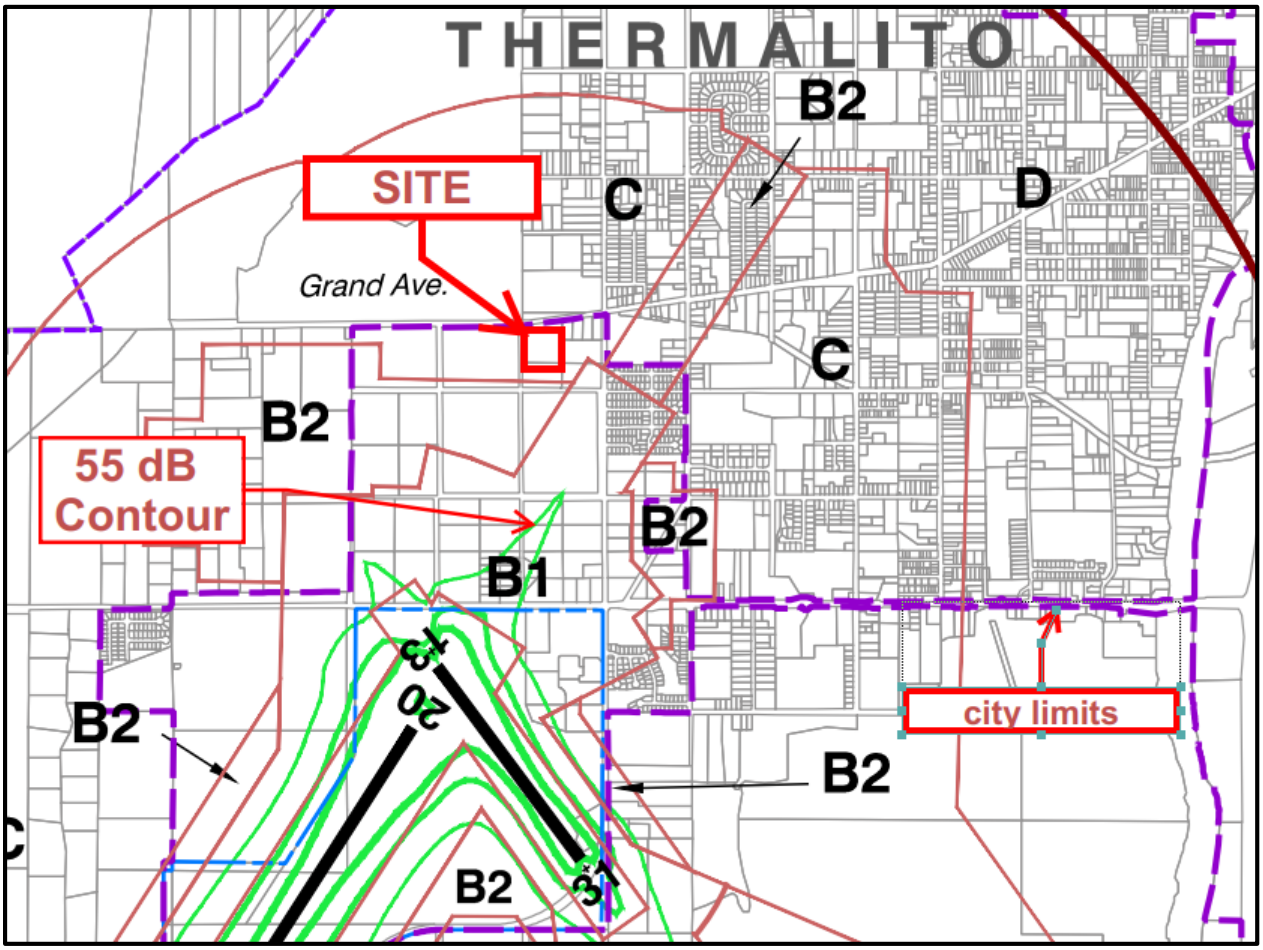
Parkland dedication. Oroville Municipal Code 16.16.185 requires new subdivisions to either dedicate 5 acres per 1,000 people or pay an in-lieu fee, but subdivisions with 50 or fewer lots are not required to dedicate land. With an average of 65 residents in the 25 units[2], this project would need to provide 0.325 acres, or 14,157 square feet. Lot A @ 10,268 s.f. does not qualify as a parkland dedication because of its size, remoteness, and problematic public access. Thus the applicant will be required to pay the fee. The amount of the fee shall be based upon the fair market value of the amount of land which would otherwise be required to be dedicated and shall be determined at the time of filing of the final map.

[1] Wetland and Biological Resource Assessment, Grant Acres Project, Page 42
[2] Median persons per household in 2022 = 2.57 according to https://www.census.gov/quickfacts/fact/table/orovillecitycalifornia/HSD310221#HSD310221

County Jurisdiction. Grand Avenue is a county road in county jurisdiction. Applicant will be required to improve the south side of Grand Avenue to city standards, and to install and maintain appropriate landscaping. An encroachment permit from the County will be required for any work in the County right of way.

Airport proximity. This project is in Compatibility Zone C of the Butte County Airport Land Use Compatibility Plan. Zone C allows the local agency two density options, one low-density/rural (<0.2 du/acre) and the other high-density/suburban (>=4 units/acre). This project best fits with ALUC's high-density suburban classification based on the adjacent neighborhoods. The maximum density in Zone C is 20 units per acre.[3] The proposed 3.17 units per acre is lower than the 4 du/acre minimum, but since the densities are based on noise rather than the likelihood of accidents, and since the entire subdivision is outside the 55 Decibel noise contour, no concerns are anticipated.

[3] Butte ALUCP Policy 3.4.1(c)(4), Page 3-9 &-10



Manufactured home ordinance. The homes built in this subdivision must comply with Oroville Municipal Code 15.36.010, which includes certain design, structural, material and age standards. For instance, all units must be on a permanent foundation, must have pitched roofs, must have color and siding materials found in conventionally built homes, must be 10 years old or newer, must be landscaped, must have garages or carports, must have paved driveways, and must have a medallion showing certification by the California Department of Housing and Community Development.

ENVIRONMENTAL REVIEW

This action has been determined to be Statutorily Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations". The project is exempt from CEQA under AB430. Applicant conducted an AB430 hearing on January 10, 2023, prior to approving the exemption.

FISCAL IMPACT

None. Applicant has paid the required subdivision processing fees.

PUBLIC NOTICE

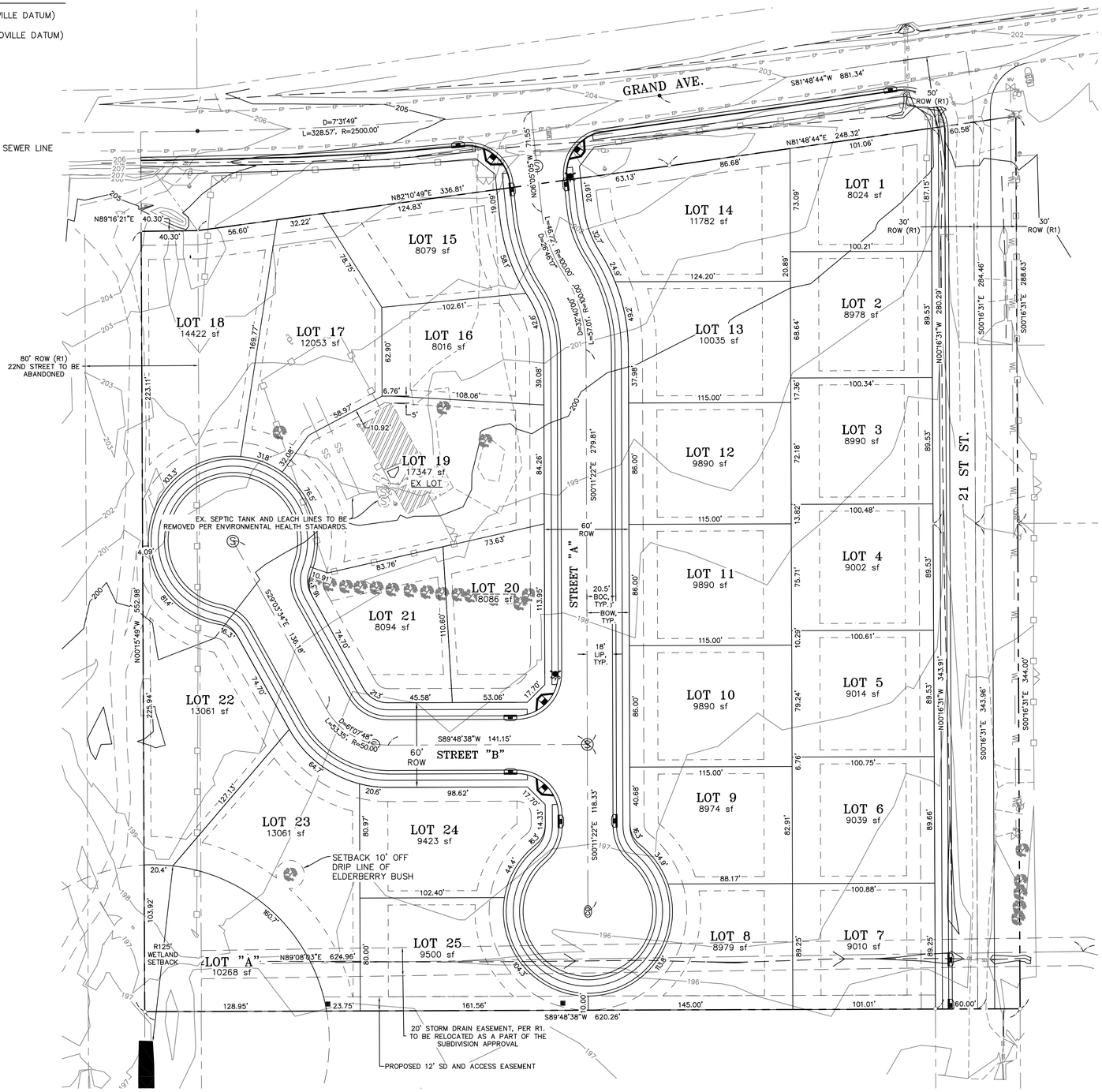
In addition to the AB430 meeting in January, this hearing was published in the Mercury Register on August 12, and mailed to all property owners within 300 feet on July 21, 2023.

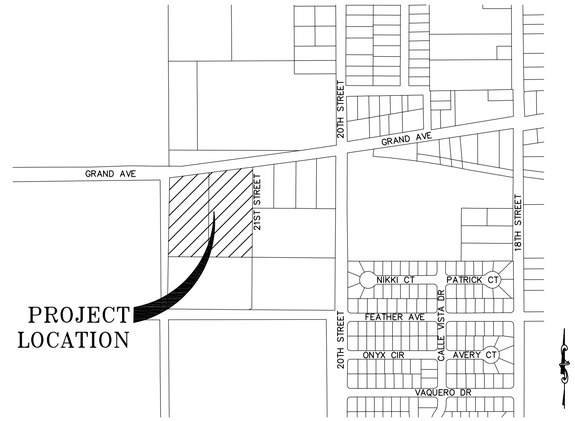
ATTACHMENTS

1. TSM 22-01 and application materials
2. Engineers Report
3. Biological Assessment
4. Resolution No. P2023-18
5. Draft Conditions of Approval
6. AB430 meeting Agenda of 1-10-2023
7. Notice of Exemption

LEGEND:

- 201 — EXISTING GROUND CONTOUR (CITY OF OROVILLE DATUM)
- 205 — PROPOSED GROUND CONTOUR (CITY OF OROVILLE DATUM)
- SUBDIVISION BOUNDARY
- PROPOSED LOT LINE
- CENTER LINE
- EASEMENT LINE
- BUILDING SETBACK LINE
- EXISTING SANITARY SEWER MAN HOLE AND SEWER LINE
- PROPOSED CURB AND GUTTER
- PROPOSED CONCRETE AREA
- 125.02 EG / 124.75 FG — EXISTING AND FINISH GRADE
- PROPOSED STORM DRAIN DROP INLET
- EG — EXISTING GROUND ELEVATION
- FG — FINISH GRADE ELEVATION
- PUE — PUBLIC UTILITY EASEMENT
- PSE — PUBLIC SERVICE EASEMENT
- ROW — RIGHT OF WAY
- BOC — BACK OF CURB
- BOW — BACK OF WALK
- EXISTING TREE TO REMAIN
- EXISTING TREE TO BE REMOVED
- BSL — BUILDING SETBACK LINE
- EXISTING FENCE
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT
- WV — EXISTING WATER VALVE
- EXISTING BUILDING TO REMAIN
- EXISTING UTILITY POLE
- EXISTING GUY WIRE
- EXISTING TELEPHONE PEDESTAL
- EXISTING MAIL BOX





LOCATION MAP

NTS

SUBDIVISION NOTES:

1) PARCEL MAP INFORMATION:
   GROSS ACREAGE: 7.892
   NET ACREAGE: 7.026
   TOTAL NUMBER OF LOTS: 25
   UNITS PER GROSS ACRE: 3.17
   AVERAGE LOT SIZE: 10,106 SF
2) GRADING WILL CONSIST OF THE CONSTRUCTION OF ROADWAYS AND BUILDINGS PADS. PRELIMINARY FINISH GRADES AND TYPICAL SECTIONS ARE SHOWN ON SHEET 2.
3) THE FINAL SUBDIVISION MAP WILL INCLUDE A 10' WIDE P.S.E. ALONG ALL LOT FRONTAGES AS SHOWN HEREON.
4) THE SUBDIVISION MAP LIES IN SHADED FLOOD ZONE "X" AS SHOWN ON FIRM MAP NUMBER 06007C0788E DATED JANUARY 6, 2011.
5) STORM WATER QUANTITY AND QUALITY WILL BE PROVIDED BY OVERSIZED STORM DRAIN PIPES AND STORM WATER LEACH TRENCHES CONNECTED TO THE EXISTING STORM DRAIN SYSTEM ON 21ST STREET.
6) EXISTING SEPTIC SYSTEMS TO BE ABANDONED IN ACCORDANCE WITH B.C.E.H.D. PERMIT REQUIREMENTS.
7) NO TREES WILL BE REMOVED AS A PART OF THIS PROJECT.
8) LOT "A" TO BE DEEDED TO THE CITY OF OROVILLE AS A CONSERVATION EASEMENT.

SURVEY LEGEND:

- ● FOUND BUTTE COUNTY WELL MONUMENT PER R1
- ○ FOUND 1/2" REBAR PER R1
- · CALCULATED POINT NOTHING SET OR FOUND

BUILDING SETBACKS

FRONT AND BACK YARDS: 20'
SIDE YARDS: 5'
SIDE YARDS ALONG STREET FRONTAGE: 10'
TYPICAL FOR ALL LOTS

RECORD REFERENCES:

(R1) – PARCEL MAP, BOOK 75 OF MAPS, PAGE 82

OWNER:

TRISH HOPPS
901 BRUCE ROAD, SUITE 130
CHICO, CA 95928

SUBDIVIDER:

BUTTE CREEK PROPERTY CORPORATION
901 BRUCE ROAD, SUITE 130
CHICO, CA 95928
(530) 895-1512, EXT. 116

ENGINEER:

W. GILBERT ENGINEERING
WESLEY E. GILBERT, R.C.E. 31689
140 YELLOWSTONE DRIVE, SUITE 110
CHICO, CALIFORNIA 95973
(530) 809-1315

ASSESSOR'S PARCEL NUMBER:

030-120-060

ZONING:

PRESENT: RL-LARGE LOT RESIDENTIAL
FUTURE: RL-LARGE LOT RESIDENTIAL

LAND USE:

PRESENT: MLDR-MEDIUM LOW DENSITY RESIDENTIAL
FUTURE: MLDR-MEDIUM LOW DENSITY RESIDENTIAL

UTILITIES:

SANITARY SEWER: THERMALITO WATER AND SEWER DISTRICT
WATER: THERMALITO WATER AND SEWER DISTRICT
POWER: PACIFIC GAS & ELECTRIC
COMMUNICATIONS: AT&T
CABLE TV: COMCAST
STORM DRAIN: CITY OF OROVILLE

N

W E

S

GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)
1 inch = 40 ft.

THIS TENTATIVE SUBDIVISION MAP WAS PREPARED BY ME OR UNDER MY DIRECTION.

BY: _____ DATE: 5/30/2023

WESLEY E. GILBERT
R.C.E. 31689
EXPIRES: 12/31/24

REGISTERED PROFESSIONAL ENGINEER
WESLEY E. GILBERT
No. 31689
EXP. 12/31/24
CIVIL
STATE OF CALIFORNIA

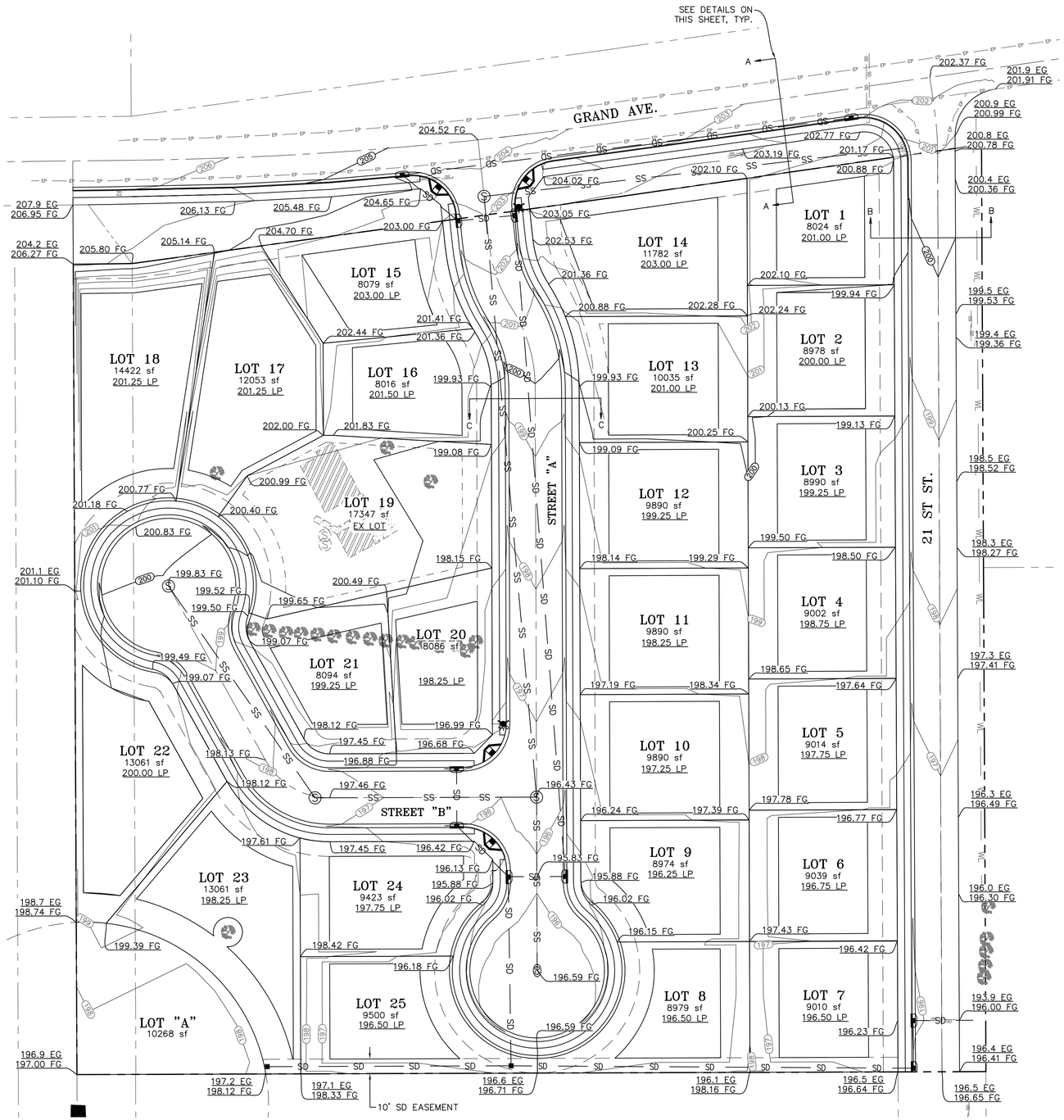
GRAND ACRES TENTATIVE SUBDIVISION MAP
S 23-**
(A PUBLIC STREET SUBDIVISION)

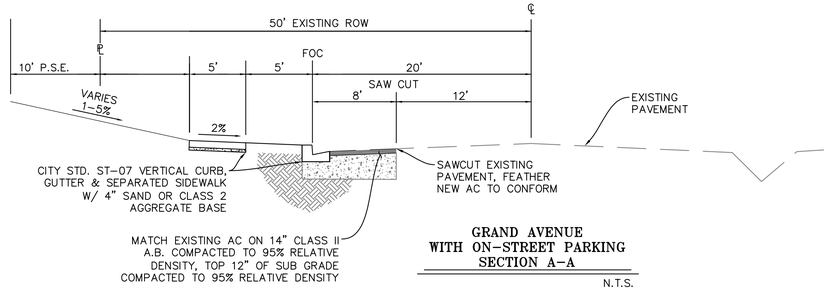
FOR
BUTTE CREEK PROPERTY CORPORATION

BEING PARCEL 4, AS SHOWN ON THAT CERTAIN PARCEL MAP
RECORDED IN BOOK 75 OF MAPS, AT PAGE 82
CITY OF OROVILLE, COUNTY OF BUTTE
STATE OF CALIFORNIA

W. GILBERT ENGINEERING
140 YELLOWSTONE DRIVE, SUITE 110
CHICO, CALIFORNIA 95973
(530) 809-1315

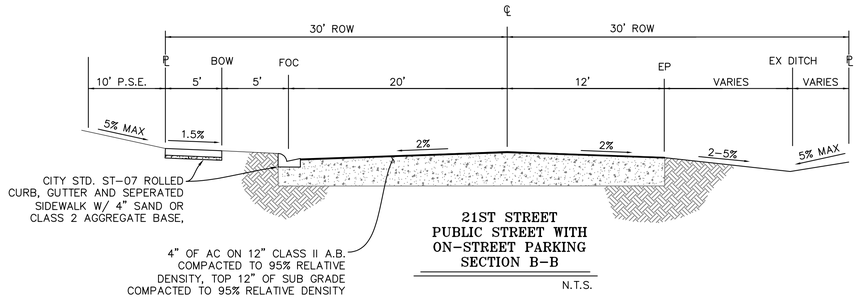
MAY 25, 2023





GRAND AVENUE WITH ON-STREET PARKING SECTION A-A

N.T.S.



21ST STREET PUBLIC STREET WITH ON-STREET PARKING SECTION B-B

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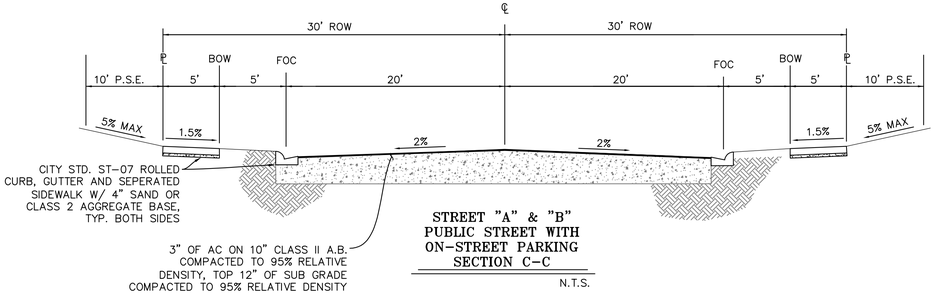
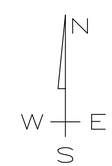


STREET "A" & "B" PUBLIC STREET WITH ON-STREET PARKING SECTION C-C

N.T.S.



GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)
1 inch = 40 ft.

GRAND ACRES TENTATIVE SUBDIVISION MAP
S 23-**
(A PUBLIC STREET SUBDIVISION)

FOR
BUTTE CREEK PROPERTY CORPORATION

BEING PARCEL 4, AS SHOWN ON THAT CERTAIN PARCEL MAP RECORDED IN BOOK 75 OF MAPS, AT PAGE 82
CITY OF OROVILLE, COUNTY OF BUTTE
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MAY 25, 2023

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Planning Division - Community Development Department
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Oroville, CA 95965-4897
(530) 538-2430 FAX (530) 538-2426
www.cityoforoville.org

TRAKIT#: PL2211-002

PLANNING DIVISION GENERAL APPLICATION

(Please print clearly and fill in all that apply)

APPLICANT'S INFORMATION		Project's:	Engineer
Name:	Trish Hopps	Name:	Whyatt Nixon
Address:	901 Bruce Road, Suite 130, Chico, CA 95928	Company:	W. Gilbert Engineering
Phone:	(530) 514-3140	Address:	140 Yellowstone Dr. Suite 110
Email:	hoppsie44@gmail.com	Phone:	(530) 809-1315
Is the applicant the Owner? ☐	If applicant is Not the owner, please provide owner /agent authorization on the reverse side.	Email:	whyatt@wgilbertengineering.com

DEVELOPMENT PROJECTS & OTHER APPLICATIONS (Please check all that apply)

☐	Annexation	☐	Landmark /Modification/Demolition	☐	Tentative Parcel Map
☐	Appeal	☐	Mining and Reclamation Plan	☑	Tentative Subdivision Map
☐	Development Review	☐	Pre-Application	☐	Use Permit
☐	Final Map	☐	Residential Density Bonus	☐	Variance
☐	General Plan Amendment/Rezone	☐	Temporary Use	☐	Wireless Communication Facilities
☐	Landmark Designation	☐	Tentative Map Extension	☐	Zoning Clearance
☐	Other: (Please Specify)				

ADMINISTRATIVE PERMITS (Please check all that apply)

☐	Adult Oriented Business	☐	Outdoor Storage	☐	Special Event
☐	Home Occupation	☐	Outdoor Display & Sales	☐	Street Closure
☐	Large Family Day Care	☐	Second Dwelling Unit	☐	Tree Removal
☐	Mobile Food Vendor	☐	Sign/Temporary Sign Permit		
☐	Other: (Please Specify)				

*Please provide a letter addressed to the Planning Division with a detailed description for the proposed project. Please include any site plans, maps, aerials, photos, and other relevant information that will help us in processing your application.
** Any time a set of plans is required, three (3) sets of drawings shall be submitted, unless otherwise directed.

PROJECT INFORMATION

Project Name: Grand Acres Subdivision	Proposed Structure(s) (Sq Ft.): 32,200 (23 -1,400sf houses)
Address: 2151 Grand Ave	Existing Structure(s) (Sq Ft.): 1,408
Nearest Cross Street: Grand Ave & 21st Street	Water Provider: Thermalito Water and Sewer
Assessor Parcel Number: 030-120-060	School District: Thermalito
Lot Size (Acres): 7.026	Number of Dwelling Units: 24

APPLICANT'S SIGNATURE

I hereby certify that the information provided in this application is, to my knowledge, true and correct.

Signature: Whyatt Nixon Date: 10-3-22

OFFICE USE ONLY

General Plan:		Zoning:		Zoning Conformity:		APN:					
File#		Overlay Zoning:		Minimum Setbacks:	FY		RY		SY		

City of Oroville
Planning Division - Community Development Department
1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2430 FAX (530)
538-2426 www.cityoforoville.org

TRAKIT#: PL2211-002

TENTATIVE MAP APPLICATION

(Please print clearly and fill in/provide all that apply)

REQUIRED FOR A COMPLETE APPLICATION		TYPE OF MAP - Please select all that apply:	
☑	Completed and signed Application Forms	☐	**Tentative Parcel Map:** $3,500.34 (Deposit) + $210.02 (6% Tech Fee) = $3,710.36
☑	Application Fee(s) Paid	☑	**Tentative Subdivision Map:** $4,041.06 (Deposit) + $242.46 (6% Tech Fee) = $4,283.52
*Additional fees from the Fire Department and Public Works Division may apply for their review.		☐	**Vesting Tentative Map:** Same as Tentative Subdivision Map

MAP REQUIREMENTS

The tentative map shall be prepared in a manner acceptable to the city and shall be prepared by a registered civil engineer or licensed land surveyor. The tentative map shall be clearly and legibly drawn and shall contain not less than the following unless requested and specifically waived by the department director:

Four (4) 24" x 36' copies, folded to 8 ½" x 11", and one (1) 8 ½" x 11" copies of the tentative map and grading plan prepared by a Registered civil engineer, drawn to scale and containing the following:

a. Name and address of property owner of record, subdivider and engineer.
b. Project name, date prepared, north arrow, scale, and list of utility purveyors.
c. Vicinity map.
d. Existing zoning and land use.
e. Existing topography, note contour interval of site to 100%, with 2 or 5 foot intervals for slopes greater than 10%.
f. Type, location, and drip line of existing trees over 8 inches in diameter at breast height (DBH).
g. Location of existing structures, including wells and septic system, with notation "to remain" or "to be abandoned / removed."
h. Location, width, and direction of flow of each water course and any area subject to water inundation.
i. Location, width and name of existing streets, right-of-way or pavement.
j. Widths, location and identity of all existing and proposed easements.
k. Proposed street location, grade, centerline and radius of curves, pavement, right-of-way width and street names. Show typical sections of all streets.
l. Location and size of existing and proposed sanitary sewer mains, storm drains and fire hydrants.
m. Lot layout and dimensions including parcel size.
n. Proposed lot grading, building pad elevation, top and toe of cut and fill slopes, and approximate location of street grades. Include a separate grading plan for subdivisions.
o. Proposed trails, parks, school sites, and common areas for public or private use.
p. Phasing sequence, if any.
q. The subdivider, or subdivider's designated agent, shall file a tentative parcel map application with the Zoning Administrator. The submitted material shall conform to the requirements of the Zoning Administrator as to form and content. Rules governing form and content shall conform to the requirements of Section 66445 of the Government Code and shall require enough information to ensure adequate consideration.
r. The subdivider shall specify any deviation from city standards and the justification for such deviation.
s. The name or names of any geologist or soils engineer whose services were required in the preparation of the design of the tentative map.

Upon the written request of the subdivider, the department may waive any of the above tentative map requirements if the department determines that the type of subdivision does not justify compliance with these requirements, or if the department determines that other circumstances justify a waiver. The department may require other drawings, data, or information as deemed necessary by the department to accomplish the purposes of the Subdivision Map Act.

Vesting Tentative Maps are processed in the same manner as regular tentative maps with the exception that all discretionary approvals required prior to issuance of the construction permits must be obtained prior to action of the tentative map. Vesting maps must comply with City requirements and Subdivision Map Act requirements. A Vesting Map protects the right to develop and obtain building permit(s) even if land use regulations change between the time when m approvals are obtained and building permit(s) are issued.

REQUIRED DATA / REPORTS	
The tentative map shall be accompanied by the following data and reports:	
☒	1. **Street Names.** A list of proposed street names for any unnamed street or alley for review by the city engineer.
N/A	2. **Soils Report.** A preliminary soils report prepared in accordance with the provisions of chapter 70 (Excavation and Grading) of the Uniform Building Code shall be submitted. If the preliminary soils report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, the soils report accompanying the final map shall contain an investigation of each lot within the subdivision.
☒	3. **Title Report.** Current Title Report, less than 6 months old.
☐	4. **Environmental Review.** Information shall be submitted as required by the department to allow a determination on environmental review to be made in accordance with CEQA. The subdivider shall deposit and pay all fees as may be required for the preparation and processing of environmental review documents.
☒	5. **Preliminary Engineering Calculations.** Information shall be submitted as required by the standard engineering specifications to demonstrate the adequacy of the design of the proposed improvements. Such information shall include design parameters and engineering calculations.
N/A	6. **Phasing.** If the subdivider plans to file multiple final maps on the tentative map, he shall submit a written notice to this effect to the community development director.
N/A	7. **Arborist Report.** If oak trees exist on the property, 3 copies of an Arborist Report.
☐	8. **Other Reports.** Any other data or reports deemed necessary by the department.
An application will not be considered as complete until all of the information has been submitted to the Planning Department. Information required will vary by type of map (parcel / subdivision). Incomplete applications will not be processed.	

REQUIRED DATA / REPORTS	
By initialing below, I acknowledge and agree to the following:	
☑	1. The applicant shall defend, indemnify, and hold harmless the City, and each of its officers, employees and agents, from and against any and all claims, actions and proceedings, within the time period set forth in Government Code section 66499.37, to attack, set aside, void or annul any of the decisions or determinations which the City makes in connection with the approval of the tentative parcel map or with the adoption of any environmental document relating thereto under the California Environmental Quality Act (CEQA). The applicant shall reimburse the City and each of its officers, employees and agents for any costs, including but not limited to court costs, awards to plaintiff/ petitioner for costs and attorneys' fees and any other litigation expenses that the City may be required to pay to plaintiff/petitioner because of such approval or adoption. The City shall reasonably cooperate in the defense of any such litigation, which duty to cooperate shall include the following
☑	a. The City shall notify the applicant promptly of any claim, action or proceeding of which it becomes aware.
☑	b. The City shall have the right to retain legal counsel of its choice, at the sole cost and expense of the City, to defend the City in litigation, but such defense shall not relieve the applicant of any obligation imposed by this indemnity.
☑	c. The applicant shall have the right to approve any settlement.

APPLICANT'S SIGNATURE			
I hereby certify that the information provided in this application is, to my knowledge, true and correct.			
Signature:	[signature]	Date:	10/6/2022

OFFICE USE ONLY			
Approved By:		Date:	
Payment:		Number:	

The Community Development Department operates on a full cost recovery for processing of permits. Staff will charge their time and any expenses associated with processing the application against the initial deposit. Fees that have been captured for the reimbursement of City expenses are non-refundable.
Technology cost recovery fees are non-refundable

AGENT AUTHORIZATION

To the City of Oroville, Department of Community Development

NAME OF AGENT:	Whyatt Nixon	PHONE NUMBER:	(530) 809-1315
COMPANY NAME:	W. Gilbert Engineering	EMAIL:	whyatt@wgilbertengineering.com
ADDRESS:	140 Yellowstone, Suite 110	CITY/ST/ZIP:	Chico, CA 95973

AGENT SIGNATURE: W Whyatt

Is hereby authorized to process this application on my/our property, identified as Butte County Assessor Parcel Number (s):

030-120-060

This authorization allows representation for all applications, hearings, appeals, etc. and to sign all documents necessary for said processing, but not including document (s) relating to record title interest.

Owner(s) of Record (sign and print name)

	Print Name of Owner	Signature of Owner	Date
1)	Trisha L. Hopps		10-6-22
2)	Pamela Serafine		10/6/22
3)			
4)			

Owner's Mailing Address	Owner's Email	Owner's Phone #

The Community Development Department operates on a full cost recovery for processing of permits. Staff will charge their time and any expenses associated with processing the application against the initial deposit. Fees that have been captured for the reimbursement of City expenses are non-refundable.

Technology cost recovery fees are non-refundable

W. GILBERT ENGINEERING
Civil Engineering / Land Surveying

140 Yellowstone Drive, Suite 110 • Chico, CA 95973
Phone: (530) 809-1315 • Fax: (530) 588-9030
www.wgilbertengineering.com

October 28, 2022

City of Oroville
1735 Montgomery Street
Oroville, CA 95965

Attn: Wes Irvin

Subject: Grand Acres Tentative Subdivision Map
(APN 030-120-060)

Dear Wes:

The following items are enclosed for use in determining the completeness of an application for The Grand Acres Tentative Subdivision Map:

- Completed and signed Planning Division General Application
- Completed and signed Tentative Map Application
- Agent Authorization Form
- Grant deed
- Preliminary title report dated March 15, 2022
- Letter requesting waiver of preliminary soils investigation dated October 28, 2022
- Letter of proposed street name list
- Four (4) full-size copies and one (1) 11" by 17" copy of the Tentative Subdivision Map
- Check made out in the amount of $4,283.52 for application fees.

Please review the attached information and return any comments to this office for processing. Thank you for your assistance.

Sincerely,

W. Gilbert Engineering

Wesley E. Gilbert, P.E.
President, W.G. Civil Engineers, Inc.
dba W. Gilbert Engineering

Enclosures

Cc: Trish Hopps

DATE: August 17, 2023

TO: PLANNING COMMISSION

FROM: Matt Thompson, Acting City Engineer

RE: Grand Acres Tentative Subdivision Map (22-02)

This office has reviewed the vesting Tentative Map 22-02 and herewith submits the following findings and recommendations for same.

A. MODIFICATIONS TO TITLE 18R - DESIGN CRITERIA AND IMPROVEMENT STANDARDS OF THE OROVILLE MUNICIPAL CODE

The Subdivider has requested no certain modifications to requirements of the Oroville Municipal Code (OMC).

B. TIMING AND NATURE OF PUBLIC IMPROVEMENTS

The Public Works Director will determine the nature, extent, timing and limits of required road/street public improvements to be constructed as part of any development (including phased development) versus payment of an in-lieu fee as well as reimbursements for construction of future Nexus/CIP facilities.

C. PUBLIC FACILITY CONSTRUCTION

1. Streets

a) The Subdivider shall construct City standard streets and appurtenant facilities in conformance with the typical sections. Street structural sections to be determined based upon findings from the Soils Report.:

1) Interior to subdivision – Full urban improvements.
2) Adjacent to subdivision – Full urban improvements.
3) Exterior to subdivision – Full urban improvements.

b) All corner lots shall be subject to intersection sight distance criteria as established by the Public Works Director. Appropriate easements shall be dedicated as needed on the Final Map.

c) Notice is hereby given to future owners of lots within this subdivision that the City of Oroville will require the construction of additional traffic circulation improvements under the circumstances described below. An appropriate note shall be placed on the Final Map.

d) Street names shall be approved concurrent with the improvement plans and prior to recordation of the Final Map**.**

2. Storm Drainage

a) Facility Construction

The Subdivider shall design and install the following City standard storm drain facilities:

1) All storm drain facilities shall be accessible to City Maintenance vehicles via all weather, unobstructed access.
2) Interior to Subdivision - Curb, gutter, and an underground storm drain system with all appurtenances.
3) Future storm drainage needs outside of the project shall be examined to the extent that improvements to serve such areas need to be built within this subdivision. Said improvements shall be constructed by the Subdivider.
4) Adjacent to Subdivision - Curb, gutter and an underground storm drain system with all appurtenances along the subdivision frontage.

b) Future storm drainage needs outside of the project shall be examined to the extent that improvements to serve such areas need to be built adjacent to this subdivision. Said improvements shall be constructed by the Subdivider.

c) Exterior to Subdivision - An underground storm drain system discharging to _____ via _____.

d) On-Site Storm Drainage Disposal

1) One hundred percent on-site disposal of storm drainage may be utilized for this subdivision. It shall be designed for a full range of storm water runoff, up to and including a 100-year storm. On-site disposal shall be interim and coordinated with an ultimate storm drainage disposal design

e) NPDES Requirements

1) Storm drain drop inlets shall be marked with Illustrative Storm Markers to achieve City of Oroville NPDES Requirements.

f) Alternative Storm Drainage Facilities

An alternative storm drainage design or facility is one that does not operate under gravity and/or differs from the standards in the Design Criteria of the Oroville Municipal Code. Any such design/facility shall be required to include appropriate note(s) on the improvement plans describing the nature of the alternative features and their operating characteristics (including limitations and/or special maintenance needs).

g) Storm Drainage Detention Facilities

Surface storm drainage detention facilities shall be landscaped with turf (or an approved alternate) and shall be provided with an irrigation system. Any surface water quality treatment facility shall be vegetated in accordance with the Storm Drainage Master Plan below and shall also be suitably provided with adequate irrigation.

h) Interim Alternative to Connection to Existing Facilities

One hundred percent on-site disposal of storm drainage may be utilized for this subdivision in compliance with Oroville Municipal Code (OMC). It shall be designed for a full range of storm water runoff, up to and including a 100-year storm. In addition to OMC requirements, the on-site disposal design shall be designed to include:

1) Deep hole tests shall be conducted between December and April to determine the ground water table elevation.
2) Storm drain design shall maintain a 10-foot separation between the leach trench bottom the ground water table elevation.
3) The 100-year storm plus 1-foot freeboard must be retained onsite without flooding any residences both within and adjacent to the subdivision.

i) Storm Drainage Master Plan

In conjunction with the first submittal of improvement plans, the Subdivider shall submit a Storm Drainage Master Plan to the Building & Development Services Department for review and approval. Said Master Plan shall cover the entirety of the natural storm drain tributary area affected by the proposed subdivision.

The Storm Drainage Master Plan shall address the following elements:

j) <u>Storm Water Runoff Management</u>

The subdivision will be designed, constructed, and maintained compliance with "NPDES General Permit and Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Strom Sewer Systems (Order) Order No. 2013-0001-DWQ" Section E.12 "Post Construction Storm Water Management Program".

k) <u>Storm Drainage Analysis</u>

The storm drain analysis shall establish tributary area, size, grade, depth, and location for all the following storm drain facilities:

- Underground pipes.
- Open, natural swales.
- Improved channels.
- Storm water runoff management facilities.
- Outfall facilities discharging to natural channels.
- Both ultimate and interim facilities serving streets exterior to the subdivision that are required to be constructed herein.

l) The subdivider shall pay a storm drain fee calculated in accordance with the current fee schedule under the requirements of the Oroville Municipal Code, prior to filing the final map.

3. Sanitary Sewer

a) Facility Construction

The Subdivider shall design and install the following City standard sanitary sewer facilities:

1) Interior to Subdivision - An underground sanitary sewer system, with all appurtenances, serving all lots.Adjacent to Subdivision - An underground sanitary sewer system, with all appurtenances, along the subdivision frontage.Sanitary Sewer Analysis

2) In conjunction with the first submittal of improvement plans, the Subdivider shall submit a sanitary sewer analysis to the Public Works Department for review and approval. Said analysis shall cover the entirety of the tributary area served by the sewer system required herein and shall include analysis and design of the following sewer system elements:

- Size, grade, depth and location of gravity sewer lines.
- Approved pumping plants, including service to an interim tributary area, if applicable.
- Preliminary system design for future upstream tributary areas, if applicable.
- Downstream sanitary sewer system capacity.

b) Sanitary Sewer Fees

The Subdivider shall pay applicable sanitary sewer main fees to the City of Oroville prior to recording the Final Map, plus applicable trunk line and water pollution control plant capacity fees in conjunction with building permits

g) Sewerage Commission – Oroville Region (SC-OR)*

The project is more than 20 equivalent dwelling units, therefore a special agreement with SC-OR is required.

The Subdivider shall enter into an agreement with the Sewerage Commission - Oroville Region (SC-OR) and the City of Oroville in compliance with SC-OR policy. Said agreement shall be in regard to, but not necessarily limited to, capacity analysis and impact mitigation. Subdivider shall pay all fees and other costs associated with the agreement.

4. Street Signs and Striping

The Subdivider shall install City standard street signs, regulatory signs, pavement striping and pavement markings on all streets, and bicycle facilities that they are required herein to construct.

5. Streetlights

The Subdivider shall install City standard streetlights with shielding on steel poles with concrete bases on all streets that they are required herein to construct.

6. Bicycle Facilities

No bicycle facilities are required.

7. Transportation Facilities

The Subdivider is not required to construct bus turnouts, benches, or shelters.

8. Street Trees

Street trees shall be planted in accordance with the recommendation of the General Services Department as outlined in a memorandum dated _____ and attached hereto as Exhibit ___.

9. Landscaping

The Subdivider shall install landscaping and an irrigation system in accordance with a landscape and maintenance plan approved by the City.

D. MAINTENANCE

Prior to filing the Final Map, the Subdivider shall be required to make provisions to fund the maintenance of certain public improvements. The improvements to be covered shall include but not be limited to:

a) Storm water mitigation facilities.
b) Landscaped areas included in the Landscape Plan.

The Subdivider shall prepare the necessary documents and provide the required supporting documents. Formation of a maintenance district requires action by the City Council. The district or alternate funding mechanism shall be complete and formed prior to recordation of the Final Map.

E. PARKLAND

The Subdivider shall dedicate park land or pay an in lieu fee in accordance with the Oroville Municipal Code.

D. SUBDIVISION GRADING

1. Soils Report

The Subdivider shall submit a Geological and/or Soils Report, prepared by a registered engineer, that includes, but is not limited to, the following:

a) An investigation of the nature, distribution and strength of existing soils.
b) A description of site geology.
c) Conclusions and recommendations covering the adequacy of the site for the proposed development, storm drainage disposal, grading procedures and corrective measures.

   Please be advised that the vicinity of this project has previously demonstrated shallow water tables that may rise to a shallow depth and impact subsurface drainage disposal facilities or otherwise reach the surface and impact surface drainage. The possibility of this condition shall be investigated, and its impact addressed. This investigation shall occur during the wet season to ensure that an accurate minimum depth to the water table is determined.

d) Verification that the site is suited to proposed BMPs.

2. Grading Standards

All subdivision grading shall be in conformance with Grading Standards, of the Oroville Municipal Code.

3. Grading Plan

The Subdivider's engineer shall submit a subdivision grading plan that includes, but is not limited to, the following:

a) The subdivision limits, contours and details of existing terrain and drainage.
b) Existing structures or other topographic features that are to remain undisturbed.
c) The proposed subdivision lots and streets, together with a schematic layout of the proposed storm drain system.
d) Existing ground elevations at all corners of proposed lots.

e) Proposed finished lot corner grades and finished pad grades.
f) Proposed lot grades indicating lot drainage.
g) Pertinent recommendations from the above required Geological and/or Soils Report.
h) Pertinent construction details to assure compliance with City of Oroville Grading Standards.

4. Final Grading Report

Upon completion of the subdivision grading and prior to final inspection by the City, the Subdivider's engineer shall submit a Final Grading Report that certifies the following:

a) That final grading complies with the approved grading plan or any approved revisions.
b) That the subdivision grading complies with the recommendations included in the Geological and/or Soils Report. Any changes made during grading that affected these recommendations shall be assessed.
c) That the subdivision soils are adequately compacted for their intended use, in conformance with City of Oroville Grading Standards. The results of all field density tests and all other substantiating data shall be included in the Final Grading Report.

The subdivision grading plan shall be submitted to the Public Works Director for review and approval prior to the start of any work and shall be considered as part of the construction plans.

E. PROPERTY CONVEYANCES

1. Dedications

In conjunction with recordation of the Final Map for this subdivision, the Subdivider shall:

a) Dedicate, acquire or bear the cost of acquisition of public rights of way or easements as necessary to construct the public improvements required herein
b) Convey to the City all abutter's rights of access from the abutting lots of the subdivision to the following streets: **Grand Avenue**.
c) Dedicate a 10-foot-wide public service easement adjacent to public rights of way.
d) Dedicate a 3-foot-wide public utility easement adjacent to all side lot lines.

2. Abandonments

The right-of-way and easement abandonments depicted on the Tentative Map are approved. Said abandonments, in accordance with the provisions of the Subdivision Map Act, shall become effective upon Final Map recordation.

a) Right of Way to be abandoned: The easterly half of 22nd Street (40 feet).

F. OTHER PUBLIC SERVICES

1. Public Utilities

a) Underground Requirements

The Subdivider shall install the following utilities underground:

1) All new utilities serving this subdivision.
2) All existing utilities in public rights-of-way that are within or adjacent to this subdivision.

b) Easement Obstructions

All public utility and/or public service easements shall be kept free and clear of any and all obstructions, including but not limited to, structures, longitudinal fencing and/or soundwalls, which may impede the construction, operation and maintenance of public utility facilities within such easements.

2. Fire Protection

The Subdivider shall pay for the installation of fire hydrants within the subdivision in conformance with the recommendations of the Fire Department, City of Oroville. The recommendation for the installation of fire hydrants is shown on a copy of the Tentative Map on file in the Planning Services Department and the Office of the Chief, Fire Department.

3. United States Postal Service

The Subdivider shall install concrete pads for NDCBU delivery to the lots of this subdivision. The pads shall be depicted on the subdivision improvement plans and are subject to approval by both the local office of the United States Postal Service and the Planning Services Department.

G. PERMITS FROM OUTSIDE AGENCIES

The Subdivider shall obtain all required permits from outside agencies having pertinent jurisdiction prior to recordation of the Final Map for this subdivision.

H. Other Permits

The Subdivided shall submit a completed "Application Requesting Permission to Plant, Remove, Alter, or Disturb Public Trees" from to the Public Works Department. The Subdivider shall comply with any and all recommendations/requirements prior to commencing any construction activities on the site.

I. DESIGN CRITERIA AND IMPROVEMENT STANDARDS

All public and joint-use private improvements shall be designed in accordance with the Oroville Municipal Code, except as modified by the conditions of approval for this subdivision.

The Subdivider shall submit improvement plans, profiles, typical sections, details and specifications to the Public Works Department for review and approval prior to the start of any construction of public and joint-use private improvements.

All public and joint-use private improvements shall be constructed in conformance with the Oroville Municipal Code and in conformance with the details shown on the approved improvement plans.

The design criteria and improvement standards of utilities providing services may be substituted when approved in writing by the Director of Public Works.

J. ADMINISTRATIVE REQUIREMENTS

1. Subdivision Improvement Agreement

If the public and joint-use private improvements required herein are not satisfactorily completed prior to recordation of the Final Map, the Subdivider shall enter into a subdivision improvement agreement in conformance with the Oroville Municipal Code.

2. Subdivision Fees

a) Plan Checking Fee

The Subdivider shall pay to the City of Oroville a subdivision plan checking fee upon filing the Final Map and/or prior to submitting improvement plans and specifications for checking.

The initial deposit shall be based on an estimated cost of all public and/or joint use private improvements exclusive of private utility facilities. The final fee will be equal to actual City costs.

b) Inspection Fee

The Subdivider shall pay to the City of Oroville an inspection fee prior to commencing construction. The initial deposit will be based on the cost of all public and/or joint use private improvements exclusive of private utility facilities. The final fee will beequal to actual City costs.

Recommendations and comments of all parties to whom the Tentative Map was circulated for review are on file with the respective parties and in Planning Services Department.

Matt Thompson, Acting City Engineer

Distribution:
Original - Planning
Development Engineering Subdivision File

NORTH VALLEY ENVIRONMENTAL

WETLAND & BIOLOGICAL RESOURCES ASSESSMENT

GRAND ACRES PROJECT
APN: 030-120-060-000
2151 GRAND AVENUE
OROVILLE, BUTTE COUNTY, CA 95965

PREPARED FOR:
TRISH HOPPS, PROPERTY OWNER

PREPARED BY:
NORTH VALLEY ENVIRONMENTAL, INC.
(530) 520-4724

MARCH 24, 2023

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FIGURES

APPENDICES

ASSESSMENT PREPARERS

Jessica Kolstad, Principal Scientist
Dana Lee, Senior Biologist

ACRONYMS

BCEHD	Butte County Environmental Health Department
CALVEG	Classification and Assessment with Landsat of Visible Ecological Groupings
CARI	California Aquatic Resources Inventory
CEQA	California Environmental Quality Act
CDFG	California Department of Fish and Wildlife
CDFW	California Department of Fish and Wildlife
CFWC	California Fish & Wildlife Commission
CESA	California Endangered Species Act
CFGC	California Fish and Game Code
CFR	Code of Federal Regulations
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CRPR	California Rare Plant Rank
CWA	Clean Water Act
EPA	Environmental Protection Agency
ESA	Endangered Species Act
GSA	Groundwater Sustainability Agency
HUC	Hydrologic Unit Code
MBTA	Migratory Bird Treaty Act
NPDES	National Pollutant Discharge Elimination System
NRCS	National Resource Conservation Service
NVE	North Valley Environmental
NWI	National Wetland Inventory
OHWM	Ordinary High-Water Mark
RWQCB	Regional Water Quality Control Board
SWRCB	State Water Resources Control Board
USACOE	U.S. Army Corps of Engineers
USDA	U.S. Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
VELB	Valley Elderberry Longhorn Beetle
W/BRA	Wetland & Biological Resource Assessment

1.0 INTRODUCTION

1.1 OVERVIEW & PURPOSE

North Valley Environmental (NVE) prepared this Wetland & Biological Resources Assessment (W/BRA) for the approximately 7.6-acre Grand Acres Subdivision project in Oroville, Butte County, California. The assessed property is located on the southwest corner of Grand Avenue and 21st Street at 2151 Grand Avenue ("Project Area").

The purpose of this assessment is to gather information necessary to present and evaluate endangered, threatened, rare, and sensitive species and their habitats that may occur within the Project Area. This report describes the results of the site visits and review of existing information to assess the Project Area and adjacent areas for: (1) the potential to support special-status plant and wildlife species; (2) the potential presence of sensitive biological communities (e.g., wetlands or riparian habitats); and (3) the potential presence of other sensitive biological resources protected by local, state, and federal laws and regulation. Our assessment also includes an evaluation of how these habitats and species may be affected by proposed project activities and provides recommendations for minimizing and mitigating those potential impacts.

1.2 PROJECT LOCATION AND ENVIRONMENTAL SETTING

The Project Area consists of approximately 7.6-acres of residential land designated by Assessor's Parcel Number (APN) 030-120-060-000 and located at 2151 Grand Avenue in the city limits of Oroville, California (**Figure 1**). The Project Area is situated in the northwest corner of Section 14, in Township 19 North, Range 03 East, in the Oroville, California 7.5-minute USGS quadrangle. Site topography slopes subtly towards the southeast, from an elevation of approximately 207 feet above mean sea level (msl) in the northwest to approx. 199 ft msl in the southeast (**Figure 2**).

The Project Area is currently utilized for residential use and contains a manufactured home and various outbuildings in the northwest portion of the property. The remaining portions of the property are undeveloped and have been historically disced and mowed for fuel reduction purposes.

The parcel immediately south of the Project Area (APN: 030-120-052) is undeveloped and appears to have also been historically graded and/or disced. Single-family residences extend along the property's eastern border adjacent to 21st Street. The Project Area is bordered to the north and west by undeveloped land, including the Thermalito South Forebay California State Park to the northwest. Photographs of the Project Area are included in **Appendix A.**

FIGURE 1
PROJECT LOCATION

Grand Acres Project
2151 Grand Avenue
Oroville, CA 95965

FIGURE 2
SITE OVERVIEW

Grand Acres Project
2151 Grand Avenue
Oroville, Ca 95965

1.3 HYDROLOGY & HYDROGEOLOGY

The Project Area lies within the northern portion of the Thermalito Afterbay sub-watershed (HUC 12, 180201590201) of the Honcut Headwaters – Lower Feather River subbasin (HUC 8, 1802059, **Figure 8**). The nearest surface water body is the Thermalito Forebay, approximately 0.35 miles to the north-northwest. Site-generated stormwater currently flows along the subtle topographic gradient toward the southeast and largely infiltrates to groundwater. Impervious drainage ditches extend along the property's southern and western perimeters, directing subtle flows to a culvert beneath 21st Street that eventually connects to the municipal storm drain system east of 20th Street.

The Project Area is situated in the Sacramento Valley Groundwater Basin, in the northern portion of the Wyandotte Creek Subbasin (Basin ID 5-021) and is currently regulated by the Wyandotte Creek Groundwater Sustainability Agency (GSA ID: 406). Groundwater levels in this subbasin are currently considered generally stable and regionally flow from the foothill recharge areas in the north and east towards the south-southwest. Due to the influence of the nearby Thermalito Afterbay and Feather River, groundwater elevations in the northern portion of the subbasin (including near the Project Area) are generally stable between the spring and fall (Geosyntec, 2021).

1.4 SOILS AND LITHOLOGY

Site soils generally consist of Oroville-Thermalito-Fernandez-Thompsonflat complex soils, with 0-9 slopes% (**Figure 9**). These soils occur on terraces and are comprised of loams, sandy clay, extremely gravelly coarse sandy loam, gravelly clays, clays, and clay loams. Composed of four different soils, the soil complex ranges from somewhat poorly drained to moderately well drained and have varying runoff class. They are deep with no tendency to pond, although regional soils in the Oroville/Thermalito area have a high flooding frequency. Permeability generally varies from 0.00 to 0.06 inches/hour. A Web Soil Survey report mapping general soil types and characteristics is included in **Appendix E**.

Test pit excavations were performed as part of the Project Area's wetland delineation, which identified homogenous sandy and silty clays throughout the property. Homogenous soil profiles were uniform throughout the site and top 12" of soil, consistent with historic discing and/or grading activities. No soil profile horizons were observed in the test pits (Appendix B).

Site soils overlay fluvial gravel deposits from the Feather River and Plio-Pleistocene and Pliocene loosely consolidated sandstone, shale, underlain by the Riverbank Formation, Laguna Formation and Tuscan formation (Lower Tuscan, Unit B).

1.5 PROPOSED PROJECT DESCRIPTION

Project developers propose to divide the parcel into 24 lots (ranging from 8,060 to 16,514 square feet) for future development of single-family homes. Grading will consist of the construction of building pads and roadways, including a cul-de-sac connecting to Grand Avenue in the center portion of the parcel. As part of the project, the public right of way (ROW) for 22nd Street will be abandoned. Zoning for the property is currently Large-Lot Residential (RL), with a General Plan Land Use Designation of Medium-Light Density Residential (MLDR). The Project Area is located in the city limits of Oroville. Water and sanitary sewer services will be provided by the Thermalito Water & Sewer District (following proper abandonment of the onsite residential septic system per BCEHD requirements) and will include new storm drain and sewer extensions. Stormwater will be directed into storm drainpipes and leach trenches connected to the existing storm drain system on 21st Street.

Grading, grubbing and earth disturbing activities will be minimal, as the Project Area is \ largely level. No trees will be removed as part of the project. A current assessor's parcel map and proposed Tentative Subdivision Map are included on **Figures 6 and 7.**

2.0 METHODOLOGY

2.1 CONSULTED RESOURCES

Prior to our field survey, NVE performed a review of available geological, hydrological and biological resources to better understand site characteristics, adjacent habitats, and special status species likely to occur in the vicinity. North Valley Environmental performed the following tasks as part of our preliminary review:

- Review of plant and animal species listed in the California Department of Fish & Wildlife's (CDFW) California Natural Diversity Database (CNDDB) within the Project Area's USGS 7.5-minute quadrangle (Oroville) and eight adjacent quadrangles (**Appendix D**).
- Query of CDFW's CNDDB RareFind 5 database for recorded observations of special status plant and animal species within a five-mile radius of the Project Area (**Figure 4**)
- Retrieval and review of the U.S. Fish and Wildlife Service's (USFWS) iPac Official Species list for federally listed special status species located within the Project Area vicinity (**Appendix D**)
- Review of the California Native Plant Society's (CNPS) Inventory of Rare & Endangered Plants in California for the Project Area's USGS 7.5-minute quadrangle (Oroville) and eight adjacent quadrangles (**Appendix D**)

- Assessment of alliance-based vegetative communities following Sawyer et al.'s A Manual of California Vegetation, Second Edition to determine if the Project Area contains floristic-based sensitive natural communities
- Review of the USFWS National Wetland Inventory (NWI) for previously mapped wetlands and aquatic features (**Figure 10**)
- Review of EcoAtlas' California Aquatic Resources Inventory (CARI) for mapped surface waters and associated riparian areas (**Figure 11**)
- Review of the USDA Forest Service's Classification and Assessment with Landsat of Visible Ecological Groupings (CALVEG) system for structural-based vegetative cover communities (**Figure 12**)
- Review of the USDA NRCS Web Soil Survey & Soil Survey Geographic Database (SSURGO) to determine if hydric soils may occur within the Project Area (**Appendix E**)
- Query of California Wildlife Habitat Relationship (CWHR) System to obtain a list of native plants and animals that may occur in the vicinity of the Project Area
- Review of USFWS Threatened and Endangered Critical Habitat Report and Map Viewer to determine if designated or proposed critical habitat extends in the Project Area (**Figure 13**)

The following onsite surveys were performed as part of this assessment:

- Wetland delineation conducted by FISHBIO biologists on February 16, 2023 (**Appendix B**)
- Biological field survey conducted by North Valley Environmental on February16, 2023
- Botanical field survey conducted by North Valley Environmental on March 17, 2023.

3.0 REGULATORY BACKGROUND

There are several federal, state, and local laws, regulations, and/or policies that provide the legal framework for the protection of wetlands and biological resources in the vicinity of the Project Area. The following regulations may apply to the proposed project:

3.1 FEDERAL LAWS & REGULATIONS

ENDANGERED SPECIES ACT (ESA)

The federal Endangered Species Act (ESA) was enacted in 1973 to protect species that are endangered or threatened with extinction. The USFWS and National Marine Fisheries Service (NMFS) maintain lists of federally endangered and threatened plant and animal species (referred to as "listed species"). "Proposed" or "candidate" species are those that are being considered for listing and are not protected until they are formally listed as threatened or endangered.

Under the ESA, authorization must be obtained from the USFWS or NMFS prior to the "take" (defined as: to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) of any listed species. Take under the ESA includes direct injury or mortality to individuals, disruptions in normal behavioral patterns resulting from factors such as noise and visual disturbance and impacts to habitat for listed species.

The ESA requires that federal agencies reviewing a project within their jurisdiction must determine whether any federally listed threatened or endangered species could be present in the Project Area and whether the project will have a potentially significant impact on such species, jeopardize the continued existence of any species proposed to be listed under the ESA, or result in the destruction or adverse modification of critical habitat designated for such species. The ESA also provides for designation of critical habitat, which are specific geographic areas containing physical or biological features determined essential to the conservation of the species. Protections afforded to designated critical habitat apply only to actions that are funded, permitted, or carried out by federal agencies.

Actions that may result in take of an ESA listed species must obtain an Incidental Take Permit under ESA Section 10 (for projects that don't require federal funding or permitting), or undergo the interagency consultation described in ESA Section 7 (required for projects with a federal nexus, such as ACOE).

MIGRATORY BIRD TREATY ACT (MBTA)

The Migratory Bird Treaty Act (MBTA) is an international treaty that prohibits the taking, killing, possession of, or harm to nearly every native migratory bird species that breeds in North America. Activities that involve the removal of trees, shrubs, grasses, or result in ground disturbance have the potential to affect bird species protected by the MBTA. Consequently, vegetation removal and ground disturbance activities in areas with suitable breeding habitat should be conducted outside of the breeding season (approx. March 1-August 31 for Butte County). If construction is to occur during breeding season, a qualified biologist must determine if there are any MBTA-protected birds, nests and/or eggs present in the Project Area prior to vegetation removal or ground disturbance activities. If active nests are located or presumed present, appropriate avoidance measures (e.g., spatial or temporal buffers) must be implemented. In the United States, the MBTA is regulated by the USFWS, and protected species are listed in 50 CFR 10.13. Bald eagles and golden eagles

are further protected under the federal Bald and Golden Eagle Protection Act and additional state protections for birds are provided under CFCG 3503 and 3513.

SECTION 404 – CLEAN WATER ACT

The United States Army Corps of Engineers (USACOE) and the U.S. Environmental Protection Agency (EPA) regulate the discharge of dredged or fill material into jurisdictional waters of the United States, under Section 404 of the Clean Water Act (CWA).

The term "waters of the United States" encompasses waters susceptible for use in commerce, including interstate waters and wetlands, all other waters (intrastate waterbodies, including wetlands), and their tributaries (33 CFR 328.3). Federal jurisdictional wetlands exhibit at least one of three indictors (hydrophytic vegetation, hydric soil, wetland hydrology) according to the USACOE *Wetlands Delineation Manual* and generally include swamps, marshes, bogs, vernal pools, and similar areas that are saturated for a duration sufficient to support wetland vegetation. Other waters of the United States include seasonal or perennial water bodies (e.g., lakes, stream channels, drainages, ponds, other surface water features) that exhibit an ordinary high-water mark (OHWM) but lack indicators associated with wetland waters.

The placement of fill material into Waters of the U.S. generally requires an individual or nationwide permit from the USACOE under Section 404 of the CWA. Nationwide permits are general permits issued to cover particular fill activities. All nationwide permits have general conditions that must be met for the permits to apply to a particular project, as well as specific conditions that apply to each nationwide permit. General permits are pre-authorized and are issued to cover similar activities that are expected to cause only minimal adverse environmental effects.

SECTION 401 – CLEAN WATER ACT

The CWA requires that an applicant for a Section 404 permit (to discharge dredged or fill material into waters of the United States) first obtain a certificate from the appropriate state agency stating that the fill is consistent with the State's water quality standards and criteria. The State Water Resources Control Board (SWRCB) develops criteria for allowable discharges and appoints authority to the state's nine Regional Water Quality Control Boards (RWQCB) to grant National Pollutant Discharge Elimination System (NPDES) permits or waivers based on these standards and criteria.

Any activity or facility that will discharge waste (such as soils/sediment from construction activities) into surface waters must obtain an NPDES permit or waiver from the RWQCB. The SWRCB additionally requires additional Waste Discharge Requirements under Porter-Cologne to protect aquatic resources that are outside federal jurisdiction.

A request for certification or waiver is submitted to the Regional Board at the same time a 404 application is filed with the USACE. The regional board has 60 days to review the application and act on it. Because no USACE permit is valid under the CWA unless "certified" by the state, these boards may effectively veto or add conditions to any USACE permit. If the USACE determines that they have no regulatory authority on the Project Area

and determine that a CWA Section 404 permit is not required, the project proponent may still be responsible for obtaining the appropriate CWA Section 401 permit (or waiver) from RWQCB for impacts to Waters of the State (as the definition of "waters of the state" is broader than "waters of the United States").

3.2 STATE LAWS & REGULATIONS

CALIFORNIA ENDANGERED SPECIES ACT (CESA)

The CESA was enacted in 1984 and is implemented by the California Fish and Wildlife Commission (CFWC) and the California Department of Fish & Wildlife (CDFW). The CFWC maintains list of threatened and endangered species and CDFW provides enforcement of the act. CESA regulations include take protection for threatened and endangered plants on private lands, as well as extending this protection to candidate species that are proposed for listing as threatened or endangered. The definition of a "take" under CESA (defined as: to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill) only applies to direct impact to individuals, and does not extend to habitat impacts or harassment (unlike the ESA).

The CESA requires that state agencies reviewing a project within their jurisdiction must determine whether any state listed threatened, endangered, or candidate species could be present in the Study Area and whether the project will have a potentially significant impact on such species. CDFW may issue an Incidental Take Permit under CESA to authorize take if it is incidental to otherwise lawful activity and if specific criteria are met.

FULLY PROTECTED SPECIES (CFGC 3511, 4700, 5050, 5515)

Animals listed as Fully Protected Species in the California Fish and Game Code (CFGC) cannot be taken or possessed at any time (with exception of necessary scientific research and conservation purposes). CDFW is responsible for protecting these species and by law cannot issue an Incidental Take Permit for animals designated as Fully Protected Species.

SPECIES OF SPECIAL CONCERN

CDFW also designates certain species, subspecies, or distinct populations as Species of Special Concern (SSC), which satisfy one or more of the following criteria:

- Is extirpated from the State or, in the case of birds, in its primary seasonal or breeding role.
- Is listed as Federally-, but not State- threatened or endangered.
- Meets the State definition of threatened or endangered but has not formally been listed.

- Is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status.
- Has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for State threatened or endangered status.

CESA prohibits the take of California listed animals and plants in most cases, but CDFW may issue Incidental Take Permits under special conditions.

RARE & ENDANGERED PLANTS (CFGC 1900-1913)

The Native Plant Protection Act was enacted to preserve, protect, and enhance endangered or rare native plants in the state. CDFW maintains the list of plants that meet the definition of endangered (prospects for survival and reproduction are in immediate jeopardy) or rare (occurs in such small numbers throughout its range that it may become endangered if its present environment worsens). CDFW prevents take of these species unless authorized through the Incidental Take Permit.

The California Native Plant Society (CNPS) also maintains a list of California native plant species that are threatened with extinction due to low populations and/or limited distribution. This information is published in the Inventory of Rare and Endangered Vascular Plants of California, and ranked according to the following criteria:

- Rank 1A: Plants presumed extinct in California
- Rank 1B: Plants rare, threatened, or endangered in California or elsewhere
- Rank 2A: Plants presumed extirpated or extinct in California, but not elsewhere
- Rank 2B: Plants rare, threatened, or endangered in California, but more numerous elsewhere
- Rank 3: Plants about which we need more information
- Rank 4: Plants of limited distribution

CNPS Rank 1 and Rank 2 species are considered special-status species that require additional consideration prior to site modification/development. Specific Rank 3 and Rank 4 species are also considered under CEQA protection.

LAKE & STREAMBED ALTERATION AGREEMENTS (CFGC 1600-1616)

CFGC Section 1602 requires that a state or local government agency, public utility, or private entity must notify CDFW if a proposed Project will "substantially divert or obstruct the natural flow or substantially change the bed, channel or bank of any river, stream, or lake designated by the department in which there is at any time an existing fish or wildlife resource or from which these resources derive benefit..."(Section 1601). CDFW's jurisdictional limit generally extends to the top of the streambank or at the outer edge of

riparian vegetation, whichever is wider. If fish or wildlife resources may be adversely affected by the activity, CDFW may propose mitigation measures that will allow protection of those resources through a Lake and Streambed Alteration Agreement with the project proponent.

CALIFORNIA PORTER-COLOGNE WATER QUALITY CONTROL ACT

The Porter-Cologne Water Quality Control Act established the SWRCB and RWQCBs as the principal state agencies for coordinating and controlling water quality in California. Each of California's nine regional boards must prepare and periodically update basin plans that set water quality standards and dictate actions to control point and non-point sources of pollution to maintain these standards. The Porter-Cologne Water Quality Control Act applies to both surface water and groundwater, and states "all discharges of waste into the waters of the State are privileges, not rights." All dischargers are subject to regulation under the Porter-Cologne Water Quality Control Act, including both point and non-point source dischargers.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

California Environmental Quality Act (CEQA) Guidelines Section 15380(b) permits species to be considered rare or endangered even if not recognized as such by the ESA, CESA or other statues, if the species can be shown to meet certain criteria. These criteria have been modeled after the definition in the ESA and allows a public agency to undertake a review to determine if a significant effect on a species would occur due to project impacts, allowing agencies to protect a species until state or federal protections are issued, (if warranted).

CDFW has developed a list of special species that warrant additional consideration under CEQA, which generally includes all the taxa listed in the CNDDB, regardless of their legal or protection status. This catalog includes lists developed by other organizations such as the Audubon Watch List Species, the Bureau of Land Management Sensitive Species, and USFWS Birds of Special Concern, and CNPS Rank 3 and Rank 4 plants that are particularly unique to the locale (e.g., range limit, low abundance/low frequency, limited habitat) or are otherwise considered locally rare. Movement and migratory corridors for native wildlife and wildlife nursery sites are also given special consideration under CEQA.

3.3 LOCAL LAWS AND REGULATIONS

CITY OF OROVILLE GENERAL PLAN - 2030

The City of Oroville 2030 General Plan lists the following applicable goals and policies in its Open Space, Natural Resources, and Conservation (OPS) Element:

Goal 8: Preserve and protect all special-plant species, species that are candidates for federal or State listing, State species of special concern, and CNPS listed plant species.

- 8.1: Require a biological assessment of any proposed Project Area where federally-, or State-listed species or critical habitat may be present.
- 8.2: Require a habitat-based site assessment during the project design phase to determine the potential for special-status species to occur within a proposed Project Area. If potential habitat for special-status plant or animal species is identified, additional focused surveys may need to be conducted during the appropriate season.
- 8.6: If special-status plant or animal species are found to be located within a development site, the developer shall mitigate project impacts in accordance with state and federal law. Examples of mitigation may include:
    - If special-status plant or animal species are found to be located within a development site, the developer shall mitigate project impacts in accordance with State and federal law. Examples of mitigation may include:
    - Redesign the proposed project to avoid and minimize impacts.
    - Restrict construction to specific seasons based on project specific special-status species issues (e.g., minimizing impacts to special-status nesting birds by constructing outside of the nesting season).
    - Confine construction disturbance to the minimum area necessary to complete the work.
    - Mitigate for the loss of special-status species by purchasing credits at an approved conservation bank (if a bank exists for the species in question), funding restoration or habitat improvement projects at existing preserves in Butte County, or purchasing or donating mitigation lands.
    - Maintain a minimum 100-foot buffer on each side of all riparian corridors, creeks and streams for special-status and common wildlife. (Ruddy Creek would be an example of where this applies.)
    - Establish setbacks from the outer edge of special-status species habitat areas.
    - Prohibit livestock grazing or drainage into the setback of special-status species habitat areas. Construction of barriers to prevent compaction damage by foot or vehicular traffic.

Goal 9: Protect areas of significant wildlife habitat and sensitive biological resources to maintain biodiversity among plant and animal species in the City of Oroville and surrounding area.

- 9.2: Minimize loss of wetland value or acreage consistent with the needs of wildlife and humans, to the extent practicable and as regulated by State and federal law.
- 9.5: Require the preparation of a site-specific tree management and preservation report by a certified arborist or urban forester for development proposals on sites that contain significant oak woodlands and related habitat. This report shall include recommendations for the retention of healthy mature trees wherever feasible and promote the concept of oak regeneration corridors within project design.
- 9.6: Protect sensitive plant and wildlife habitat from destruction and intrusion by incompatible land uses where appropriate. All efforts to protect sensitive habitats should consider:
    - Sensitive habitat and movement corridors in the areas adjacent to development sites, as well as on the development site itself.
    - Prevention of habitat fragmentation and loss of habitat connectivity.
    - Use of appropriate protection measures for sensitive habitat areas such as non-disturbance easements and open space zoning.
    - On-site or off-site habitat restoration as a potential mitigation, with a no net loss of habitat policy. Potential mitigation or elimination of impacts through mandatory clustering of development, and/or project redesign.

9.7: Protect native plant species in undisturbed portions of a development site and use native species for replanting in disturbed portions of the Project Area

Goal 10: Protect riparian, riverine, and open water habitats.

- 10.1 Require an appropriately sized buffer or setback, as determined by a qualified biologist, on each side of a riparian corridor, creeks, stream, wetland, or pond. Development shall be prohibited within established setback areas for these riparian corridors, creeks, stream, wetland, ponds, and waterways.

Goal 11: Protect water quality and quantity in creeks, lakes, natural drainages, and groundwater basins.

- 11.1: Maintain the natural condition of waterways and flood plains to ensure adequate groundwater recharge and water supply where feasible, given flood control requirements.
- 11.2: Minimize impermeable paving that negatively impacts surface water runoff and groundwater recharge rates.

- P11.3: Protect surface and groundwater resources from contamination from runoff containing pollutants and sediment, through implementation of the Central Valley Regional Water Quality Control Board's (CVRWQCB) Best Management Practices.

4.0 ASSESSMENT FINDINGS

4.1 BIOLOGICAL FIELD SURVEY

A general biological survey of the Project Area was conducted by North Valley Environmental on February 16, 2023. The Project Area was traversed on foot for the survey, which sought to determine (1) plant communities present within the Project Area, (2) if existing conditions provided suitable habitat for any special-status plant or wildlife species, and (3) if sensitive habitats are present.

Our survey occurred on cool, clear, and breezy morning. According to rainfall data collected at the Oroville Municipal Airport, the region received approx. 0.4" of rain twelve days prior to our field survey. The weather had been clear, sunny, and relatively warm in the previous week, providing ideal conditions to observe wetland features and juvenile vegetation growth. Prior to our survey, the region had received above average cumulative rainfall (approximately 25 inches at the Oroville Dam).

All exterior portions of the property were visually inspected, including the fenced backyard behind the residential unit in the northwest portion of the Project Area. All plant and wildlife species encountered during the survey were documented and are included in **Appendix C.**

During both our preliminary review and biological survey, it was apparent that the Project Area had been historically graded and/or disced. Large undeveloped areas north and west of the Project Area exhibit distinct hummocky, mima mound-like topographic features (small, irregularly spaced, circular natural mounds) and wetland swale features. In contrast, topography of the Project Area is relatively flat, with a series of linear irrigation/drainage ditches and raised earthen berms extending around the parcel perimeter.

The Project Area consist of approximately 7.6-acres of ruderal and disturbed annual grasslands within and along the edge of residential development. A stand of mature eucalyptus trees (approximately 40) extends just south of the residential complex, which could provide nesting and roosting habitat for several avian species. A lone, stressed elderberry shrub is present in the southwest corner of the property. The only other trees and shrubs include non-native ornamentals and large mallow shrubs (*Malva* sp.). Several rodent (likely longed-tailed vole) burrows (1-1.5" diameter) were observed along the western margin of 21st Street. Gopher mounds were evident throughout the southern extent of the Project Area. Photographs taken during the biological and botanical surveys are included in **Appendix A.**

4.2 WETLAND DELINEATION

On February 16, 2023, FISHBIO biologists performed a wetland delineation of the Project Area. The delineation was conducted according to the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual and its 2008 Arid West Regional Supplement (USACE, 1987). The property was surveyed for potential federal and/or state jurisdictional wetlands and "other waters of the U.S." in accordance with the 2014 Corps Field Guide to the Identification of the Ordinary High-Water Mark (OHWM) for Non-perennial Streams in the Arid West Region of the Western United States.

No wetlands or other waters of the U.S. or waters of the State were identified within the Project Area. Pervious irrigation/drainage ditches extend along the eastern and southern property lines, which were not classified as potentially jurisdictional waters according to FISHBIO surveyors (although these findings have not yet been verified by the USACOE). The complete delineation report is included in **Appendix B**.

Vernal pools, swales, and seasonal wetlands were observed of the western adjacent parcel (APN: 030-230-103), including an isolated wetland pool approximately 25' southwest of the Project Area ("adjacent wetland"). The observed area was inundated with approximately six inches of water at the time of the delineation survey and botanical survey (Feb. 16, 2023 and March 17, 2023). Although no sensitive status plants or animals were observed during the two site surveys, vernal pool fairy shrimp (*Branchinecta lynchi*) have previously been identified in the vicinity, potentially on the western adjacent parcel (details in **Section 6.4**). The adjacent wetland had been visibly impacted by historical off-road vehicle (ORV) use and the typical wetland pool envelope and terrestrial upland habitat has been largely destroyed.

The adjacent wetland area is located upgradient of the Project Area, bisected by an agricultural drainage ditch and pervious berm and would not be impacted by fill or discharges from the site during or after development given appropriate setbacks, grading design, and avoidance measures. Additional considerations and recommendations regarding adjacent wetland habitat are included in **Section 6.5.** The wetland delineation map is included in **Figure 3.**

4.3 BOTANICAL FIELD SURVEY

A follow-up botanical survey was performed by NVE biologists on March 17, 2023 to better identify plant species later in the blooming cycle. The follow-up survey occurred on a sunny afternoon following three days of clear weather. NVE biologists largely focused their survey in the western and southwestern portions of the Project Area, in the vicinity of the adjacent wetland habitat. No special status plants were observed in the Project Area or around the adjacent wetland habitat within 50' of the Project Area.

4.4 TERRESTRIAL HABITAT & VEGETATION COMMUNITIES

The dominant vegetation type in the Project Area consists of ruderal and annual grassland species, a majority of which are non-native and commonly found in disturbed areas. Ruderal habitats include areas that have been significantly altered by human activities and may contain structures, gravel roads, paved areas, or cultivated areas of disturbed vegetation (including repeated discing and mowing). A majority of the Project Area has been historically disced for fuel reduction purposes, with small margins of intact ruderal vegetation along the property margins. Gravel extends from a driveway off Grand Avenue to the residence in the northwest, and throughout the fenced backyard, where a large storage building was previously located. The Project Area includes 21st Street, which is also covered in compacted gravel.

Based on relative coverage estimates conducted during our field survey, the open grassy areas throughout the Project Area generally resemble wild oats and annual brome grasslands (Avena spp. – Bromus spp. Herbaceous Semi-Natural Alliance), according to the methods and alliance membership rules presented in Sawyer et. al.'s *A Manual to California Vegetation*, 2009.

Observed dominant non-native grass species include wild- and slender- oats (*Avena fatua, Avena barbata*), soft chess (*Bromus hordeaceus*), hare barley (*Hordeum murinum*), rip-gut brome (*Bromus diandrus*), annual bluegrass (*Poa annua*), medusa-head (*Elymus caput-medusae*), and perennial ryegrass (*Festuca perenne*). Common broad-leaved plants include Mediterranean storksbill (Erodium malacoides), long-beaked filaree (*Erodium botrys*), rough hawkbit (*Leontodon saxatilis*), common vetch (*Vicia sativa*), rose clover (*Trifolium hirtum*), cutleaf geranium (Geranium dissectum), prickly lettuce (Lactuca serriola), naked buckwheat (*Eriogonum nudum*), narrow-leaved soap plant (*Chlorogalum angustifolium*), vinegarweed (*Trichostema lanceolatum*), and black mustard (brassica nigra). Native grasses were uncommon and included some widely dispersed purple needlegrass (*Nassella pulchra*). Various non-native ornamentals were observed in the northern portion of the property (daffodil/*narcissus*, etc.). Species observed during the biological and botanical surveys are listed in **Appendix C**.

Figure 3 - Aquatic Resource Delineation Map

4.5 WILDLIFE

Based on a review of the referenced documents listed in **Section 2.1**, wildlife likely to be present in the general site vicinity include the following species:

TABLE 1: WILDLIFE IN GENERAL VICINITY	
Amphibians:	Sierran tree frog (*Pseudacris sierra*), American bullfrog (*lithobates catesbeianus*), California slender salamander (*Batrachosps attenuates*)
Reptiles:	Southern alligator lizard (*Elgaria multicarinata*), western fence lizard (*Sceloporus occidentalis*), western whiptail (*Aspidoscelis tigris*), common garter snake (*Thamnophis elegans*), North American racer (*Colber constrictor*), gopher snake (*Pituphis catenifer*), California king snake (*Lampropeltis californiae*), western rattlesnake (*Crotalus oreganus*)
Birds:	Western bluebird (*Sialia mexicana*), western meadowlark (*Sturnella neglecta*), Brewer's blackbird (*Euphagus cyanocephalus*), house wren (*Troglodytes aedon*), scrub jay (*Aphelocoma californica*), northern mockingbird (*Mimus polyglottos*), California quail (*Callipepla californica*), killdeer (*Charadrius vociferous*), phainopepla (*Phainopepla nitens*), lark sparrow (*Chondestes grammacus*), white- and golden-crowned sparrows (*Zonotrichia* sp.), American pipit (*Anthus rubescens*), black phoebe (*Sayornis nigricans*), spotted towhee (*Pipillo maculatus*), common tern (*Sterna hirundo*), Red-tailed hawk (*Buteo jam*aicensis), rough-legged hawk (*Buteo lagopus*), American kestrel (*Falco sparverius*), Cooper's hawk (*Accipiter cooperii*), short-eared owl (*Asio flammeus*), burrowing owl (*Athene cunicularia*), turkey vulture (*Cathartes aura*), osprey (*Pandion haliaetus*), wild turkey (*Meleagris gallopavo*), snowy egret (*Egretta thula*), great egret (*Ardea alba),* and various gulls, loons, grebes and other waterfowl residing in the Thermalito Forebay north of the Project Area.
Mammals:	Long-tailed vole (*Microtus longicaudus*), Botta's pocket gopher (Thomomys bottae), deer mouse (*Peromyscus californicus*), California ground squirrel (*Otospermophilus beecheyi)*; black-tailed jackrabbit (*Lepus californicus*), raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), gray fox (*Urocyon cinereoargenteus*), coyote (*Canis latrans*), bobcat (*Lynx rufus*) and black-tailed deer (*Odocoileus hemionus*).

Species that would utilize the ruderal habitat and annual grasslands that comprise the Project Area primarily include small mammals (ground squirrels, voles, mice, gophers, jackrabbits), small reptiles (alligator lizards, western fence lizards, common garter snakes) and a variety of ground- and tree-nesting avian species. Species observed during the biological and botanical surveys are listed in **Appendix C**.

4.6 FEDERAL CRITICAL HABITAT

USFWS Critical Habitat is designated for areas that provide necessary habitat elements essential for the survival and/or conservation of a species listed as threatened or endangered in the federal Endangered Species Act (ESA). These areas require special consideration and/or protection due to their ecological importance. NVE reviewed the USFWS Critical Habitat Map Viewer for final and proposed critical habitat. **The Project Area does not contain proposed or designated USFWS critical habitat.**

4.7 CALIFORNIA SENSITIVE NATURAL COMMUNITIES

CDFW sensitive natural communities are natural vegetative habitats that are either unique, of relatively limited distribution, or of particularly high wildlife value. NVE queried the CNDDB and assessed the alliance-specific habitat of the Project Area to determine if any sensitive natural communities exist within the Project Area. **The Project Area does not contain CDFW sensitive natural communities.**

4.8 SPECIES HABITAT ASSESSMENT

NVE performed a species habitat assessment to determine if the Project Area could support special-status species known to occur in the region. Habitat was evaluated based on vegetation composition, physical features (elevation, soils, micro-climates, etc.), land use of site and surrounding area, available resources (forage/prey, nesting substrates, etc.), historical species range and connectivity to suitable habitat. The potential for each special-status species to occur in the Project Area was then evaluated according to the following criteria:

Potential for Occurrence:

- **None.** Habitat within the Project Area is unsuitable for the species requirements (foraging, breeding, cover, substrate, elevation, hydrology, plant community, site history, disturbance regime, etc.);
- **Low.** Few of the habitat components meeting the species requirements are present, and/or the species is not known to recently occur in the vicinity (within a five-mile radius). The species is not likely to be found in the Project Area;
- **Moderate.** Some of the habitat components meeting the species requirements are present, and the species is known to recently occur within a five-mile radius. The species has a moderate probability of being found in the Project Area;
- **High**. All of the habitat components meeting the species requirements are present and/or most of the habitat on or adjacent to the site is highly suitable. The species has a high probability of being found on the site; or
- **Present.** Species is observed on the site or has been recorded (i.e., CNDDB, other reports) on the site recently.

The habitat assessment is intended to identify the presence or absence of suitable habitat for each special-status species known to occur in the vicinity to determine its potential to occur in the Project Area. In cases where little information is known about species occurrences and habitat requirements, the species evaluation was based on best professional judgment of NVE biologists.

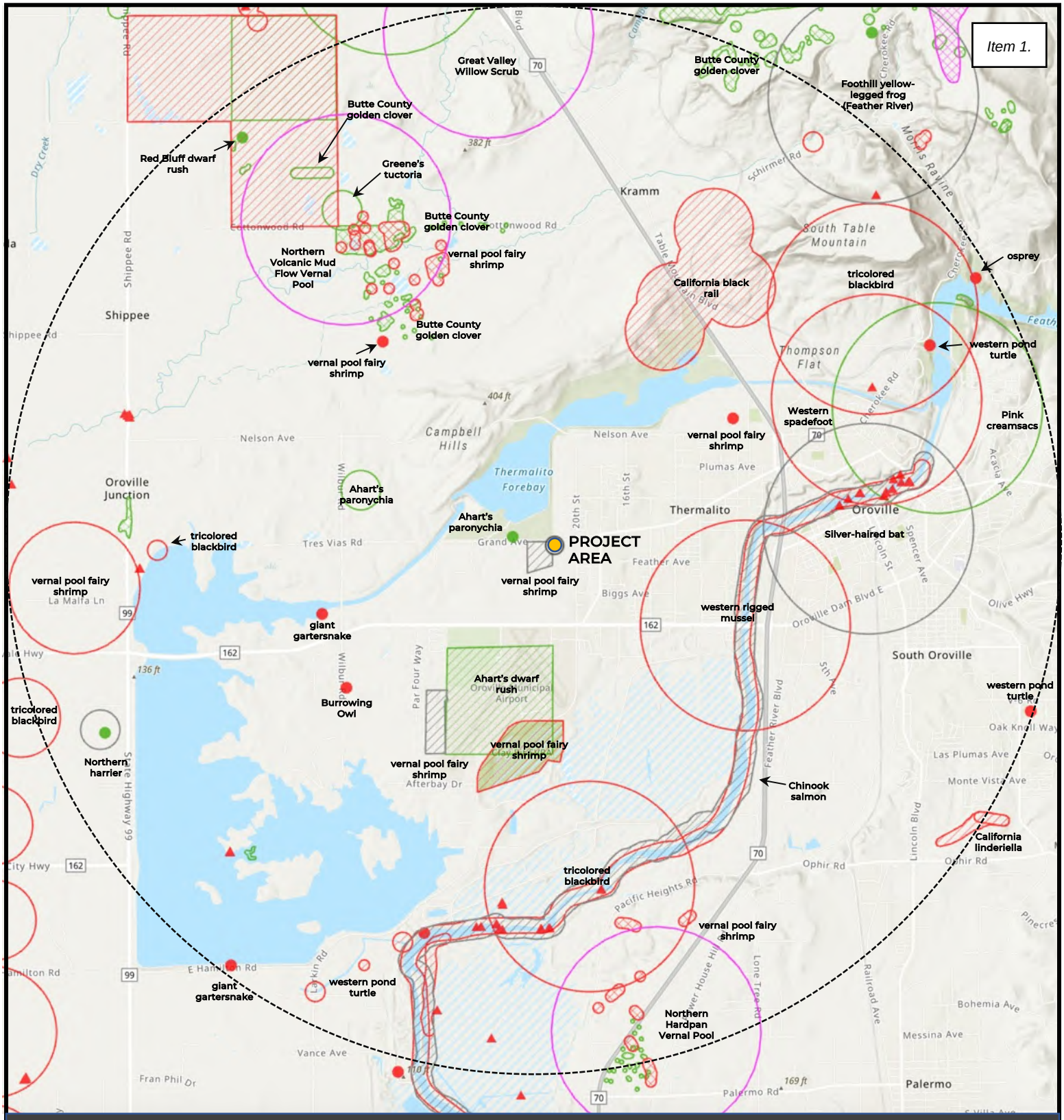
4.9 SPECIAL STATUS SPECIES ASSESSMENT

Plants and animals are considered a Special-Status Species if they satisfy one or more of the following criteria:

- Listed as threatened or endangered, (or are candidates for listing) under the California Endangered Species Act (CESA) or the Federal Endangered Species Act (ESA);
- Listed as a Species of Special Concern (SSC) by CDFW;
- Designated as rare, protected, or fully protected pursuant to California Fish and Game Code Section 3511 (birds), 4700 (mammals) or 5050 (reptiles and amphibians);
- Listed by the California Native Plant Society (CNPS) as Rank 1A, 1B, 2A or 2B;
- Protected under the Migratory Bird Treaty Act (MBTA) or the Bald and Golden Eagle Protection Act; and/or
- Species that are otherwise protected under policies or ordinances at the local or regional level as required by the California Environmental Quality Act (CEQA)

A complete list of special status species is included in the state and federal species lists in **Appendix D**. Listed species that have been documented in the CNDDB within a five-mile radius of the Project Area are mapped on **Figure 4.** An assessment of the potential for each special-status species to occur within the Project Area is provided in **Table 2**.

For species with a moderate or high potential to occur within the Project Area, but which have not been observed on the site, the biological surveys conducted for this report may not be sufficient to determine presence or absence of a species to the specifications of regulatory agencies. In these cases, further protocol-level special-status species surveys may ultimately be necessary to obtain permits or approvals from regulatory agencies.



CDFW'S CNDDB. BIOS Viewer. Accessed 2/3/23. https://apps.wildlife.ca.gov/bios6/?bookmark=327

1 mile

5 Mile Radius from Project Area

N

- Plant (80m)
- Plant (specific)
- Plant (non-specific)
- Plant (circular)
- Animal (80m)
- Animal (specific)
- Animal (non-specific)
- Animal (circular)
- Terrestrial Comm. (80m)
- Terrestrial Comm. (specific)
- Terrestrial Comm. (non-specific)
- Terrestrial Comm. (circular)
- Aquatic Comm. (80m)
- Aquatic Comm. (specific)
- Aquatic Comm. (non-specific)
- Aquatic Comm. (circular)
- Multiple (80m)
- Multiple (specific)
- Multiple (non-specific)
- Multiple (circular)
- Sensitive EO's (Commercial only)

FIGURE 4
CNDDB OCCURENCES

Grand Acres Project
2151 Grand Avenue
Oroville, Ca 95965

Table 2: Special-Status Species, Natural Communities, Associated Habitats and Potential for Occurrence in Project Area

	SPECIES	FEDERAL STATUS	STATE STATUS	CDFW/CNPS STATUS	HABITAT TYPE	POTENTIAL FOR OCCURRENCE	LOCATION (QUAD)
Amphibians	foothill yellow-legged frog *Rana boylii pop. 2*	Proposed Threatened	Threatened	-	This species can be found in a variety of chaparral and woodland habitats and requires partly-shaded, shallow streams and riffles that contain rocky substrate. Tadpoles require water for at least three to four months to complete development. Breeding occurs from March to May.	**None.** The Project Area lacks suitable aquatic habitat required by the species. There is only one CNDDB occurrence of this species, identified in 1912. It's largely assumed this species no longer occurs within the vicinity.	Oroville
	California red-legged frog *Rana draytonii*	Threatened	-	SSC	Habitat includes suitable areas within one to two miles of a breeding site that stays moist and cool through the summer; this includes non-breeding aquatic habitat in pools of slow-moving streams, perennial or ephemeral ponds, and upland sheltering habitat such as rocks, small mammal burrows, logs, densely vegetated areas, or manmade structures (i.e., culverts, livestock troughs, spring-boxes, abandoned sheds). Breeding sites are generally found in deep, still or slow-moving water (greater than 2.5 ft) and can have a wide range of edge and emergent cover. California red-legged frogs can breed at sites with dense shrubby riparian or emergent vegetation, such as cattails, tulles, or overhanging willows or can proliferate in ponds devoid of any emergent vegetative cover (i.e., stock ponds). The species breeds from late November to late April.	**None.** This species is assumed to be extirpated from the central valley. The Project Area lacks suitable aquatic habitat required by the species and there are no CNDDB occurrences within a five-mile radius.	Oroville
	western spadefoot *Spea hammondii*	-	-	SSC	Inhabits burrows within grassland and valley foothill hardwood woodland communities. Requires deep soils (approx. three feet of sandy or gravelly media) near vernal, shallow, slow-moving, temporary pools formed by heavy winter rains for reproduction. Nocturnal and almost completely terrestrial, entering water only to breed. Spends most of its life buried underground in earth-filled burrows, and active for only a short period each year, typically between October to May, depending on rainfall. Breeds late winter through March.	**Low.** There's a low potential for these species to breed in the vernal pools on the adjacent property and inhabitant burrows within the Project Area, however there are no recent (within the last 30 years) CNDDB occurrences within a ten-mile radius, and there was no indication of this species during the site surveys or documentation of toad presence during previous brachiopod surveys on this property. Based on the impaired condition of the adjacent vernal pools and repeated discing of the Project Area, presence of this species is unlikely.	Oroville
	bald eagle *Haliaeetus leucocephalus*	Delisted / MBTA	Endangered	FP	This species occurs near ocean shores, lakes, rivers, rangelands and coastal wetlands for nesting and wintering; nesting occurs within one-mile of a water source with abundant fish near mountain forests and woodlands. Prefers ponderosa pines for nesting.	**Low.** The Project area does not contain nearby mountain forest or woodland habitat or contain trees large/strong enough to support a nest for this species. There are no CNDDB occurrences within a five-mile radius.	Oroville
	tricolored blackbird *Agelaius tricolor*	-	Threatened	SSC	Forages in grasslands, open fields, pastures, blackberry brambles, etc. Nests near large freshwater marshes/wetlands. Requires dense nesting habitat that is protected from predators, is within 3-5 miles from a suitable foraging area containing insect prey and is within approximately 0.3 miles of open water. Suitable foraging habitat includes wetland, pastureland, rangeland, dairy farms, and some irrigated croplands (silage, alfalfa, etc.). Nests occurs from mid-March to early August but may extend into October and November in the Sacramento Valley region.	**Low**. Although the Project Area contains potential foraging habitat and is located close to open water, there is no suitable nesting habitat for this species within the Project Area. There has only been one recent (within last 30 years) occurrence of this species within a five-mile radius (CNDDB Occurrence #901), for a large colony located northwest of the Thermalito Afterbay, approx. 3.75 miles west of the Project Area.	Oroville
	California black rail *Laterallus jamaicensis coturniculus*	-	Threatened	FP	Occurs in tidal emergent wetlands dominated by pickleweed, in brackish marshes dominated by bulrushes with pickleweed and in freshwater wetlands dominated by bulrushes, cattails, and saltgrass. Species prefers high wetland areas, away from areas experiencing fluctuating water levels. Requires vegetation providing adequate overhead cover for nesting. Eggs are laid March-June.	**None.** The Project Area does not contain marshland, wetlands or adequate vegetative cover (bulrushes and cattails) preferred by this species.	Oroville
	burrowing owl *Athene cunicularia*	-	-	SSC	Found in annual and perennial grasslands that contain small-mammal burrows, although may also occupy manmade culverts, debris piles, etc. Prefer open areas with sandy soils. Some populations have adapted to urban landscapes and may occupy roadsides and open lots near development. The nesting season is from February to August (with most activity occuring between March and May).	**Moderate.** The Project Area contains suitable foraging and burrowing habitat and there has been one CNDDB occurrence within a five-mile radius (Occur. No. 1003), identified in similar habitat in 2006. Several rodent burrows were observed throughout the site during both surveys.	Oroville
	golden eagle *Aquila chrysaetos*	MBTA	-	FP | WL	Found in open mountains, foothills, plains, open country. Requires open terrain. In the north and west, found over tundra, prairie, rangeland, or desert; very wide-ranging in winter, more restricted to areas with good nest sites in summer. Does not require close proximity to lakes and marshes (as preferred by bald eagles).	**Low.** The Project Area does not contain suitable nesting habitat preferred by this species.	Oroville
	Swainson's hawk *Buteo swainsoni*	MBTA	Threatened	-	Inhabits grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, and agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging areas such as grasslands, alfalfa or grain fields that support a stable rodent prey base. Breeds March to late August.	**Moderate.** The Project Area contains suitable foraging habitat (presence of small rodents and prey) and the mature eucalyptus stand in the Project Area may provide suitable nesting habitat. There have been two recent CNDDB occurrences within a ten-mile radius (Occur. No. 1530 & 2046).	Biggs, Palermo
	northern harrier *Circus hudsonius*	MBTA	-	SSC	Found in marshes, fields, and prairies, in both wet and dry habitats where there is good ground cover. Usually found in marshes, especially in nesting season, but sometimes will nest in dry open fields. Harriers nest on the ground, mostly within patches of dense, often tall, vegetation in undisturbed areas.	**Low.** The Project Area is continually mowed and lacks the dense ground vegetation that this species prefers for nesting. There are no recent (within the last 30 years) CNDDB occurrences within a nine quadrangle/ten-mile radius.	Biggs

Table 2: Special-Status Species, Natural Communities, Associated Habitats and Potential for Occurrence in Project Area

	SPECIES	FEDERAL STATUS	STATE STATUS	CDFW/CNPS STATUS	HABITAT TYPE	POTENTIAL FOR OCCURRENCE	LOCATION (QUAD)
Birds	white-tailed kite *Elanus leucurus*	MBTA	-	FP	Year-round resident in coastal and valley lowlands with scattered trees and large shrubs, including undisturbed grasslands, marshes and agricultural areas. Uses herbaceous lowlands with variable tree growth and dense population of voles. Substantial groves of dense, broad-leafed deciduous trees used for nesting and roosting. Nests in trees (generally upper third of those 10-160' tall), of which the type and setting are highly variable. Preys on small mammals and other vertebrates. Main requirements seem to be trees for perching and nesting, and open ground with high populations of rodents (California voles). Often found next to deciduous woodlands and tend to avoid heavily grazed areas. Prefer patchy habitats and rolling hills.	**Low.** Although the Project Area contains marginal foraging and nesting habitat, this species prefers undisturbed grassland areas and there are no CNDDB occurrences within a nine quadrangle/ ten-mile radius.	Shippee
	American peregrine falcon *Falco peregrinus anatum*	Delisted / MBTA	Delisted	FP	Year-round resident and winter visitor. Occurs in a wide variety of habitats, though often associated with coasts, bays, marshes and other bodies of water. Nests on protected cliffs and also on man-made structures including buildings and bridges. Preys on birds, especially waterbirds. Forages widely.	**Low.** The Project Area does not contain suitable nesting habitat preferred by this species, however may visit the vicinity due to proximity to the Thermalito Forebay.	Oroville Dam
	greater sandhill crane *Antigone canadensis tabida*	MBTA	Threatened	FP	Sandhill Cranes range from Siberia and Alaska to California's Central Valley. They prefer large freshwater marshes, prairie ponds, marshy tundra during summer and on grainfields or prairies during migration and in winter.	**None.** The Project Area does not contain suitable nesting or foraging habitat and there are no CNDDB occurrences within a five-mile radius.	Hamlin Canyon, Biggs
	purple martin *Progne subis*	MBTA	-	SSC	In California, isolated colonies breed around woodland edges and clearings in mountain forest. A long-distance migrant, most wintering in Amazon Basin and returning in spring to breed (mainly April and May). Usually nests in colonies, placing nests in cavities, mostly old woodpecker holes.	**None.** The Project Area lacks the habitat required for colonial cavity nesting and is not located near woodland habitat. There are no CNDDB occurrences within a five-mile radius.	Bangor
	bank swallow *Riparia riparia*	MBTA	Threatened	-	A migratory colonial nester inhabiting lowland and riparian habitats west of the deserts during spring - fall. Majority of current breeding populations occur along the Sacramento and Feather rivers in the north Central Valley. Requires vertical banks or cliffs with fine textured/sandy soils for nesting (tunnel and burrow excavations). Nests exclusively near streams, rivers, lakes or the ocean. Breeds May-July.	**None.** The Project area lacks banks and cliffs within streams or rivers required by the species for nesting.	Palermo
	yellow-headed blackbird *Xanthocephalus xanthocephalus*	MBTA	-	SSC	Breeds and nests in marshes, freshwater sloughs, and marshy lake borders. Prefers dense habitat, such as tall cattails growing in water up to 3-4' deep. Forages around marshes and also commonly in open pastures, plowed fields, cattle pens, feedlots.	**Low.** The Project Area does not contain suitable nesting habitat and there are no CNDDB occurrences within a five-mile radius.	Biggs
	loggerhead shrike *Lanius ludovicianus*	MBTA	-	SSC	Found in semi-open country with lookout posts, wires, trees, and scrub. Breeds in any kind of semi-open terrain, from large clearings in wooded regions to open grassland or desert with a few scattered trees or large shrubs. In winter, may be in totally treeless country if fences or wires provide hunting perches. Birds may impale prey on barbed wire or sharp thorny bushes. Prey on large insects, small birds and rodents. Nests are built in dense (and often thorny) trees or shrubs, usually 5-30' above the ground.	**Low.** Although the Project Area contains marginal open foraging habitat, there are few perches and no thorny bushes or fencing to impale prey. In addition, the Project Area does not contain dense nesting habitat preferred by this species and there are no CNDDB occurrences within a five-mile radius. There was one occurrence within a ten-mile radius, identified in 2002 (Occur. No. 19).	Shippee
	yellow warbler *Setophaga petechia*	MBTA	-	SSC	Frequents open to medium-density woodlands and forests with a heavy brush understory in breeding season. In migration, found in a variety of sparse to dense woodland and forest habitat.	**None.** The Project Area lacks the woodland habitat and brush cover preferred by this species and there are no CNDDB occurrences within a five-mile radius.	Shippee
	long-eared owl *Asio otus*	MBTA	-	SSC	Favored habitat includes woodlands and conifer groves with dense trees for nesting and roosting and open country for hunting. Generally avoids unbroken forest and only overwinters in the great valley. Nest site is usually in tree, 4-30' above ground, usually at about mid-level in tree; sometimes in giant cactus or on cliff ledge.	**None.** The Project Area lacks the mature-growth dense forests preferred by this species and there are no CNDDB occurrences within a five-mile radius.	Hamlin Canyon
	great gray owl *Strix nebulosa*	MBTA	Endangered	-	Generally favors country with mix of dense conifer forest for nesting and roosting, and open meadow and marsh areas for hunting. In the west, mostly found around meadows in mountain forest. Usually uses an old abandoned nest of other large bird, such as goshawk, raven, Osprey; sometimes nests on top of broken-off snag or stump, rarely on the ground. Site usually 10-50' above ground. A pair may reuse the same nest for several years.	**None.** The Project Area lacks the mature-growth dense forests preferred by this species and there are no CNDDB occurrences within a five-mile radius.	Hamlin Canyon
	California Spotted Owl *Strix occidentalis occidentalis*	MBTA	-	SSC	Found in mature old-growth forests and wooded canyons. For a nesting site, prefers a large hollow tree in deep forest, in cave or crevice in cliff, or occasionally in old stick nest of hawks or other large birds.	**None.** The Project Area lacks the mature-growth dense forests preferred by this species and there are no CNDDB occurrences within a five-mile radius.	Berry Creek

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	SPECIES	FEDERAL STATUS	STATE STATUS	CDFW/CNPS STATUS	HABITAT TYPE	POTENTIAL FOR OCCURRENCE	LOCATION (QUAD)
	least Bells vireo *Vireo bellii pusillus*	Endangered	Endangered	-	Summer resident of low riparian habitats near water and dry river bottoms. This species prefers willows, baccharis, mesquite and other low, dense vegetation for nesting.	**Low.** The Project area lacks riparian habitat and dense vegetation preferred by the species and there are no CNDDB occurrences within a five-mile radius.	Shippee
Crustaceans	vernal pool fairy shrimp *Branchinecta lynchi*	Threatened	-	-	Found in vernal pools, seasonal wetlands, and stagnant ditches, generally with 4-6" of standing water. Inhabit small, clear-water sandstone-depression pools and grassed swale, earth slump, or basalt flow depression pools.	**None in Project Area. Known to occur on adjacent property.** The Project Area does not contain vernal pools or seasonal wetlands that are inundated long enough to support this species. Additionally, the Project site has been disced regularly for weed/fire suppression. There are known occurrences of this species on the westward adjacent parcel, identified in 2005 (Occur. No. 405).	Oroville
	vernal pool tadpole shrimp *Lepidurus packardi*	Endangered	-	-	Inhabits vernal pools and swales in the Sacramento Valley containing clear to highly turbid water. Pools commonly found in grass bottomed swales of unplowed grasslands. Some pools are mud- bottomed and highly turbid.	**None.** The Project Area does not contain vernal pools or seasonal wetlands that are inundated long enough to support this species. Additionally, the Project site has been disced regularly for weed/fire suppression. The adjacent wetland pool is not deep enough to support this species.	Oroville
Fish	green sturgeon *Acipenser medirostris*	Threatened	-	-	Found within the Sacramento and San Joaquin rivers and Delta. They primarily spawn in the upper mainstem of the Sacramento River.	**None.** There are no water features within or near the Project Area that could support fish species.	Oroville
	riffle sculpin *Cottus gulosus*	-	-	SSC	Found in permanent, cool, headwater streams where riffles and rocky substrates predominate throughout the Central Valley drainage.		Oroville
	hardhead *Mylopharodon conocephalus*	-	-	SSC	Found in the Sacramento River and it's tributaries.		Berry Creek, Biggs, Palermo
	steelhead *Oncorhynchus mykiss*	Threatened	-	-	Found in the Sacramento and San Joaquin Rivers and their tributaries.		Oroville
	chinook salmon *Oncorhynchus tshawytscha*	Threatened	Threatened	-	Found in the Sacramento River and it's tributaries.		Oroville
Insects	Crotch bumble bee *Bombus crotchii*	-	Candidate Endangered	-	Range largely restricted to California, favoring grassland and scrub habitats. Typical of bumble bees, nests are usually constructed underground. Can persist in semi-natural habitats surrounded by development. Food plants include Lupinus, Salvia, Asclepias, Medicargo, Phacelia and Chaenactis.	**Low.** The Project Area does not contain the food plants/native flora favored by this species and there are no CNDDB occurrences within a ten-mile radius.	Cherokee
	western bumble bee *Bombus occidentalis*	-	Candidate Endangered	-	Occurs in a wide variety of habitat types. Nests are constructed annually in pre-existing cavities, usually on the ground (e.g. mammal burrows). Bumble bees require plants that bloom and provide adequate nectar and pollen throughout the colony's life cycle, generally from early February to late November.	**Low.** The vicinity does not contain significant native flora or suitable food source throughout the duration of this species life cycle and there are no CNDDB occurrences within a ten-mile radius.	Cherokee
	valley elderberry longhorn beetle *Desmocerus californicus dimorphus*	Threatened	-	-	Only found in elderberry shrubs, usually in branches of an inch or greater in diameter and generally associated with adjacent riparian habitat.	**Low.** There is one isolated elderberry shrub is located in the southwest corner of Project Area, however a majority of the stems are not large enough (>1") to support VELB. VELB Survey performed per USFWS's Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle. There are no other elderberry shrubs or riparian habitat within 800 m and no VELB exit holes were found. Still, consultation and mitigation with USFWS will be required unless the shrub can be properly avoided.	Biggs, Palermo
Mammals	western mastiff bat *Eumops perotis californicus*	-	-	SSC	Common species of low elevations in California. Crevices in steep cliff faces or in the roof eaves of buildings of two or more stories (needs vertical faces to take flight).	**Low.** The Project Area does not contain tall buildings or cliffs for roosting and there are no CNDDB occurrences within a five-mile radius.	Oroville
	pallid bat *Antrozous pallidus*	-	-	SSC	Occupies a variety of habitats including grasslands, shrublands, woodlands, and forests from sea level up through mixed conifer forests. The species is most common in open, dry habitats with rocky areas for roosting. A yearlong resident in most of the range. Prefers rocky outcrops, cliffs, and crevices with access to open habitats for foraging.	**Low.** The Project Area does not contain the roosting habitat prefered by this species and there are no CNDDB occurrences within a five-mile radius.	Berry Creek
	Townsends big-eared bat *Corynorhinus townsendii*	-	-	SSC	Prefers mesic habitats. Gleans from brush or trees or feeds along habitat edges. Requires caves, mines, tunnels, buildings, or other human-made structures for roosting. Associated with a wide variety of habitats from deserts to mid-elevation mixed coniferous deciduous forest. Females form maternity colonies in buildings, caves and mines and males roost singly or in small groups. Foraging typically occurs in open forests.	**Low.** The Project Area does not contain the cavernous roost sites typically associated with this species and there are no CNDDB occurrences within a five-mile radius.	Oroville

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	SPECIES	FEDERAL STATUS	STATE STATUS	CDFW/CNPS STATUS	HABITAT TYPE	POTENTIAL FOR OCCURRENCE	LOCATION (QUAD)
Reptiles	western pond turtle *Emys marmorata*	-	-	SSC	Western pond turtles are full aquatic and require ponds, marshes, rivers, streams and irrigation ditches with dense riparian and shrub growth. Requires basking sites and suitable upland habitat including sandy banks or grassy open field for reproduction.	**None**. There is not a perennial water source within or adjacent to the Project Area.	Oroville
	giant garter snake *Thamnophis gigas*	Threatened	Threatened	-	Preferred habitat includes densely vegetated ponds, seasonal ponds and open hillsides. Vegetation, such as cattails, bulrushes and spike rushes are used as cover. Generally only found between sea level and approximately 400' elevation.	**Low.** The Project Area lacks suitable aquatic habitat or vegetative cover preferred by this species.	Shippee, Biggs
	coast horned lizard *Phrynosoma blainvillii*	-	-	SSC	Inhabits valley-foothill hardwood, conifer and riparian habitats, as well as pine-cypress, juniper woodlands, chaparral, and coastal scrub. Within these communities, the species requires a micro habitat of sandy soils for burying, open areas for sunning, and shrub cover for protection.	**Low.** The Project area lacks woodland, riparian and chaparral habitat preferred by the species and there are no CNDDB occurrences within a five-mile radius.	Oroville
Communities	Great Valley Cottonwood Riparian Forest	-	-	-	Found along perennial creeks and rivers throughout the Central Valley.	**None.** No suitable habitat in or near the Project Area.	Oroville
	Great Valley Willow Scrub	-	-	-	Located within dense, winter-deciduous, broad-leafed riparian forest habitat. The tree canopy is usually fairly well closed and characterized by dense populations of *Acer negundo, Juglans hindsii, Platanus racemosa, fremontii,* and/or *Salix spp* .	**None.** No suitable habitat in or near the Project Area.	Oroville
	Northern Basalt Flow Vernal Pool	-	-	-	Associated with low- to mid-elevation seasonally flooded depressions on impermeable soils above basalt formations.	**None.** No suitable habitat in or near the Project Area.	Oroville
	Northern Hardpan Vernal Pool	-	-	-	Associated with seasonally flooded depressions on impermeable soils or rock.	**None**. No suitable habitat in the Project Area due to historic grading and discing.	Biggs, Palermo, Hamlin Canyon
	Northern Volcanic Mud Flow Vernal Pool	-	-	-	Associated with seasonally flooded depressions on impermeable soils or rock.	**None.** No suitable habitat in the Project Area due to historic grading and discing.	Shippee
	Aharts paronychia *Paronychia ahartii*	-	-	1B.1	An annual herb inhabiting well drained, rocky outcrops and volcanic upland of cismontane woodland, valley and foothill grassland and vernal pool communities (Feb-Jun).	**Low.** The Project Area lacks the rocky outcrops, cismontane woodland, and vernal pool habitat preferred by species. Due to historical discing activities, the site contains homogenous, clay-rich soils not favored by this species. Despite this, populations have been observed north of the Project Area in the Thermalito Forebay State Recreation Area and the species was given extra consideration during the biological and botanical surveys. There are two occurrences listed in the CNDDB within a five-mile radius, identified in 2003 and 2004 (Occur. No. 59 & 60). None observed during site surveys.	Oroville
	Butte County golden clover *Trifolium jokerstii*	-	-	1B.2	Found in valley and foothill grassland (mesic), Vernal pools (Mar-May).	**Low.** The Project Area does not contain vernal pool habitat and has been impacted by historic discing activities and introduction of non-native species. There are five recent CNDDB occurrences with a five-mile radius, all north of the Project Area in suitable habitat (Occur. No. 1, 2, 9, 11, 12). None observed during site surveys.	Oroville
	Red Bluff dwarf rush *Juncus leiospermus var. leiospermus*	-	-	1B.1	Grows within vernal pools, altered vernal pools and grasslands with vernal swale complexes. Species specializes on higher, less mesic edges of vernal pools.	**Low**. The Project Area does not contain vernal pool habitat and has been impacted by historic discing activities. There is one CNDDB occurrence within a five-mile radius, identified in 2002 (Occur. No. 4 and 12). None observed during site surveys.	Oroville
	Butte County meadowfoam *Limnanthes floccosa ssp. Californica*	Endangered	Endangered	1B.1	Found in valley and foothill grassland (mesic), generally around perimeter of undisturbed vernal pool habitat (Mar-May).	**None.** The Project Area does not contain vernal pool habitat and has been historically disced. There are two CNDDB occurrences with a five-mile radius, identified in 1995 and 2008 (Occur. No. 31 & 48). None observed during site surveys.	Oroville
	woolly rose-mallow *Hibiscus lasiocarpos var. occidentalis*	-	-	1B.2	Occurs in freshwater marshes and swamps (June-Sep).	**Low.** The Project area lacks suitable wetlands and marsh communities preferred by the species and there are no recent (within the last 30 years) CNDDB occurrences with a five-mile radius. None observed during site surveys.	Oroville
	pink creamsacs *Castilleja rubicundula var. rubicundula*	-	-	1B.2	Usually found in meadows and seeps, but may grow in valley and foothill grassland, and openings in chaparral and cismontane woodland. Often found on serpentine soils (Apr-Jun).	**Low.** The Project area lacks cismontane woodland, meadows, seeps and grassland habitat preferred by the species and has been impacted by historic discing activities. There is one CNDDB occurrence within five miles of the project area (Occur. No. 5). None observed during site surveys.	Oroville

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	SPECIES	FEDERAL STATUS	STATE STATUS	CDFW/CNPS STATUS	HABITAT TYPE	POTENTIAL FOR OCCURRENCE	LOCATION (QUAD)
Vascular Plants	Aharts dwarf rush *Juncus leiospermus var. ahartii*	-	-	1B.2	Found in mesic valley and foothill grassland habitats, largely restricted to acidic soils in swales and shallow areas within low-elevation Northern Basalt Flow, Northern Claypan, Northern Hardpan, and Northern Volcanic Mudflow vernal pool types (Mar-May).	**Low.** No suitable vernal pool habitat in the Project Area due to historic grading and discing. There are two CNDDB occurrences within a five-mile radius, identified in 1993 and 2008 (Occur. No 4 & 12). None observed during site surveys.	Palermo, Biggs
	Greenes tuctoria *Tuctoria greenei*	Endangered	Rare	1B.1	Limited to vernal pool habitat in open grassland on the eastern side of the Sacramento and San Joaquin Valleys (May-July (Sep).	**Low.** The Project area lacks the vernal pool habitat preferred by the species and has been repeated disced. Non-native annual species dominate the landscape. There are two CNDDB occurrences within a five-mile radius (2002).None observed during site surveys.	Shippee, Biggs, Hamlin Canyon
	Sanford's arrowhead *Sagittaria sanfordii*	-	-	1B.2	Grows along marshes and shallow freshwater swamps. Blooms from May-Oct(Nov).	**Low.** The Project area lacks suitable marsh and swamp communities preferred by the species. There is one CNDDB occurrence with a five-mile radius (2003). None observed during site surveys.	Berry Creek, Biggs
	Jepson's onion *Allium jepsonii*	-	-	1B.2	Found in chaparral, cismontane woodland and lower montane coniferous forest (Apr-Aug).	**None**. The Project area lacks cismontane woodland, chaparral and lower montane coniferous forest preferred by this species and there are no CNDDB occurrences within a ten-mile radius. Generally considered outside this species range. None observed during site surveys.	Berry Creek, Cherokee
	big-scale balsamroot *Balsamorhiza macrolepis*	-	-	1B.2	Occurs in chaparral, cismontane woodland, valley and foothill grassland, sometimes on serpentine soils (Mar-Jun).	**Low.** The highly disturbed nature of the Project Area resulting from historic discing provides poor-quality habitat, and this species is not known to occur in such conditions. There are no CNDDB occurrences within a five-mile radius. None observed during site surveys.	Shippee
	Colusa layia *Layia septentrionalis*	-	-	1B.2	Found in chaparral, cismontane woodland and valley and foothill grassland habitat, prefers sandy and serpentine soils (Apr-May).	**Low**. The Project area lacks the conditions (soil types and habitats) preferred by this species and there are no CNDDB occurrences within a five-mile radius. None observed during site surveys.	Cherokee
	Lewis Roses ragwort *Packera eurycephala var. lewisrosei*	-	-	1B.2	Grows in chaparral, cismontane woodland and lower montane coniferous forest habitats (Apr-Aug).	**Low**. The Project area lacks the habitat (chapparal, cismontane woodland) preferred by this species and there are no CNDDB occurrences within a five-mile radius. None observed during site surveys.	Cherokee, Berry Creek
	dissected-leaved toothwort *Cardamine pachystigma var. dissectifolia*	-	-	1B.2	Occurs in chaparral and lower montane coniferous forest. Prefers serpentine soils (Mar-Jul).	**Low**. The Project area lacks the habitat (chapparal, lower montane coniferous forest) preferred by this species and there are no CNDDB occurrences within a five-mile radius. None observed during site surveys.	Berry Creek, Cherokee
	Hoovers spurge *Euphorbia hooveri*	Threatened	-	1B.2	Restricted to vernal pools in valley and foothill grasslands on volcanic mudflow or clay substrate between 75 to 400 feet eleavtion (in Butte County) (July-Sep (Oct)).	**Low.** The Project area lacks the vernal pool habitat preferred by the species and there are no CNDDB occurrences within a five-mile radius. None observed during site surveys.	Hamlin Canyon
	veiny monardella *Monardella venosa*	-	-	1B.1	Found in open grassland habitat and requires heavy clay soils with deep cracks, generally of volcanic or serpentine origin (May-Jul).	**Low.** The Project area lacks the soils preferred by this species. Non-native annual species dominate the landscape. There are no CNDDB occurrences within a five-mile radius. None observed during site surveys.	Cherokee, Hamlin Canyon
	Brazilian watermeal *Wolffia brasiliensis*	-	-	2B.3	Limited to shallow freshwater marshes and wetlands (Apr-Dec).	**None.** The Project area lacks the wetland and marsh habitat in which the species occurs. There are no CNDDB occurrences within a five-mile radius. None observed during site surveys.	Palermo
	adobe-lily *Fritillaria pluriflora*	-	-	1B.2	Usually found in adobe soils in chaparral, cismontane woodland, and foothill grassland habitat (Feb-Apr).	**Low.** The Project Area lacks adobe soils and habitat preferred by this species and there are no CNDDB occurrences within a five-mile radius. None observed during site surveys.	Shippee
	Butte County checkerbloom *Sidalcea robusta*	-	-	1B.2	Occurs in chaparral and cismontane woodland (May-Jul).	**Low.** The Project area lacks the cismontane woodland and chaparral habitat preferred by this species and there are no CNDDB occurrences within a five-mile radius. None observed during site surveys.	Hamlin Canyon, Cherokee
	white-stemmed clarkia *Clarkia gracilis ssp. Albicaulis*	-	-	1B.2	Found in chaparral and cismontane woodland (Apr-Jun).	**None.** The Project area lacks the cismontane woodland and chaparral habitat preferred by this species and there are no CNDDB occurrences within a five-mile radius. None observed during site surveys.	Berry Creek

Table 2: Special-Status Species, Natural Communities, Associated Habitats and Potential for Occurrence in Project Area

SPECIES	FEDERAL STATUS	STATE STATUS	CDFW/CNPS STATUS	HABITAT TYPE	POTENTIAL FOR OCCURRENCE	LOCATION (QUAD)
Mildreds clarkia *Clarkia mildrediae ssp. Mildrediae*	-	-	1B.3	Prefers granitic and sandy soils in cismontane woodland and lower montane coniferous forest habitat (Mar-Aug).	**None**. The Project area lacks the cismontane woodland and lower montane coniferous forest habitat preferred by this species and there are no CNDDB occurrences within a five-mile radius. None observed during site surveys.	Berry Creek
Mosquins clarkia *Clarkia mosquinii*	-	-	1B.1	Prefers rocky substrates in cismontane woodland and lower montane coniferous forest; Often identified along roadsides (May-Jul).	**None.** The Project area lacks the cismontane woodland, lower montane coniferous forest habitat and rocky soils preferred by this species and there are no CNDDB occurrences within a five-mile radius. None observed during site surveys.	Berry Creek, Cherokee, Oroville Dam
fern-leaved monkeyflower *Erythranthe filicifolia*	-	-	1B.2	Prefers slow draining ephemeral seeps within chaparral, lower montane coniferous forest and meadow habitats (Apr-Jul).	**Low.** The Project area lacks the chaparral and lower montane coniferous forest habitat preferred by this species and there are no CNDDB occurrences within a five-mile radius. None observed during site surveys.	Berry Creek
slender Orcutt grass *Orcuttia tenuis*	Threatened	Endangered	1B.1	Found in vernal pool habitat, preferably in gravelly soils on substrates of volcanic origin, such as Northern Volcanic Ashflow and Northern Volcanic Mudflow vernal pools (May-Sep(Oct)).	**Low.** The Project Area lacks the gravelly soils and vernal pool habitat required by this species. There are two CNDDB occurrences within a five-mile radius, both identified in 2008. None observed during site surveys.	Palermo
Sierra blue grass *Poa sierrae*	-	-	1B.3	Prefers openings in lower montane coniferous forest (Apr-Jul).	**Low.** This species is generally found higher in the foothills and prefers montane coniferous forests. There are no CNDDB occurrences within a five-mile radius. None observed during site surveys.	Berry Creek
Aharts buckwheat *Eriogonum umbellatum var. ahartii*	-	-	1B.2	Prefers openings and slopes in chaparral and cismontane woodland; Often found on serpentine soils (Jun-Sep).	**Low.** This species is generally found higher in the foothills and prefers slopes and serpentine soils. There are no CNDDB occurrences within a five-mile radius. None observed during site surveys.	Berry Creek, Cherokee
recurved larkspur *Delphinium recurvatum*	-	-	1B.2	Occurs in sandy or clay alkaline soils, generally in annual grasslands or in association with saltbush scrub or valley sink scrub habitats, ranging in elevation from 100 to 2,000 feet above sea level (Mar-Jun).	**Low.** The highly disturbed nature of the Project Area resulting from historic discing provides poor-quality habitat, and this species is not known to occur in such conditions. There are no CNDDB occurrences within a five-mile radius. None observed during site surveys.	Shippee

MBTA = Protected by the Federal Migratory Bird Treat Act
SSC = CDFW State Species of Special Concern
FP = CDFW Fully Protected Species
WL = CDFW Watch List Species

CNPS California Rare Plant Rank (CRPR)
1B = Rare or Endangered in California or elsewhere
2B = Rare or Endangered in California but more common elsewhere
0.1 = Seriously Threatened
0.2 = Fairly Threatened
0.3 = Not very Threatened

POTENTIAL FOR OCCURRENCE CRITERIA

None : Habitat of the Project Area is clearly unsuitable for the species' requirements (foraging, breeding, cover, substrate, elevation, hydrology, plant community, site history, disturbance regime, etc.).
Low : Few of the habitat components meeting the species' requirements are present, and/or the species is not known to recently occur within a five-mile radius. The species is not likely to be found in the Project Area.
Moderate : Several of the habitat components meeting the species' requirements are present, and the species is known to occur within a five-mile radius. The species has a moderate probability of being found in the Project Area.
High : All of the habitat components meeting the species' requirements are present and the species is known to recently occur within a five-mile radius. The species has a high probability of being found in the Project Area.
Present : Species is observed on the site or has been documented (i.e., CNDDB, other reports) recently in the Project Area.

5.0 SPECIAL-STATUS PLANTS

A majority of the special-status plant species listed in the CNDDB occur in or near vernal pool habitat, in different plant communities than those present in the Project Area (often at higher elevations), or in high-quality grassland habitat. Because of the history of discing and disturbance, surrounding residential land use, and change in hydrologic regime, the remaining grassland is likely too low in quality to support these special-status plant species. Based on a habitat assessment and results of two field surveys (February 16 & March 17, 2023), none of the 26 special-status plant species known to occur in the Project Area's quadrangle (Oroville) and eight adjacent quadrangles (Palermo, Biggs, Oroville Dam, Shippee, Hamlin Canyon, Cherokee, Bangor, and Berry Creek) are likely to occur in the Project Area.

Several species have the potential to occur in the wetland habitat on the western adjacent parcel (APN 030-230-103), although none were observed within 50' of the Project Area during the surveys performed on February 16th and March 17th. A pervious agricultural ditch and elevated disced, earthen berm bisect the wetland habitat from the Project Area, creating a topographic and hydrologic break and interrupting the natural wetland pool "terrestrial habitat" (the area adjacent to and within 250 feet of a vernal pool) and "envelope" (the area adjacent to and within 100 feet of a vernal pool) (Calhoun and Klemens, 2002).

6.0 SPECIAL STATUS WILDLIFE

A majority of the special-status wildlife species listed in the CNDDB occupy habitats not found within the Project Area. Habitat suitability for many grassland-associated species in the Project Area has been reduced by repeated discing of the Project Area and surrounding residential development. These factors have also reduced or eliminated the potential for riparian and aquatic species to occupy the Project Area.

Of the 38 special-status wildlife species known to occur in the Project's quadrangle (Oroville) eight adjacent quadrangles (Palermo, Biggs, Oroville Dam, Shippee, Hamlin Canyon, Cherokee, Bangor, and Berry Creek), two have moderate potential to occur in the Project Area (western burrowing owl and Swainson's hawk). The Project Area also provides suitable habitat for migratory and nesting birds and raptors protected by the Migratory Bird Treaty Act and Fish & Game Code and contains a single elderberry shrub that provides habitat for the federally threatened valley elderberry longhorn beetle (VELB). In order to minimize potential impacts to listed species, NVE recommends several avoidance and mitigation measures, as summarized in **Section 6.0.**

	TABLE 3: SPECIAL STATUS WILDLIFE IN PROJECT AREA		
	SPECIES	SPECIAL STATUS	POTENTIAL TO OCCUR
PROJECT AREA	Western Burrowing Owl *Athene cunicularia*	CA Species of Special Concern	Moderate
	Swainson's Hawk *Buteo swainsoni*	California Threatened U.S. Bird of Conservation Concern	Moderate
	Migratory & Nesting Birds *Several species*	Protected by MTBA	Moderate
	Valley Elderberry Longhorn Beetle *Desmocerus californicus dimorphus*	Federally Threatened	Low Consultation/mitigation will be required if elderberry shrub cannot be properly avoided
ADJACENT WETLAND	Vernal Pool Fairy Shrimp *Branchinecta lynchi*	Federally Threatened	None within Project Area High Potential on adjacent property Requires 250' setback or mitigation/consultation

The wetland habitat on the western adjacent parcel (APN 030-230-103) may provide suitable habitat for vernal pool fairy shrimp (*Branchinecta lynchi*), which are federally threatened with extinction. Presence of special-status species must be assumed in the absence of recent consecutive wet- and dry-season or two-year wet season brachiopod surveys. Avoidance and minimization measures must be implemented to avoid indirect impacts to vernal pool habitat and associated wildlife. With special-status species' presence assumed, the USFWS requires a standard 250' buffer or consultation and/or mitigation will be required (additional recommendations in **Section 6.5**). Based on the impaired condition of the wetland pool and the topographic/hydrologic break between the wetland area and Project Area, USFWS may approve a reduced construction setback buffer.

6.1 WESTERN BURROWING OWL

The western burrowing owl (*Athene cunicularia*) is a small, long-legged owl with a round head, white eyebrows, and yellow eyes that stands seven to ten inches tall. Burrowing owls typically favor flat, open, annual or perennial grassland or shrubland habitat with sparse or nonexistent tree or shrub canopy cover. They generally nest in burrows that have been constructed and abandoned by small mammals such as ground squirrels or badgers. Manmade substrates, such as pipes or debris piles, may also be occupied in place of burrows. They are most active at dawn and dusk and perch top of their burrows and other low structures to forage and watch for predators. Their diet consists of insects, and small mammals, reptiles, and amphibians. The breeding season for burrowing owls is generally from late March through May and the species exhibits high site fidelity, often returning to previously occupied burrows. Some burrowing owls have adapted to urban landscapes, including open lots, roadsides, and landscaped areas near development.

There has been one reported CNDDB occurrence within five miles of the Study Area, during which an adult was observed above a burrow located 2.25 miles to the southwest in 2006 (CNDDB Occurrence No. 1003). Although this species was not observed during the site surveys, there is potential that burrowing owls are present within the Project Area due to the presence of suitable nesting and foraging habitat, rodent burrows, and previous occurrences in the vicinity.

Project activities, including vegetation removal and ground disturbance, may affect this species by causing auditory, vibratory, and/or visual disturbance of a sufficient level to cause burrow abandonment.

To minimize impacts to the western burrowing owl, the following avoidance and minimization measures are recommended:

If possible, project activities including vegetation removal or grading shall be initiated outside of the burrowing owl nesting season (February 1 – August 31).
If construction cannot be conducted outside of the nesting season, the following avoidance and minimization measures shall be implemented: ▪ For construction occurring during the breeding season (February 1 – August 31), prior to any ground disturbing activities within the site, a pre-construction survey for western burrowing owls shall be conducted by a qualified biologist within 14 days of ground disturbing activities per the recommendations described in the Burrowing Owl Survey Protocol and Mitigation Guidelines (California Burrowing Owl Consortium 1993). ▪ If an active burrowing owl nest is observed within 250 feet of the project footprint, a 250-foot buffer should be established and CDFW contacted for further consultation.

6.2 SWAINSON'S HAWK

The Swainson's hawk *(Buteo swainsoni)* is listed as threatened under the California ESA and is a candidate for listing as threatened or endangered under the federal ESA. This species is a migratory raptor that typically nests in or near valley floor riparian habitats during the spring and summer. Swainson's hawks forage in grassland and agricultural areas, wherever abundant small mammals are available. Their diet largely consists of voles, gophers, mice, small birds, small reptiles, and insects and they are often found near agricultural fields (alfalfa, row crops, grain fields, etc.) where harvesting activities flush out prey.

Swainson's hawks usually nest in large native trees such as cottonwoods, oaks, or willows, but will occasionally nest in eucalyptus (such as the small grove observed in the Project Area). This species generally nests in the top third of tall, mature trees with good cover and vantage, although will occasionally nest in shrubs, on telephone poles, and on the ground. Swainson's hawks exhibit high mate and nest site fidelity, often returning to the same nesting site year after year.

Swainson's hawks were previously common throughout California, but the loss of riparian nesting trees and grassland foraging habitat has caused a significant decline in their population.

According to the CNDDB, there have been two Swainson's hawk nest sites within the Oroville quadrangle and surrounding eight quadrangles (greater than a ten-mile radius). The closest nesting site is approximately miles six miles south of the Project Area, adjacent to the Feather River in the Oroville Wildlife Area (CNDDB Occurrence No. 1530). This nest site was repeatedly used in 2002, 2003, 2005, 2006, 2011 and 2012. A nearby nest was identified and fledged young in 2015 (last documented use). The nests were located in cottonwood trees surrounded by riparian habitat (with a 2006 nest located in a mistletoe clump). A second nesting area was identified proximately 8 miles south of the Project Area, in an open grove surrounded by grasslands and vernal pool complex habitat (CNDDB Occurrence No. 2046). Nests were constructed/occupied in 2007, 2008, 2009, 2010 (last documented use) in an exposed grove of eucalyptus and cottonwood trees.

To minimize impacts to the Swainson's hawk, the following avoidance and minimization measures are recommended:

A protocol-level nesting raptor survey shall be conducted within seven days prior to the initiation of Project activities to determine the presence or absence of active Swainson's hawk nests within the Project Area and 500 feet of the Project boundary, where feasible. If an active Swainson's hawk nest is found, no work should occur within 500 feet of the active nest and CDFW shall be consulted for additional guidance.
At the time of preparation of this document, there are no documented active Swainson's hawk nest sites (considered active if used within at least one of the last five years) within ten miles of the Project Area. Records indicate that the last nest site within a ten-mile radius was used in 2015. If a new nest site is identified prior to construction, additional mitigation may

be required consistent with the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California (CDFW 1994). A qualified biologist should query the CNDDB immediately prior to land-clearing activities to confirm there are no new nest sites within a ten-mile radius of the Project Area.

6.3 MIGRATORY BIRDS AND RAPTORS

The Project Area contains suitable nesting habitat for a variety of ground and tree- nesting avian species protected by the MBTA and CFGC. Baseline protections for most native birds under federal law and state codes include active nests (those with eggs or young). Project activities, such as vegetation removal and ground disturbance associated with development, would have the potential to affect these species by causing direct mortality of eggs or young, or by causing auditory, vibratory, and/or visual disturbance of a sufficient level to cause abandonment of an active nest. A majority of the birds protected by MTBA and CFGC are not recorded in the CNDDB, so a lack of recent data does not indicate a lack of presence. Protected species have a moderate potential to occur in the Project area based on the Project Area's foraging and nesting habitat (eucalyptus trees) and proximity to the Thermalito Afterbay.

To avoid impacts to avian species protected under the MBTA and the CFGC, the following avoidance and minimization measures are recommended:

Project activities including vegetation removal or grading shall be initiated outside of the bird nesting season (February 1 – August 31).

If Project activities cannot be initiated outside of the bird nesting season, the following alternative mitigations are recommended:

- A qualified biologist will conduct a pre-construction survey within 250 feet of the Project Area, where accessible, within 7 days prior to the start of Project activities.
- If an active nest or burrow (i.e. containing egg(s) or young) is observed within the Project Area or in an area adjacent to the Project Area where impacts could occur, then a species protection buffer will be established. The species protection buffer will be defined by the qualified biologist based on the species, nest type, and tolerance to disturbance. Construction activity shall be prohibited within the buffer zones until all young have fledged or the nest fails as determined by a qualified biologist. Nests shall be monitored by a qualified biologist every two weeks.

6.4 VALLEY ELDERBERRY LONGHORN BEETLE

A single blue elderberry shrub (*Sambucis spp*.) was identified in the southwest corner of the property (**Figure 5**). Elderberry shrubs are obligate larval host plants for the federally threatened Valley Elderberry Longhorn Beetle (VELB, *Desmocerus californicus dimorphus)*. VELB are only found in association with elderberry shrubs, and shrubs with branches that are one inch or greater in diameter are generally assumed to contain the threatened beetles. In the late spring and early summer (typically June), VELB lay eggs on elderberry leaves and/or stems. Hatched larva bore into the elderberry shrub and excavate the pith to create voids or "feeding galleries." The larva bores a small exit hole through the elderberry stem and plugs the hole with shavings before returning to the feeding gallery to pupate. Pupation lasts approx. 30 days, after which adult beetles emerge from the previously created exit holes to consume the elderberry foliage, breed, ley eggs, and restart this life cycle (March-July) (USFWS, 2017).

The elderberry shrub was surveyed for VELB occupancy and habitat suitability according to USFWS's *Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle*. No VELB exit holes were observed but the bush itself appeared to be very stressed as evidenced by several dead branches. According to the CNDDB, there are no VELB occurrences within five miles of the Project Area and only two occurrences within a ten-mile radius, both observed in 1991. The closest riparian habitat is poor in quality and approximately 0.75 miles to the east (Ruddy Creek). Based on the findings of our survey and assessment, it's very unlikely the shrub has been historically or is currently occupied by VELB. Regardless, VELB is a federally threatened species and consultation with USFWS may be required if impacts to the elderberry shrub cannot be avoided. Compensation for impacts to the shrub may include transplanting the elderberry and purchasing credits at a USFWS approved bank per USFWS *Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle* (2017); However, due to the shrub's isolated non-riparian location and absence of VELB exit holes, the USFWS may determine that mitigation is not required. The determination regarding mitigation will be made by the USFWS during consultation.

Should the Project propose to avoid the elderberry shrub, the following avoidance and minimization measures are recommended:

Fencing: All areas to be avoided during construction activities will be fenced and/or flagged as close to construction limits as feasible.
Education: An educational pamphlet will be attached to the development plans, describing the status of the VELB, its host plant and habitat, the need to avoid damaging the elderberry shrub, and the possible penalties for noncompliance.
Avoidance area: Activities that may damage or kill an elderberry shrub (e.g., trenching, paving, etc.) may need an avoidance area of at least 3 meters (10 feet) from the drip-line, depending on the type of activity.

Timing: As much as feasible, all activities that could occur within 50 meters (165 feet) of an elderberry shrub, will be conducted outside of the flight season of the VELB (March - July).
Trimming: Trimming may remove or destroy VELB eggs and/or larvae and may reduce the health and vigor of the elderberry shrub. To minimize adverse effects to VELB when trimming, trimming will occur between November and February and will avoid the removal of any branches or stems that are ≥ 1 inch in diameter. Measures to address regular and/or large-scale maintenance (trimming) should be established in consultation with the USFWS.
Chemical Usage: Herbicides will not be used within the dripline of the shrub. Insecticides will not be used within 30 meters (98 feet) of an elderberry shrub. All chemicals will be applied using a backpack sprayer or similar direct application method.
Mowing: Mechanical weed removal within the dripline of the shrub will be limited to the season when adults are not active (August - February) and will avoid damaging the elderberry.

Note: Implementing the standard 250-foot buffer (or USFWS-approved reduced buffer) from the adjacent wetland area would also encompass and protect the elderberry shrub.

6.5 VERNAL POOL FAIRY SHRIMP

Vernal pool fairy shrimp *(Branchinecta lynchi)* occupy grassland vernal pools or similar seasonal wetlands. They require cool water with low alkalinity and low total dissolved solids and tend to be found in smaller pools about six inches deep that stay flooded for relatively short periods. Vernal pool fairy shrimp typically hatch when the first rains of the year fill vernal pools. Adult fairy shrimp only live for one season while water is present. This species only occurs in suitable habitat in limited regions of California and southern Oregon. The largest threat facing this species is a reduction of vernal pool habitat due to development and climate change.

According to data available on the CNDDB, the adjoining 76-acre property (assumed to include the 27.08-acre APN 030-230-103) was surveyed for brachiopods in October and December of 2005 (by Brett Helm & Gallaway Consulting, Inc.). According to available records, vernal pool fairy shrimp cysts were identified in fourteen of the 51 onsite vernal pools during dry sampling in December, and adults were identified in at least three pools in October (CNDDB Occurrence No. 405). NVE submitted public record requests to the City of Oroville and the Butte County Division of Environmental Health in attempt to review previous brachiopod survey reports, however no records have been located as of the date of this report.

It's unknown whether the pool within proximity to the Project Site contained fairy shrimp and/or fairy shrimp cysts, however given the suitable habitat and nearby occurrence, their presence must be assumed in the absence of recent dry and wet season sampling. No vernal

pool crustations were observed during the two site surveys, although we did not sample for the species and cannot say definitively if they occur here or not. The adjacent wetland pool contains suitable habitat for federally listed vernal pool fairy shrimp. In the absence of consecutive wet- and dry- season or multi-year wet-season surveys for listed vernal pool branchiopods following the USFWS Guidelines, the species' presence must be assumed.

There are regulatory setbacks established for vernal pools and other seasonal wetlands, which may contain vernal pool crustaceans. The purpose of a setback is to buffer the wetland from the indirect impacts of development, such as polluted runoff. According to the Programmatic Consultation for vernal pool crustaceans, all construction activities must remain a minimum of 250 feet from any vernal pool to avoid impacts. Thus, all development must occur a minimum of 250 feet from the margin of any vernal pool in order to achieve total avoidance of impacts, unless a lesser buffer is approved by the U.S. Fish and Wildlife Service.

NVE proposes that a reduced setback (i.e., 125 or 150 feet) is warranted for this situation, given the impaired condition of the wetland habitat and the topographic/ hydrologic break between the adjacent property and the Project Area. As described in **Section 4.2**, the adjacent wetland area is upgradient of the Project Area and bisected by a pervious irrigation/drainage ditch and elevated berm. Given appropriate setback and grading design, development of the Project Area would not divert runoff from entering the wetland area or deliver discharges to the wetland area (resulting in direct and/or indirect impacts). In addition, development landscaping would be limited to prevent the additional spread of invasive species (although the Project Area and adjacent wetland area is already largely dominated by non-native annual species.)

Project proponents can also elect to sample the wetland pool to determine if vernal pool fairy shrimp are present. A complete sampling survey requires completion of two full wet season surveys (within a 5-year period) or two consecutive seasons of one full wet season survey and one dry season survey (performed according to USFWS brachiopod survey guidelines). USFWS permits and written permission from the adjacent property owner would be required to pursue sampling for presence.

To protect adjacent wetland habitat and potential special-status species, the following avoidance and minimization measures are recommended:

The project proponent shall install flagging to delineate the U.S. Fish and Wildlife Service approved buffer zone (250-foot or reduced subject to USFWS approval) which may contain listed vernal pool branchiopod species to avoid potential indirect impacts to these listed species. These areas will be avoided by all construction personnel. The fencing shall be inspected before the start of each workday and maintained by the contractor until completion of the Project. The fencing may be removed only when the construction of the Project is completed.
Construction timing will be confined to the summer and fall months when waters of the United States and suitable habitat within the Project Area are dry and wildlife dormant.

The contractor shall ensure, when feasible, that activities that are inconsistent with the maintenance of the suitability of vernal pool crustacean habitat and the associated on-site watershed are prohibited. These include, but are not limited to: ▪ The alteration of existing topography that may alter hydrology into habitat for Federally listed vernal pool crustaceans. ▪ The placement of any equipment within suitable habitat; and dumping, burning, and/or burying of rubbish, garbage, or any other wastes and fill materials within 250 feet of habitat (or other USFWS-approved buffer).
The Project proponent shall include a copy of the Biological Opinion (BO), as applicable, within its construction documents making the primary contractor responsible for implementing all requirements and obligations included within the BO, and to educate and inform all other contractors involved in the Project as to the requirements of the BO.
The contractor will be responsible for understanding and following the guidelines set forth in the Section 404 permit and Section 401 water quality certification and the contractor will avoid and minimize potential construction-related water quality impacts through compliance with the RWQCB by preparing and submitting the following water quality permits and plans. ▪ A National Pollutant Discharge Elimination System (NPDES) storm water permit for general construction activities. ▪ A Notice of Intent to obtain proper coverage under the State Construction General Permit.
During construction activities silt fencing will be erected as necessary to prevent dust from drifting into adjacent vernal pool depressions.

Final site development plans will inform if the proposed project would result in direct or indirect impacts to adjacent wetland habitat. Development within the setback buffer established by U.S. Fish and Wildlife would require mitigation for impacts to vernal pools and associated special-status species. Consultation with the USFWS is needed to determine the extent of mitigation that will be required to address impacts. Final acreages of vernal pool habitat will be determined during the permitting/consultation process, as wetland surveyors did not have permission to survey the adjacent property.

7.0 CONCLUSIONS

The most significant consideration for development for this parcel is the wetland habitat located southwest of the Project Area on the adjacent property (APN 030-230-103). Although the wetland habitat is upgradient of the Project Area and bisected from the Project Area by an irrigation ditch and elevated earthen berm, federally threatened vernal pool fairy shrimp have been documented on the adjacent property. The U.S. Fish and Wildlife Service has a standard minimum 250-foot setback buffer from any wetland pool that may contain federally listed brachiopods. Given the impaired condition of the adjacent wetland pool and the topographic/ hydrologic break between the adjacent property and the Project Area, the U.S. Fish and Wildlife Service may approve a reduced setback buffer, however consultation and/or mitigation will be required to ensure listed species are not adversely impacted. The Project Area also contains a lone elderberry shrub, which is located within the proposed adjacent wetland setback area. A map showing the standard 250-foot wetland setback (containing listed brachiopods) and proposed 125-foot setback is included on **Figure 5.** There were no special-status plants identified or likely to occur within the Project Area.

Other preventative and mitigative measures include avoiding the initiation of construction activities during the avian nesting season or performing preconstruction surveys for protected avian species that may occur in the area, including targeted surveys for Swainson's hawks and western burrowing owls.

Implementation of all recommended mitigation measures would ensure project impacts would be less than significant with mitigation incorporated.

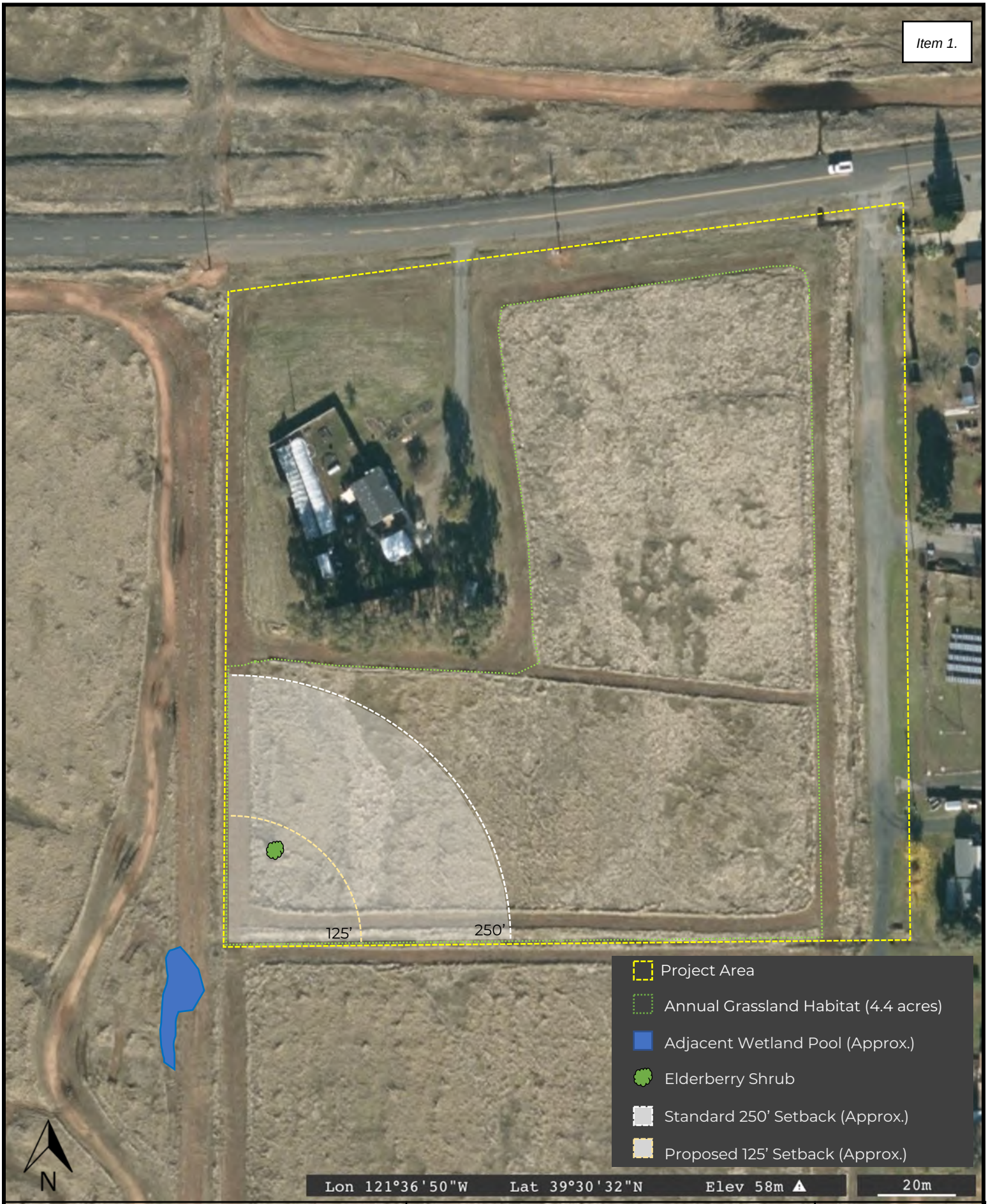

FIGURE 5
POTENTIAL SETBACKS

Grand Acres Project
2151 Grand Avenue
Oroville, Ca 95965

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APPENDIX A	SITE PHOTOGRAPHS	A

View southwest from northeast corner of Project Area (corner of 21st Street & Grand Avenue)

View north from southeast corner of property (21st Street on right)

SITE PHOTOGRAPHS
BIOLOGICAL SURVEY – FEBRUARY 16, 2023

Grand Acres Project
2151 Grand Avenue
Oroville, Ca 95965

View northeast from southwest corner of Project Area. Note location of elderberry shrub.

View south from northwest corner of Project Area (22nd Street ROW on right)

SITE PHOTOGRAPHS
BIOLOGICAL SURVEY – FEBRUARY 16, 2023

Grand Acres Project
2151 Grand Avenue
Oroville, Ca 95965

View west from southeast property corner

View east from northwest corner of Project Area (Grand Avenue on left)

SITE PHOTOGRAPHS
BIOLOGICAL SURVEY – FEBRUARY 16, 2023

Grand Acres Project
2151 Grand Avenue
Oroville, Ca 95965

Elderberry shrub observed in southwest corner of Project Area. VELB Survey performed per USFWS's *Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle*. No exit holes found.

SITE PHOTOGRAPHS

BIOLOGICAL SURVEY – FEBRUARY 16, 2023

Grand Acres Project
2151 Grand Avenue
Oroville, Ca 95965

Southwest property corner, with adjacent wetland area on right, bisected by irrigation ditch and pervious berm (view northeast). Approximate property line denoted in orange.

Wetland pool on adjacent property, approximately 25 feet southwest of Project Area (view southwest from southwest property corner). Approximate property line denoted in orange.

APPENDIX B	WETLAND DELINEATION	B

Grand Acres Wetland Delineation Report

February 2023

Prepared For:
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Prepared By:
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Date Submitted
March 22, 2023

Executive Summary

This report presents the results of a field study to delineate wetlands defined by the 1987 U.S. Army Corps of Engineers (USACE, 1987) Wetlands Delineation Manual and its 2008 Arid West Regional Supplement. We also assessed potentially federal and/or state jurisdictional wetlands and "other waters of the U.S." in the Study Area in accordance with the 2014 Corps Field Guide to the Identification of the Ordinary High-Water Mark (OHWM) for Non-perennial Streams in the Arid West Region of the Western United States.

The total acreage surveyed was 7.892 acres. We determined that there are no wetlands or other waters of the U.S. or water of the State. The entire survey area consists of upland habitat.

Table of Contents

Acronyms and Abbreviations

NRCS	Natural Resources Conservation Service
NWI	National Wetland Inventory
NWPL	National Wetland Plant List
OHWM	Ordinary High-Water Mark
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
UTM	Universal Transverse Mercator coordinate system
WRIA	Water Resource Inventory Area
WIS	Wetland Indicator Status
OBL	Obligate Wetland Plant
FACW	Facultative Wetland Plant
FAC	Facultative Plant
FACU	Facultative Upland Plant
UPL	Upland Plant
NI	Indicator status not known in this region

Chapter 1. Introduction

FISHBIO has prepared this Wetland Delineation report for 7.892 acres located in the City of Oroville, California. The purpose of this Delineation is to document aquatic resource boundary determinations for review by regulatory authorities. The property is owned by Trish Hopps (901 Bruce Road, Suite 130, Chico Ca 95928) and is seeking subdivision by Butte Creek Property Corporation (901 Bruce Road, Suite 130, Chico Ca 95928). The subdivider seeks to develop and divide the property into 24 lots for single family homes to be constructed. Engineer drawings are provided by W. Gilbert Engineering (140 Yellowstone Drive, Suite 110, Chico, CA 95973) and presented as Appendix B.

The current land use is medium low density residential and zoned as large lot residential. There is an existing single-family home located in the northwest quarter of the property. The property to the west of the study area appeared to have multiple wetlands with standing water at the time of the field survey. The property to the south looked similar to the study area but with more slope. To the east of the study area and east of 21st St. are multiple low-density houses on one-to-two-acre parcels. North of the study area and north of Grand Ave is an undeveloped 18-acre parcel.

Chapter 2. Location

The study area is a single parcel (APN: 030-120-060) 7.892 acres. The property is location within the city of Oroville, Butte County, California, southwest of the intersection of Grand Ave. and 21st St. There is an existing residence on the property with physical address of 2151 Grand Ave., Oroville, CA 95965. The center of the property is at latitude: 39.508573°, longitude: -121.612450°.

Chapter 3. Methods

Background research was collected to provide guidance for subsequent field surveys and included collecting and reviewing historical aerial photography, topographical maps (USGS data file for California; via ESRI GIS database), Natural Resources Conservation Service (NRCS) Soil Survey maps (USDA-NRCS online database; Appendix B), and U.S. Fish and Wildlife Service's (USFWS) National Wetlands Inventory (NWI) maps (USFWS data file for California; via ESRI GIS database; Appendix B). These sources were used to determine the most likely areas of potential wetlands occurrences. FISHBIO biologists surveyed the study area February 2023.

Chapter 4. Existing Conditions

4.1 Landscape Setting

The study area lies in the Honcut Headwaters- Lower Feather watershed (Hydrologic Unit Code 18020159) at approximately 200 feet in elevation above mean sea level (msl). According to Natural Resource Conservation Service (NRCS), the Study Area is comprised of Oroville-Thermalito-Fernandez-Thompsonflat complex, with 0-9% slopes.

According to the NRCS, Oroville-Thermalito-Fernandez-Thompsonflat complex, soils occur on terraces and are comprised of loams, sandy clay, extremely gravelly coarse sandy loam, gravelly clays, clays, and clay loams. Composed of four different soils, the soil complex ranges from somewhat poorly drained to moderately well drained and have a low to very high runoff class. They are deep with no tendency to pond, although Oroville soils have a high flooding frequency. Permeability varies from 0.00 to 0.06 inches per hour.

The study area appears to have been historically disturbed, possibly graded. The terrain is mostly uniform with 1.1% slope from northwest to southeast. There are man-made drainage ditches that extend along the southern and eastern sides of the parcel. The ditches channel runoff from the Project Area towards the southeast corner of the parcel, where the two ditches converge and enter a culvert beneath 21st Street. The perimeter of the property appeared to be disced with the past year and from aerial imagery it appears to have been disced annually for a couple of decades. An elevated earthen berm (approximately 1-2’ above grade) extends around the eastern, southern, and western property perimeter. At least a quarter of the property appears to be mowed regularly.

4.2 Aquatic Resources

Hydrology

The field surveys took place in February 2023 after above normal rain in January 2023, 9.9 inches at Oroville dam (ORO, CDEC). Cumulative precipitation for the 2023 water year on February 16, 2023, survey date, was 24.92 inches as measured at Oroville dam (ORO, CDEC).

Nearest USGS blue-line is an un-named stream approximately 1,000 ft southeast of the study area. The un-named stream on USGS map runs east to west for approximately 2.35 miles where it drains to the Thermalito Afterbay.

4.3 Sensitive Plants, Fish, Wildlife, and Cultural/Historic Properties

Vegetation on the 7.892-acre parcel was fairly homogeneous. Due to timing of the survey most perennial and annual vegetation was not yet flowering. The dominant grasses consisted of non-native perennial ryegrass (*Festuca perennis*) and wild oats (*Avena* sp.). The most common broad-leaved plants were Storksbill (*Erodium cicutarium*), Long-beak stork's bill (*Erodium botrys*), and Buck's-horn plantain (*Plantago coronopus*). There is a single blue elderberry (*Sambucus mexicana*) at the southwest corner of the property and a row of non-native invasive red gum eucalyptus (*Eucalyptus camaldulensis*) adjacent to the existing house near the center of the property.

Chapter 5. Results

5.1 Wetland Features

A physical survey of the 7.892-acre parcel was conducted by FISHBIO biologists Jim Inman and Patrick Cuthbert on February 16, 2023. Five sample sites were selected to represent geographic and biological variability within the survey area. None of the survey points met criteria for wetland designation. There was one wetland pool identified southwest of the survey area (Appendix A) on the adjacent property and is identified on the aquatic resource Delineation Map for setbacks on any planned future development. The wetland pool location and approximate size was identified using aerial imagery as access to the adjacent property had not been acquired.

5.2 Non-Wetland Features

There is a man-made drainage ditch along the south, and east perimeter of the study area that drains to the southeast corner of the property where the two ditches converge and enter a culvert beneath 21st Street. (Appendix A).

References

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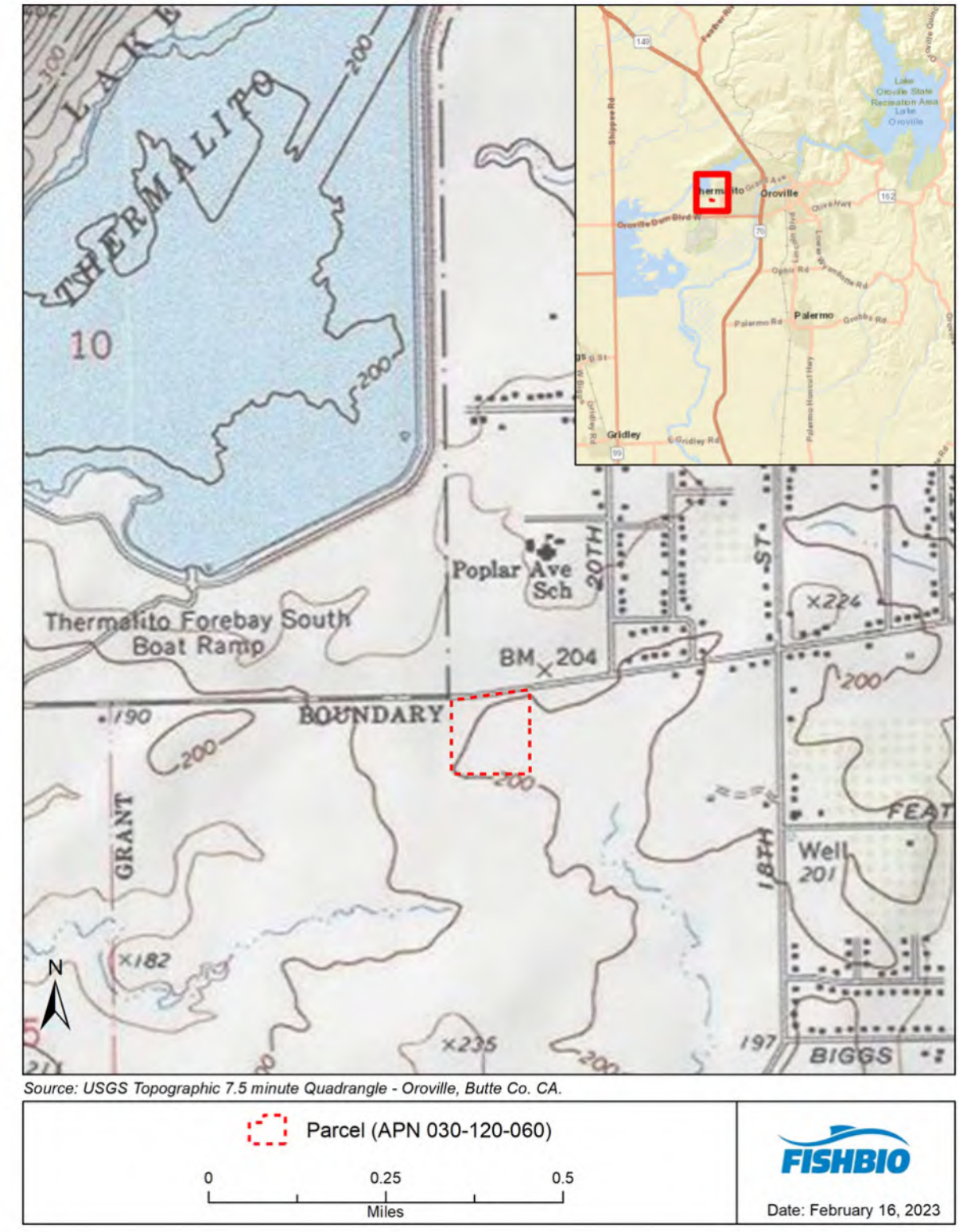
Appendices

Appendix A – Aquatic Resources Delineation Map

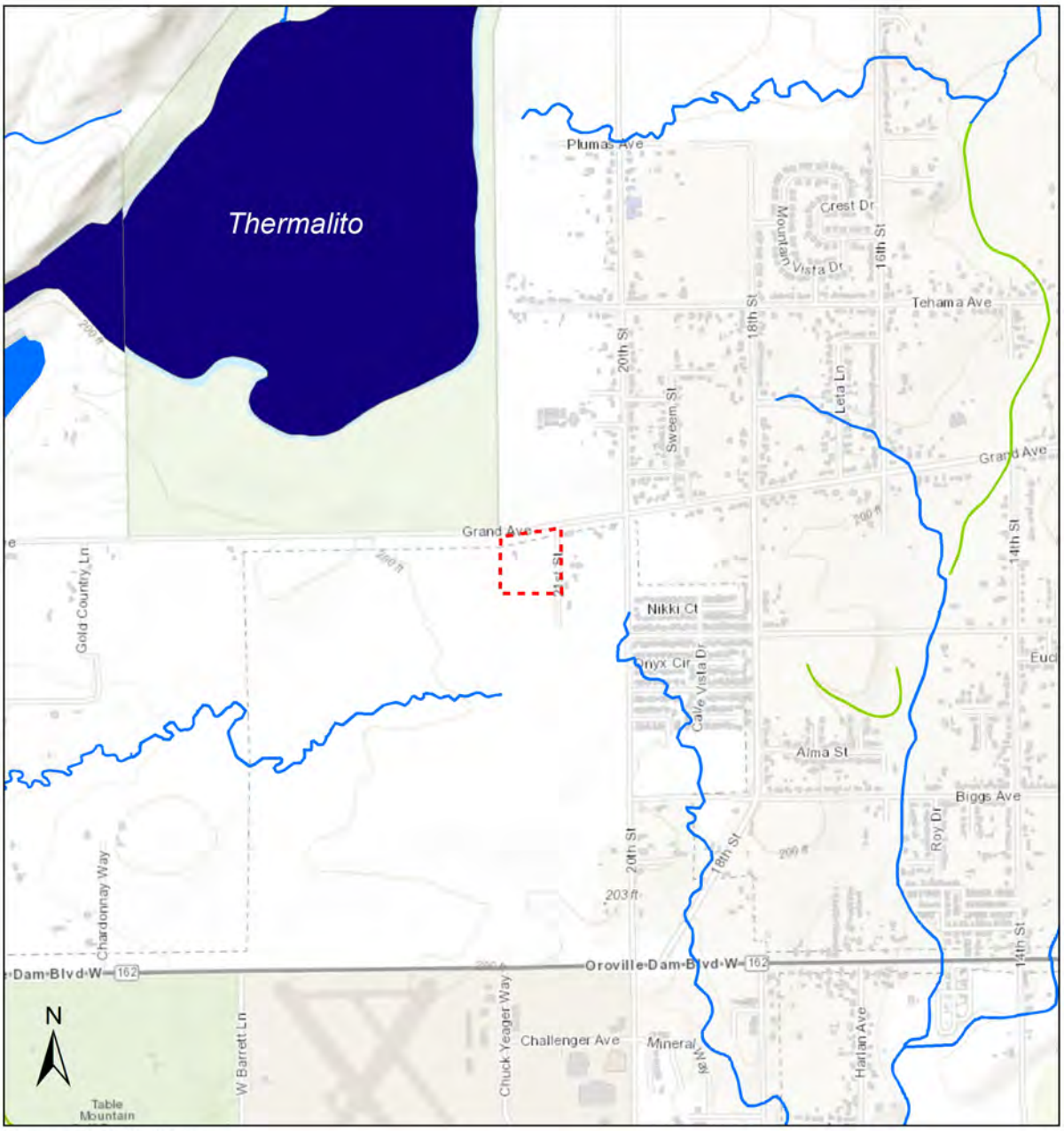
Appendix B – Supporting Maps

Vicinity Map

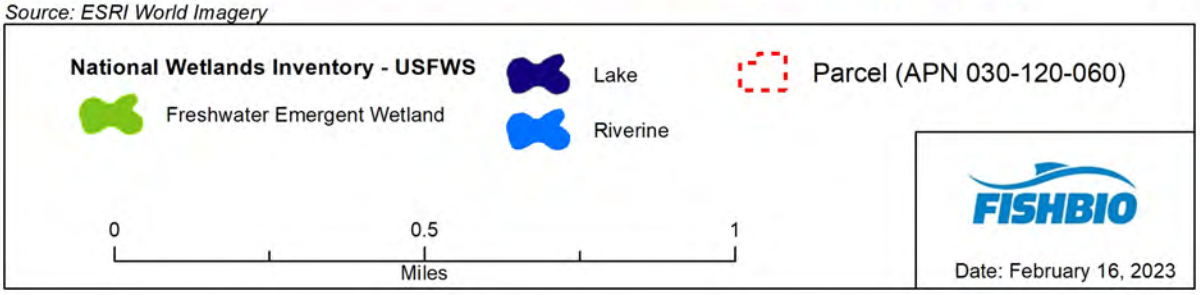


Source: USGS Topographic 7.5 minute Quadrangle - Oroville, Butte Co. CA.

National Wetlands Inventory Map



Source: ESRI World Imagery



NRCS Soil Survey Map

Source: ESRI World Imagery

Oroville-Thermalito-Fernandez-Thompsonflat complex, 0 to 9 percent slopes

0 250 500

Feet

Date: February 16, 2023

Appendix C – On-site Photographs

Photo of 2151 Grand Ave., Oroville, CA 95965, taken from southeast corner facing northwest.

Photo of sample point P01, photo taken facing east.

Photo of sample point P02, photo taken facing southeast.

Photo of sample point P03.

Photo of sample point P04.

Photo of sample point P05, photo taken facing west

Appendix D – Plant List

Plant species found within the survey area

Scientific Name	Common Name	Wetland Indicator Status
Erodium botrys	Long-beak stork's bill	FACU
Erodium cicutarium	Storksbill	UPL
Eucalyptus camaldulensis	Red gum eucalyptus	FAC
Festuca perennis	Perennial ryegrass	FACU
Juncus effusus	Soft rush	FACW
Narcissus tazetta	Bunch-flowered daffodil	NI
Plantago coronopus	Buck's-horn plantain	FAC
Rumex crispus	Curly dock	FAC
Sambucus mexicana	Blue elderberry	FACU
Taraxacum officinale	Common dandelion	FACU

Wetland Indicator Status (WIS):

OBL = Obligate Wetland Plant, occurs in aquatic resources > 99% of time
FACW = Facultative Wetland Plant, occurs in aquatic resources 67-99% of time
FAC = Facultative Plant, occurs in aquatic resources 34-66% of time
FACU = Facultative Upland Plant, occurs in aquatic resources 1-33% of time
UPL = Upland Plant, occurs in uplands > 99% of time
NI = indicator status not known in this region

WETLAND DETERMINATION DATA FORM - Arid West Region

Project/Site: Grand Acres | City/County: Oroville/Butte | Sampling Date: 02/16/2023
Applicant/Owner: North Valley Environmental | State: CA | Sampling Point: p01
Investigator(s): Jim Inman/Patrick Cuthbert | Section, Township, Range: S0T19NR3E
Landform (hillslope, terrace, etc): Terrace | Local relief (concave, convex, none): none | Slope (%): 1
Subregion (LRR): LRRC | Lat: 39.50807225 | Long: -121.61176185 | Datum: WGS84
Soil Map Unit Name: Oroville-Thermalito-Fernandez-Thompsonflat complex, 0-9 slopes% | NWI classification: None
Are climatic / hydrologic conditions on the site typical for this time of year? Yes ____ No X (If no, explain in Remarks.)
Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes X No ____
Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes ____ No X
Hydric Soil Present? Yes ____ No X
Wetland Hydrology Present? Yes X No ____

Is the Sampled Area within a Wetland? Yes ____ No X

Remarks:
Above average precipitation, 2x average rain in January. Saturated soil but non-hydric soils and does not meet criteria for hydrophobic vegetation.

VEGETATION - Use scientific names of plants.

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	0	= Total Cover	
Sapling/Shrub Stratum (Plot size: 5)			
1.			
2.			
3.			
4.			
5.			
	0	= Total Cover	
Herb Stratum (Plot size: 5)			
1. *Festuca perennis* / Italian rye grass	80	Yes	FACU
2. *Plantago coronopus* / Cut leaf plantain	10	No	FAC
3. *Taraxacum officinale ssp. officinale* / Common dandelion	5	No	FACU
4.			
5.			
6.			
7.			
8.			
	95	= Total Cover	
Woody Vine Stratum (Plot size: 30)			
1.			
2.			
	0	= Total Cover	

% Bare Ground in Herb Stratum 5 % Cover of Biotic Crust ____

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)
Total Number of Dominant Species Across All Strata: 1 (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: 0.0 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	10	x 3 =	30
FACU species	85	x 4 =	340
UPL species	0	x 5 =	0
Column Totals:	95 (A)		370 (B)

Prevalence Index = B/A = 3.89

Hydrophytic Vegetation Indicators:
___ Dominance Test is >50%
___ Prevalence Index ≤3.0¹
___ Morphological Adaptations¹ (Provide supporting
___ Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ____ No X

Remarks:

SOIL

Sampling Point: _____

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-13	7.5R 3/2	85	7.5R 3/6	10	C	M	Sandy Clay	
0-13	7.5R 2.5/2	5				M	Sandy Clay	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) (**LRR C**)
- ___ 1 cm Muck (A9) (**LRR D**)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) (except MLRA 1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) (**LRR C**)
- ___ 2 cm Muck (A10) (**LRR B**)
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks:

Redox feature do not meet distinct criteria for sandy redox (S5)

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required: check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- X Saturation (A3)
- ___ Water Marks (B1) **(Nonriverine)**
- ___ Sediment Deposits (B2) **(Nonriverine)**
- ___ Drift Deposits (B3) **(Nonriverine)**
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water Marks (B1) **(Riverine)**
- ___ Sediment Deposits (B2) **(Riverine)**
- ___ Drift Deposits (B3) **(Riverine)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes _____ No X Depth (inches): _____

Water Table Present? Yes _____ No X Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes X No _____ Depth (inches): 13

Wetland Hydrology Present? Yes X No _____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Above average precipitation, 2X average precipitation in January

WETLAND DETERMINATION DATA FORM - Arid West Region

Project/Site: Grand Acres | City/County: Oroville/Butte | Sampling Date: 02/16/2023
Applicant/Owner: North Valley Environmental | State: CA | Sampling Point: p02
Investigator(s): Jim Inman/Patrick Cuthbert | Section, Township, Range: S0, T19N, R3E
Landform (hillslope, terrace, etc): Terrace | Local relief (concave, convex, none): none | Slope (%): <1
Subregion (LRR): LRRC | Lat: 39.50830082 | Long: -121.61244915 | Datum: WGS84
Soil Map Unit Name: Oroville-Thermalito-Fernandez-Thompsonflat complex, 0-9 slopes% | NWI classification: None
Are climatic / hydrologic conditions on the site typical for this time of year? Yes ____ No X (If no, explain in Remarks.)
Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes X No ____
Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ____	No X		
Hydric Soil Present?	Yes ____	No X	**Is the Sampled Area**	
Wetland Hydrology Present?	Yes ____	No X	**within a Wetland?**	Yes ____ No X

Remarks:
Above average precipitation, 2x average rain in January. Saturated soil but non-hydric soils and does not meet criteria for hydrophobic vegetation.

VEGETATION - Use scientific names of plants.

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	0	= Total Cover	
Sapling/Shrub Stratum (Plot size: 5)			
1.			
2.			
3.			
4.			
5.			
	0	= Total Cover	
Herb Stratum (Plot size: 5)			
1. *Plantago coronopus* / Cut leaf plantain	25	Yes	FAC
2. *Erodium cicutarium ssp. cicutarium* / Redstem stork's bill	25	Yes	UPL
3. *Festuca perennis* / Italian rye grass	15	Yes	FACU
4. *Taraxacum officinale ssp. officinale* / Common dandelion	5	No	FACU
5.			
6.			
7.			
8.			
	70	= Total Cover	
Woody Vine Stratum (Plot size: 30)			
1.			
2.			
	0	= Total Cover	

% Bare Ground in Herb Stratum 30 % Cover of Biotic Crust ____

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)
Total Number of Dominant Species Across All Strata: 3 (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: 33.3 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	25	x 3 =	75
FACU species	20	x 4 =	80
UPL species	25	x 5 =	125
Column Totals:	70 (A)		280 (B)

Prevalence Index = B/A = 4.0

Hydrophytic Vegetation Indicators:
___ Dominance Test is >50%
___ Prevalence Index ≤3.0[1]
___ Morphological Adaptations[1] (Provide supporting
___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ____ No X

Remarks:

SOIL

Sampling Point: _____

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-13	7.5R 2.5/2	100					Sandy Loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) (**LRR C**)
- ___ 1 cm Muck (A9) (**LRR D**)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) (except MLRA 1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) (**LRR C**)
- ___ 2 cm Muck (A10) (**LRR B**)
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required: check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) **(Nonriverine)**
- ___ Sediment Deposits (B2) **(Nonriverine)**
- ___ Drift Deposits (B3) **(Nonriverine)**
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water Marks (B1) **(Riverine)**
- ___ Sediment Deposits (B2) **(Riverine)**
- ___ Drift Deposits (B3) **(Riverine)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes _____ No X Depth (inches): _____

Water Table Present? Yes _____ No X Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No X Depth (inches): _____

Wetland Hydrology Present? Yes _____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM - Arid West Region

Project/Site: Grand Acres | City/County: Oroville/Butte | Sampling Date: 02/16/2023
Applicant/Owner: North Valley Environmental | State: CA | Sampling Point: p03
Investigator(s): Jim Inman/Patrick Cuthbert | Section, Township, Range: S0, T19N, R3E
Landform (hillslope, terrace, etc): Terrace | Local relief (concave, convex, none): none | Slope (%): 1
Subregion (LRR): LRRC | Lat: 39.50806751 | Long: -121.61330573 | Datum: WGS84
Soil Map Unit Name: Oroville-Thermalito-Fernandez-Thompsonflat complex, 0-9 slopes% | NWI classification: None
Are climatic / hydrologic conditions on the site typical for this time of year? Yes ____ No X (If no, explain in Remarks.)
Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes X No ____
Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes	____	No	X	
Hydric Soil Present?	Yes	____	No	X	**Is the Sampled Area**
Wetland Hydrology Present?	Yes	____	No	X	**within a Wetland?** Yes ____ No X

Remarks:
Above average precipitation, 2x average rain in January.

VEGETATION - Use scientific names of plants.

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species?	Indicator Status
1. *Sambucus nigra ssp. cerulea* / Blue elderberry	13	Yes	FACU
2.			
3.			
4.			
	13	= Total Cover	

Sapling/Shrub Stratum (Plot size: 5)			
1.			
2.			
3.			
4.			
5.			
	0	= Total Cover	

Herb Stratum (Plot size: 5)			
1. *Plantago coronopus* / Cut leaf plantain	30	Yes	FAC
2. *Erodium cicutarium ssp. cicutarium* / Redstem stork's bill	10	Yes	UPL
3. *Taraxacum officinale ssp. officinale* / Common dandelion	10	Yes	FACU
4. *Achnatherum occidentale* / Western needlegrass	10	Yes	FACU
5.			
6.			
7.			
8.			
	60	= Total Cover	

Woody Vine Stratum (Plot size: 30)			
1.			
2.			
	0	= Total Cover	

% Bare Ground in Herb Stratum 40 % Cover of Biotic Crust ____

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)
Total Number of Dominant Species Across All Strata: 5 (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: 20.0 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	30	x 3 =	90
FACU species	33	x 4 =	132
UPL species	10	x 5 =	50
Column Totals:	73 (A)		272 (B)

Prevalence Index = B/A = 3.73

Hydrophytic Vegetation Indicators:
___ Dominance Test is >50%
___ Prevalence Index ≤3.0¹
___ Morphological Adaptations¹ (Provide supporting
___ Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ____ No X

Remarks:

SOIL

Sampling Point: _____

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-13	7.5R 2.5/2	97	7.5R 5/8	3	C	M	Loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) (**LRR C**)
- ___ 1 cm Muck (A9) (**LRR D**)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) (except MLRA 1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) (**LRR C**)
- ___ 2 cm Muck (A10) (**LRR B**)
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required: check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) **(Nonriverine)**
- ___ Sediment Deposits (B2) **(Nonriverine)**
- ___ Drift Deposits (B3) **(Nonriverine)**
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water Marks (B1) **(Riverine)**
- ___ Sediment Deposits (B2) **(Riverine)**
- ___ Drift Deposits (B3) **(Riverine)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes _____ No X Depth (inches): _____

Water Table Present? Yes _____ No X Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No X Depth (inches): _____

Wetland Hydrology Present? Yes _____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM - Arid West Region

Project/Site: Grand Acres | City/County: Oroville/Butte | Sampling Date: 02/16/2023
Applicant/Owner: North Valley Environmental | State: CA | Sampling Point: p04
Investigator(s): Jim Inman/Patrick Cuthbert | Section, Township, Range:
Landform (hillslope, terrace, etc): Terrace | Local relief (concave, convex, none): none | Slope (%): 1
Subregion (LRR): LLRC | Lat: 39.50934938 | Long: -121.61333569 | Datum: WGS84
Soil Map Unit Name: Oroville-Thermalito-Fernandez-Thompsonflat complex, 0-9 slopes% | NWI classification: None
Are climatic / hydrologic conditions on the site typical for this time of year? Yes ____ No X (If no, explain in Remarks.)
Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes X No ____
Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ____	No X	**Is the Sampled Area**	
Hydric Soil Present?	Yes ____	No X	**within a Wetland?**	Yes ____ No X
Wetland Hydrology Present?	Yes ____	No X		

Remarks:
Above average precipitation, 2x average rain in January.

VEGETATION - Use scientific names of plants.

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	0	= Total Cover	

Sapling/Shrub Stratum (Plot size: 5)			
1.			
2.			
3.			
4.			
5.			
	0	= Total Cover	

Herb Stratum (Plot size: 5)			
1. *Plantago coronopus* / Cut leaf plantain	30	Yes	FAC
2. *Festuca perennis* / Italian rye grass	15	Yes	FACU
3. *Hypochaeris glabra* / Smooth cats ear, Smooth cat's-ear	15	Yes	UPL
4. *Erodium cicutarium ssp. cicutarium* / Redstem stork's bill	10	No	NI
5. *Erodium botrys* / Big heron bill	3	No	FACU
6.			
7.			
8.			
	73	= Total Cover	

Woody Vine Stratum (Plot size: 30)			
1.			
2.			
	0	= Total Cover	

% Bare Ground in Herb Stratum 10 % Cover of Biotic Crust ____

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)
Total Number of Dominant Species Across All Strata: 3 (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: 33.3 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	30	x 3 =	90
FACU species	18	x 4 =	72
UPL species	25	x 5 =	125
Column Totals:	73 (A)		287 (B)

Prevalence Index = B/A = 3.93

Hydrophytic Vegetation Indicators:
___ Dominance Test is >50%
___ Prevalence Index ≤3.0¹
___ Morphological Adaptations¹ (Provide supporting
___ Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ____ No X

Remarks:

SOIL

Sampling Point: _____

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-13	7.5R 2.5/2	80	7.5R 3/4	10	C	M	Clay Loam	
0-13			10R 2.5/1	10		M	Clay Loam	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) (**LRR C**)
- ___ 1 cm Muck (A9) (**LRR D**)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) (except MLRA 1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) (**LRR C**)
- ___ 2 cm Muck (A10) (**LRR B**)
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks:

Does not meet criteria for F6, dark surface in loam and clay soils.

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required: check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) **(Nonriverine)**
- ___ Sediment Deposits (B2) **(Nonriverine)**
- ___ Drift Deposits (B3) **(Nonriverine)**
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water Marks (B1) **(Riverine)**
- ___ Sediment Deposits (B2) **(Riverine)**
- ___ Drift Deposits (B3) **(Riverine)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes _____ No X Depth (inches): _____

Water Table Present? Yes _____ No X Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No X Depth (inches): _____

Wetland Hydrology Present? Yes _____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM - Arid West Region

Project/Site: Grand Acres | City/County: Oroville/Butte | Sampling Date: 02/16/2023
Applicant/Owner: North Valley Environmental | State: CA | Sampling Point: p05
Investigator(s): Jim Inman/Patrick Cuthbert | Section, Township, Range: S0, T19N, R3E
Landform (hillslope, terrace, etc): Terrace | Local relief (concave, convex, none): none | Slope (%): 1
Subregion (LRR): LLRC | Lat: 39.50942906 | Long: -121.61180767 | Datum: WGS84
Soil Map Unit Name: Oroville-Thermalito-Fernandez-Thompsonflat complex, 0-9 slopes% | NWI classification: None
Are climatic / hydrologic conditions on the site typical for this time of year? Yes ____ No X (If no, explain in Remarks.)
Are Vegetation ____, Soil ____, or Hydrology ____ significantly disturbed? Are "Normal Circumstances" present? Yes X No ____
Are Vegetation ____, Soil ____, or Hydrology ____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes	____	No	X	
Hydric Soil Present?	Yes	____	No	X	**Is the Sampled Area**
Wetland Hydrology Present?	Yes	____	No	X	**within a Wetland?** Yes ____ No X

Remarks:
Above average precipitation, 2x average rain in January.

VEGETATION - Use scientific names of plants.

Tree Stratum (Plot size: 30)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	0	= Total Cover	

Sapling/Shrub Stratum (Plot size: 5)			
1.			
2.			
3.			
4.			
5.			
	0	= Total Cover	

Herb Stratum (Plot size: 5)			
1. *Festuca perennis* / Italian rye grass	100	Yes	FACU
2.			
3.			
4.			
5.			
6.			
7.			
8.			
	100	= Total Cover	

Woody Vine Stratum (Plot size: 30)			
1.			
2.			
	0	= Total Cover	

% Bare Ground in Herb Stratum ____ % Cover of Biotic Crust ____

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)
Total Number of Dominant Species Across All Strata: 1 (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: 0.0 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x 1 =	0
FACW species	0	x 2 =	0
FAC species	0	x 3 =	0
FACU species	100	x 4 =	400
UPL species	0	x 5 =	0
Column Totals:	100 (A)		400 (B)

Prevalence Index = B/A = 4.0

Hydrophytic Vegetation Indicators:
___ Dominance Test is >50%
___ Prevalence Index ≤3.0¹
___ Morphological Adaptations¹ (Provide supporting
___ Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ____ No X

Remarks:
Monoculture of dense Perennial ryegrass

SOIL

Sampling Point: _____

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-12	7.5R 3/6	97	10R 2.5/1	3	C	M	Sandy Loam	Some gravel

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Stratified Layers (A5) (**LRR C**)
- ___ 1 cm Muck (A9) (**LRR D**)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) (except MLRA 1)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)
- ___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

- ___ 1 cm Muck (A9) (**LRR C**)
- ___ 2 cm Muck (A10) (**LRR B**)
- ___ Reduced Vertic (F18)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks:

Does not meet distinct criteria for sandy redox

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required: check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1) **(Nonriverine)**
- ___ Sediment Deposits (B2) **(Nonriverine)**
- ___ Drift Deposits (B3) **(Nonriverine)**
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Water-Stained Leaves (B9)
- ___ Salt Crust (B11)
- ___ Biotic Crust (B12)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Thin Muck Surface (C7)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water Marks (B1) **(Riverine)**
- ___ Sediment Deposits (B2) **(Riverine)**
- ___ Drift Deposits (B3) **(Riverine)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Crayfish Burrows (C8)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes _____ No X Depth (inches): _____

Water Table Present? Yes _____ No X Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No X Depth (inches): _____

Wetland Hydrology Present? Yes _____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

APPENDIX C	OBSERVED SPECIES LIST	C

OBSERVED SPECIES LIST

February 16, 2023 & March 17, 2023

Grand Acres Project
2151 Grand Avenue
Oroville, Ca 95965

PLANTS

Common Name	Scientific Name
wild oats	Avena fatua
soft chess / soft brome	Bromus hordeaceus
rip gut brome	Bromus diandrus
medusa-head	Elymus caput-medusae
perennial ryegrass	Festuca perenne
Mediterranean storksbill	Erodium malacoides
long-beaked filaree	Erodium botrys
rough hawkbit	Taraxacum officinale
winter vetch	Vicia villosa
rose clover	Trifolium hirtum
bunch flowered daffodil	Narcissus tazetta
blue elderberry	Sambucus mexicana
annual bluegrass	Poa annua
perennial ryegrass	Festuca perenne
hare barley	Hordeum murinum
cutleaf geranium	Geranium dissectum
prickly lettuce	Lactuca serriola
naked buckwheat	Eriogonum nudum
narrow-leaved soap plant	Chlorogalum angustifolium
vinegarweed	Trichostema lanceolatum
black mustard	brassica nigra
purple needlegrass	Nassella pulchra
Johnny tuck/butter and eggs	Triphysaria eriantha
common fiddleneck	Amsinckia intermedia
Red gum eucalyptus	Eucalyptus camaldulensis
curly dock	Rumex crispus
soft rush	Juncus effusus
common dandilion	Taraxacum officinale
buckhorn plantain	Plantago lanceolata
frying pan poppy	Eschscholzia lobbii (adjacent property)
greater quaking grass	Briza media

WILDLIFE

Common Name	Scientific Name
pocket gopher	Thomomys bottae
long-tailed vole	Microtus longicaudus
Brewer's blackbird	Euphagus cyanocephalus
turkey vulture	Cathartes aura
black-tailed jackrabbit	Lepus californicus

APPENDIX D	SPECIAL STATUS SPECIES LISTS	D

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sacramento Fish And Wildlife Office
Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846
Phone: (916) 414-6600 Fax: (916) 414-6713

In Reply Refer To:
Project Code: 2023-0040585
Project Name: Grand Acres Subdivision

February 01, 2023

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see https://www.fws.gov/birds/policies-and-regulations.php.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Sacramento Fish And Wildlife Office
Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846
(916) 414-6600

Project Summary

Project Code: 2023-0040585
Project Name: Grand Acres Subdivision
Project Type: Residential Construction
Project Description: The Site consists of approximately 7.6-acres located at 2151 Grand Avenue in Thermalito, Butte County, California. Project developers plan to divide the parcel into 24 lots (ranging from 8,060 to 16,514 square feet each) for future development of single-family homes. The zoning for the property is currently Large-Lot Residential (RL), with a General Plan Land Use Designation of Medium-Light Density Residential (MLDR).

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@39.50879495,-121.61242413089231,14z

Counties: Butte County, California

Endangered Species Act Species

There is a total of 8 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Reptiles

NAME	STATUS
Giant Garter Snake *Thamnophis gigas* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4482	Threatened

Fishes

NAME	STATUS
Delta Smelt *Hypomesus transpacificus* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/321	Threatened

Insects

NAME	STATUS
Monarch Butterfly *Danaus plexippus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate
Valley Elderberry Longhorn Beetle *Desmocerus californicus dimorphus* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/7850	Threatened

Crustaceans

NAME	STATUS
Conservancy Fairy Shrimp *Branchinecta conservatio* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8246	Endangered
Vernal Pool Fairy Shrimp *Branchinecta lynchi* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/498	Threatened
Vernal Pool Tadpole Shrimp *Lepidurus packardi* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/2246	Endangered

Flowering Plants

NAME	STATUS
Butte County Meadowfoam *Limnanthes floccosa ssp. californica* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/4223	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

Selected Elements by Common Name

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Quad IS (Palermo (3912145) OR Oroville (3912155) OR Biggs (3912146) OR Shippee (3912156) OR Oroville Dam (3912154) OR Bangor (3912144) OR Cherokee (3912165) OR Berry Creek (3912164) OR Hamlin Canyon (3912166))
 AND Taxonomic Group IS (Dune OR Scrub OR Herbaceous OR Marsh OR Riparian OR Woodland OR Forest OR Alpine OR Inland Waters OR Marine OR Estuarine OR Riverine OR Palustrine OR Ferns OR Gymnosperms OR Monocots OR Dicots OR Lichens OR Bryophytes OR Fungi)
 AND CNPS List IS (1A OR 1B OR 1B.1 OR 1B.2 OR 1B.3 OR 2A OR 2B OR 2B.1 OR 2B.2 OR 2B.3)
 AND Habitat IS (Valley & foothill grassland)

Grand Acres Project
2151 Grand Avenue
Oroville, CA

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
adobe-lily	PMLIL0V0F0	None	None	G2G3	S2S3	1B.2
Fritillaria pluriflora						
Ahart's dwarf rush	PMJUN011L1	None	None	G2T1	S1	1B.2
Juncus leiospermus var. ahartii						
Ahart's paronychia	PDCAR0L0V0	None	None	G3	S3	1B.1
Paronychia ahartii						
big-scale balsamroot	PDAST11061	None	None	G2	S2	1B.2
Balsamorhiza macrolepis						
Butte County golden clover	PDFAB40310	None	None	G2	S2	1B.2
Trifolium jokerstii						
Butte County meadowfoam	PDLIM02042	Endangered	Endangered	G4T1	S1	1B.1
Limnanthes floccosa ssp. californica						
Colusa layia	PDAST5N0F0	None	None	G2	S2	1B.2
Layia septentrionalis						
pink creamsacs	PDSCR0D482	None	None	G5T2	S2	1B.2
Castilleja rubicundula var. rubicundula						
recurved larkspur	PDRAN0B1J0	None	None	G2?	S2?	1B.2
Delphinium recurvatum						
Red Bluff dwarf rush	PMJUN011L2	None	None	G2T2	S2	1B.1
Juncus leiospermus var. leiospermus						
veiny monardella	PDLAM18082	None	None	G1	S1	1B.1
Monardella venosa						

Record Count: 11

Selected Elements by Common Name

California Department of Fish and Wildlife

California Natural Diversity Database

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
bald eagle *Haliaeetus leucocephalus*	ABNKC10010	Delisted	Endangered	G5	S3	FP
bank swallow *Riparia riparia*	ABPAU08010	None	Threatened	G5	S2	
California black rail *Laterallus jamaicensis coturniculus*	ABNME03041	None	Threatened	G3T1	S1	FP
California red-legged frog *Rana draytonii*	AAABH01022	Threatened	None	G2G3	S2S3	SSC
chinook salmon - Central Valley spring-run ESU *Oncorhynchus tshawytscha pop. 11*	AFCHA0205L	Threatened	Threatened	G5T2Q	S2	
Crotch bumble bee *Bombus crotchii*	IIHYM24480	None	Candidate Endangered	G2	S2	
foothill yellow-legged frog - Feather River DPS *Rana boylii pop. 2*	AAABH01052	Proposed Threatened	Threatened	G3T2	S2	
giant gartersnake *Thamnophis gigas*	ARADB36150	Threatened	Threatened	G2	S2	
greater sandhill crane *Antigone canadensis tabida*	ABNMK01014	None	Threatened	G5T5	S2	FP
green sturgeon - southern DPS *Acipenser medirostris pop. 1*	AFCAA01031	Threatened	None	G2T1	S1	
least Bell's vireo *Vireo bellii pusillus*	ABPBW01114	Endangered	Endangered	G5T2	S2	
steelhead - Central Valley DPS *Oncorhynchus mykiss irideus pop. 11*	AFCHA0209K	Threatened	None	G5T2Q	S2	
Swainson's hawk *Buteo swainsoni*	ABNKC19070	None	Threatened	G5	S3	
tricolored blackbird *Agelaius tricolor*	ABPBXB0020	None	Threatened	G1G2	S1S2	SSC
valley elderberry longhorn beetle *Desmocerus californicus dimorphus*	IICOL48011	Threatened	None	G3T2T3	S3	
vernal pool fairy shrimp *Branchinecta lynchi*	ICBRA03030	Threatened	None	G3	S3	
vernal pool tadpole shrimp *Lepidurus packardi*	ICBRA10010	Endangered	None	G4	S3	
western bumble bee *Bombus occidentalis*	IIHYM24252	None	Candidate Endangered	G3	S1	

Record Count: 18

CNPS Rare Plant Inventory

CALIFORNIA NATIVE PLANT SOCIETY

Search Results

27 matches found. Click on scientific name for details

Search Criteria: CRPR is one of [1A:1B:2A:2B] , 9-Quad include [3912154:3912155:3912166:3912156:3912164:3912165:3912145:3912144:3912146]

▲ SCIENTIFIC NAME	COMMON NAME	FAMILY	LIFEFORM	BLOOMING PERIOD	FED LIST	STATE LIST	GLOBAL RANK	STATE RANK	CA RARE PLANT RANK
Allium jepsonii	Jepson's onion	Alliaceae	perennial bulbiferous herb	Apr-Aug	None	None	G2	S2	1B.2
Balsamorhiza macrolepis	big-scale balsamroot	Asteraceae	perennial herb	Mar-Jun	None	None	G2	S2	1B.2
Cardamine pachystigma var. *dissectifolia*	dissected-leaved toothwort	Brassicaceae	perennial rhizomatous herb	Feb-May	None	None	G3G5T2Q	S2	1B.2
Castilleja rubicundula var. *rubicundula*	pink creamsacs	Orobanchaceae	annual herb (hemiparasitic)	Apr-Jun	None	None	G5T2	S2	1B.2
Clarkia gracilis ssp. *albicaulis*	white-stemmed clarkia	Onagraceae	annual herb	May-Jul	None	None	G5T3	S3	1B.2
Clarkia mildrediae ssp. *mildrediae*	Mildred's clarkia	Onagraceae	annual herb	May-Aug	None	None	G5T3?	S3?	1B.3
Clarkia mosquinii	Mosquin's clarkia	Onagraceae	annual herb	May-Jul(Sep)	None	None	G2	S2	1B.1
Delphinium recurvatum	recurved larkspur	Ranunculaceae	perennial herb	Mar-Jun	None	None	G2?	S2?	1B.2
Eriogonum umbellatum var. *ahartii*	Ahart's buckwheat	Polygonaceae	perennial herb	Jun-Sep	None	None	G5T3	S3	1B.2
Erythranthe filicifolia	fern-leaved monkeyflower	Phrymaceae	annual herb	Apr-Jun	None	None	G2	S2	1B.2
Euphorbia hooveri	Hoover's spurge	Euphorbiaceae	annual herb	Jul-Sep(Oct)	FT	None	G1	S1	1B.2
Fritillaria pluriflora	adobe-lily	Liliaceae	perennial bulbiferous herb	Feb-Apr	None	None	G2G3	S2S3	1B.2
Hibiscus lasiocarpos var. *occidentalis*	woolly rose-mallow	Malvaceae	perennial rhizomatous herb (emergent)	Jun-Sep	None	None	G5T3	S3	1B.2
Juncus leiospermus var. *ahartii*	Ahart's dwarf rush	Juncaceae	annual herb	Mar-May	None	None	G2T1	S1	1B.2
Juncus leiospermus var. *leiospermus*	Red Bluff dwarf rush	Juncaceae	annual herb	Mar-Jun	None	None	G2T2	S2	1B.1
Layia septentrionalis	Colusa layia	Asteraceae	annual herb	Apr-May	None	None	G2	S2	1B.2
Limnanthes floccosa ssp. *californica*	Butte County meadowfoam	Limnanthaceae	annual herb	Mar-May	FE	CE	G4T1	S1	1B.1

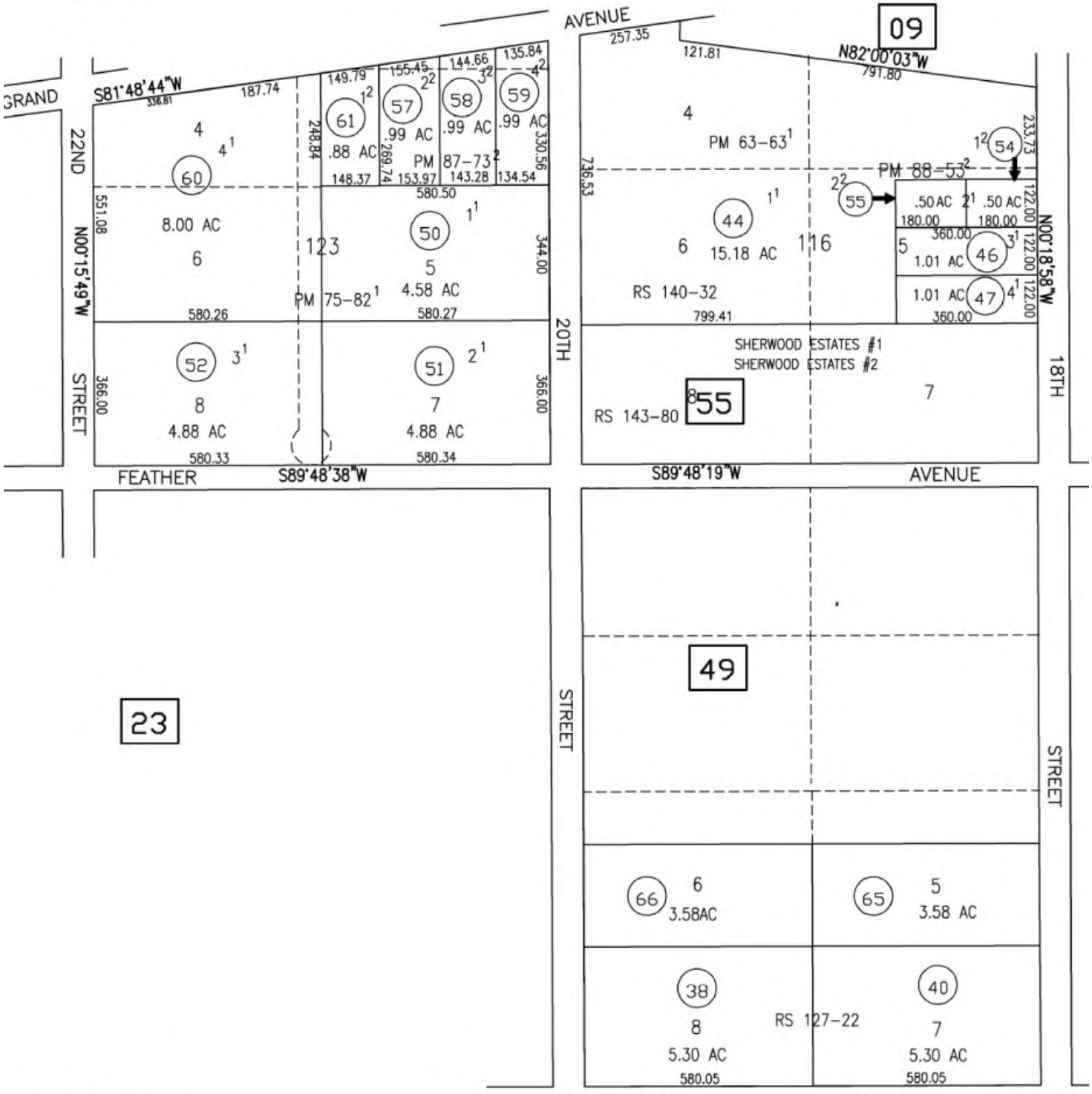
Monardella venosa	veiny monardella	Lamiaceae	annual herb	May-Jul	None	None	G1	S1	1B.1
Orcuttia tenuis	slender Orcutt grass	Poaceae	annual herb	May-Sep(Oct)	FT	CE	G2	S2	1B.1
Packera eurycephala var. *lewisrosei*	Lewis Rose's ragwort	Asteraceae	perennial herb	Mar-Jul(Aug-Sep)	None	None	G4T2	S2	1B.2
Paronychia ahartii	Ahart's paronychia	Caryophyllaceae	annual herb	Feb-Jun	None	None	G3	S3	1B.1
Poa sierrae	Sierra blue grass	Poaceae	perennial rhizomatous herb	Apr-Jul	None	None	G3	S3	1B.3
Sagittaria sanfordii	Sanford's arrowhead	Alismataceae	perennial rhizomatous herb (emergent)	May-Oct(Nov)	None	None	G3	S3	1B.2
Sidalcea robusta	Butte County checkerbloom	Malvaceae	perennial rhizomatous herb	Apr-Jun	None	None	G2	S2	1B.2
Trifolium jokerstii	Butte County golden clover	Fabaceae	annual herb	Mar-May	None	None	G2	S2	1B.2
Tuctoria greenei	Greene's tuctoria	Poaceae	annual herb	May-Jul(Sep)	FE	CR	G1	S1	1B.1
Wolffia brasiliensis	Brazilian watermeal	Araceae	perennial herb (aquatic)	Apr-Dec	None	None	G5	S2	2B.3

Showing 1 to 27 of 27 entries

Suggested Citation:

California Native Plant Society, Rare Plant Program. 2023. Rare Plant Inventory (online edition, v9.5). Website https://www.rareplants.cnps.org [accessed 22 February 2023].

APPENDIX E	SUPPLEMENTAL MAPS & DATA	E



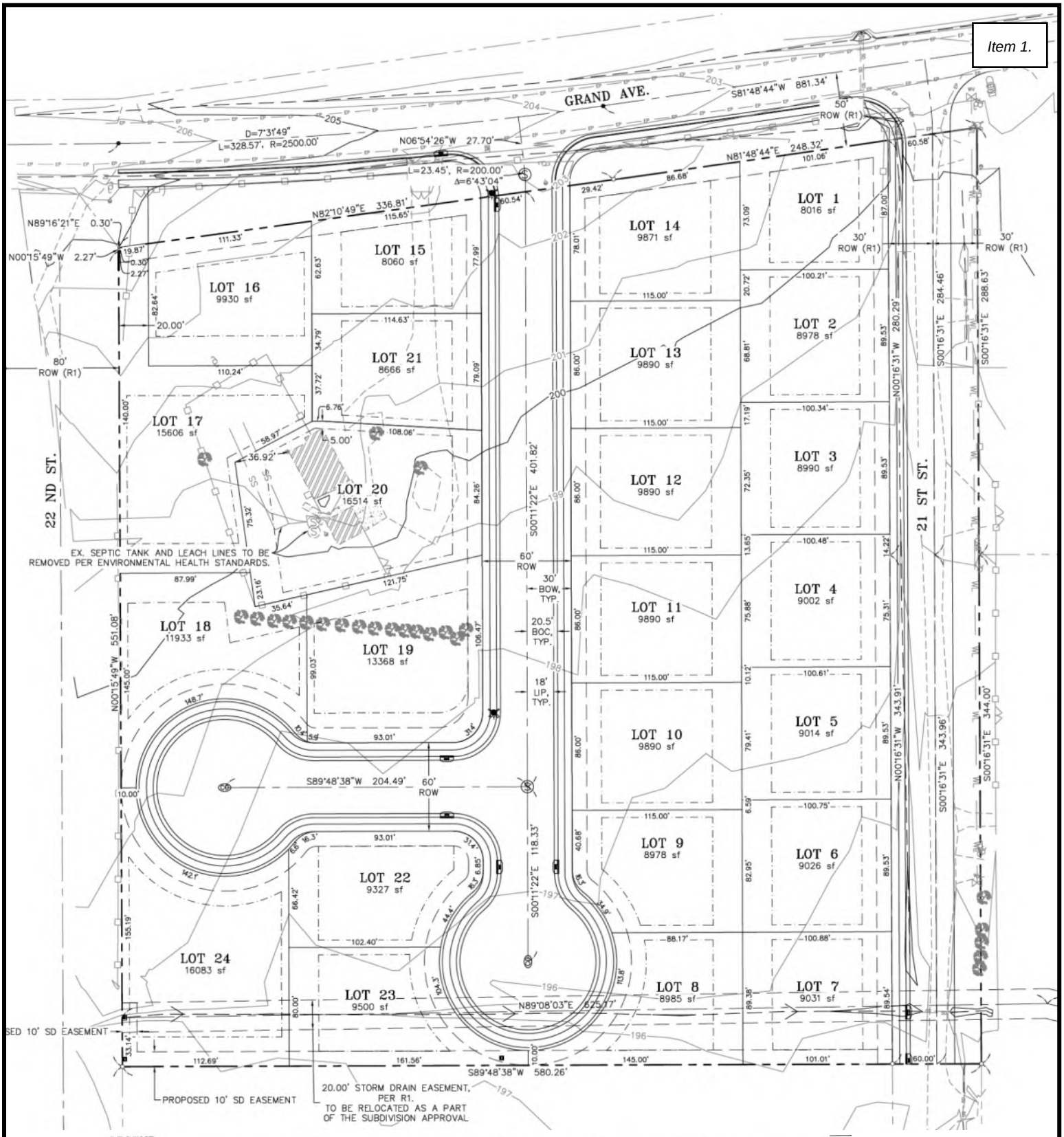
All Assessors' maps are prepared for local property assessment purposes ONLY. Parcels shown thereon may not comply with State and local subdivision ordinances. No liability is assumed for use of information shown on any Assessors' map. ALL ACREAGES APPROXIMATE PER RECORDED INFORMATION.

Assessor's Map No. 30-12
County of Butte, Calif.

CREATED BY	CREATED ON 12-01-1998
REVISED BY SL	REVISED ON 07-18-2017
	EFFECTIVE 2018-19 ROLL
Compiled By The Butte County Assessor's Office	

FIGURE 6
PARCEL MAP

Grand Acres Project
2151 Grand Avenue
Oroville, Ca 95965



LEGEND:

- 201 — EXISTING GROUND CONTOUR (CITY OF OROVILLE DATUM)
- 205 — PROPOSED GROUND CONTOUR (CITY OF OROVILLE DATUM)
- SUBDIVISION BOUNDARY
- PROPOSED LOT LINE
- CENTER LINE
- EASEMENT LINE
- BUILDING SETBACK LINE
- EXISTING SANITARY SEWER MAN HOLE AND SEWER LINE
- PROPOSED CURB AND GUTTER
- PROPOSED CONCRETE AREA
- 125.02 EG / 124.75 FG — EXISTING AND FINISH GRADE
- PROPOSED STORM DRAIN DROP INLET
- EG — EXISTING GROUND ELEVATION
- FG — FINISH GRADE ELEVATION

GRAPHIC SCALE

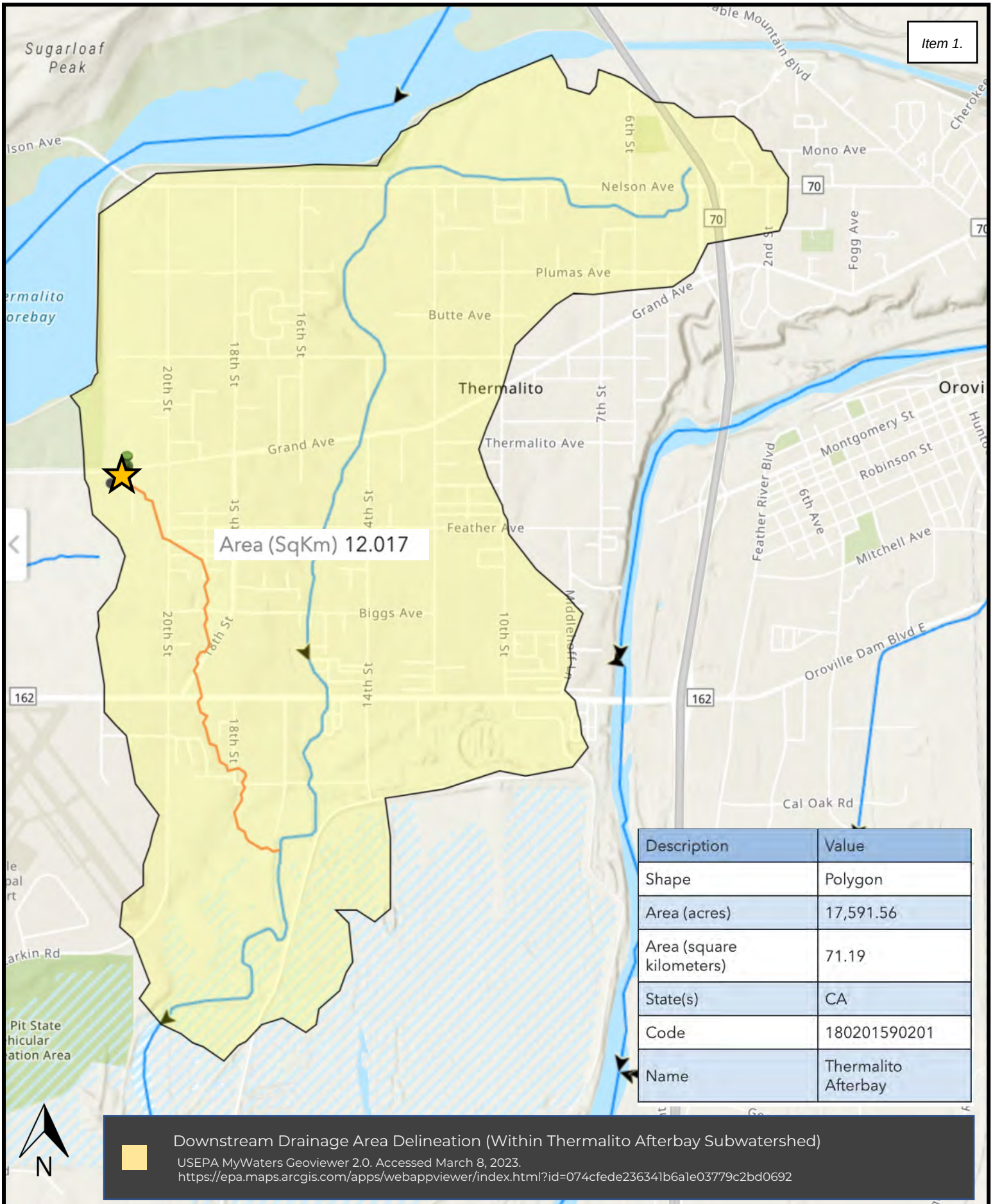
40 0 20 40 80 160

(IN FEET)

N

FIGURE 7
PROPOSED PROJECT MAP

Grand Acres Project
2151 Grand Avenue
Oroville, Ca 95965



Description	Value
Shape	Polygon
Area (acres)	17,591.56
Area (square kilometers)	71.19
State(s)	CA
Code	180201590201
Name	Thermalito Afterbay

Downstream Drainage Area Delineation (Within Thermalito Afterbay Subwatershed)

USEPA MyWaters Geoviewer 2.0. Accessed March 8, 2023.
https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=074cfede236341b6a1e03779c2bd0692

FIGURE 8
DRAINAGE AREA

Grand Acres Project
2151 Grand Avenue
Oroville, Ca 95965

FIGURE 9
SOIL TYPES

Grand Acres Project
2151 Grand Avenue
Oroville, Ca 95965

Mapped Wetland Resources – U.S. Fish & Wildlife Service National Wetland Inventory

USFWS National Wetlands Inventory. Wetlands Mapper. Accessed 1/26/23/ https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/

FIGURE 10
WETLAND RESOURCES - USFWS

Grand Acres Project
2151 Grand Avenue
Oroville, Ca 95965

EXISTING AQUATIC RESOURCES - CARI

Source: California Wetlands Monitoring Workgroup (CWMW). EcoAtlas. Accessed January 28, 2023. https://www.ecoatlas.org.

FIGURE 11

AQUATIC RESOURCES - CARI

Grand Acres Project
2151 Grand Avenue
Oroville, Ca 95965

Vegetation Types – CALVEG

USFWS National Wetlands Inventory. Wetlands Mapper. Accessed 1/26/23. https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/

FIGURE 12
VEGETATION TYPES - CALVEG

Grand Acres Project
2151 Grand Avenue
Oroville, Ca 95965

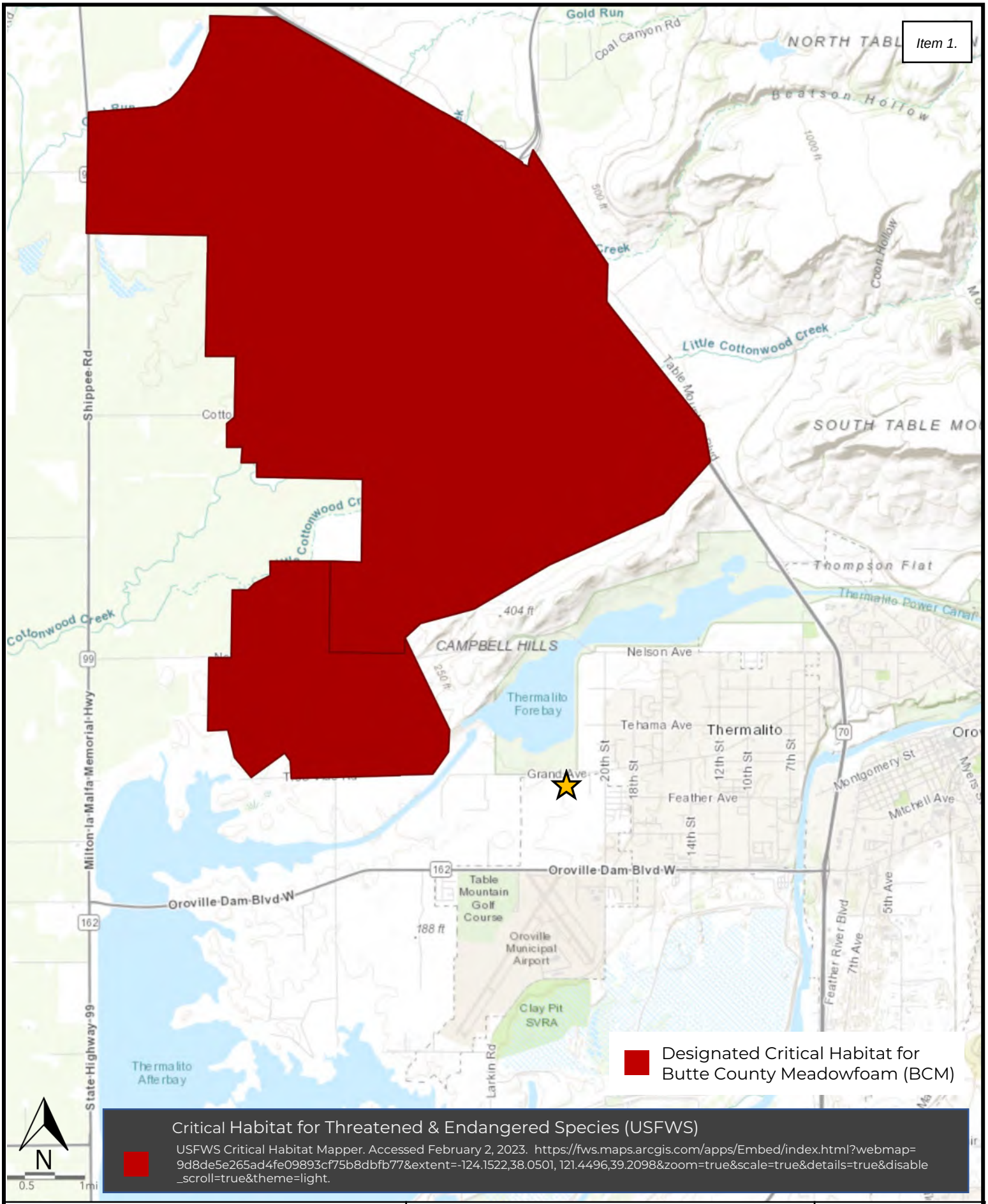


FIGURE 13
MAPPED CRITICAL HABITAT

Grand Acres Project
2151 Grand Avenue
Oroville, Ca 95965

United States Department of Agriculture

NRCS

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Butte Area, California, Parts of Butte and Plumas Counties

Grand Acres Project

Custom Soil Resource Report
Soil Map (Grand Acres Project)

Map Scale: 1:1,370 if printed on A portrait (8.5" x 11") sheet.

N

Meters
0 20 40 80 120

Feet
0 50 100 200 300

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84

Map Unit Legend (Grand Acres Project)

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
603	Oroville-Thermalito-Fernandez-Thompsonflat complex, 0 to 9 percent slopes	7.7	100.0%
Totals for Area of Interest		**7.7**	**100.0%**

Map Unit Descriptions (Grand Acres Project)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the

development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Butte Area, California, Parts of Butte and Plumas Counties

603—Oroville-Thermalito-Fernandez-Thompsonflat complex, 0 to 9 percent slopes

Map Unit Setting

National map unit symbol: hgxg
Elevation: 110 to 260 feet
Mean annual precipitation: 20 to 26 inches
Mean annual air temperature: 61 to 63 degrees F
Frost-free period: 250 to 255 days
Farmland classification: Not prime farmland

Map Unit Composition

Oroville, gravelly fine sandy loam, and similar soils: 30 percent
Thermalito, sandy loam, and similar soils: 25 percent
Fernandez, sandy loam, and similar soils: 15 percent
Thompsonflat, fine sandy loam, and similar soils: 15 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Oroville, Gravelly Fine Sandy Loam

Setting

Landform: Terraces
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Tread
Microfeatures of landform position: Swales
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loamy and gravelly alluvium over clayey and gravelly alluvium over cemented loamy and gravelly alluvium derived from igneous and metamorphic rock

Typical profile

A - 0 to 2 inches: gravelly fine sandy loam
BAt - 2 to 6 inches: gravelly sandy loam
Bt1 - 6 to 13 inches: gravelly clay loam
2Bt2 - 13 to 17 inches: gravelly clay
2Btg - 17 to 23 inches: gravelly sandy clay
3Bqm1 - 23 to 31 inches: cemented extremely gravelly material
3Bqm2 - 31 to 60 inches: cemented extremely gravelly material

Properties and qualities

Slope: 0 to 9 percent
Depth to restrictive feature: 20 to 40 inches to duripan
Drainage class: Poorly drained
Runoff class: Very high
Capacity of the most limiting layer to transmit water (Ksat): Very low (0.00 to 0.00 in/hr)
Depth to water table: About 0 to 40 inches
Frequency of flooding: None
Frequency of ponding: Frequent
Available water supply, 0 to 60 inches: Very low (about 2.7 inches)

Interpretive groups

Land capability classification (irrigated): 4e
Land capability classification (nonirrigated): 4e
Hydrologic Soil Group: D
Ecological site: R017XY902CA - Duripan Vernal Pools
Hydric soil rating: Yes

Description of Thermalito, Sandy Loam

Setting

Landform: Terraces
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Tread
Microfeatures of landform position: Mounds
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loamy and gravelly alluvium over clayey and gravelly alluvium over cemented sandy and gravelly alluvium derived from igneous and metamorphic rock

Typical profile

A - 0 to 2 inches: sandy loam
Bt1 - 2 to 6 inches: gravelly sandy loam
Bt2 - 6 to 12 inches: sandy clay loam
Bt3 - 12 to 18 inches: gravelly sandy clay loam
Bt4 - 18 to 23 inches: gravelly sandy clay loam
Bt5 - 23 to 25 inches: gravelly sandy clay loam
2Bt6 - 25 to 29 inches: gravelly clay
2Bt7 - 29 to 32 inches: gravelly clay
3Bqm - 32 to 60 inches: cemented gravelly material

Properties and qualities

Slope: 0 to 9 percent
Depth to restrictive feature: 20 to 40 inches to duripan
Drainage class: Somewhat poorly drained
Runoff class: Very high
Capacity of the most limiting layer to transmit water (Ksat): Very low (0.00 to 0.00 in/hr)
Depth to water table: About 14 to 40 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Low (about 3.7 inches)

Interpretive groups

Land capability classification (irrigated): 3e
Land capability classification (nonirrigated): 3e
Hydrologic Soil Group: C/D
Ecological site: R017XY902CA - Duripan Vernal Pools
Hydric soil rating: No

Description of Fernandez, Sandy Loam

Setting

Landform: Terraces
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Tread

Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Fine-loamy alluvium over clayey and gravelly alluvium over cemented sandy and gravelly alluvium derived from igneous and metamorphic rock

Typical profile

A - 0 to 2 inches: sandy loam
Bt1 - 2 to 6 inches: sandy clay loam
Bt2 - 6 to 18 inches: sandy clay loam
2Bt3 - 18 to 28 inches: clay loam
2Bt4 - 28 to 44 inches: clay loam
2Bt5 - 44 to 57 inches: clay
2Bt6 - 57 to 65 inches: gravelly clay
2Bt7 - 65 to 73 inches: gravelly clay loam
3Btq - 73 to 85 inches: cemented gravelly material

Properties and qualities

Slope: 0 to 9 percent
Depth to restrictive feature: 60 to 81 inches to duripan
Drainage class: Moderately well drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.06 in/hr)
Depth to water table: About 40 to 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Moderate (about 8.7 inches)

Interpretive groups

Land capability classification (irrigated): 3e
Land capability classification (nonirrigated): 3e
Hydrologic Soil Group: C
Ecological site: R017XY902CA - Duripan Vernal Pools
Hydric soil rating: No

Description of Thompsonflat, Fine Sandy Loam

Setting

Landform: Terraces
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loamy alluvium over clayey alluvium over sandy and gravelly alluvium derived from igneous and metamorphic rock

Typical profile

A - 0 to 3 inches: fine sandy loam
Bt1 - 3 to 7 inches: fine sandy loam
Bt2 - 7 to 11 inches: sandy clay loam
Bt3 - 11 to 15 inches: sandy clay
2Bt4 - 15 to 22 inches: gravelly sandy clay
3Btq1 - 22 to 35 inches: extremely gravelly sandy clay loam
3Btq2 - 35 to 45 inches: extremely gravelly coarse sandy loam
3Btq3 - 45 to 53 inches: extremely gravelly coarse sandy loam
3Btq4 - 53 to 66 inches: extremely gravelly coarse sandy loam

3Btq5 - 66 to 80 inches: extremely gravelly coarse sandy loam

Properties and qualities

Slope: 0 to 9 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Moderately well drained
Runoff class: High
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.09 to 0.23 in/hr)
Depth to water table: About 40 to 81 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline (0.0 to 0.5 mmhos/cm)
Available water supply, 0 to 60 inches: Low (about 4.2 inches)

Interpretive groups

Land capability classification (irrigated): 3e
Land capability classification (nonirrigated): 3e
Hydrologic Soil Group: C
Ecological site: R017XY905CA - Dry Alluvial Fans and Terraces
Hydric soil rating: No

Minor Components

Unnamed, frequent long ponding

Percent of map unit: 2 percent
Landform: Terraces
Microfeatures of landform position: Vernal pools
Hydric soil rating: Yes

Unnamed, loamy, duripan 10 to 20 inches

Percent of map unit: 2 percent
Landform: Terraces
Microfeatures of landform position: Swales
Hydric soil rating: Yes

Vistarobles

Percent of map unit: 2 percent
Landform: Terraces
Microfeatures of landform position: Swales
Hydric soil rating: Yes

Palexeralfs, fine, greater than 60 inches deep

Percent of map unit: 2 percent
Landform: Terraces
Hydric soil rating: No

Redding

Percent of map unit: 1 percent
Landform: Terraces
Microfeatures of landform position: Mounds
Hydric soil rating: No

Unnamed, clayey-skeletal shallow to duripan

Percent of map unit: 1 percent
Landform: Terraces
Microfeatures of landform position: Swales
Hydric soil rating: Yes

Unnamed, fine-loamy deep to duripan

Percent of map unit: 1 percent
Landform: Terraces
Microfeatures of landform position: Mounds
Hydric soil rating: No

Unnamed, fine-loamy, duripan 20 to 40 inches

Percent of map unit: 1 percent
Landform: Terraces
Microfeatures of landform position: Swales
Hydric soil rating: No

Aquerts, fine, duripan 20 to 40 inches

Percent of map unit: 1 percent
Landform: Terraces
Microfeatures of landform position: Vernal pools
Hydric soil rating: Yes

Unnamed, fine deep to duripan

Percent of map unit: 1 percent
Landform: Terraces
Microfeatures of landform position: Swales
Hydric soil rating: No

Unnamed, loamy-skeletal mod deep to duripan

Percent of map unit: 1 percent
Landform: Terraces
Microfeatures of landform position: Mounds
Hydric soil rating: No

Soil Information for All Uses

Soil Reports

The Soil Reports section includes various formatted tabular and narrative reports (tables) containing data for each selected soil map unit and each component of each unit. No aggregation of data has occurred as is done in reports in the Soil Properties and Qualities and Suitabilities and Limitations sections.

The reports contain soil interpretive information as well as basic soil properties and qualities. A description of each report (table) is included.

Water Features

This folder contains tabular reports that present soil hydrology information. The reports (tables) include all selected map units and components for each map unit. Water Features include ponding frequency, flooding frequency, and depth to water table.

Hydrologic Soil Group and Surface Runoff (Grand Acres Project)

This table gives estimates of various soil water features. The estimates are used in land use planning that involves engineering considerations.

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The four hydrologic soil groups are:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas.

Surface runoff refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based on slope, climate, and vegetative cover. The concept indicates relative runoff for very specific conditions. It is assumed that the surface of the soil is bare and that the retention of surface water resulting from irregularities in the ground surface is minimal. The classes are negligible, very low, low, medium, high, and very high.

Report—Hydrologic Soil Group and Surface Runoff (Grand Acres Project)

Absence of an entry indicates that the data were not estimated. The dash indicates no documented presence.

Hydrologic Soil Group and Surface Runoff–Butte Area, California, Parts of Butte and Plumas Counties			
Map symbol and soil name	**Pct. of map unit**	**Surface Runoff**	**Hydrologic Soil Group**
603—Oroville-Thermalito-Fernandez-Thompsonflat complex, 0 to 9 percent slopes			
Oroville, gravelly fine sandy loam	30	Very high	D
Thermalito, sandy loam	25	Very high	C/D
Fernandez, sandy loam	15	Low	C
Thompsonflat, fine sandy loam	15	High	C

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United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelprdb1043084

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242

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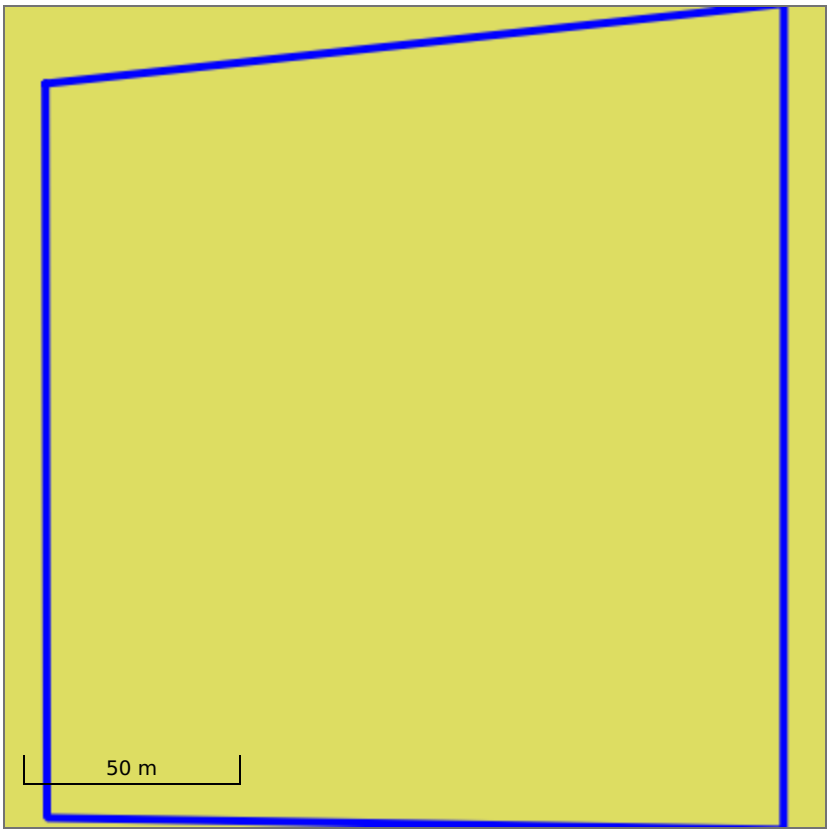
CALVEG Habitat Types



CALVEG is a USDA Forest Service product providing a comprehensive spatial dataset of existing vegetation cover over California. The data were created using a combination of automated systematic procedures, remote sensing classification, photo editing, field based observations.

Analyses are based on a crosswalk of the CALVEG classifications to the California Wildlife Habitat Relationships CWHR). CWHR is a state-of-the art information system for California's wildlife developed upon the life history, geographic range, habitat relationships, and management information on species of amphibians, reptiles, birds, and mammals known to occur in the state. CWHR products aid in understanding, conserving, and managing California's wildlife.

For more information on CALVEG: http://www.fs.usda.gov/detail/r5/landmanagement/resourcemanagement/?cid=stelprdb5347192

For more information on CWHR: https://www.wildlife.ca.gov/Data/CWHR

Total area classified: 2.8 ha / 6.8 acres / 0.011 mi^2

Table of CALVEG Habitats in the Profiled Region. *of area classified

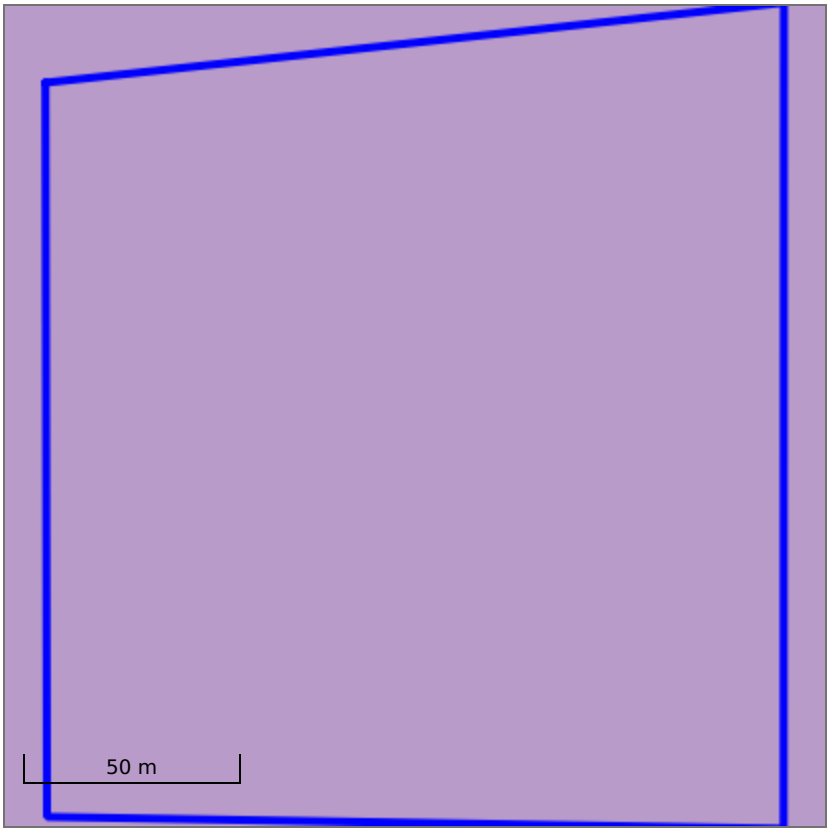
Habitat Type	Area (ha)	Area (acres)	Area (%*)
Annual Grass	2.8	6.8	100.0%

Soil Survey Geographic Database (SSURGO) Hydric Soils

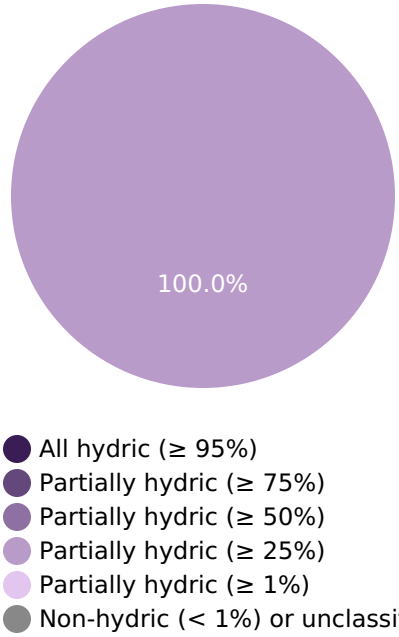
SSURGO depicts information about the kinds and distribution of soils on the landscape. The soil map and data used were prepared by soil scientists as part of the Natural Resources Conservation Service's National Cooperative Soil Survey. EcoAtlas displays the percent of hydric soils and the soil taxonomies present at a location.

Hydric soils are defined as those soils that form under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil. Under natural conditions, hydric soils are either saturated or inundated long enough during the growing season to support the growth and reproduction of wetland vegetation. This information can be used to help identify places that have been or likely will be wetlands, and determine what types of vegetation will be supported by the soils.

For more information visit https://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/survey/?cid=nrcs142p2_053627.



Profile area represented by Hydric Soils:
7.5 acres / 0.012 mi^2 out of a total of 7.5 acres.



Hydric Type	Area (acres)	Percent area
All hydric (≥ 95%)	0.0	0.0%
Partially hydric (≥ 75%)	0.0	0.0%
Partially hydric (≥ 50%)	0.0	0.0%
Partially hydric (≥ 25%)	7.5	100%
Partially hydric (≥ 1%)	0.0	0.0%
Non-hydric (< 1%) or unclassified	0.0	0.0%

City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2401 FAX (530) 538-2426
www.cityoforoville.org

January 10, 2023

PUBLIC MEETING AGENDA

1. Purpose / format of meeting
    a. This meeting is to provide the public with information on the proposed development, not to debate the project or its elements. There will be a time for questions at the end of the meeting.

2. AB430
    a. Assembly Bill 430, The Camp Fire Housing Assistance Act of 2019 allows for housing projects in Oroville and other nearby cities to have a streamlined ministerial approval process and bypass the California Environmental Quality Act (CEQA) provided that certain conditions are met.

        i. At least 2/3 of the development square footage is designated for residential use.
        ii. one public meeting on the proposed development before submitting an application
        iii. The applicant will need to submit evidence that the development meets the sustainability standards (green building standards) outlined in AB430 **65913.15.**
        iv. The development cannot be located within a special flood hazard area, prime farmland, wetlands, very high fire hazard severity zone, hazardous waste site, earthquake fault zone, regulatory floodway, conservation area or habitat for protected species. See section **65913.15** of AB430 for definitions of the above.
        v. The site is no more than 50 acres.
        vi. The site is zoned for residential use or residential mixed-use development.
        vii. The site is consistent with zoning, subdivision and design standards of the local government.

3. Applicant presentation – Applicant will present its project to the public.

4. Q & A

City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

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(530) 538-2430 FAX (530) 538-2426
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NOTICE OF EXEMPTION

TO:	Butte County Clerk 25 County Center Drive Oroville, CA 95965	**FROM:**	City of Oroville 1735 Montgomery Street Oroville, CA 95965

Project Title: VAR 18-01: Oroville Hospital Height Variance

Project Location – Specific: 2767 Olive Highway

Project Location - City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicant, Darrin Kean, a representative of the Oroville Hospital, has applied for a variance of the City's sign regulations as found in Section 26-19 of the Oroville Municipal Code (OMC). The subject property has a zoning designation of Public Quasia (PQ) and a General Plan land use designation of Public. Per the OMC Section 17.40.020 PQ – Public or quasi-public facilities, one monument sign is allowed per frontage for properties zoned PQ, with a maximum height of 8 feet per monument sign. The applicant is proposing to replace the existing 14.5-foot-tall monument sign with an approximately 19.5-foot-tall monument sign with a light-emitting diode (LED) display. Per the OMC Table 26-19.120-2, internal illumination is permitted for monument signs in C-1 zoning districts. This variance request is to exceed the permitted height of a monument sign by approximately 11.5 feet.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying Out Project: Darrin Kean (Oroville Hospital)

Exempt Status (Check One):

☐ Ministerial (Sec. 21080(b)(1); 15268)
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a))
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
☒ Categorical Exemption: State type & section number:
- Existing Facilities, Title 14, CCR, §15301.
- General Rule Exemption; Title 14, CCR, §15061(b)(3)
- Replacement or Reconstruction; Title 14, CCR, §15302
- Accessory Structures; Title 14, CCR, §15311

☐ Statutory Exemption: State code number:

Reasons why project is exempt: This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review as follows:

Existing Facilities, Title 14, CCR, §15301
A project is exempt from CEQA if it consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. There are a number of examples, including Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes);

General Rule Exemption; Title 14, CCR, §15061(b)(3)
A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. It has been determined that there is no possibility that the variance request will have a significant effect on the environment. Thus, this action is exempt from CEQA.

Replacement or Reconstruction; Title 14, CCR, §15302
Class 2 categorical exemptions consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. The proposed sign will be a replacement of an existing monument sign on the same site and location. The sign will continue to be used for communicating information to the public specific to the Oroville Hospital and its medical campus. Thus, this action is exempt from CEQA.

Accessory Structures; Title 14, CCR, §15311
Class 11 categorical exemptions consists of construction, or replacement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including on-premise signs. As the replacement of the existing sign with a slightly larger monument sign is clearly an appurtenant structure, as defined by the City of Oroville Municipal Code §26-04.020, to an institutional facility (Oroville Hospital medical campus), this project is exempt from CEQA.

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Lead Agency Contact Person: Gary Layman Telephone: (530) 538-2408

Signature: _____ Date: _____

☒ Signed by Lead Agency
☐ Signed by Applicant

City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2430 FAX (530) 538-2426 www.cityoforoville.org

*** DRAFT***LETTER OF APPROVAL

RE: The Grand Acres Subdivision -- Tentative Subdivision Map TSM 22-02

Dear Ms. Hopps,

On August 24, 2023, the Oroville Planning Commission approved Tentative Map TSM 22-02.

CONDITIONS OF APPROVAL

Approved project: Trish Hopps plans to subdivide and develop an 8-acre-acre vacant and undeveloped parcel (APN 030-120-060) into 25 single-family manufactured home lots immediately west of 21st Street with access points off Grand Avenue and 21st Street. The project would include a 10,268 square-foot Lot A as a buffer from an existing off-site wetland and would also include protection for an existing Eldeberry bush.

Improvements to the west side of 21st Street, the south side of Grand Avenue and the new interior streets include curbs, gutters and sidewalks. Storm drainage facilities are proposed throughout the project site, with connections tying in together internally, prior to tying into storm drainage facilities located within 21st street.

TSM 22-02 and Engineer's Report

The Tentative Subdivision Map of May 30, 2023 has been approved subject to the conditions in the accompanying Engineer's Report dated August 17, 2023. All conditions must be met prior to approval of the Final Map.

The following specific conditions apply:

1. Applicant shall obtain a will-serve letter from the Thermalito Water and Sewer District prior to approval of the Final Subdivision Map and conduct a capacity study with SC-OR.

2. The applicant shall provide a parkland dedication of 14,157 square feet as an in-lieu fee. The amount of the fee shall be determined and paid at the time of the filing of the Final Subdivision Map.
3. Applicant shall assist as needed the process of annexation of the subdivision into Community Facilities Districts CFO2006-1 and CFO2006-2.
4. Fencing around the perimeter of the subdivision shall be wood at a minimum of 6-feet high.
5. A deed notice is required to be included in any parcel transfer document, which puts the buyer on notice that the house is within the airport area of influence and may therefore encounter discomfort, inconvenience or annoyance from the noise generated by operations at the airport.
6. Prior to acceptance of the final map, applicant shall execute and record a Landscape Maintenance agreement ensuring that all homeowners will adequately maintain their individual street frontages with proper irrigation and plantings.
7. Each lot shall be developed with a detached single-family residence or manufactured home designed in accordance with the City's residential development, parking, and design standards in OMC 17.28.020, 17.12.070, and the City of Oroville Design Guidelines of 2015. Additional requirements are as follows:
    a. No more than 25 lots for development with single family dwellings or manufactured homes shall be created in this subdivision.
    b. Applicant shall implement all conditions of approval of Tentative Subdivision Map 22-02 including access to and street improvements for the south side of Grand Avenue and the west side of 21st Street, and all interior roads to the subdivision.
    c. Required lot development standards shall conform to the normal R-L development standards and as follows:
        1) All manufactured homes shall conform to Oroville Municipal Code 15.36.010, which includes certain design, structural, material and age standards. For instance, all units must be on a permanent foundation, must have pitched roofs, must have color and siding materials found in conventionally built homes, must be 10 years old or newer, must be landscaped, must have garages or carports, must have paved driveways, and must have a medallion showing certification by the California Department of Housing and Community Development.
        2) All homes shall include at least two parking spaces, at least one of which shall be covered.
        3) Homes shall adhere as much as practicable to the goals, site planning, building design, landscape design, accessory structure and lighting guidelines of the City's adopted Residential Design Guidelines.
        4) Colors: Hue variations in adjacent homes shall be provided to create diversity. No adjacent home shall have the same color scheme. The front elevation shall have a minimum of a four-color paint scheme.
        5) Fencing: Typical side yard fencing shall be solid and continuous wood fencing or equivalent, not greater than 6' in height. Any front yard fencing or shrubbery within the front yard setback shall be not greater than 42 inches in height. Fencing along the boundaries of the property shall be solid and

continuous wood fencing not more than 6’ in height, and subject to approval of the Planning Manager prior to installation.

6) All fencing and landscaping shall be installed by the owner prior to issuance of occupancy permits, weather permitting. In cases where weather may delay fencing and landscaping installation, occupancy may be permitted with approval of the City and the buyer. In such cases, fencing and landscaping shall be installed at the earliest possible time.

Environmental Mitigation – from the Wetland and Biological Resources Assessment dated March 24, 2023

1. Applicant shall establish a 10,268 square foot wetland buffer parcel “Lot A” which will serve as a minimum 125-foot buffer from the existing wetland to the southeast. The buffer parcel shall be fully fenced off from the wetland and may have a public access easement from the end of the new cul-de-sac. The elderberry bush shall be protected from damage or vandalism.
2. Applicant shall adopt appropriate preventative and mitigative measures include avoiding the initiation of construction activities during the avian nesting season or performing preconstruction surveys for protected avian species that may occur in the area, including targeted surveys for Swainson’s hawks and western burrowing owls.

General Conditions

1. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.
2. The project shall remain in substantial conformance with the Conditions of Approval, as adopted and described above. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission or City Council, whichever is applicable.
3. The applicants shall have a current City of Oroville business license and any other applicable permit/license that may be required as part of any business operations.
4. Applicable construction plans, calculations, specifications, applications, forms, etc. shall be submitted to the Building Division for review prior to the start of any construction activities requiring a building permit. All applicable plan review and impact fees shall be paid at time of submittal.

5. If deferred in accordance with OMC 3.32.145, all applicable development impact fees shall be paid prior to issuance of a building permit.
6. The applicant shall ascertain and comply with the requirements of all City, County, State, Federal, and other local agencies as applicable to the proposed project.
7. All grading, paving, excavation and site clearance, including that which is exempt from obtaining a permit, shall be performed in conformance with the City's Engineering Design Standards; the Municipal Code; the requirements of the State Regional Water Quality Control Board; and any other applicable local, state and federal requirements.
8. The project shall comply with the City's noise ordinance as found in the OMC Chapter 9.20.
9. Applicant hereby certifies that any and all statements and information provided as part of the application are true and correct to the best of their knowledge and belief. Any misinformation provided, whether intentional or unintentional, that was considered in the issuance of this permit may be grounds for revocation.

Additional Draft Subdivision Construction and Occupancy Conditions –Civil Design Standards are in the Engineer's Report

Prior to site grading.

1. All grading, paving, excavation, and site clearance, including that which is exempt from obtaining a permit, shall be performed in conformance with the City's Engineering Design Standards; the Municipal Code; the requirements of the State Regional Water Quality Control Board; and any other applicable local, state, and federal requirements.
2. A site grading, drainage and improvement plan shall be prepared by a Registered Civil Engineer, in conformance with City standards, and shall be submitted to and approved by the Public Works Department prior to any work on the site. This plan shall also show:
    I. The design of the sanitary sewer service system including the type and size of the sanitary sewer line lateral, and the proposed point of connection the sewer main.
    II. Existing and proposed easements.
    III. Proposed elevations of finished improvements (parking area, onsite curbs, planters, etc.) within the project at an adequate level of detail to demonstrate drainage flow directions within the project boundaries.
    IV. A drainage and detention/retention facility sufficient that there is no increase in pre-project peak stormwater discharge from the site for a 2-year, 10-year and 100-year storm event. On-site storm drainage shall be collected and retained/detained on-site and then transported via underground conduit to an approved drainage facility.
    V. Drainage calculations to support the size of the detention or retention facility, and orifice calculations to support the design size of the stormwater flow control device.
    VI. Frontage improvements to include curb, gutters and sidewalk constructed to ADA standards; asphaltic concrete pave out (1-foot minimum, or wider if necessary) along

new curb, gutters and sidewalk adequate to provide proper street drainage along the project frontage.

VII. Location of streetlights to be constructed to City standards.

3. All construction projects are required to implement dust control measures to reduce particulate matter emissions due to disturbances of exposed top-soils, such as watering of active areas where disturbance occurs, covering haul loads, maintaining clean access roads, and cleaning the wheels of construction vehicles accessing disturbed areas of the site.

4. All grading and paving shall be conducted in compliance with the Butte County Air Quality Management District's Indirect Source Guidelines in order to prevent degradation of ambient air quality.

Prior to the issuance of building permits.

5. Applicable construction plans, calculations, specifications, applications, forms, etc. shall be submitted to the Building Division for review prior to the start of any construction activities requiring a building permit. All applicable plan review and impact fees shall be paid at time of submittal.

6. Landscape plans shall be approved by the Parks and Trees Department.

    I. Planting shall be provided in as much of the front setback as is practical, excluding any areas with paved driveways or pedestrian paths. In no case shall more than 75% of the front setback be paved.

    II. Where a side or rear property line is adjacent to a street, the site shall include a planting area along the property line with a width of at least 5 feet. Any fence around the property shall be located behind the planting area.

    III. Plantings shall be drought tolerant and MWELO standards will apply.

    IV. Landscaping shall be installed around the detention basin where visible from the street and adjacent residences.

7. The building plans shall include an architecturally compatible method of screening any roof mounted HVAC system, or if the units are placed on the ground, the unit shall be screened by landscaping or a decorative fence.

8. Applicant shall annex into a Landscape and Lighting Maintenance Assessment District (LLMAD) and Benefit Assessment District (BAD) prior to issuance of building permits.

Prior to construction.

9. Obtain encroachment permits from both the City and the county for any work in the public right-of-way, and from the County for any work along Grand Avenue.

10. All utilities shall be placed underground.

11. Developer will be responsible for the cost of all water improvements (meters, boxes, valves, lines, backflow devices, etc.), which are required to meet TWSD improvement standards. The cost of all fire lines and hydrants shall also be the developer's responsibility.

12. A Construction Storm Water Permit will be required by the State Water Resources Control Board if the project results in a disturbance (including clearing, excavation, filling and grading) of one or more acres. Construction activities that result in a land disturbance of less than one acre, but which are part of a larger common plan of development, also require a permit. The Permit must be obtained from the State Water Resources Control Board prior to construction.

Prior to occupancy.

13. All required landscaping and irrigation improvements shall be installed prior to issuance of a certificate of occupancy.

14. Buildings shall be addressed per City requirements. Building numbers shall comply with City Code 17.20.050(A).

15. Curb, gutter and sidewalk shall be constructed to City standards.

Other.

16. Street lighting shall be provided in accordance with City of Oroville requirements and accepted design criteria. A street lighting plan shall be submitted to the Public Works Department. Streetlight poles shall be spun aluminum or other material as approved by the Public Works Department.

17. Home models shall vary within the subdivision with no two same floor plans being adjacent to each other unless the floor plan is "flipped" and the exterior façade treatment is different. The same floor plans shouldn't be built directly across from each other.

18. Hue variations in adjacent homes shall be provided to create diversity. No adjacent home shall have the same color scheme.

19. Minor changes may be approved administratively by the Community Development Director or designee upon receipt of a written request by the applicant or designee. Changes deemed to be major or significant in nature shall require a formal application for amendment.

20. Pursuant to Section 17.12.010, the buildings shall conform to the performance standards of the Oroville Municipal Code to minimize any potential negative effects that the buildings, structures, lighting or use could have on its surroundings, and to promote compatibility with surrounding uses and areas.

21. The applicant shall ascertain and comply with the requirements of all City, County, State, Federal, and other local agencies as applicable to the proposed project.

22. Applicant hereby certifies that any and all statements and information provided as part of the application are true and correct to the best of their knowledge and belief. Any misinformation provided, whether intentional or unintentional, that was considered in the issuance of this permit may be grounds for revocation.

The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related

to approval of this permit. Applicant further agrees to provide defense for the City in any such action.

--- End of Conditions ---

If you have questions about the information in this letter, please contact me by e-mail at wervin@cityoforoville.org or by phone at (530) 538-2408.

Sincerely,

Wes Ervin
Planner

RESOLUTION NO. P2023-18

A RESOLUTION OF THE OROVILLE PLANNING COMMISSION APPROVING TENTATIVE SUBDIVISION MAP TSM 22-02 FOR THE PROPOSED GRAND ACRES MANUFACTURED HOME SUBDIVISION ON PARCEL # 030-120-060.

WHEREAS, the City has received an application from Trish Hopps (Subdivider) to subdivide portions of a 8-acre parcel identified as APN 030-120-060 (Property) into 25 lots for manufactured homes; and

WHEREAS, the proposed map will also create a 10,352 square-foot Lot A for purposes of wetland buffer and Elderberry bush isolation; and

WHEREAS, the design of the proposed subdivision is illustrated on the tentative subdivision map received by the City on November 4, 2022, which map has been assigned the file number TSM 22-02, and a copy of which is attached to this resolution as Exhibit “A”; and

WHEREAS, the Property is designated by Oroville’s General Plan Diagram as *Medium Low Density Residential* (MLDR) and the Zoning Map designation of this area is Residential Large Lot (RL)*; and*

WHEREAS, the Subdivider is proposing 25 lots on 8 acres for a resulting density of 3.17 units per acre and an average lot size of 10,106 square feet; and

WHEREAS, Tentative Subdivision Map TSM 22-02 has been reviewed by the City Engineer, who has provided a set of conditions to meet prior to final map approval; and

WHEREAS, approval of the Tentative Subdivision Map first requires specific findings; and

WHEREAS, at a duly noticed public hearing, the Planning Commission considered the comments and concerns of public agencies, property owners, and members of the public who are potentially affected by the approval of Tentative Subdivision Map TSM 22-02 described herein, and also considered the City’s staff report regarding the project.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION as follows:

The Planning Commission hereby makes the findings below and approves Tentative Subdivision Map TSM 22-02.

FINDINGS

Required Findings for the Tentative Subdivision Map:

Pursuant to OMC Section 16.12.020(D), the City Engineer has reviewed TSM 22-02 and has deemed the map complete. The required Engineer's Report is attached.

Per OMC Section 16.12.020(F), the Planning Commission shall disapprove a tentative map if it determines that any of the following conditions apply:

1. The proposed subdivision is inconsistent with the general plan or applicable specific plans.

   The subdivision is consistent with the General Plan, including several polices relating to community design, housing, and transportation. The most important consistency is that this project is already properly zoned with a land use designation consistent with that zoning, and no changes are contemplated. There are no applicable specific plans encompassing this parcel.

2. The site is not physically suitable for the proposed density or type of development, or for the physical infrastructure required to support that development.

   The site is immediately adjacent to single-family residential development, and very near several small subdivisions similar to this project. The current zoning of RL has anticipated development as residences. Infrastructure is available and adequately serving residential development nearby and this applicant will be required to expand and/or improve the existing infrastructure to adequately serve the project.

3. The design of the land division or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

   The biological and wetland assessment completed for this project has identified no wetlands or significant habitat requiring mitigation, with the exception of recommending a 125-foot buffer area at the Southeast corner to separate the housing from a nearby offsite wetland and an existing elderberry bush. None of the project's other effects will cause environmental damage to fish or wildlife or their habitat.

4. The design of the subdivision or the type of improvement is likely to cause serious public health problems.

   The subdivision was designed in accordance with Oroville Municipal Code requirements and consultation of the Oroville Design Guidelines for site design to preserve view sheds and natural features, provide development with outdoor activity options, and connectivity to surrounding neighborhoods. The design of the subdivision is similar to neighboring development that has not been shown to cause public health problems.

5. A preliminary soils report or geological hazard report indicates adverse soil or geological conditions, and the subdivider has failed to demonstrate to the

satisfaction of the city engineer and planning commission that the conditions can be corrected.

The site has been shown to be safe to develop in the site's soil types, and the City Engineer is satisfied with the findings of said report.

6. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. However, the planning commission may approve an application if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.

   There are no conflicting public easements. The subdivision will create new public and utility easements and improve to city standards two existing roadways (21st Street and Grand Avenue) along the length of the project site.

7. The proposed subdivision violates the provisions of this Chapter and no exception has been granted.

   The Engineer's Report confirms that the proposed subdivision does not violate the provisions of this chapter and no exception has been granted.

8. The proposed subdivision violates any provision of the zoning code and no variance has been granted.

   The property is already appropriately zoned RL (Residential Large Lot) and the zoning will not need to change. The manufactured homes planned to be built on the future parcels will be required to conform to OMC 15.36.010.

9. The proposed subdivision would violate any other city ordinance or any city code provision.

   The proposed subdivision will not violate any other city ordinance or city code provision.

10. The discharge of waste from the proposed subdivision into a community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).

    The Thermalito Sewer and Water (TWSD) Agency, which serves water and collects sewer discharges, is not operating under any corrective action or compliance orders.

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a special meeting of the Planning Commission of the City of Oroville held on the 24th of August 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: APPROVE:

_____ _____

KAYLA REASTER, ASSISTANT CITY CLERK CARL DURLING, CHAIRPERSON

City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT
1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2430 FAX (530) 538-2426
www.cityoforoville.org

PLANNING COMMISSION STAFF REPORT **Thursday, August 24, 2023**

RE: Consideration of Zoning Code Amendment (ZC) 23-02 adding Section 17.12.120 to the Oroville Municipal Code (OMC) establishing regulations for al fresco dining and al fresco seating, and amending Section 17.12.070 (Parking), 17.32.010 (Allowed Uses in Commercial Districts), 17.34.020 (Allowed Uses in Mixed-Use Districts), and 12.04.030 (Placing Produce, Merchandise, etc., on Streets and Sidewalks).

SUMMARY: The Planning Commission will consider recommending that the City Council adopt ZC 23-02, establishing regulations and standards for al fresco dining and al fresco seating in commercial and mixed-use districts within the City. ZC 23-02 would add Section 17.12.120 to the Oroville Municipal Code (OMC), amend Section 17.12.070 pertaining to parking standards for businesses proposing al fresco dining areas, amend Sections 17.32.010 and 17.34.020 by adding al fresco dining and seating areas as a Use-Specific Regulation in Commercial and Mixed-Use Districts, and amend Section 12.04.030 to allow the placement of dining and seating areas in the public right-of-way.

RECOMMENDATION: Staff recommends the following actions:

1. **Conduct a Public Hearing** on the proposed Zoning Code Amendment.
2. **Adopt** Resolution No. 2023-17 Recommending that the City Council adopt an ordinance adding Section 17.12.120 to the OMC and amend Sections 17.12.070, 17.32.010, 17.34.020, and 12.04.030.

APPLICANT:	City of Oroville
LOCATION: City-Wide	**GENERAL PLAN:** N/A **ZONING:** N/A **FLOOD ZONE:** N/A

ENVIRONMENTAL DETERMINATION: The proposed Zoning Code Amendment is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

REPORT PREPARED BY:	**REVIEWED BY:**
Connor Musler, Contract Planner Community Development Department	Patrick Piatt, Director Community Development Department

DISCUSSION

Currently, the City does not have regulations, standards, or processes for approving al fresco dining areas. During the COVID-19 Pandemic, the City established a program allowing businesses to apply for a COVID-19 Temporary Use Permit to authorize temporary outdoor dining and business operations. This temporary use permit allowed Oroville restaurants to convert existing areas on private property, such as parking, open pavement area, or underutilized landscaping, into temporary outdoor dining areas with minimal improvements.

With the COVID-19 emergency declaration now over and increasing inquiries by business owners for outdoor dining options, staff began researching ways to allow al fresco dining on a permanent basis, with the intent to:

- Streamline the approval process for al fresco dining areas by providing clear design standards, submittal requirements, and review procedures;
- Incentivize the location and growth of restaurants within Downtown Oroville by allowing sidewalk al fresco dining areas through an administrative permitting process; and
- Create high-quality, safe, and active outdoor areas to bolster a vibrant community atmosphere.

Staff analyzed the standards set forth in the City's COVID-19 Temporary Use Permit, and the current al fresco dining regulations of nearby cities, such as Chico and Roseville, in addition to larger jurisdictions where al fresco dining may be more common like the cities of Santa Barbara and Tustin. Based on the research and outreach conducted, Staff are proposing an ordinance that would allow al fresco dining under three classifications: "Al Fresco Sidewalk Dining Area," "Al Fresco Dining Areas Outside of the Public Right-of-Way," and "Al Fresco Seating Area."

"Al Fresco Sidewalk Dining Area"

Many of the properties within Downtown Oroville, like other cities downtown's, are developed and lack spaces to provide al fresco dining areas on private property. As a result, jurisdictions like the cities of Chico, Sacramento, Santa Barbara, and Tustin have adopted dining regulations that allow for dining within the public right-of-way. Staff researched these jurisdiction's regulations and analyzed the existing conditions within Downtown Oroville during the preparation of the draft al fresco ordinance and are proposing the creation of a Downtown Oroville specific "Al Fresco Sidewalk Dining Area."

The "Al Fresco Sidewalk Dining Area" is generally defined as the area bounded by High Street, Oliver Street, Arlin Rhine Memorial Drive, and Oak Street. This area is characterized by already established buildings with high development density featuring zero setback buildings and little-to-no private outdoor space to establish al fresco dining. In addition, the Gateway Site, located at the intersection of Montgomery Street and Feather River Blvd, and extending to the Purple Line Urban Winery and Bedrock Park has been included in the "Al Fresco Sidewalk Dining Area." Under the proposed

ordinance, these areas will be the only areas within the City where food service establishments will be able to use the public right-of-way to establish an al fresco dining area. Furthermore, food service establishments who fall within the “Al Fresco Sidewalk Dining Area” will be exempt from parking requirements for the seats within their al fresco dining area.

The proposed ordinance further creates two classifications of sidewalk dining: use of the existing sidewalk or widening of the sidewalk. As shown in **Figure 1**, some sidewalks within Downtown Oroville are of sufficient width to create al fresco sidewalk dining areas with minimal infrastructure improvements.

Figure 1: Existing Sidewalk on Montgomery Street

Sidewalk dining areas are limited to the frontage immediately adjacent to the business proposing to provide al fresco dining. However, some tenant spaces have small frontages that may preclude the ability to construct a dining area of sufficient size to support their business. Staff propose allowing a dining area to extend into the frontage zone of a neighboring business with the written authorization from that adjacent business and building owner(s).

Figure 2: Example of a Sidewalk Dining Area

Businesses may also propose to remove adjacent on-street parking spaces in order to widen the sidewalk to accommodate an al fresco dining area. Prior to the removal of on-street parking, findings must be made that the removal of said parking stalls will not result in an inadequate supply of parking for downtown businesses.

"Al Fresco Dining Areas Outside of the Public Right-of-Way"

Al fresco dining areas proposed at food service establishments that fall wholly on private property are proposed to be allowed city-wide in Commercial and Mixed-Use Districts, including the sub area of the DH-O, as specified in the allowed uses table found in Sections 17.32.010 and 17.34.020 of the OMC.

The proposed regulations would set forth development standards and regulations similar to those proposed for al fresco dining areas within the public right-of-way, however, there are additional requirements such as landscaping and parking provisions specific to these al fresco dining areas on private property.

On June 22, 2023, the Planning Commission conducted a public hearing and considered the proposed al fresco dining regulations. Public comment was received, and the Planning Commission discussed the draft ordinance before directing staff to conduct further research and make modifications to ensure the regulations would allow greater flexibility for food service establishments to propose al fresco dining options. To help

accomplish this, staff are proposing to add "Al Fresco Seating Areas" to the draft ordinance.

"Al Fresco Seating Areas"

Al fresco seating areas at food service establishments are proposed to be allowed city-wide in Commercial and Mixed-Use Districts, including the sub area of the DH-O, as specified in the allowed uses table found in Sections 17.32.010 and 17.34.020 of the OMC.

Al fresco seating areas are differentiated from al fresco dining areas by the fact that al fresco seating areas do not include permanent improvements, such as barriers. Al fresco seating areas contained on private property and maintained in compliance with the proposed regulations do not need to be reviewed or approved by the City, thus streamlining a food service establishment's ability to provide this amenity. If a food service establishment is proposing to add an al fresco seating area, an administrative al fresco seating area permit shall be required.

Furthermore, since the Planning Commission last reviewed the draft ordinance, staff are proposing additional revisions. These proposed revisions are shown as red text in the draft al fresco dining and seating ordinance. Revisions were also made for clarity, formatting, and to maintain consistent language and terminology throughout the draft ordinance.

As part of this process to add Section 17.12.120 to the OMC, the following code sections are also proposed to be amended to ensure consistency with the al fresco dining ordinance:

- 17.12.070 (Parking)
- 17.32.010 (Allowed uses in commercial districts)
- 17.34.020 (Allowed uses in mixed-use districts)
- 12.04.030 (Placing produce, merchandise, etc., on streets and sidewalks)

Amendments to the aforementioned code sections pertain to establishing a minimum parking standard for al fresco dining areas, specifying the zoning districts where al fresco dining are permitted, and allowing the placement of dining and seating areas in the public right-of-way.

The proposed al fresco dining regulations were first reviewed by the Development Review Committee on February 9, 2023. The proposed regulations were then discussed at the March 2, 2023, regular meeting of the Oroville Downtown Business Association (ODBA), with a general consensus of support expressed by the meeting attendants. A workshop was subsequently held with members of the ODBA where the boundaries of the "Al Fresco Sidewalk Dining Area" were expanded to include a larger footprint of Downtown Oroville and the addition of the Gateway Site.

GENERAL PLAN CONSISTENCY

This proposed ordinance helps implement the following goals and policies of the City's 2030 General Plan:

General Plan Goals:

Goal LU-2 "Develop an economically vital, pedestrian-oriented Historic Downtown that includes retail, office, residential, civic, cultural, and recreational uses."

Goal CD-1 As the community grows, maintain a coherent and distinctive physical form and structure that reflects Oroville's unique qualities.

Goal CD-5 Establish the Historic Downtown Business District as the "Heart of the City" focusing on its unique historic, civic, cultural, and natural amenities.

Goal CD-7 Develop Oroville's major corridors as attractive locations with a diverse mix of land uses and development patterns that include high quality pedestrian-oriented design.

General Plan Policies:

P1.1 Require quality architectural and landscaping design as well as durable and efficient materials for all projects.

P2.2 Promote development that maintains and reinforces the Historic Downtown as the geographic and economic center of Oroville.

P2.5 Encourage the location of businesses, services and civic facilities in the Historic Downtown that provide entertainment, visitor services and cultural enrichment and extend the hours during which the Historic Downtown is an active place.

P5.4 Encourage a diversity of uses in the Historic Downtown, including commercial and civic, that will ensure a lively day and evening presence and reinforce the unique qualities of the Historic Downtown as Oroville's community center.

P6.1 New development in commercial, industrial, and business park districts shall include human-scale details in the design of buildings to create a visually interesting pedestrian environment. Blank walls adjacent to pedestrian circulation areas shall be discouraged.

P7.2 New commercial development along Oroville's major corridors shall include building frontages with human-scale design elements, varied and articulated facades, and entries oriented to public sidewalks or pedestrian pathways. Building facades located along pedestrian pathways and public rights-of-way shall also have window openings and shall not consist of solid blank walls.

FISCAL IMPACT

None.

ATTACHMENTS

A. Resolution No. 2023-17

B. Proposed Al Fresco Dining and Seating OMC Section 17.12.120
C. Proposed Changes to OMC Section 17.12.070 (Parking)
D. Proposed Changed to OMC Section 17.32.010 (Allowed uses in commercial districts)
E. Proposed Changes to OMC Section 17.34.020 (Allowed uses in mixed-use districts)
F. Proposed Changes to OMC Section 12.04.030 (Placing produce, merchandise, etc., on streets and sidewalks)

RESOLUTION NO. P2023-17

A RESOLUTION OF THE OROVILLE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT ZC 23-02, THE PROPOSED AMENDMENTS TO THE OROVILLE MUNICIPAL CODE BY ADDING SECTION 17.12.120 ESTABLISHING REGULATIONS AND STANDARDS FOR AL FRESCO DINING AND AMENDING SECTION 17.12.070 "PARKING," SECTION 17.32.010 "ALLOWED USES IN COMMERCIAL DISTRICTS," SECTION 17.34.020 "ALLOWED USES IN MIXED-USE DISTRICTS," AND SECTION 12.04.030 "PLACING PRODUCE, MERCHANDISE, ETC., ON STREETS AND SIDEWALKS"

WHEREAS, the City of Oroville does not currently have standards and regulations allowing for the development of al fresco dining areas; and

WHEREAS, City staff began developing standards and regulations for al fresco dining areas in response to increasing inquiries by business owners and the growing popularity of al fresco dining following the COVID-19 Pandemic; and

WHEREAS, City staff recommend adding Section 17.12.120 to the Zoning Code of the Oroville Municipal Code establishing standards and regulations for al fresco dining and al fresco seating areas; and

WHEREAS, the intent of the standards and regulations is to streamline the approval process for al fresco dining and seating areas by providing clear design standards, submittal requirements, and review procedures; incentivize the location and growth of restaurants within Downtown Oroville by allowing sidewalk al fresco dining and seating areas through an administrative permitting process; and create high-quality, safe, and active outdoor areas to bolster a vibrant community atmosphere; and

WHEREAS, amendments are also proposed to Section 17.12.070, pertaining to the City's parking standards, which would establish parking requirements for al fresco dining areas; and

WHEREAS, amendments are further proposed to Sections 17.32.010 and 17.34.020 adding al fresco dining areas and al fresco seating areas as a Use-Specific Regulation in commercial and mixed-use districts, respectively; and

WHEREAS, amendments are proposed to Section 12.04.030, adding reference to the al fresco dining and seating area code section; and

WHEREAS, at a duly noticed public hearing, the Planning Commission considered the comments and concerns of public agencies, property owners, and members of the public who are potentially affected by the approval of the code changes described herein and considered the City's staff report regarding the project.

NOW, THEREFORE, BE IT RESOLVED BY THE OROVILLE PLANNING COMMISSION AS FOLLOWS:

SECTION 1. The Planning Commission determines:

A. That the proposed amendments are consistent with the General Plan; and

B. The proposed amendments are consistent with other applicable provisions of the Municipal Code and compatible with the uses authorized in the applicable zoning districts for which the revisions are proposed.

SECTION 2. The Planning Commission hereby recommends that the City Council approve the Zoning Code Amendment ZC23-02 to the Oroville Municipal Code as set forth in Attachment B, adding Section 17.12.120 establishing regulations for al fresco dining, Attachment C, amending Section 17.12.070 (Parking), Attachment D amending Section 17.32.010 (Allowed Uses in Commercial Districts), Attachment E amending 17.34.020 (Allowed Uses in Mixed-Use Districts), and Attachment F amending Section 12.04.030 (Placing produce, merchandise, etc., on streets and sidewalks).

****

PASSED AND ADOPTED by the Planning Commission of the City of Oroville at a regular meeting on August 24, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: APPROVE:

Kayla Reaster, Assistant City Clerk

Carl Durling, Chairperson

SECTION 17-12.120 AL FRESCO DINING AND SEATING

17-12.120 Al Fresco Dining and Seating,

A. **Purpose.**

The purpose of the regulations and standards in this Section are to allow increased business and pedestrian traffic by providing safe and visually appealing opportunities for Al Fresco Dining and Seating. It shall be unlawful for any person to establish an Al Fresco Dining or Seating Area at any site unless approval had been obtained, as applicable, consistent with this Section.

B. **Definitions.**

1. Al Fresco Dining: Generally defined as permanent dining areas that are outdoors, either contained fully on private property or on city sidewalks. This dining area shall be a separately identifiable, designated space that is accessory to the operation of a food service establishment.
2. Al Fresco Seating: Generally defined as temporary dining areas located immediately adjacent to or in close proximity to a food service establishment where patrons can sit and consume meals and/or non-alcoholic beverages. An al fresco seating area is characterized by non-permanent improvements where the area can be returned to original unimproved state.
3. Frontage Zone: The section of the sidewalk that functions as an extension of the building, whether through entryways and doors or sidewalk cafes and sandwich boards. The frontage zone consists of both the structure and the facade of the building fronting the street, as well as the space immediately adjacent to the building.
4. Outdoor Dining: See "Al Fresco Dining" definition.
5. Outdoor Seating: See "Al Fresco Seating" definition.
6. Pedestrian Through Zone: The primary, accessible pathway for pedestrians that runs parallel to the street and the al fresco sidewalk dining area. This pathway shall be a minimum of six (6) feet in width.
7. Sidewalk Dining Area: See "Al Fresco Dining" definition.
8. Street Furniture/Curb Zone: The section of the sidewalk between the curb and the through zone in which street furniture and amenities, such as lighting, benches, newspaper kiosks, utility poles, tree pits, and bicycle parking are provided. The street furniture zone may also consist of green infrastructure elements, such as rain gardens or flow-through planters.

C. **Applicability.**

1. Al Fresco Sidewalk Dining shall be allowed only in the area identified as the "Al Fresco Sidewalk Dining Areas." Generally, the area bounded by High Street, Oliver Street, Arlin Rhine Memorial Drive, and Oak Street, as shown in Figure 17.12.120-1, and the Gateway Site, as shown in Figure 17.12.120-2.

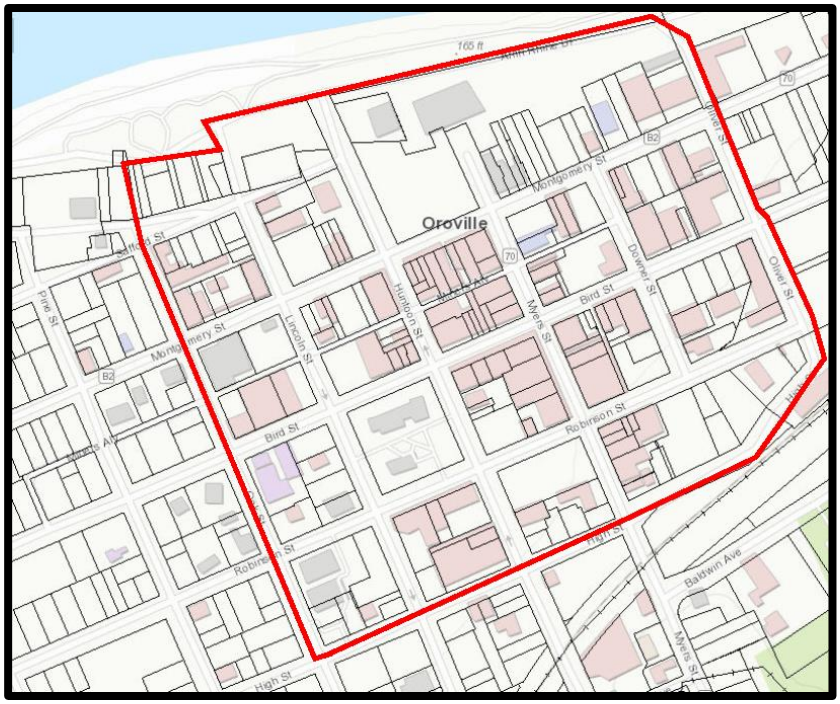

Figure 17.12.120-1

Figure 17.12.120-2

2. Al Fresco Dining Areas outside of the public right-of-way fully contained on private property shall be allowed in areas of the City zoned for commercial and mixed-use districts as specified in Sections 17.32.010 and 17.34.020 of the zoning code.

D. **Al Fresco Sidewalk Dining Area.**

Al Fresco Sidewalk Dining shall only be allowed within the specific sub areas as identified in subsection (C)(1) ("Applicability").

1. Conversion of Existing Sidewalk. Sidewalk dining areas that are contained within the existing footprint of the sidewalk without requiring widening to maintain the minimum required pedestrian through zone width.

a. Design Standards

(1) Shall be directly adjacent to the business proposing to utilize the sidewalk dining area. The al fresco dining area may also utilize the frontage zone of a neighboring business with the written authorization from the adjacent business and building owner(s) where the sidewalk dining area is proposed to extend.

(2) A continuous barrier separating the dining area from the pedestrian through zone shall be installed a minimum of three (3) feet in height but shall not exceed four (4) feet in height. This barrier shall be constructed of solid material such as metal, stone block, glass, planter boxes, or a combination thereof.

(3) Awnings, umbrellas, and similar shade covers must allow vertical clearance of a minimum of seven (7) feet above sidewalk level.

(4) Shall comply with all ADA requirements and the City's adopted Building and Fire Code.

(5) All signage shall comply with the City's adopted Sign Code.

(6) Lighting shall be provided that is architecturally compatible with the design of the al fresco dining area and surrounding area.

(7) The use of compatible awnings, umbrellas, plants, and other human scale elements is encouraged to enhance the pedestrian experience.

b. Operational Requirements

(1) The dining area shall be kept clear of trash, litter, and debris.

(2) Furnishings must be maintained and cleaned regularly with no ripped, faded, or otherwise damaged materials. Any unmaintained furnishing shall be repaired or replaced immediately. The restaurant manager or business owner is responsible for maintaining the al fresco dining area free of trash, litter, and food debris.

~~(3) Waste receptacles shall be provided for patrons in the dining area.~~

(4) Operation of an al fresco dining area shall be permitted only during such times as the hours of operation of the associated food service establishment.

(5) An al fresco dining operation proposing to serve alcoholic beverages must be duly licensed by the state Department of Alcoholic Beverage Control and obtain a conditional use permit pursuant to Section 17.16.160, as may be required by the subject property's zoning designation, prior to the service of alcoholic beverages.

(6) As applicable, the applicant shall post signage that the drinking or carrying of an open container of alcohol is prohibited outside the al fresco dining area.

(7) The al fresco dining area shall comply with the City's Noise Ordinance.

(8) Unobstructed access to fire exits, fire lanes, fire hydrants, fire hose connections, and entrances and exits of all buildings shall be maintained.

~~(9) No heating, cooking or open flames are permitted in the sidewalk dining area. Space heaters are permitted provided that they are an outdoor approved type, are located in accordance with the manufacturer's recommendations, and are located at least two (2) feet from the edge of any umbrella canvas, any foliage, or any other flammable object or material.~~

c. Application Review Procedure and Submittal Requirements

(1) Subject to an administrative permit approved by the Development Review Committee.

(2) An application for an al fresco dining area shall include a detailed site plan, drawn to scale, noting dimensions of the area proposed for the outdoor café; the proposed number and location of tables, chairs and other furnishings to be included in the al fresco dining area; the composition, design, and location of all physical barriers; the location and nature of any proposed landscaping; the relationship of the al fresco dining area to the indoor dining area; and all sidewalk obstructions in the vicinity of the proposed al fresco dining area.

(3) A detailed description of the type, color, and material of all proposed outdoor furniture, such as tables, chairs, barriers, planters, umbrellas, signs, and lighting shall be included with an application for an al fresco dining area.

2. Widening of Sidewalk. Sidewalk dining areas that require widening of the sidewalk to accommodate both the new dining area and the minimum required pedestrian through zone width.

a. Design Standards

(1) Shall be directly adjacent to the business proposing to utilize the sidewalk dining area. The al fresco dining area may also utilize the frontage zone of a neighboring business with the written authorization from the adjacent business and building owner(s) where the sidewalk dining area is proposed to extend.

(2) No more than two (2) parking spaces may be converted to widened sidewalk to facilitate any one al fresco dining area. The two (2) parking spaces that may be converted to widened sidewalk may either be: two (2) parking spaces on one (1) block, or one (1) space on each side of and directly adjacent to the corner of a block where two (2) public streets intersect.

(3) Existing street trees shall be preserved and incorporated into the design of the dining area where possible.

(4) Awnings, umbrellas, and similar shade covers must allow vertical clearance of a minimum of seven (7) feet above sidewalk level.

(5) A continuous barrier separating the dining area from the pedestrian through zone shall be installed a minimum of three (3) feet in height but shall not exceed four (4) feet in height. This barrier shall be constructed of solid material such as metal, stone block, glass, planter boxes, or a combination thereof.

(6) Shall comply with all ADA requirements and the City's adopted Building and Fire Code.

(7) All signage shall comply with the City's adopted Sign Code.

(8) Lighting shall be provided that is architecturally compatible with the design of the al fresco dining area and surrounding area.

(9) The use of compatible awnings, umbrellas, plants, and other human scale elements is encouraged to enhance the pedestrian experience.

b. Operational Requirements

(1) The dining area shall be kept clear of trash, litter, and debris.

(2) Furnishings must be maintained and cleaned regularly with no ripped, faded, or otherwise damaged materials. Any unmaintained furnishing shall be repaired or replaced immediately. The restaurant manager or business owner is responsible for maintaining the al fresco dining area free of trash, litter, and food debris.

~~(3) Waste receptacles shall be provided for patrons of the dining area.~~

(4) Operation of an al fresco dining area shall be permitted only during such times as the hours of operation of the associated food service establishment.

(5) An al fresco dining operation proposing to serve alcoholic beverages must be duly licensed by the state Department of Alcoholic Beverage Control and obtain a conditional use permit pursuant to Section 17.16.160, as may be required by the subject property's zoning designation, prior to the service of alcoholic beverages.

(6) As applicable, the applicant shall post signage that the drinking or carrying of an open container of alcohol is prohibited outside the al fresco dining area.

(7) The al fresco dining area shall comply with the City's Noise Ordinance.

(8) Unobstructed access to fire exits, fire lanes, fire hydrants, fire hose connections, and entrances and exits of all buildings shall be maintained.

~~(9) No heating, cooking or open flames are permitted in the sidewalk dining area. Space heaters are permitted provided that they are an outdoor approved type, are located in accordance with the manufacturer's recommendations, and are located at least two (2) feet from the edge of any umbrella canvas, any foliage, or any other flammable object or material.~~

c. Application Review Procedure and Submittal Requirements

(1) Subject to an administrative permit approved by the Development Review Committee.

(2) An encroachment permit shall be obtained prior to any work commencing within the public right-of-way.

(3) Prior to approving a permit authorizing the widening of a sidewalk that results in the loss of on-street parking, findings shall be made that the loss of on-street parking will not result in an inadequate supply of parking within the downtown area.

(4) All costs associated to the widening of sidewalk for the operation of an al fresco sidewalk dining area shall be at applicant's sole cost and expense.

(5) An application for an al fresco dining area shall include a detailed site plan, drawn to scale, noting dimensions of the area proposed for the outdoor café; the proposed number and location of tables, chairs and other furnishings to be included in the al fresco dining area; the composition, design, and location of all physical barriers; the location and nature of any proposed landscaping; the relationship of the al fresco dining area to the indoor dining area; and all sidewalk obstructions in the vicinity of the proposed al fresco dining area.

(6) A detailed description of the type, color, and material of all proposed outdoor furniture, such as tables, chairs, barriers, planters, umbrellas, signs, and lighting shall be included with an application for an al fresco dining area.

3. **General Liability Insurance**

a. The applicant shall provide to the City an agreement to indemnify, defend, and hold harmless the City of Oroville, as applicable, for any and all claims for liability or damages arising from the operation of the al fresco dining area.

b. The restaurant operator or property owner shall provide to the City of Oroville insurance certificates and endorsements evidencing general liability insurance, workers compensation insurance, and such other insurance, in such amounts and forms as may be required by the City of Oroville Risk Manager.

4. A permit to operate an Al Fresco Sidewalk Dining Area shall be subject to termination by the City at any time upon giving written notice to the applicant and/or operator at least ten (10) days prior to the hearing upon determination of the Community Development Director that one (1) or more of the conditions or provisions of this Section have been violated, or that one (1) or more factors listed in this Section have changed, or the permitted use is no longer compatible with the intended use of the City property, public sidewalk or other public right-of-way. No prior written notice shall be required to terminate the permit where the Community Development Director in their discretion, that the continued use of the City property, public sidewalk or other public right-of-way for the Al Fresco Dining Area poses an imminent threat to health or safety.

E. **Al Fresco Dining Areas Outside of the Public Right-of-Way.**

Shall apply city-wide in Commercial and Mixed-Use Districts as specified in Sections 17.32.010 and 17.34.020, including the specific sub areas as identified in subsection (C)(1) ("Applicability").

1. **Design Standards**

a. Shall not encroach or be constructed within the public right-of-way.

b. Parking shall be provided in accordance with Section 17.12.070.

c. A continuous barrier separating the dining area from drive aisles, parking and, pedestrian facilities shall be installed a minimum of three (3) feet in height. This barrier shall be constructed of solid material such as metal, stone block, glass, or a combination thereof. Any barrier over three (3) feet in height shall be

architecturally compatible with the adjacent building and surrounded by a landscaped buffer of no less than 5 feet in width.

d. Awnings, umbrellas, and similar shade covers must allow vertical clearance of a minimum of seven (7) feet.

e. Shall comply with all ADA requirements and the City's adopted Building and Fire Code.

f. All signage shall comply with the City's adopted Sign Code.

g. Lighting shall be provided that is architecturally compatible with the design of the al fresco dining area and surrounding area.

h. The use of compatible awnings, umbrellas, plants, and other human scale elements is encouraged to enhance the pedestrian experience.

2. **Operational Requirements**

a. The dining area shall be kept clear of trash, litter, and debris.

b. Furnishings must be maintained and cleaned regularly with no ripped, faded, or otherwise damaged materials. Any unmaintained furnishing shall be repaired or replaced immediately. The restaurant manager or business owner is responsible for maintaining the al fresco dining area free of trash, litter, and food debris.

~~**c.** Waste receptacles shall be provided for patrons in the dining area.~~

d. Operation of an al fresco dining area shall be permitted only during such times as the hours of operation of the associated food service establishment.

e. An al fresco dining operation proposing to serve alcoholic beverages must be duly licensed by the state Department of Alcoholic Beverage Control and obtain a conditional use permit pursuant to Section 17.16.160, as may be required by the subject property's zoning designation, prior to the service of alcoholic beverages.

f. As applicable, the applicant shall post signage that the drinking or carrying of an open container of alcohol is prohibited outside the al fresco dining area.

g. The al fresco dining area shall comply with the City's Noise Ordinance.

h. Unobstructed access to fire exits, fire lanes, fire hydrants, fire hose connections, and entrances and exits of all buildings shall be maintained.

~~**i.** No heating, cooking or open flames are permitted in the al fresco dining area. Space heaters are permitted provided that they are an outdoor approved type, are located in accordance with the manufacturer's recommendations, and are located at least two (2) feet from the edge of any umbrella canvas, any foliage, or any other flammable object or material.~~

3. **Application Review Procedure and Submittal Requirements**

a. New al fresco dining areas proposed to be added to an already developed site containing a food service establishment shall be subject to an administrative permit approved by the Development Review Committee.

(1) Al fresco dining areas proposed as part of a larger project shall be reviewed and approved by the approval body for the project.

b. An application for an al fresco dining area shall include a detailed site plan, drawn to scale, noting dimensions of the area proposed for the al fresco dining area; the proposed number and location of tables, chairs and other furnishings to be included in the al fresco dining area; the composition, design, and location of all physical barriers; the location and nature of any proposed landscaping; the relationship of the al fresco dining area to the indoor dining area; and all sidewalk obstructions in the vicinity of the proposed al fresco dining area.

c. A detailed description of the type, color, and material of all proposed outdoor furniture, such as tables, chairs, barriers, planters, umbrellas, signs, and lighting shall be included with an application for an al fresco dining area.

F. **Al Fresco Seating Areas.**

Shall apply city-wide in Commercial and Mixed-Use Districts as specified in Sections 17.32.010 and 17.34.020, including the specific sub areas as identified in subsection (C)(1) ("Applicability").

1. **Operational Standards**

a. Alcoholic beverages shall not be served or consumed in al fresco seating areas.

b. The furnishings shall be directly adjacent to or in close proximity of the food service establishment and shall be non-permanent in nature.

c. The outdoor seating area shall be no larger than 25% of the floor area of the associated food service establishment, or 16 seats, whichever is greater.

d. Furnishings may be set out as early as thirty (30) minutes prior to opening and must be removed no later than thirty (30) minutes after closing of the business.

e. Awnings, umbrellas, and similar shade covers must allow vertical clearance of a minimum of seven (7) feet.

f. All al fresco seating areas shall comply with the City's Noise Ordinance.

g. The required pedestrian through zone, emergency access/exits, and fire lanes must be maintained.

h. Furnishings must be maintained and cleaned regularly with no ripped, faded, or otherwise damaged materials. Any unmaintained furnishing shall be repaired or replaced immediately. The restaurant manager or business owner is responsible for maintaining the al fresco dining area free of trash, litter, and food debris.

i. No furnishings shall be placed within any required parking or landscape area.

j. No furnishings may be places or encroach within the public right-of-way without first obtaining appropriate approvals as specified in subsection (F)(2)(b) ("Application Review Procedure and Submittal Requirements").

2. **Application Review Procedure and Submittal Requirements**

a. If a proposed al fresco seating area consists only of the temporary placement of tables and chairs contained wholly on private property during the food service establishment's hours of operation and complies with the operational standards as detailed above in subsection (F)(1), a permit shall not be required.

b. If a proposed al fresco seating area consists only of the temporary placement of tables and chairs in the public right-of-way during the food service establishment's hours of operation and complies with the operational standards as detailed above in subsection (F)(1), an administrative al fresco seating area permit shall be required, subject to approval by the Director of Community Development, or designee. An application for an al fresco seating area permit shall contain the following:

(1) A site plan depicting the area within the public right-of-way proposed to be used for the al fresco seating area.

(2) If the proposed al fresco seating area includes the placement of furnishings in front of a business immediately adjacent to the associated food service establishment, the applicant shall submit written authorization from the adjacent business and building owner(s) to utilize the businesses frontage zone.

(3) Insurance certificates and endorsements evidencing general liability insurance, workers compensation insurance, and such other insurance, in such amounts and forms as may be required by the City of Oroville Risk Manager.

(4) An agreement to indemnify, defend, and hold harmless the City of Oroville, as applicable, for any and all claims for liability or damages arising from the operation of the al fresco seating area.

G. **Exemptions.** Al fresco dining and seating areas that deviate from the standards set forth in this Section are subject to a Conditional Use Permit, processed in accordance with Section 17.48.010.

Table 17.12.070-1

Minimum Vehicular Parking Requirements

Land Use	Vehicular Parking Requirements
Public Assembly	
Commercial recreational facility—indoor	
Arcade or amusement center	1 space for each 300 square feet of gross floor area
Bowling alley	2 spaces for each lane
Skating rink	1 space for each 300 square feet of rink area, plus 1 space for each 10 fixed seats
Theater	1 space for each 5 fixed seats, or 1 space for each 100 square feet of gross floor area if no fixed seats; exceptions may be provided for theaters with more than 500 seats, subject to a use permit
Commercial recreational facility—outdoor	Determined by use permit
Gym	1 space for each 300 square feet of gross floor area
Instructional studio	1 space for each 300 square feet of gross floor area
Library or museum	1 space for each 300 square feet of gross floor area
Meeting facility	1 space for each 5 fixed seats, or 1 space for each 100 square feet of gross floor area if no fixed seats; plus additional spaces as required by this section for accessory uses, such as offices
Restaurant or café	1 space for each 100 square feet of gross floor area
School—elementary or middle school	3 spaces for each classroom
School—high school	7 spaces for each classroom
Land Use	**Vehicular Parking Requirements**
Residential	
Boardinghouse	1 space for each bedroom
Caretaker dwelling unit	1 space for each dwelling unit
Duplex	2 spaces for each dwelling unit
Emergency shelter	1 space per 10 adult beds
Family day care, large	2 spaces, in addition to those required for the dwelling unit
Family day care, small	None beyond requirement for dwelling unit
Home occupation	None beyond requirement for dwelling unit
Mobile home park	1 space for each dwelling unit, plus 1 guest parking space for each 4 dwelling units
Studio or 1 bedroom	1 space for each dwelling unit
2 or more bedrooms—projects with fewer than 14 dwelling units per acre	2 spaces for each dwelling unit
2 or more bedrooms—projects with 14 or more dwelling units per acre	1.5 spaces for each dwelling unit
Guest parking for multiple-family dwellings	1 space for each 4 dwelling units
Residential care facility—6 units or fewer	Same as requirements for applicable type of dwelling unit
Residential care facility—7 units or more	1 space for each 3 beds
Second dwelling unit	1 space for each dwelling unit
Single-family dwelling	2 spaces for each dwelling unit
Retail	
All "retail" uses listed in Ch. 17.28, except the following:	1 space for each 300 square feet of gross floor area
Alcoholic beverage sales—on-premises consumption	1 space for each 100 square feet of gross floor area
Automobile sales	1 space for each 2,000 square feet of site area
Gas station	As required for individual accessory uses; minimum of 2 spaces
~~Restaurant or café~~	~~1 space for each 4 seats, including outdoor seating~~
Al fresco dining	1 space for each 4 seats
Mobile home, boat or recreational vehicle sales	1 space for each 1,000 square feet of site area
Services	
All "services" uses listed in Ch. 17.28, except the following:	1 space for each 300 square feet of gross floor area

Land Use	Vehicular Parking Requirements
Bed and breakfast	1 space for each guest room, plus 1 space for any resident manager
Car wash Hospital Hotel or motel	2 spaces for each wash bay 1.1 spaces for each bed 1 space for each guest room, plus additional spaces as required by this section for accessory uses
Mortuary Personal services	1 space for each 6 fixed seats, or 1 space for each 100 square feet of gross floor area if no fixed seats 1 space for each 200 square feet of gross floor area
Manufacturing, Wholesale, Repair and Storage	
All "manufacturing, wholesale, repair and storage" uses listed in Ch. 17.28, except the following: Mini-storage facility Research laboratories Warehousing	1 space for each 1,000 square feet of gross floor area; minimum of 2 spaces 1 space for each 3,000 square feet of gross floor area; minimum of 4 spaces 1 space for each 300 square feet of gross floor area 1 space for each 2,000 square feet of gross floor area used for storage, plus 1 space for each 300 square feet of other gross floor area
Transportation and Infrastructure	
All "transportation and infrastructure" uses listed in Ch. 17.28	1 space for each 1,000 square feet of gross floor area; minimum of 4 spaces

J. **Parking Requirements in DH-O Districts**. Notwithstanding any other provision of this section, in downtown historic overlay (DH-O) districts, the following minimum parking requirements shall apply:

1. For single-family residential uses in a DH-O district, no parking spaces shall be required, provided that all of the following circumstances exist:

   a. No off-street parking spaces have already been constructed on the property.

   b. The property qualifies as a landmark, as provided in Section 17.48.040.

2. Residential uses in a DH-O district shall be eligible for the on-street parking credit described in this section.

3. In any RP/DH-O district, all required parking spaces shall be located within the building's rear setback.

4. Seating in an al fresco dining area of a restaurant or café use within the "Al Fresco Sidewalk Dining Area" of the DH-O, as defined in Section 17.12.120(C)(1), shall not count towards the minimum vehicular parking requirements for the use.

17.32.010 Allowed uses in commercial districts.

The uses allowed in commercial districts shall be as shown in Table 17.32.010-1. These uses include:

A. **Permitted Use (P).** Uses that are shown with a “P” shall be permitted, subject to obtaining a zoning clearance, as provided in Section 17.48.030 (Zoning clearances) of this title, as well as any building permits or other permits required by this Code.

B. **Administrative Permit Required (AP)**. Uses that are shown with an “AP” shall be subject to obtaining an administrative permit, as provided in Section 17.48.020 (Administrative permits) of this title.

C. **Use Permit Required (UP).** Uses that are shown with a “UP” shall be subject to obtaining a use permit, as provided in Section 17.48.010 (Use permits) of this title.

D. **Use-Specific Regulations (S).** Uses that are shown with an “S” shall be subject to permit requirements as provided in the specific regulations for that use. The table indicates where the use-specific regulations are located in this Code.

E. **Use Not Allowed (-).** Uses that are shown with a “-”, or that are not listed, shall not be allowed, except as provided in Sections 17.08.090 (Interpretation regarding allowable uses of land) and 17.48.090 (Nonconforming uses and structures) of this title.

Table 17.32.010-1

Allowed Uses in Commercial Districts

Key	
P	**Permitted use, subject to zoning clearance**
AP	**Administrative permit required**
UP	**Use permit required**
S	**See use-specific regulations for permit requirement**
-	**Use not allowed**

Land Use	Zoning Districts						Use-Specific Regulations
	CN	C-1	C-2	CH	CLM	OF	
Local Food Uses							
Neighborhood food and beverage sales	AP	AP	AP	AP	AP	AP	17.16.220 (Neighborhood food and beverage sales)
Urban agriculture	S	S	S	S	S	S	17.16.230 (Urban agriculture)
Public Assembly							
Carnival, circus or fair	AP	AP	AP	AP	AP	UP	17.16.060 (Temporary uses and buildings)
Commercial recreational facility-indoor, 10,000 square feet or less of gross floor area	UP	P	P	P	UP	-	-
Commercial recreational facility-indoor, more than 10,000 square feet of gross floor area	-	UP	P	UP	UP	-	-
Commercial recreational facility-outdoor	-	UP	P	-	UP	-	-
Concert or performance	AP	AP	AP	AP	AP	-	17.16.060 (Temporary uses and buildings)
Library or museum	-	UP	UP	UP	UP	UP	-
Meeting facility—10,000 square feet or less of gross floor area	P	P	P	UP	UP	P	-
Meeting facility-more than 10,000 square feet of gross floor area	-	UP	P	-	UP	UP	-
Park or playground	UP	UP	UP	UP	UP	UP	-
School, public	-	P	P	UP	UP	UP	-
School, private	-	P	P	-	-	UP	-
Training facility	-	UP	UP	-	-	UP	-
Residential							
Caretaker residence	UP	UP	UP	UP	UP	-	-
Family day care, large	S	S	S	S	S	-	17.16.050 (Family day care homes)
Family day care, small	P	P	P	P	P	-	17.16.050 (Family day care homes)
Home occupation, low-impact	P	P	P	-	-	-	17.16.040 (Home occupations)
Home occupation, moderate-impact	AP	AP	AP	-	-	-	17.16.040 (Home occupations)

Land Use	Zoning Districts						Use-Specific Regulations
	CN	C-1	C-2	CH	CLM	OF	
Residential care facility—6 units or fewer	P	P	P	P	P	-	-
Residential care facility—7 units or more	-	-	-	-	-	-	-
Retail							
Alcoholic beverage sales	UP	UP	UP	-	-	-	-
Al fresco dining areas	S	S	S	S	S	-	17.12.120 (Al Fresco Dining and Seating)
Al fresco seating areas	S	S	S	S	S	-	17.12.120 (Al Fresco Dining and Seating)
Building supply	-	-	P	-	P	-	-
Cannabis retail	-	-	-	-	-	-	
Equipment and machinery sales or rental	-	-	P	-	P	-	-
Drive-through establishment—pharmacy	P	P	P	P	P	-	17.16.080 (Drive-through establishments)
Drive-through establishment—all other uses	UP	UP	UP	UP	UP	-	17.16.080 (Drive-through establishments)
Farmers' market	AP	AP	AP	AP	AP	AP	17.16.060 (Temporary uses and buildings)
Food and beverage sales—10,000 square feet or less of gross floor area	P	P	P	P	P	-	-
Food and beverage sales—10,001 to 40,000 feet of gross floor area	UP	P	P	UP	-	-	-
Food and beverage sales—more than 40,000 square feet of gross floor area	-	P	P	UP	-	-	-
Funeral merchandise sales	-	UP	UP	-	-	UP	-
Gas station	-	UP	P	P	P	-	17.16.070 (Gas stations)
General retail—10,000 square feet or less of gross floor area	P	P	P	P	P	-	-
General retail—10,001 to 40,000 feet of gross floor area	UP	P	P	UP	P	-	-
General retail—more than 40,000 square feet of gross floor area	-	UP	P	UP	UP	-	-
Mobile food vendor	AP	AP	AP	AP	AP	AP	17.16.150 (Mobile food vending)

Land Use	Zoning Districts						Use-Specific Regulations
	CN	C-1	C-2	CH	CLM	OF	
Pet store	UP	UP	UP	-	-	-	17.16.120 (Animal keeping)
Plant nursery or garden supply store	UP	P	P	P	-	-	-
Restaurant or café	P	P	P	P	P	-	-
Seasonal holiday agricultural sales	AP	AP	AP	AP	AP	-	17.16.060 (Temporary uses and buildings)
Shopping center	UP	UP	P	UP	UP	-	-
Smoke shop	UP	UP	UP	UP	UP	UP	17.16.190 (Smoke shops)
Vehicle sales—automobile, new	-	UP	P	UP	P	-	-
Vehicle sales—all other	-	-	UP	UP	UP	-	-
Services							
Animal grooming	UP	UP	UP	-	-	-	17.16.120 (Animal keeping)
Animal keeping, noncommercial	P	P	P	P	P	-	17.16.120 (Animal keeping)
Bank or financial service	P	P	P	-	P	P	-
Bed and breakfast	UP	P	P	P	-	-	-
Business support service	P	P	P	P	P	P	-
Cannabis testing	-	-	-	-	-	-	
Car wash	-	UP	P	P	P	-	17.16.090 (Car and vehicle washes)
Catering service	-	P	P	-	P	-	-
Child day care center	P	P	P	UP	UP	-	-
Gym	P	P	P	-	P	-	-
Hospital	-	UP	UP	-	-	-	-
Hotel or motel	-	UP	P	UP	UP	-	-
Instructional or production studio	P	P	P	-	P	P	-
Kennel	-	-	UP	-	UP	-	17.16.120 (Animal keeping)
Mortuary	-	UP	UP	UP	P	UP	-
Office—professional	P	P	P	-	P	P	-
Office—all other	P	P	P	-	P	P	-
Outpatient services	UP	P	P	-	-	-	-
Personal services—low-impact	P	P	P	P	P	-	-
Personal services—moderate-impact	UP	UP	UP	UP	UP	-	-
Recreational vehicle (RV) park	-	-	UP	P	UP	-	-

Land Use	Zoning Districts						Use-Specific Regulations
	CN	C-1	C-2	CH	CLM	OF	
Substance abuse counseling	-	-	P	-	P	-	-
Temporary real estate office	AP	AP	AP	AP	AP	AP	17.16.060 (Temporary uses and buildings)
Temporary uses not listed here	S	S	S	S	S	S	17.16.060 (Temporary uses and buildings)
Veterinarian	UP	UP	P	-	P	-	17.16.120 (Animal keeping)
Manufacturing, Wholesale, Repair and Storage							
Food or beverage production	-	UP	UP	-	UP	-	-
Landscape material sales	-	UP	UP	-	P	-	-
Manufacturing—20,000 square feet or less of gross floor area	-	UP	P	-	P	P	-
Manufacturing—more than 20,000 square feet of gross floor area	-	-	UP	-	UP	UP	-
Metalwork—20,000 square feet or less of gross floor area	-	UP	UP	P	P	UP	-
Metalwork—more than 20,000 square feet of gross floor area	-	-	UP	UP	UP	UP	-
Mini-storage facility	S	S	S	-	S	-	17.16.060 17.44.060 (MS-O-Mini-storage overlay)
Outdoor storage—250 square feet or less	P	P	P	P	P	P	17.16.140 (Outdoor storage)
Outdoor storage—more than 250 square feet	UP	UP	P	UP	P	UP	17.16.140 (Outdoor storage)
Recycling facility or center	-	UP	P	-	P	-	-
Repair service, large equipment—20,000 square feet or less of gross floor area	UP	UP	P	P	P	-	-
Repair service, large equipment—more than 20,000 square feet of gross floor area	-	-	UP	UP	UP	-	-
Repair service, small appliances	P	P	P	-	P	-	-
Research laboratories	-	-	UP	-	UP	UP	-
Scrap or dismantling yard	-	-	-	-	UP	-	-
Vehicle service or repair	-	UP	P	P	P	-	-
Warehousing	-	-	-	-	P	-	-
Transportation and Infrastructure							

Land Use	Zoning Districts						Use-Specific Regulations
	CN	C-1	C-2	CH	CLM	OF	
Parking garage or lot as primary use	UP	UP	P	-	UP	UP	-
Public safety facility	UP	UP	UP	UP	UP	UP	-
Solar energy system, Tier 1	P	P	P	P	P	P	17.16.180 (Solar energy systems)
Solar energy system, Tier 2	AP	AP	AP	AP	AP	AP	17.16.180 (Solar energy systems)
Solar energy system, Tier 3	UP	UP	UP	UP	UP	UP	17.16.180 (Solar energy systems)
Utility building or substation	P	P	P	P	P	P	-
Vehicle depot	-						

(Ord. 1749 § 4; Ord. 1763 §§ 18, 23, 24, 26; Ord. 1769 § 9; Ord. 1775 § 7; Ord. 1778 § 4; Ord. 1784 § 7; Ord. 1794 § 2; Ord. 1819 § 7, 2017; Ord. 1830 § 6, 2018; Ord. 1834 § 4, 2019; Ord. 1850 § 3, 2021)

17.34.020 Allowed uses in mixed-use districts.

Table 17.34.020-1 shows the uses allowed in the mixed-use districts. These uses include:

A. **Permitted Use (P).** Uses shown with a “P” are permitted by-right with zoning clearance approval. See Section 17.48.030 (Zoning clearances).

B. **Administrative Permit Required (AP).** Uses shown with an “AP” require an administrative permit. See Section 17.48.020 (Administrative permits).

C. **Use Permit Required (UP).** Uses shown with a “UP” require a use permit. See Section 17.48.010 (Use permits).

D. **Use-Specific Regulations (S).** Uses shown with an “S” must comply with specific regulations for that use. The table identifies the section number for the use-specific regulations.

E. **Use Not Allowed (-).** Uses shown with a “-” or that are not listed, are not allowed.

Table 17.34.020-1:

Allowed Uses in Mixed-Use Districts

Key
P **Permitted use, subject to zoning clearance**
AP **Administrative permit required**
UP **Use permit required**
S **See use-specific regulations for permit requirement**
- **Use not allowed**

Land Use	Zoning Districts			Use-Specific Regulations
	MXD	MXN	MXC	
Local Food Uses				
Neighborhood food and beverage sales	AP	AP	AP	17.16.220 (Neighborhood food and beverage sales)

Land Use	Zoning Districts			Use-Specific Regulations
	MXD	MXN	MXC	
Urban agriculture	S	S	S	17.16.230 (Urban agriculture)
Public Assembly				
Carnival, circus or fair	AP	AP	AP	17.16.060 (Temporary uses and buildings)
Commercial recreational facility—indoor, 10,000 square feet or less of gross floor area	UP	UP	P	
Commercial recreational facility—indoor, more than 10,000 square feet of gross floor area	UP	UP	UP	
Commercial recreational facility—outdoor	-	-	UP	
Concert or performance	AP	AP	AP	17.16.060 (Temporary uses and buildings)
Library or museum	UP	UP	UP	
Meeting facility—10,000 square feet or less of gross floor area	P	P	P	
Meeting facility—more than 10,000 square feet of gross floor area	UP	UP	P	
Park or playground	UP	UP	UP	
School, public	UP	UP	UP	
School, private	UP	UP	UP	
Training facility	UP	UP	UP	
Residential [1]				
Caretaker residence	UP	UP	-	
Family day care, large	S	S	S	17.16.050 (Family day care homes)
Family day care, small	P	P	P	17.16.050 (Family day care homes)
Home occupation, low-impact	S	S	S	17.16.040 (Home occupation)
Home occupation, moderate-impact	S	S	S	17.16.040 (Home occupation)
Mixed-use development	P	P	P	17.16.030 (Mixed-use development)
Multiple-family dwellings [1]	-	P	P	
Residential care facility—6 units or fewer	P	P	P	
Residential care facility—7 units or more	UP	UP	-	

Land Use	Zoning Districts			Use-Specific Regulations
	MXD	MXN	MXC	
Retail				
Alcoholic beverage sales	UP	UP	UP	
Al fresco dining areas	S	S	S	17.12.120 (Al Fresco Dining and Seating)
Al fresco seating areas	S	S	S	17.12.120 (Al Fresco Dining and Seating)
Building supply	-	-	-	
Equipment and machinery sales or rental	-	-	-	
Drive-through establishment—pharmacy	-	-	UP	17.16.080 (Drive-through establishments)
Drive-through establishment all other uses	-	-	UP	17.16.080 (Drive-through establishments)
Farmers market	AP	AP	AP	
Food and beverage sales—10,000 square feet or less of gross floor area	P	P	P	
Food and beverage sales—10,001 to 40,000 square feet of gross floor area	UP	P	P	
Food and beverage sales—more than 40,000 square feet of gross floor area	UP	UP	P	
Funeral merchandise sales	UP	UP	UP	
Gas station	-	-	UP	17.16.070 (Gas stations)
General retail—10,000 square feet or less of gross floor area	P	P	P	
General retail—10,001 to 40,000 feet of gross floor area	UP	P	P	
General retail—more than 40,000 square feet of gross floor area	-	UP	UP	
Mobile food vendor	AP	AP	AP	17.16.150 (Mobile food vending)
Pet store	UP	UP	UP	17.16.120 (Animal keeping)
Plant nursery or garden supply store	UP	UP	P	
Restaurant or café	P	P	P	
Seasonal holiday agricultural sales	AP	AP	AP	17.16.060 (Temporary uses and buildings)
Shopping center, 1,000 square feet or less of gross floor area	P	P	P	
Shopping center, 1,000 square feet or greater of gross floor area	P	UP	P	

Land Use	Zoning Districts			Use-Specific Regulations
	MXD	MXN	MXC	
Smoke shop	UP	UP	UP	17.36.010 (Allowed uses in industrial districts)
Vehicle sales—automobile, new	-	-	P	
Vehicle sales—all other	-	-	UP	
Services				
Animal grooming	UP	UP	UP	17.16.120 (Animal keeping)
Animal keeping, noncommercial	P	P	P	17.16.120 (Animal keeping)
Bank or financial service	P	P	P	
Bed and breakfast	P	P	P	
Business support service	P	P	P	
Car wash	-	UP	UP	17.16.090 (Car and vehicle washes)
Catering service	P	P	P	
Child day care center	P	P	P	
Gym	P	P	P	
Hospital	-	-	-	
Hotel or motel	UP	-	UP	
Instructional or production studio	P	-	P	
Kennel	-	-	UP	17.16.120 (Animal keeping)
Mortuary	UP	-	UP	
Office—professional	P	P	P	
Office—all other	P	P	P	
Outpatient Services	UP	UP	UP	
Personal services—low-impact	P	P	P	
Personal services—moderate-impact	UP	UP	UP	
Temporary real estate office	AP	AP	AP	17.16.060 (Temporary uses and buildings)
Temporary uses not listed here	S	S	S	17.16.060 (Temporary uses and buildings)
Veterinarian	UP	UP	P	17.16.120 (Animal keeping)
Manufacturing, Wholesale, Repair, and Storage				
Food or beverage production	UP	-	UP	
Landscape material sales	-	-	UP	
Manufacturing—20,000 square feet or less of gross floor area	UP	-	UP	

Land Use	Zoning Districts			Use-Specific Regulations
	MXD	MXN	MXC	
Metalwork—10,000 square feet or less of gross floor area	UP	-	UP	
Mini-storage facility	-	-	-	17.44.060 (MS-O: mini-storage overlay)
Outdoor storage—250 square feet or less	-	-	P	17.16.140 (Outdoor storage)
Outdoor storage—more than 250 square feet	UP	UP	UP	17.16.140 (Outdoor storage)
Repair service, large equipment—20,000 square feet or less of gross floor area	-	-	UP	
Repair service, small appliances	P	P	P	
Transportation and Infrastructure				
Parking garage or lot as primary use	UP	UP	UP	
Public safety facility	UP	UP	UP	
Solar energy system, Tier 1	P	P	P	17.16.180 (Solar energy systems)
Solar energy system, Tier 2	AP	AP	AP	17.16.180 (Solar energy systems)
Solar energy system, Tier 3	UP	UP	UP	17.16.180 (Solar energy systems)
Utility building or substation	P	P	P	

[1] Residential uses in the downtown mixed-use district are permitted only on upper stories above ground floor commercial uses.

(Ord. 1819 § 8, 2017; Ord. 1830 § 7, 2018)

12.04.030 Placing produce, merchandise, etc., on streets and sidewalks.

Except as provided in this chapter, Section 17.12.120, and Section 17.16.130, it is unlawful for any person to leave or cause to be left, place or cause to be placed, on any sidewalk, alley, gutter or street within the city, any produce, wares, merchandise, store boxes, other substances or material, objects or implements whatsoever of any class, kind or character, except for short periods during the loading or discarding of such articles; provided, however, that bicycles may be placed in the gutter or street. (Code 1954 § 19.6; Ord. 1533 § 1; Ord. 1750 § 10)